

**National Analytical Study
on Racist Violence and Crime**

RAXEN Focal Point for FRANCE

ADRI

DISCLAIMER: This study has been compiled by the National Focal Point of the European Monitoring Centre on Racism and Xenophobia (EUMC). The opinions expressed by the author/s do not necessarily reflect the opinion or position of the EUMC. No mention of any authority, organisation, company or individual shall imply any approval as to their standing and capability on the part of the EUMC. This study is provided by the National Focal Point as information guide only, and in particular does not constitute legal advice.

EXECUTIVE SUMMARY

Racism and racial discrimination were topical subjects in France in 2002, as the radical right party, the *Front National*, was second after the first round of presidential voting (16.9% of the votes.) This situation, considered a “political upheaval” by some researchers¹, illustrates how French public opinion has been influenced by crime, economic and social uncertainty, but also the extent to which immigrants have been rejected in France. Many anti-Le Pen (Le Pen is the leader of the *Front National*) protests followed the first ballot of presidential voting and in the second and final round, Jacques Chirac obtained 82% of the votes, while the *Front National* received only 12,2% of the votes in the June 2002 legislative elections.

An upsurge of racist violence and threats in recent years confirms this situation. The rise of anti-Semitism, partly explained by international current events, is of particular concern. However, an opinion poll on xenophobia, anti-Semitism, racism and anti-racism carried out in France in 2002², emphasizes that these issues are not a priority for French people, who are much more concerned by crime, unemployment, poverty and terrorism.

In 2002 and 2003 in particular, many books and articles were published, dealing with racial and anti-Semitic violence, notably through debates around secularism and the place of religious identities and practices – especially Islam – in the French Republic. In 2003, these debates were linked to the works of the “Commission on Secularism”, an initiative implemented by the government with the goal of finding a solution to the problem³. Debates on Islamophobia and anti-Semitism are likely to become a focus for intellectuals and the media, because of radical positions on both sides.

It seems that forms of “religious” violence in the public sphere will now be taken into account. “Islamophobia” and anti-Semitism are seen as antagonistic, but some intellectuals, such as the philosopher Etienne Balibar, observe that they derive from convergent social and cultural factors, and that they may both illustrate a rejection of the Oriental, now the “Other” *par excellence* in France⁴.

This report will also focus on legal definitions of racist and anti-Semitic acts, on French legislation against racism and racial discrimination, and on national public schemes implemented in this field.

As France lacks information, the French consortium has made some suggestions in order to better understand these phenomena. Because racial violence touches on many issues, a more systematic bibliography is welcome and should be the first research goal.

¹ Nonna Mayer, *Ces Français qui votent Le Pen*, Paris, Flammarion, 2002, p. 329-350; Pascal Perrineau, “Le vote d’extrême droite en France: adhésion ou protestation”, *Futuribles*, 276, June 2002, p. 5-20.

² This survey was carried out for the CNCDH (*Commission Nationale Consultative des Droits de l’Homme* – The National Consultation Commission for Human Rights) from 29 November to 6 December 2002: individual poll by a representative quota sample of 1010 French people living in France.

³ Decree # 2003-607 of 3 July, 2003, French government publication of 07-04-03.

⁴ Etienne Balibar, “Transformations de l’antisémitisme”, *Liberation*, 9 July, 2002.

Besides, the scope of observation and survey must be enlarged, because these phenomena remain poorly studied, as for instance is the case for relationships between youth and the police, the psychological and social effects of violence on victims, racial violence against women, institutional or symbolic violence, etc. We recommend taking victims better into account, improving assistance with legal procedures, but also adapting the law to conform to the European directive regarding discrimination, and acknowledging the existence of institutional discrimination.

TABLE OF CONTENTS

Executive Summary	3
Table of contents	5
Index of Tables	6
1. Introduction	7
2. Racial Violence in cultural and political context	8
2.1. The French Exception	8
2.2. Racial Violence, Xenophobia and Anti-Semitism in 2002	9
2.2.1. Victims	9
2.2.2. Perpetrators	9
2.2.3. Legal Cases	10
3. Legislation and new public policies	10
3.1. Criminal Penalties against Racism	10
3.1.1. Racist Offences under the Criminal Code	11
3.1.2. Limits to Freedom of Expression in the Law of July 29 th 1881 on Freedom of the Press	13
3.1.3. Judicial Strategies	14
3.2. New Public Policies	15
4. The theoretical and analytical approach to the data	16
4.1. Terminological Issues	16
4.2. Methodology	17
5. Description of existant and non existant data and sources	18
5.1. Statistical Sources	18
5.1.1. Statistical Data from the Ministry of the Interior	18
5.1.2. National Observatory of the CRIF	21
5.1.3. The BVA Opinion Poll on Racism	23
5.1.4. Survey of <i>Front National</i> Party Supporters	25
5.2. Publications	26
5.2.1. Anti-Semitism and Islamophobia	26
5.2.2. The History of Racism and Anti-Semitism	28
5.2.3. Police and Racial Discrimination	29
5.2.4. Practical Documents	29
5.2.5. Specialised Articles	30
5.3. Press Articles	31
5.4. Internet Sources	33
6. National schemes and anti-racism initiatives	34
6.1. Assessment of the 114/Codac Scheme	34
6.2. Establishment of the National Council of French Muslims	35
6.3. Working Group for the Development of an Immigration Memorial and Resource Centre	35
6.4. Preliminary Independant Administrative Authority for the Fight against Discrimination	36
6.5. The Commission on Secularism	37
6.6. Community Initiatives	37
7. Summary and Conclusion	39
References and Bibliography	41

INDEX OF TABLES

Table 1: Trends in Racism, Xenophobia and Anti-Semitism in France from 1992 and 2002	18
Table 2: Trends in Racist and Xenophobic Threats and Acts from 1992 to 2002	19
Table 3: Trends in Anti-Semitic Threats and Acts from 1992 to 2002.....	19
Table 4: Monthly statistics on Racist and Xenophobic Violence in 2002	20
Table 5: Monthly statistics on Racist and Xenophobic Threats in 2002.....	20
Table 6: Monthly statistics on Anti-Semitic Violence in 2002	21
Table 7: Monthly statistics on Anti-Semitic Threats in 2002.....	21
Table 8: What are the Principal Concerns in French Society? (First concern cited)	23
Table 9: Who are the Principal Victims of Violence in France?	24
Table 10: Which of the following responses do you agree with most?	25
Table 11: Data Table of Anti-Semitic Acts, prepared by the CRIF	45

1. INTRODUCTION

In the framework of the EUMC 2002 RAXEN 4 program, the French consortium was to update the 2001 documentary data base. First, we will propose a synthesis of the French situation in the field of racial violence, giving special attention to recent developments that must be brought to the attention of European institutions, and to introduce all available sources and collected data for 2002 and part of 2003. This section of the report includes official statistics and polls, various bibliographical sources (research, practical books, and specialised articles), press articles and web sites. Particular attention will be paid to legal definitions of racist and anti-Semitic acts, as well as French law against racism and racial discrimination, and public initiatives in this field. Further information on these legal sources can be found in the RAXEN 4 analytic report on legislation. This report comments on the main initiatives of the state and civil society, which contributed to prevent racism or to fight against it in 2002 and 2003.

Given that racial violence occurs in all sectors of public life, an exhaustive literature search on the subject would be undoubtedly ambitious. The sources in the RAXEN 4 database indicate, furthermore, that such violence is often treated generally, as social phenomena. Nevertheless, it would be worthwhile to focus an analysis of this violence on key sectors of society; such as public space, and in sports and leisure activities, where this type of phenomena could be studied and characterised.

Considering terminological changes adopted this year by the EUMC restricting the meaning of ‘racial’ violence, it is important to clearly define the categories of phenomena treated in this report. The report will cover racial infractions as defined by French law, allowing us to make use of a collection of official government statistics. These infractions are racially motivated, anti-Semitic or xenophobic, or are qualified as such by real or supposed characteristics of their victims (physical appearance, place of origin, culture, religion, nationality, etc.) We will look only cursorily at other forms of violence, which tend to be the subject of qualitative analysis produced by social studies⁵.

Furthermore, in light of political events in France in 2002, and following recommendations from the EUMC, we are treating anti-Semitism in greater depth than in previous years. Therefore, the choice of data presents itself as a means of clarifying the theoretical approaches and competing social meanings of ‘racial’ violence.

Having identified gaps in the existing research, the French consortium has made suggestions for improving the understanding of these phenomena in France. The recommendations which touch on legal or judicial aspects in particular, are developed in the Analytic Report on Legislation prepared for RAXEN 4.

⁵ This violence can also be identified by the context in which it occurs, or by the process of “racialisation”. Racial discrimination, such as urban violence which includes implicitly “racist” or “ethnic” acts committed by public opinion, media, and in certain contexts, by the government, is treated in this report in a peripheral manner.

2. RACIAL VIOLENCE IN CULTURAL AND POLITICAL CONTEXT

2.1. THE FRENCH EXCEPTION

Even though the struggle against racism and anti-Semitism are not a new phenomenon, the theme of racial violence in France remains difficult to define. Its terminology is not common to French public discourse. On one hand, republican principles resist all forms of "racial" or "ethnic" categorisation of social phenomena, whatever they may be. Yet on the other hand, France's history has been regularly marked by periods of hostility, rejection and violence towards certain groups popularly considered responsible for economic, political or social crises.

The politicisation of immigration debates in the nineteen eighties, followed by the development of extremist political ideas evidenced, for example, by the electoral results of the *Front National* in 1990, has led to a systematic recourse in the public debate on racism taking into account notions of origin, culture and religion, that is developing and replacing a race-based discourse which is forbidden by law. The French concept of citizenship, which is strongly based on the notion of the "individual", may explain the reluctance to apply designations like "minority," "community," or even "vulnerable" - terms which, might be taken to impart special treatment on a group. Racism has long been interpreted through the perspective of intentional racism, at the cost of structural, institutional and symbolic understandings of the phenomenon. With a new public willingness to discuss racial discrimination, there has been a recent opening-up of conceptual interpretations, although they tend to blur the borders between racism, anti-Semitism and discrimination.

Public discourse and academic research on racial violence, xenophobia and anti-Semitism have historically focused on extreme right political ideologies which manipulate arguments to support the pre-eminence of western civilisation, ethnocentrism, nationalism, white supremacy, and so on. The rejection of the "other" is maintained through debate around immigration and national identity.

The French exception is therefore to establish a connection between themes relating to racism, racial discrimination and xenophobia, and those linked to immigration. Colonial history helps to explain the construction of racism in France, but these historical factors have only too recently been recognised and integrated into academic work. It is out of this history that "vulnerable" groups have arisen, comprised for the most part of immigrants originating from ex-colonies, whether they hold foreign citizenship or have been of French nationality for one or more generations.

Today, racism also echoes more global reactions against politics, politicians, European unification, and globalisation. Moreover, international current events incite racist and anti-Semitic reactions in French society in the sense that they touch certain populations within France. This has been particularly true in recent years (the Persian Gulf, the Algerian massacres and the rise of fundamentalism in Europe and internationally) and even more recently, with the Israeli-Palestinian conflict and the American interventions in Iraq.

2.2. RACIAL VIOLENCE, XENOPHOBIA AND ANTI-SEMITISM IN 2002⁶

The year 2002 was marked by a considerable increase in racial threats and violence of all types, with levels surpassing 10 year records⁷. This is a continuation and intensification of a situation that was already perceptible in 2001, and that continued despite efforts by the French state to pursue and implement the 114/CODAC action plan in their struggle against discrimination, two years after its creation. With the existing enumeration methods, it is not possible to compare this upsurge in racist violence with the overall rise in violent incidents in France.

Concerning acts of violence counted in the CNCDH (*Commission Nationale Consultative des Droits de l'Homme* – The National Consultation Commission for Human Rights) report, anti-Semitic violence was most prevalent in 2002 (193 acts, corresponding with a six-fold increase from 2002), while during the 10 previous years (excepting 2000), other forms of racism and xenophobia predominated (120 incidents in 2001). The year 2002 was also characterised by an increase in the seriousness of violent aggressions, with a total of 38 injuries and one death, the highest figures since 1995⁸.

2.2.1. Victims

Anti-Semitic violence constituted 62% of all incidents tolled in 2002, compared with 45% in 2001, but down from 80% in 2000. Of the 47 violent acts committed in continental France (with the exception of anti-Semitic ones), 62% (29 acts) were inflicted against the North African population, a relatively low percentage compared with previous years. In Corsica, of 73 violent acts 62% (45 acts) targeted North Africans or youth of North African origin⁹. The CNCDH reported that it does not have statistics for the DOM-TOMs (overseas French Territories). It must be noted that the targets of violence are not only North African immigrants, but Arab Muslims in general.

2.2.2. Perpetrators

With regards to the perpetrators of racial violence, the CNCDH notes that the percentage attributable to the extreme right is only 9% in 2002 (against 14% in 2001 and 68% in 1994). Furthermore, they ascribe the upsurge in racial violence and anti-Semitism to current national and international events (September 11th terrorist attacks, war in Afghanistan, and the fight against terrorism).

The revival of anti-Semitism can be attributed to the worsening of the Israeli Palestinian conflict, notably in the spring of 2002, corresponding with the Israeli army offensive in

⁶ This part of the report draws on figures from the CNCDH's 2002 report, *La lutte contre le racisme et la xénophobie*, La Documentation française, Paris, 2003, 617p.

⁷ CNCDH, op cit, p 20.

⁸ CNCDH, op cit, p 22-23.

⁹ CNCDH, op cit, p 23.

the West Bank and the return of suicide bombings to Israel. Anti-Semitic acts are ascribed to youth from neighbourhoods sensitive to the conflict¹⁰.

2.2.3. Legal Cases

The data available in France regarding legal penalties provided by the Ministry of Justice, is not yet available beyond the year 2001. Out of 146 convictions pronounced by tribunals on racial matters in 2001 (using provisional data), a large majority of the 132 convictions relate to transgressions of the law of July 29th, 1881 (defamation, public injury, provocation of crimes against humanity¹¹). The media attention dedicated to cases relating to discrimination, the incitement of racial hatred or war crime apologies, or linked to the publication of books and articles, rose significantly in 2001 and 2002, whether relating to negative proposals about Islam, the anniversary of events in Algeria in 1962, or more generally, a greater vigilance against expressions of intolerance¹².

Consequently, save for a global increase in acts in 2000-2001 relative to the previous decade, one significant development concerning racial violence and anti-Semitism, lies in the strong influence of international current affairs, principally the Israeli Palestinian conflict and the Middle Eastern situation in general. France's particular view of the international events seems to reinforce antagonism between representatives of the Jewish and Muslim communities. In this respect, the extreme right movements seem to play little role, possibly because of the splitting of the two rival movements, the *Front National* and the National Republican Movement. This apparent change does not however signify a retreat of extreme right ideology in French public opinion, judging by the results achieved by the *Front National* party in the 2002 presidential elections.

3. LEGISLATION AND NEW PUBLIC POLICIES¹³

3.1. CRIMINAL PENALTIES AGAINST RACISM

Racist offences are material facts from which racist intent may be imputed. Some have no identified victim but are judged to impugn humanity or some section of it (e.g. press offences), to violate the respect due to the dead (e.g. the profanation of graves and other memorials), or to deny the indignity of past atrocities (e.g. Holocaust denial, usually called in French "*négationnisme*", which was made a specific offence by a law of 1990). What these acts have in common is that the very fact of committing them creates a presumption that they were intended to transgress the right to dignity, which is the core of the French legal conception of equality.

¹⁰ CNCDH, op cit, p 24-25.

¹¹ CNCDH, op cit, p 25.

¹² GELD, Rapport analytique sur la législation, RAXEN 3, 2002, p22-23.

¹³ This part is excerpted directly from the Analytic Report on Legislation, carried out for RAXEN 4 by the GELD (*Groupe d'Etudes et de Lutte Contre les Discriminations* – The Anti-discrimination Action and Research Group), pp 9 - 12.

Historically, French legislation first considered racism and discrimination as aspects of freedom of expression and of the necessary legal restrictions thereto. A law of July 1 1972 modified the law of July 29 1881 on press freedom by introducing aggravated penalties for racist speech or writing. Subsequent legislation has enhanced this framework by clarifying its terms and extending its scope to acts as well as verbal utterances.

Separately, the new Criminal Code, which entered into force on March 1st 1994, and was amended by the Laws of November 16 2001 and February 3 2003, has made a number of changes to the provisions relating to racism and discrimination in the old Criminal Code, but has not affected the law on freedom of expression.

3.1.1. Racist Offences under the Criminal Code

A distinction must be made between the law applicable to racial discrimination, which depends crucially on proof of discriminatory intent, which will be discussed below, and those miscellaneous provisions that define racist offences on the facts alone.

Criminal penalties against discrimination (articles 225-1 and 2 of the Criminal Code)

Article 225-1 defines unlawful grounds for discrimination that are subject to prosecution in very broad terms, which cover inter alia race, real or supposed origin, beliefs and opinions. Article 225-2 specifies the situations in which appeal to the unlawful grounds previously specified shall be punishable. The definition is more restrictive and covers only employment, provision of goods and services, and “interference in ordinary economic activity”.

Furthermore, a civil servant (*agent du service public*) may be prosecuted under these articles, but is liable to aggravated penalties if the offence was committed in the context of a public service mission (article 432-7 of the Criminal Code).

Criminal sanctions against discrimination are tightly circumscribed both by the definition of the offence itself and by the rules of criminal procedure, which require proof of racist intent for an act that would otherwise be entirely lawful (e.g. a choice of tenant or employee) to be declared unlawful. It is of the nature of such acts that intent cannot typically be inferred from the decision, and even when direct proof of, say, racist prejudice is available, its specific contribution to the questionable act is extremely difficult to assess, and often obscure even to the perpetrator. Furthermore, the collection of such evidence as may be available is made difficult by the lack of legal protection against reprisals for prospective witnesses. There are, in particular, many indications that employees are reluctant to come forward with evidence that may assist in the prosecution of their employer.

Racist Offences

We discuss offences here in so far as racist intent is constitutive of them, and only substantively. There are no specific procedural rules relating to racist offences. The relevant offences are few in number and respond to very peculiar circumstances. In

particular, racist intent is immaterial as far as the legal treatment of offences against the person or, in most cases, against property is concerned.

- Digital recording or storage of data comprising, directly or indirectly, a person's "racial origins", without that person's express consent and except where specifically authorized by law (art. 226-19 of the Criminal Code).
- Racist violation of the respect due to the dead (art. 225-18 of the Criminal Code).
- The wearing or public display of insignia, uniforms, or emblems, likely to remind the public of those characteristic of the perpetrators of crimes against humanity is an offence carrying a maximum fine of € 1,500 (art. R645-1 of the Criminal Code).
- A final offence is peculiar to sports meetings, including broadcasts of sporting events in stadia. Any person having, in any way whatsoever, incited spectators to hatred or violence against a person or group of persons faces a maximum sentence of 1 year's imprisonment and a € 15,000 fine (art. 42-7 of the law of July 16 1984, incorporated in art. 222-16 of the Criminal Code). Introduction, wearing, or display, in such gatherings of insignia, signs, or symbols, characteristic of racist or xenophobic ideology carries the same maximum sentence (art. 42-7-1 of the law of July 16 1984).

Current Reforms

In view of the growing number of attacks related to origin or religion, particularly targeting the Jewish and Muslim communities (cf. section 5A of this report), MPs Pierre Lellouche and Jacques Barrot tabled bills in August and November 2002 to increase criminal penalties when assault or damage to property are committed for racial or religious reasons. The latter bill eventually produced the Law of February 3 2003, which was adopted unanimously by the National Assembly and the Senate (Law n° 2003-88 of 03/02/2003 –JORF n°29 of February 4 2003).

The increased penalties are defined as follows:

- Premeditated murder (art. 221-4 6°CP): the standard sentence is raised from 30 years to life
- Tortures and barbaric acts (222-3 5° CP): from 15 to 20 years
- Murder (art.222-8 5° CP) : from 15 to 20 years
- Assault leading to permanent disability or mutilation (art.222-10 5° bis CP): from 10 years and / or a 150,000 € fine to 15 years
- Assault leading to extended unavailability for work (art. 222-12 5° bis CP): from 3 years and / or 45,000 € to 5 years and / or 75,000 €
- Common assault (art. 222-13 5° bis CP): from 1,500 € (3,000 € in case of a repeat offence) to 3 years and / or 45,000 €

Racially qualified damage to property:

- General case (art. 322-2 al. 3 CP): from 2 years and / or 30,000 € to 3 years and / or 45,000€

- Damage caused by explosives, arson, or other means dangerous to human life (art. 322-8 3° Cp): from 10 years and / or 150,000 € to 20 years and / or 150,000 €

Finally, the law created a new offence of destruction of property with respect to places of worship, schools and educational or leisure facilities, or vehicles for the transport of children (art. 322-3 al. 2 CP), the penalty being 5 years imprisonment and / or a 75,000 € fine.

In the context of growing numbers of acts of racist or anti-Semitic violence, two instructions from the Justice Ministry (dated April 2 and 18 2002)¹⁴ were circulated to prosecution offices restating the need for a firm response to such acts as soon as perpetrators are identified and for information on legal proceedings to be provided to victims and relevant local voluntary bodies.

3.1.2. Limits to Freedom of Expression in the Law of July 29th 1881 on Freedom of the Press

The law of July 29th 1881 defines a number of offences deriving from the verbal (oral or written) and non-verbal expression of various forms of racism, specifically: racial defamation; racial insult; incitement to racial discrimination, hatred, or violence; denial of or apology for crimes against humanity.

Reforms facilitating enforceability

During Parliamentary debate on the Law of February 3 2003, the Justice Minister announced that a bill would be introduced to remove the 3 month time-limit for prosecution with respect to racist writing and speech. The *rapporteur* of the legislation Commission of the Senate also emphasized that the time-limit was an obstacle to effective repression.¹⁵

This change has been demanded for many years by voluntary bodies in order to facilitate action against Web sites that disseminate openly racist, anti-Semitic and xenophobic with little risk of prosecution. On April 9 2003, the Minister tabled a bill on new forms of crime, which included inter alia new measures against racism. The strengthened law has four main components.

- The time limit for prosecution of racist speech (insult, defamation, incitement to hatred, discrimination and violence) and Holocaust denial would be raised from 3 to 12 months. However, the bill fails to mention the offence of apology for crimes against humanity.
- Harsher penalties would apply to offences of discrimination and refusal to permit access to an establishment open to the public (such as night-club, a shop, or an administrative office) would be made an aggravating circumstance.

¹⁴ It was not possible to obtain copies of these documents.

¹⁵ GELARD, Patrice, Aggraver les peines punissant les infractions à caractère raciste, antisémite ou xénophobe, Senate Legislation Committee, Report 139, January 2003

- The aggravating circumstance of racism would be extended to threats to persons, to theft and to extortion, thereby filling in gaps in the Law of February 3 2003.
- The list of offences with respect to which anti-racist organizations can engage in prosecutions would be lengthened, subject to permission from the individual victim where one exists.

The bill passed on first reading in the National Assembly on May 23 2003 and was then moved in the Senate. It may be finally adopted in the first semester of 2004.

3.1.3. Judicial Strategies

In practice, most convictions relevant from an anti-racist perspective derive from the provisions of the law of July 29 1881 and were due to the strong support of anti-racist associations. There were 3 convictions for racial defamation in 1999 and 2 in 2000; 82 for public racial insult in 1999 and 89 in 2000; 15 for private incitement in 1999 and 7 in 2000; 2 for public incitement in 1999 and 4 in 2000; and for denial of crimes against humanity 2 each in 1999 and 2000.

More recent statistics are not available. However, based on evidence provided to the CNCDH by the Ministry of Justice, despite the creation of the 114 help-line, there has not been a significant increase in prosecutions, except in certain areas where the influence of the help-line is clearly ascertainable (including particularly Dijon, Châteauroux, Metz and Paris). In the last three years, there has been an annual increase of 10% in convictions for racist offences. 117 anti-Semitic incidents in 2002 led to 15 prison sentences.

Finally, with respect to violations of press law, it is important to note the conviction of the Director and a presenter of a television station in Guadeloupe (French West Indies) for comments made on air directly inciting to hatred and discrimination against Haitians. The guilty parties received suspended sentences of 4 months imprisonment.¹⁶ Convictions were also obtained in cases related to online activities: a person found guilty of incitement to hatred against Jews in various Internet fora was sentenced to 18 months imprisonment (suspended) and three further years of probation.¹⁷ On this point, the *Cour de Cassation* stated in May 2002 that the offence of incitement to discrimination does not require explicit incitement to commit one of the discriminatory offences specified by law. It is sufficient that the relevant text should tend to provoke “a feeling of hostility or rejection” against a certain group of people.¹⁸

Finally, it should be noted that there is a trend towards heavier sentences. Fines run at an average of €2000 to 3000. Damages, obviously, vary according to the specifics of the case. Prison sentences are rarely passed, and, if at all, are short and suspended. Penalties

¹⁶ TGI Pointe à Pitre, February 15 2002, MRAP (*Mouvement Contre le Racism et pour l’Amitié Entre les Peuples* – Movement Against Racism and for Friendship between Peoples) et al. c. Canal 10 et IBO.

¹⁷ TGI Paris, March 26 2002, MRAP et al. c. Taleb no. 0028602422

¹⁸ Court of Criminal Appeal, May 14 2002, MRAP Isère c. Hugues, *Dr. Pénal* October 2002, 15.

such as loss of civil rights or closing of establishments are unheard of. In only a handful of recent cases have sentences been required to be published in local news media.¹⁹

Prosecution of and suits against corporate entities remain extremely rare, as do prosecution arguments for penalties against employers when specific employees are prosecuted. In one isolated case, however, the exacting burden of proof with regard to the culpability of senior management was met deductively because the court was persuaded of its complicity.

3.2. NEW PUBLIC POLICIES

Excepting the implementation and assessment of the 114/CODAC action plan, no new public policies aimed at fighting racist, anti-Semitic or xenophobic acts were issued in France in 2002.

Nevertheless, in 2002 and notably in 2003, the state engaged in several new initiatives, signs of a significant public will to renew debate around secularity issues in France, but also to rule on the official recognition and representation of Islam in French society. Additionally, preliminary taskforces were created to reflect on the historical role of immigration in the construction of national identity and to grant France an independent authority to deal with matters of discrimination. These taskforces will be discussed further in Chapter 5 of this report.

Additionally, faced with a rising epidemic of anti-Semitism beginning in spring 2002 linked with the September 11th terrorist attacks and subsequent middle east tensions, in March 2002 the Ministry of Justice called for a meeting with leaders of the Council of Jewish Institutions in France (CRIF) to inform them of the situation and involve them in a government response. Two memos, dated April 2nd and 18th, were issued to the public prosecutor's office appealing for firm and dissuasive sentences for perpetrators of anti-Semitic violence, and for the need to regularly inform victims and local Jewish associations of the legal outcomes handed down by the "procedures 28"²⁰. In 2002, the Minister of the Interior did his part to protect places of religious worship (notably mosques and synagogues) and school confessionals from tensions linked with international events.

¹⁹ TGI Marmande, March 14 2002.

²⁰ CNCDH, op cit, p 61-62.

4. THE THEORETICAL AND ANALYTICAL APPROACH TO THE DATA

4.1. TERMINOLOGICAL ISSUES

The theme of racial violence is riddled with terminological complications. On one hand the range of phenomena falling under the category of “violence” is vast and often unclear. The problem of defining notions of racism, xenophobia and anti-Semitism only further complicates the terminological problem. We must also remember that violence of a racial nature (“racialized” violence) is not commonly tacked in French public debate, even if certain crimes of a racial nature are explicitly punished under French law (in the penal code, under law concerning freedom of the press, and discrimination).

As a result, this year we have opted for an approach that focuses specifically on issues of racial violence. The range of phenomena referred to by this report include verbal violence (intimidation, insults, threats, incitement of hatred, etc.) physical violence (blows and wounds, murders, etc.) and moral or symbolic violence (harassment, denial of the “other” and of their rights to recognition). Both individuals and groups are targets of this violence, and in some cases the target is a symbolic object or monument, such as arson at the site of religious worship or the profanation of graves, violent in their own right, but also because of their target (religious, cultural, etc.).

Given the range of violence falling under the analytic framework of this report, we first need to distinguish categories of violent acts in relation to their nature, motivation, perpetrators or targets. This year we have limited our research to acts of a racial nature, and those which will be analysed as such because of their racist intent of their perpetrators. We have furthermore consciously decided to exclude “racial” violence, identified as such exclusively by its victims or because of the context in which it occurred.

This report will also only cursively examine discrimination that can be defined as unfair treatment, and which is not always accompanied by threats, violent gestures or racial or anti-Semitic aggression. Although certain discrimination “based on origin, or real or assumed belonging or non-belonging to a given ethnic group, nation, race or religion” can be associated with racist violence²¹, considering political events in the year 2003, this report will look essentially at religious discrimination, known to be associated with religious identities.

Finally, certain people are subjected to violence arising from social stereotypes that have been applied to them. This is often the case for people from Africa or the West Indies, who are perceived through a French colonial lens. Otherwise put, they are victims of a symbolic violence, whose perpetrators cannot necessarily be identified.

²¹ Defined by Article 225-1 of the Penal Code.

4.2. METHODOLOGY

To get around terminological obstacles, the 2001 French consortium chose to focus its attention on violent acts qualified as “racist” by the media. Faced with the complexity of the subject, new methodological choices have been adopted for 2002 in order to broaden the sources of data and enrich the debate²².

The theme in question is characterised by its transversal nature, one that manifests itself in diverse areas of social life. Its diffuse character however presents us with an opportunity to examine the theories and ideologies at its origin. This report dwells on certain analyses that provide explanations to the ideological, intellectual and structural conditions giving rise to certain acts, or of the diffusion of racist or anti-Semitic ideas in French public opinion.

To guide this thinking, research work tends to provide global analyses of racism and anti-Semitism, without treating the subject of racist, racial, xenophobic or anti-Semitic violence specifically.

The same difficulty is encountered when attempting to identify an established public policy framework. The problem relates to the cross-sectoral and cross-ministerial nature of national action plans put in place to prevent and combat racist violence, even though they are often associated with integration or urban policies. This cross-ministerial aspect serves to reduce their public visibility.

The lack of concrete information concerning the implementation of national and local initiatives led by non-profit and community groups reinforces the situation and perpetuates uncertainty about their real impacts.

²² Particular attention was given to the protocol for collecting statistical data, notably that from the Ministry of the Interior and Justice. In the eyes of the law, racial transgressions are distinguished from racial violence, and cover a wider range of phenomena, notably racial discrimination relevant to daily life, which does not necessarily give rise to legal pursuits. We have centred our analysis on the factors and mechanisms for considering acts as racist, anti-Semitic or discriminatory: intentionality (acts defined by an implicit or explicit racist intent); or contextual qualifications (acts are defined by their “racial” context, and are aggravated by racism or recounted through racism).

5. DESCRIPTION OF EXISTANT AND NON EXISTANT DATA AND SOURCES

5.1. STATISTICAL SOURCES

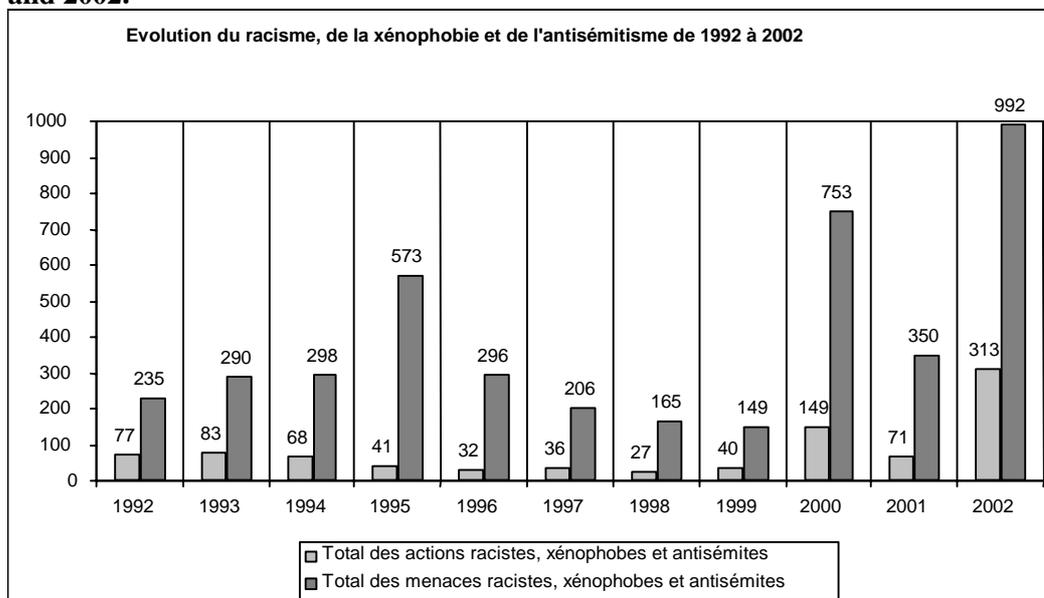
2002 was marked by a significant rise in racial threats and violence of all types, reaching the highest levels in ten years.

5.1.1. Statistical Data from the Ministry of the Interior

Official data from the Ministry of the Interior is not exhaustive. Its figures only concern acts of violence reported to public officials and do not take into account the range of threats, gestures, insults and intimidations, which tend to be difficult to quantify. Nevertheless, placed in a longer-term context, they reveal trends. Statistics concerning penal convictions for 2002 are still not available.

In order to better understand racism and xenophobia, the annual report of the CNCDH provides data and analysis on racism in France that draws on different indicators²³. Notably, they have made use of statistics concerning racist and anti-Semitic acts established by the Ministry of the Interior, that is to say, the police, and inquiries carried out by its investigative service.

Table 1: Trends in Racism, Xenophobia and Anti-Semitism in France from 1992 and 2002.



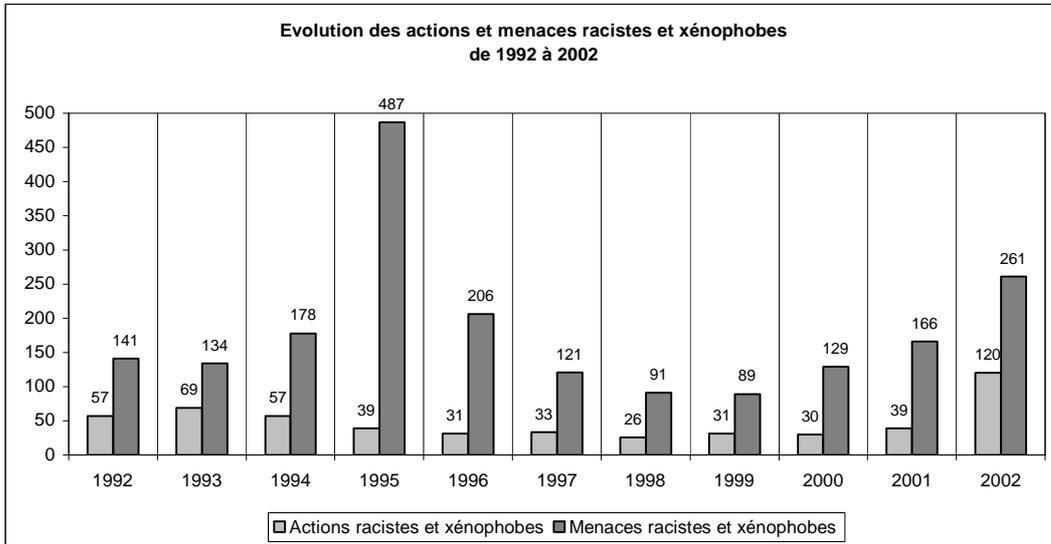
Total of racist, xenophobic and anti-Semitic acts (light).

Total of racist, xenophobic and anti-Semitic threats (dark)

²³ See the Analytic Report on Racial Violence produced for RAXEN 3 for detail on protocol used in the collection of statistical sources.

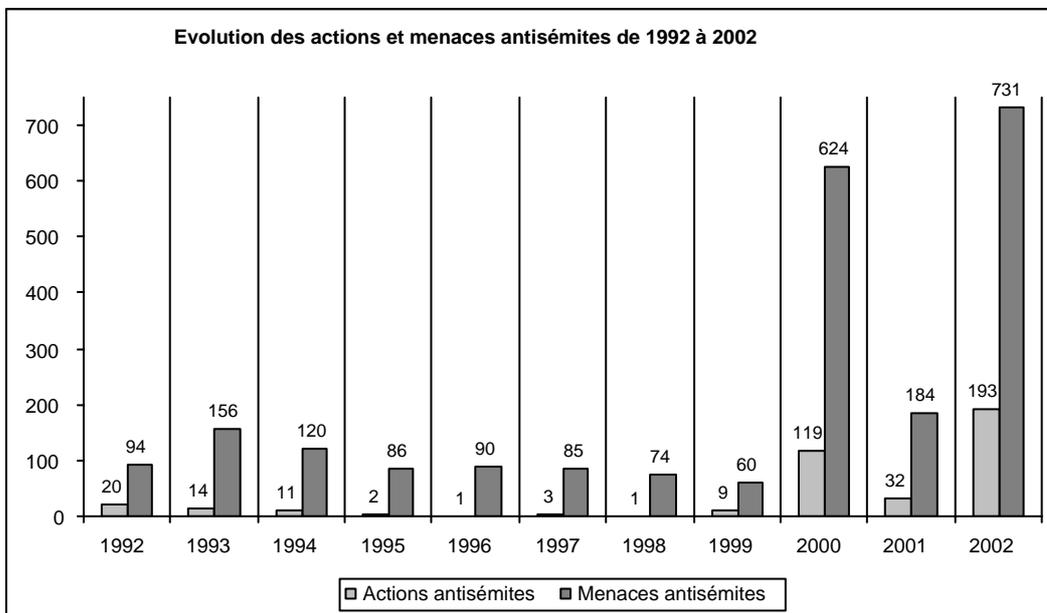
Of 313 racist, xenophobic or anti-Semitic incidents in 2002 (the highest figures seen since 1992), 193 were directed at the Jewish community (6 times more than in 2001), while 120 acts concerned other forms of racism or xenophobia. This is in contrast to the previous ten years (except 2000) when anti-Semitic incidents were less prevalent.

Table 2: Trends in Racist and Xenophobic Threats and Acts from 1992 to 2002.



Racist and xenophobic acts (light), Racist and xenophobic threats (dark)

Table 3: Trends in Anti-Semitic Threats and Acts from 1992 to 2002.



Anti-Semitic acts (light), Anti-Semitic threats (dark)

The proportion of anti-Semitic violence relative to racial violence overall has risen significantly since 2000 (80%), reaching its highest total in 2002. In 2002 we also witness

an increase in the gravity of these incidents, with a total of 38 injuries and one death (as opposed to 7 injuries and no deaths in 2001). The number of victims of anti-Semitism (17 injuries in 2002; 1 in 2001) however, proves inferior to the number of immigrant victims.

In 2002, 992 threats and acts of intimidation were reported, the highest level since 1992. There has been a marked increase in reported threats since 2000, and the Jewish community has again been the principal target (731 threats in 2002, that is 74-83% in 2000). At the same time, of those 261 aggressive acts *not* of an anti-Semitic nature, 169 of them targeted the North African population, the highest figure since 1997.

The revival of anti-Semitism attributed to the worsening of the Israeli-Palestinian conflict, particularly in spring 2002, at the moment of the Israeli army offensive in the West Bank and the return of suicide bombings to Israel. These international events consequently implicate youth from neighbourhoods sensitive to the conflict, in particular youth of North African²⁴ origin.

Table 4: Monthly statistics on Racist and Xenophobic Violence in 2002

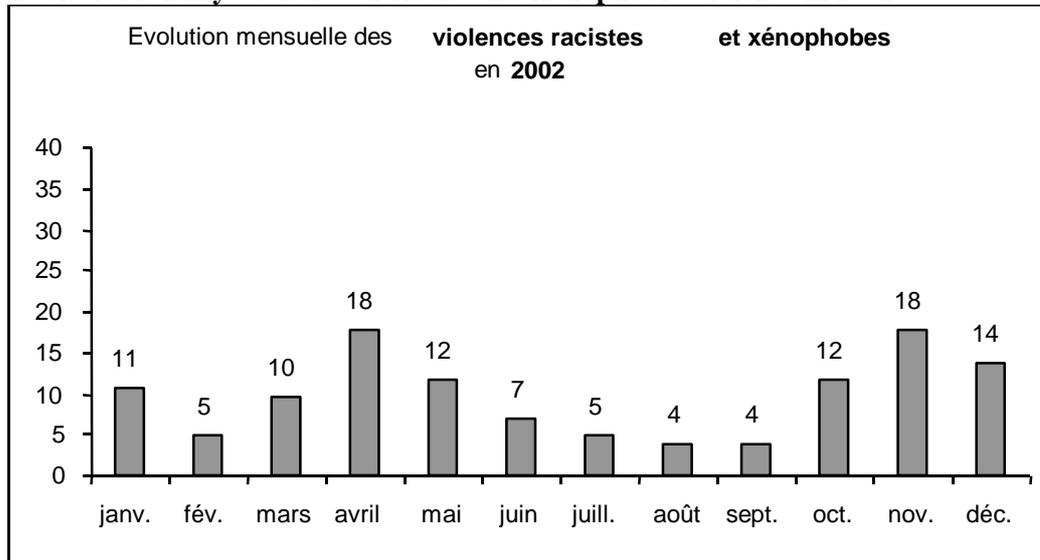
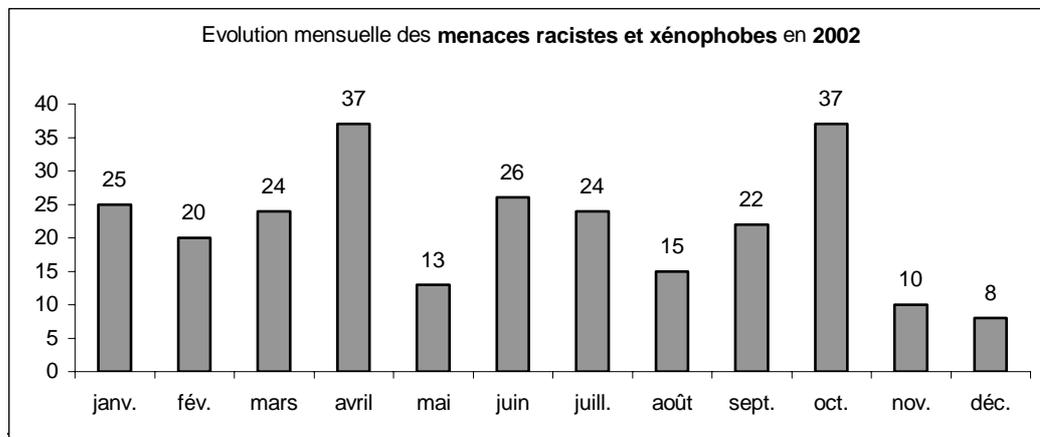


Table 5: Monthly statistics on Racist and Xenophobic Threats in 2002



²⁴ CNCDDH, op cit, p 24-25. Also see figures in the annex for monthly trends on threats and violence of a racist, xenophobic, or anti-Semitic nature in 2001 and 2002.

Table 6: Monthly statistics on Anti-Semitic Violence in 2002

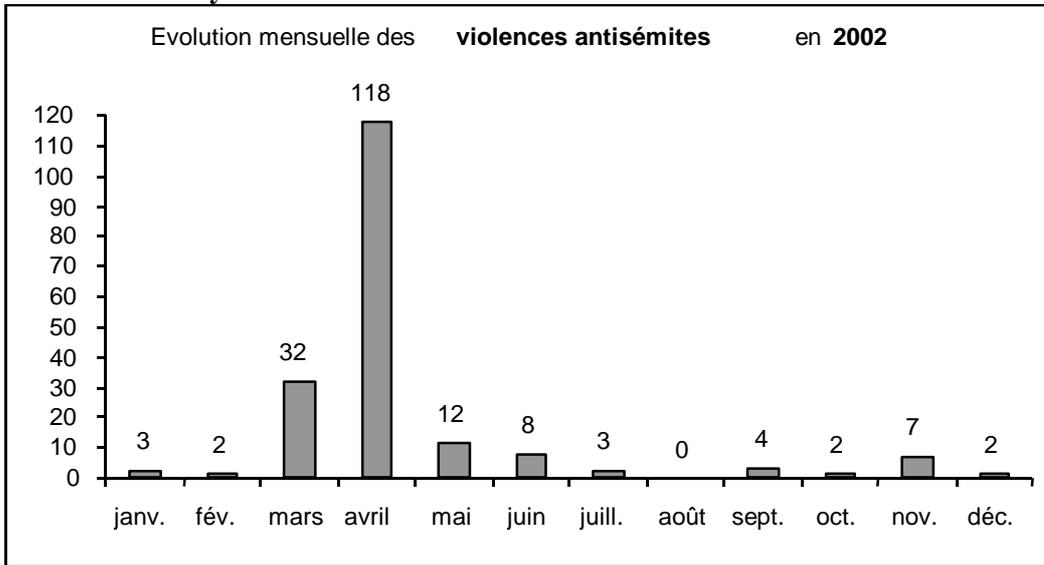
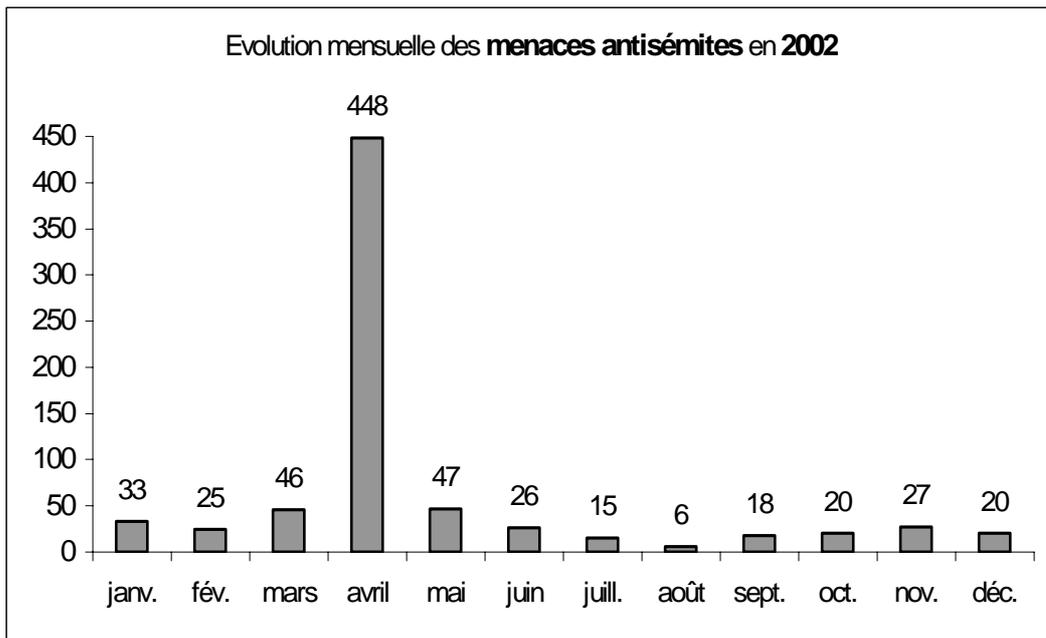


Table 7: Monthly statistics on Anti-Semitic Threats in 2002



5.1.2. National Observatory of the CRIF

The CRIF (*Conseil Représentatif des Institutions Juives en France* – The Representative Council of Jewish Institutions in France) put into place a national observatory to collect a broad range of information on anti-Semitic violence in France. It is the only NGO in France to have developed its own reporting system. Since October 2000, services of the Jewish community have installed a help-line to collect victims' testimony on anti-Semitic

threats and actions. These calls are systematically verified and the facts confirmed before figuring into monthly totals²⁵.

The figures provided by the CRIF are higher than those provided by the Ministry of the Interior, because not all victims alerting the help-line notify the police of their complaint, or because certain complaints are not accounted for by the police. At the same time, a report to the CRIF is insufficient to justify a temporary interruption to work due to physical aggression (a fact that would encourage such victims to report their complaints to the police). On the contrary, certain victims notify the police of an incident without calling the help-line. The CRIF data strengthens and complements the data from the Ministry of the Interior (see the data table provided in the annex).

The CRIF reports a steady decrease in anti-Semitic threats and incidents throughout the year 2002, aside from a single peak in the month of April, again corresponding with heightened Israeli Palestinian tensions. The CRIF suggests that the repeated murderous events may have inspired anti-Semitic violence in France.

Furthermore, the CRIF attributes this decrease in anti-Semitic incidents to different factors²⁶:

- The results of the first round of presidential elections
- The Ministry of the Interior's resolution to re-establish security and authority
- The harsh sentences (two to four years in prison without bail) issued to those convicted of attempting arson on a synagogue in Montpellier
- A flurry of international events which served to divert attention away from the Israeli Palestinian conflict
- A moderation of the tone in which the media reports on the conflict.

The CRIF also offered additional data on different types of anti-Semitic incidents, which demonstrate a significant decline in the following acts²⁷:

- Graffiti: 79 incidents in 2002
- Physical Aggression: 69 incidents
- Letters: 66 incidents
- Insults: 59 incidents
- Threats: 49 incidents

It is worth noting that physical aggression is the second most common type of incident, contrary to the idea that anti-Semitic incidents are essentially of a verbal or written order. The CNCDH attributes most of the anti-Semitic aggressions in 2002 to young disadvantaged youth, often of North African origin, living in the urban periphery.

²⁵ CNCDH, op cit, p 89.

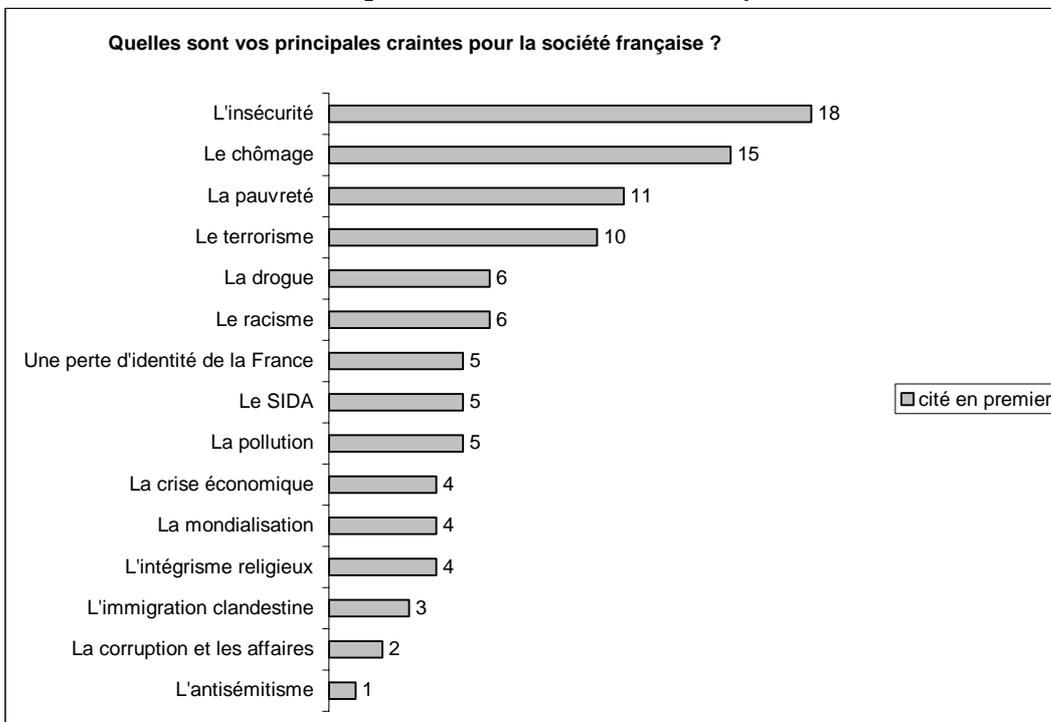
²⁶ CNCDH, op cit, p 90.

²⁷ CNCDH, op cit, p 91.

5.1.3. The BVA Opinion Poll on Racism

An opinion poll produced by the BVA Institute (*Institut d'études de Marché et d'Opinion* – The Institute for Market and Public Opinion Studies) in November 2002²⁸ on xenophobia, anti-Semitism, racism and anti-racism issues, produced results that at first seem to contradict statistics concerning actual racist and anti-Semitic behaviour. As a whole, the French public does not appear to consider racism important among its societal concerns; out of fifteen potentially worrying issues, racism was 6th, selected first by only 6% of those polled, and falling behind insecurity, unemployment, poverty, terrorism and drugs. Anti-Semitism was the source of least concern, and selected by only 1% of those polled. French public opinion, we can deduce, is generally indifferent and little mobilised by these issues.

Table 8: What are the Principal Concerns in French Society? (First concern cited)



At the same time, 26% of those polled considered racism to be “very wide spread” in France, while 62% considered it “rather widespread” (only 11% responded that it was “rather rare” while 0% responded that it was “very rare”.) We also note that the younger the respondent, the more likely they were to consider racism a common-place issue. A survey conducted on March 4th and 5th 2002 by Sofres (a major French pollster) for the group Festival Against Racism of 400 15-24²⁹ year-olds, corroborates this observation: the results show that racism was the 3rd most significant concern for those polled (after

²⁸ *Xénophobie, antisémitisme, racisme et anti-racisme en France*, Institute BVA - March 2003, 35 p. Study conducted upon the joint request of the CNCDH and the Government Information Service, using one-on-one surveys, based on a representative sample of the French Population (1010 people ; figure base on quota method), between November 29 and December 6 2002.

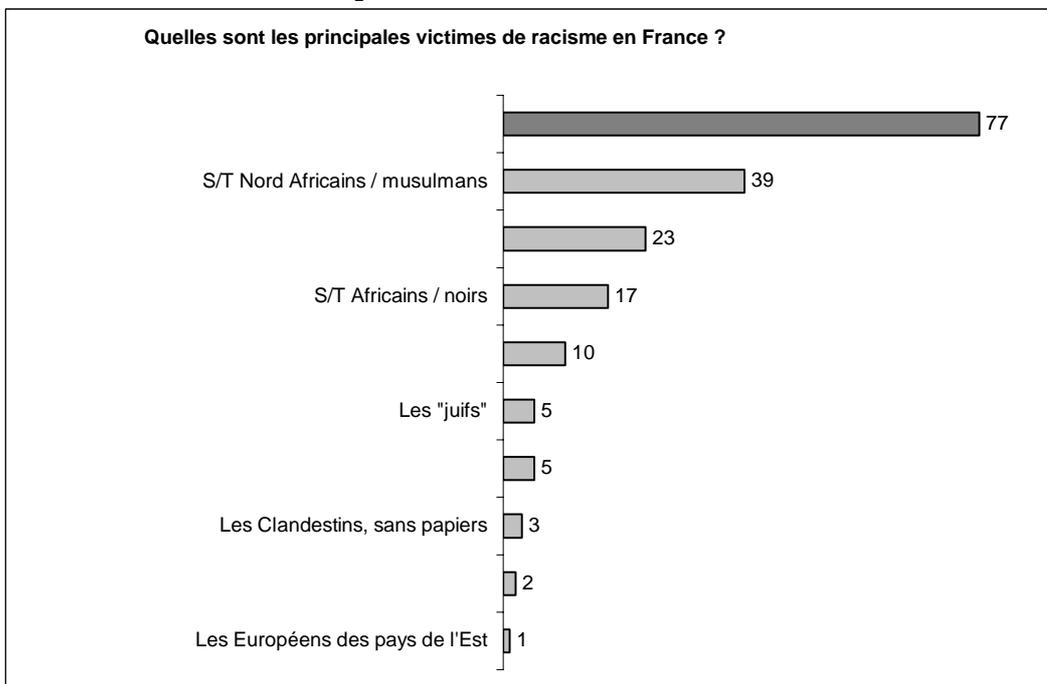
²⁹ <http://contrelracisme.free.fr/sondage.htm> (01/11/2003)

unemployment and insecurity), and 93% of these youth considered racism to be “very” or “rather” widespread in France, and tending to worsen. Another study evaluating youth opinions towards racism and anti-Semitism showed that French youth tend to react in one of three ways: refusal, simplification, or solidarity³⁰.

The BVA survey was furthermore concerned with what the French public understood by “racism”. An open question polling respondents on the meaning of the term “racist being” lent itself to some interesting answers, as 73% of respondents attributed a “neutral”³¹ definition to the term. Among these respondents, 18% considered it to imply a rejection of people of a different colour, 17% a rejection of people of a different religion, 14% a rejection of difference and 9% a rejection of foreigners). In response to the same question, 14% of those polled gave a condemning definition (9% of them esteemed a “racist being” to be “closed, that is to say withdrawn, intolerant, selfish or ignorant”). This attitude of neutrality or indifference is confirmed in attitudes towards the campaign against racism: 39% of those surveyed, a strong minority, judged a vigorous campaign to be “not really” or “not at all” necessary.

When asked about victims of racism in France, 77% of the respondents referred to groups of people using the words “national, ethnic or religious minorities” while 23% cited other groups (the poor, youth, children, women and the elderly, etc.) Among the first group, references to “North Africans” and Muslims were most common (39%), 23% cited foreigners and other immigrants, 17% cited Africans and “blacks” and 5%, Jews.

Table 9: Who are the Principal Victims of Violence in France?

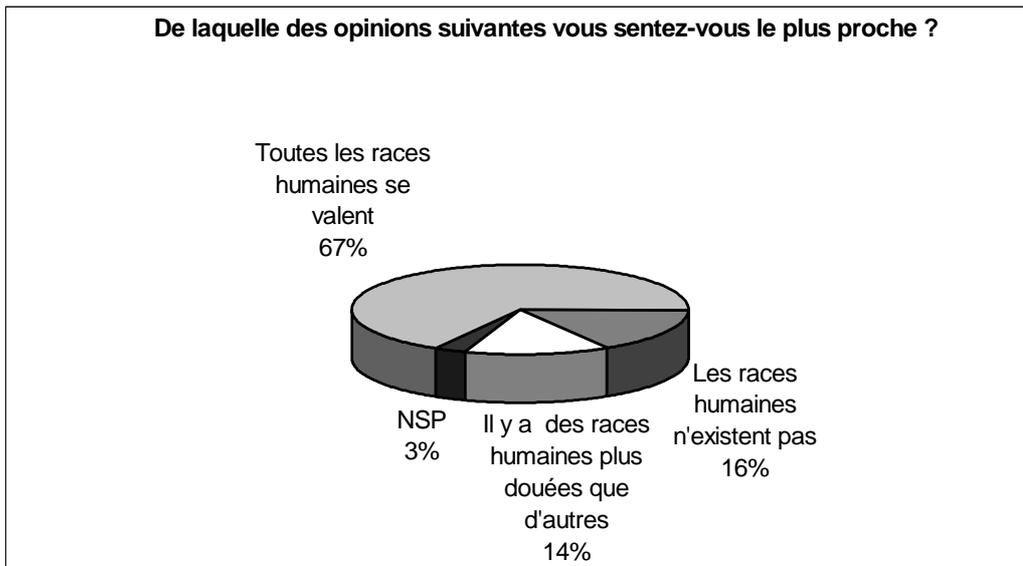


³⁰ Corman Gilles, "Les jeunes face au racisme et à l'antisémitisme : refus, adhésions, banalisation", Etat de l'opinion, 2003, p 173 -191.

³¹ Xénophobie, antisémitisme, racisme et anti-racisme en France, op cit.

As the questions broached issues of racism more directly, the results changed drastically according to context. Even the idea of racism, the belief that certain races are more capable than others, appeared less widespread (14%) than the opinion that races are equal (67%) - a response that nonetheless implies a belief in the existence of “races”. Only 16% of people polled categorically refused the notion of distinct human races³².

Table 10: Which of the following responses do you agree with most?



All human races are equal 67%, some races are better than others 14%, Human races do not exist 16%, No opinion 3%

Moreover, a large majority believed that “certain behaviours can sometimes justify racist reactions” (68%), while the proportion that believed that “nothing can justify racist reactions” was only 30%.

5.1.4. Survey of *Front National* Party Supporters

In order to analyse the startling success of the *Front National* in the first round of presidential elections (five and a half million voters ; almost 20% of the vote) Nonna Mayer³³ led a unique inquiry drawing upon a sample of 4000 people representing the diversity of the French voting population. The survey was conducted over three sessions: once before the first round of presidential voting, again after the second round and finally after the 2002 legislative elections. An improvement on classic surveys, this enquiry allows an interpretation of the many turns in events that characterised the four rounds of elections.

Nonna Mayer observes that, paradoxically, the National Front’s voting population has not changed. They are still essentially extreme right, authoritarian and xenophobic, and

³² Xénophobie, antisémitisme, racisme et anti-racisme en France, op cit.

³³ Nonna Mayer, *Ces français qui votent Le Pen*, Paris, Flammarion, 2002, 478 p.

“French First”. Voters are characterised by low levels of education, economic instability, social isolation, and a tendency to be male and working class. But the study also reveals trends that challenge the initial commentary on the results of April 21st 2002: these voters are increasingly elderly, rural - especially farmers, and they “resemble socially and ideologically Chirac supporters”. Paradoxically, Nonna Mayer notes that the “*Le Penisation* of the spirit” has not necessarily progressed, and that the issues at the centre of the National Front platform seem to run contrary to trends in public opinion (in particular the rejection of multiculturalism³⁴).

Finally, this study brings to light a second, contextual factor which likely influenced the National Front Party vote, which is the local presence of foreign populations. The likelihood of a person to vote *Front National* is twice as high in zones with a high concentration of foreigners than in zones with a weak concentration (high visibility of immigrants seems to incite fear, hostility and racist reactions). “Zones with a high concentration of foreigners also tend to be those with the most socially and culturally disenfranchised voting population, who would be particularly receptive to a LePenist discourse”³⁵.

5.2. PUBLICATIONS

In 2002-2003, important works were published on issues of racism, discrimination and anti-Semitism in France, taking diverse disciplinary approaches ranging from sociology to political philosophy, the history of ideas and public opinions, to political science.

5.2.1. Anti-Semitism and Islamophobia

The analyses offered in 2002 and 2003 focus around two parallel and contrasting phenomena, that is Islamophobia and anti-Semitism. In 2002, Pierre-André Taguieff published an updated and elaborated version of his 1998³⁶ book, in which he describes the construction of racial doctrine in France throughout the 19th and 20th centuries. Moreover, in *La nouvelle judéophobie*³⁷, (“The New Judeo-phobia”) Pierre-André Taguieff, who was one of the first in France to denounce the “new faces of anti-Semitism”, demonstrates, from an international context, the dangers of anti-Jewish racism. The author describes a rising tide of “judeophobia” that extends beyond the French borders, to Europe and the Islamic countries. Finally Pierre-André Taguieff has published a political analysis essay on the success of the *National Front* party in the 2002 presidential elections, which he associates with a popular movement driven by “anti-system” parties at the heart of traditional public sphere, a phenomenon also observable in other European countries³⁸.

³⁴ Idem pp 17-18.

³⁵ Idem pp 17-18.

³⁶ Taguieff Pierre-André, *La couleur et le sang. Doctrines racistes à la française*, Mille et une nuits, Paris, January 1998 and February 2002 (nouvelle édition), 326 p. Developed in greater detail in the RAXEN 3 report on racial violence.

³⁷ Taguieff Pierre-André, *La nouvelle judéophobie*, Paris, Mille et Une Nuits, 2002, 234 p. Developed in greater detail in the RAXEN 3 report on racial violence.

³⁸ Taguieff Pierre-André, *L'illusion populiste*, Paris, Berg International, 2002, 182p.

In the same vein, Alain Finkielkraut published *Au nom de l'Autre, réflexions sur l'Antisémitisme qui vient* ("In the name of the Other: Reflections on an Anti-Semitism to Come") in which he accuses French intellectuals of a new "judeophobia"³⁹ stemming from the left, alter-globalisation-ists, third-world-ists, Christian socialists and from the anti-racist milieu who associate anti-Zionism with anti-Semitism and deny the current renewal of anti-Semitic violence. He offers an analysis of violence born of anti-Semitism originating from frustrated Arab Muslim youth living in suburban housing projects who seize the Palestinian cause to nourish a discontentment with their own social and economic disenfranchisement in French society.

Noting that the sources of racism and the discourse serving to legitimate it has varied from one era to the next, in his 2002 essay Pierre Tevenian exposes the practices, discourses and unspoken concepts underlying the stigmatisation and rejection of the "other", particularly foreigners and immigrants⁴⁰. In 2003, the same author released a new edition of a *Dictionnaire de la lepénisation des esprits* ("The Dictionary of the Le Penisation of Ideas") in which he uncovers deep-rooted notions in French society, and reveals the existence of a general consensus that acts to normalise discrimination practices in French administration⁴¹.

In *Les anti-Juifs: Le livre blanc des violences antisémites en France depuis septembre 2000*⁴² (The Anti-Jews: The white paper on Anti-Semitic Violence in France since September 2000), The Union of French Jewish Students and SOS Racism collaborated to bring attention to the anti-Semitic aggressions and threats which occurred in France between September 2000 and January 2002. Several contributors help to analyse this new anti-Semitism, notably Philippe Méchet, the director of political studies at Sofres who introduces a survey ("*Les jeunes et l'image des juifs*" (Youth and the Jewish Image) and Julien Dray in interview with Pierre Lellouche on the state and anti-Semitism. Jean-Pierre Allali also published in 2002 a collection on *Les habits neufs de l'antisémitisme: anatomie d'une angoisse* ("Anti-Semitism's New Habits: An Anatomy of Anguish") in which he calls on a dozen intellectuals, including Marek Halter, Gérard Israël and Théo Klein, to speak about the role of current events in the shaping of racism and anti-Semitism⁴³.

In a passionate book, Vincent Geisser offers a counter-attack, deconstructing the mechanisms of Islamophobia, which according to the author; reveal a blurring in the French public opinion between the Muslim religion, Islamism and terrorism⁴⁴. Historically founded in colonial heritage, the author argues that the events of September 11th have opened the door to all forms of excess, notably by French Intellectuals and the

³⁹ Finkielkraut Alain, *Au nom de l'Autre, réflexions sur l'Antisémitisme qui vient*, Paris, La Découverte, 40p 2003. Similarly, Pascal Boniface, *Est-il permis de critiquer Israël ?*, Paris, Robert Laffont, 2003, 240p.

⁴⁰ Pierre Tévanian, *Le racisme républicain, réflexions sur le modèle français de discrimination*, L'Esprit frappeur, Paris, 2002, 190 p.

⁴¹ Tevanian Pierre, Tissot Sylvie, *Dictionnaire de la lepénisation des esprits*, Paris, l'Esprit frappeur, 2002, 373p.

⁴² Union des étudiants juifs de France, SOS Racisme, les antifeujs. *Le livre blanc des violences antisémites en France depuis septembre 2000*, Calmann-Lévy, Paris, 2002, 229 p.

⁴³ Jean-Pierre Allali, *Les habits neufs de l'antisémitisme: anatomie d'une angoisse*, Desclée De Brouwer, Paris, 2002, 179 p.

⁴⁴ Geisser Vincent, *La nouvelle islamophobie*, Paris, La Découverte, 2003, 128p.

media. The situation is symptomatic of a general malaise in French Society vis-à-vis Islam.

In “The Situation of Muslims in France” (original version in English) the Open Society examines the situation of Muslims in France, taking into account legal frameworks, political initiatives and public statements by Muslim personalities⁴⁵. Beyond mere “religious” discrimination, the analysis brings particular attention to the unequal treatment and negative image of Islam, marked by a security discourse and the events of September 11th.

5.2.2. The History of Racism and Anti-Semitism

2002 and 2003 are equally characterised by a significant production of books on the historical roots of racism and anti-Semitism. With the objective of understanding perceptions of foreigners throughout history, a group of historians retrace the existence of “human zoos”⁴⁶. Beginning in the middle of the 19th century, Europeans discover, amidst the animals, humans playing out the customs of daily life. In France, these zoos are windows of the Colonial Empire, through which the myth of the savage will be immortalised for centuries to follow. A racial discourse is hence in the making, and the human zoos allow the development from a scientific racism to a popular one. This book contextualises the “placing on display” of the “other” and attempts to decipher the construction of western identity.

While Paul Airiau investigates the source of the Jewish conspiracy myth based in catholic writings published between 1806 and 1984⁴⁷, Claude Liauzu describes colonial racism and institutional violence originating in the French colonies to argue that responsibility for colonial heritage needs to be borne by the collective French memory in order to combat xenophobia in France⁴⁸. The same historical sources are called upon in Georges Frederickson’s⁴⁹ book on the origins of racism, concerned notably with the most extreme forms of institutional racism, and in that of Guy Bechtel who retraces a series of racial theories originating in the 19th century under the guise of science⁵⁰. We also note in 2002 the re-edition of a pioneering study examining the relationship between majority and minority groups, and the process of categorisation as belonging to racist ideology⁵¹.

⁴⁵ Open Society Institute, *La situation des musulmans en France*, Budapest, Open Society Institute, 2002, 150 p.

⁴⁶ Nicolas Bancel, Pascal Blanchard, Gilles Boetsch, Eric Deroo, Sandrine Lemaire, *Zoos humains*, La Découverte, Paris, 2002, 479 p.

⁴⁷ Paul Airiau, *L’anti-Sémitisme catholique en France aux XIXe et XXe siècles*, Paris, Berg International, 2002, 167p.

⁴⁸ Liauzu Claude, *Violence et colonisation: pour en finir avec les guerres de mémoires*, Paris, Syllepse, 2003, 214p.

⁴⁹ Georges Frederickson, *Racisme, une histoire*, Paris, Liana Levi, 2003, 217p.

⁵⁰ Bechtel Guy, *Délires racistes et savants fous*, Paris, Plon, 2002, 246p.

⁵¹ Guillaumin Colette, *L’idéologie raciste. Genèse et langage actuel*, Paris gallimard, 1972, 2002, 370p.

5.2.3. Police and Racial Discrimination

Initiated by the GELD (*Groupe d'Etude et de Lutte Contre les Discriminations* – The Anti-discrimination Action and Research Group), a study tackling a rarely covered issue in France looks at racial discrimination in the police force. It is based on 113 testimonies collected by a toll-free line, the 114, and also evaluates anti-discrimination training for police staff⁵². It takes a comparative approach, looking also at the experiences of England and the United States. The majority of these calls concern identity checks, the duration and condition of detention, poor treatment, humiliation and refusal to file complaints. The testimonies have been treated in a synthetic manner, but remain insightful about the “unbalanced power relationship between police and discrimination victims who denounce the police’s abuse of power to punish based on origin.”⁵³

The authors point out that the only training offered to agents of the police service merely familiarises them with foreign populations, rather than looking at the processes of discrimination and its professional practice in the police service, which to the authors, is a “tormented institution, a victim of growing unrest.” The police need to be informed of these issues, and sensitised to their public service responsibility to respect people’s rights and treat them equally. In the end, the GELD refused to publish this work due to methodological and procedural weaknesses.

5.2.4. Practical Documents

In this section we present a selection of sensitivity training material, information and teaching guides developed by the government and associations. They testify to efforts that have been taken to adapt legal information to the expectations of potential victims of racial and anti-Semitic violence, but also of a will to sensitise the public to this issue, by using victims’ testimonies and accessible formats (video).

On the occasion of the International Day Against Racism on March 21, 2002, the French-North African Association of Villeurbanne published an updated version of its *Guide juridique contre le racisme et les discriminations* (“Legal Guide against Racism and Discrimination”) Various concrete examples of legal cases are presented in a pedagogic manner (court of competent jurisdiction, incurred punishments, delays) including an annex with useful addresses, a legal lexicon and legal texts⁵⁴. In April 2003, the Ministry of Justice also published a guide concerning anti-racist laws, enumerating illegal behaviour, applicable punishments, and means of recourse for victims⁵⁵.

In the same vein, the Direction of Planning and Strategy for Greater Lyon published a collection of 11 practical guides concerning different aspects of racial discrimination and

⁵² Body-gendrot Sophie, Wihtol de Wenden Catherine, *Police et discriminations raciales. Le Tabou français*, Paris, Les éditions de l'Atelier, March 2003, 189p.

⁵³ Idem pp 25 - 40.

⁵⁴ Association franco-maghrébine, *Guide juridique contre le racisme*, Villeurbanne, 2002, 41p., 2^e éd.

⁵⁵ Ministère de la Justice. *Les lois antiracistes, Les guides de la justice*, April 2003.

anti-discrimination policy, in which the French context is viewed from a European perspective⁵⁶.

The International League against Racism and Anti-Semitism (LICRA) also published a book in 2002⁵⁷, illustrated with photos and documents reconstructing the historical context of racial struggles. The result of a scenario competition for youth by the Association Say and Do against Racism, a series of 12 short films were broadcast on a public television channel, and released on video⁵⁸. The selected scenarios were directed by professional film-makers, including Yamina Bengugui, Catherine Corsini, Philippe Lioret and Francois Dupeyron. These films gave rise to numerous debates on the theme of racism, and were presented at the Festival for Tolerance and Against Exclusion, organised by UNESCO.

In a story intended to teach children about racism, the treatment of Blacks is traced from the slave trade until the present day, allowing them to see the suffering they endured and to understand how racism can manifest itself in society in different contexts at different moments, in order for them to better understand the importance of the fight against racism⁵⁹.

5.2.5. Specialised Articles

In 2002 and 2003 numerous articles appeared in specialized journals, dealing with issues of racism linked with the “ethnicisation” and “racialisation” of French society, but also examining the link between racism and the extreme right in France, the appropriate legal tools for the fight against racism, and the revival of anti-Semitism and urban violence.

Anti-Semitism also reappears in the French news and in specialised debates. If anti-Semitism is a hatred manifesting itself in different forms throughout history and adapting itself to circumstances, then it is important to understand what is happening today in France in order to overcome it⁶⁰. According to Yves Charles Zarka, anti-Semitism is no longer communicated through the media, policies and doctrines, and linked with xenophobic nationalism as it was in the 19th and early 20th centuries. Today it is more often North African immigrant youth who identify with the Palestinian cause because they feel excluded from French Society, and moreover, because they see a link between the Israeli occupation and the French occupation of Algeria. The journal *Histoire* (“History”) dedicated an issue to anti-Semitism from ancient Judaism until the present-day Israel Palestinian⁶¹ conflict. Another report dedicated to an analysis of anti-Semitic and anti-Zionist incidents points out that they are largely underestimated by the

⁵⁶ Cédiey Eric, Discriminations raciales et des politiques anti-discriminations, fiches pour l'action, Cahier Millénaire 3, June 2003, 72p.

⁵⁷ Collectif, *Contre le racisme les combats de la Licra*, Le Cherche-Midi, Paris, 2002, 120 p.

⁵⁸ *Dire faire contre le racisme, pas d'histoires ! Douze regards sur le racisme au quotidien*, Montreuil, 2002.

⁵⁹ Philippe Godard, *Le racisme, de la traite des Noirs à nos jours*, Jeunesse - Autrement Junior.

⁶⁰ Yves Charles Zarka, "L'antisémitisme en France aujourd'hui", *Cités*, n° 10, 2002, pp. 3-7.

⁶¹ L'antisémitisme : du judaïsme antique au conflit israélo-arabe, revue *Histoire*, 2002 - 10, n°269, pp 31-77.

government, that they expose Jews in France to a new wave of Judeo-phobia, and prevent them from expressing criticism towards the State of Israel⁶².

Additionally, two articles examine in detail the relationship between racism and the development of the extreme right in France. For Nonna Mayer and Guy Michelat, the results of studies carried out since 1990 reveal a decrease in ethnocentrism in France⁶³. Generational turnover, increased levels of education and the return of economic growth contribute, slowly, to the reduction of racism and xenophobia, and, as in all western democracies, anti-racism is becoming the norm. The development of views with respect to Jews is however, more varied, with an anti-Semitism that attaches itself, in particular, to the “de Gaullists” on the right, and to practicing Catholics. The new Judeo-phobia amongst the extreme left linked to the Palestinian issue, develops along side a long-standing Judeo-phobia obsessed with Jewish power. The presence of Jean-Marie Le Pen in the second round of the 2002 presidential elections had a shocking effect. For Pascal Perrineau, we tend to forget that the extreme right has not weakened in recent years, despite the party’s split into *Front National* and *Mouvement National Republicain*⁶⁴. This political current finds its greatest audience in economically depressed ex-industrial regions, amongst youth and those with weak revenue and education, and a strong economic and social pessimism. Such deliberately confrontational behaviour is a sign of a “closed” attitude, hostile to the unification of Europe, to globalisation and to a multi-cultural France.

Finally, Didier Fassin describes how the recognition of racial discrimination in French public policy has evolved, bringing attention to the risks posed by the “essentialisation” of categories, and by the “victimisation” and “judicialisation” of the struggle against discrimination at the detriment of a process-based historical and sociological approach⁶⁵. The publication *Hommes et Migrations* (“Humans and Migration”) also dedicates a report to the “incriminated and discriminated” which takes a largely historical perspective⁶⁶.

5.3. PRESS ARTICLES

The selection of articles assembled for RAXEN 4 includes 18 articles from the mainstream daily and weekly national newspapers. These articles have been chosen according to the media attention dedicated to their topic (law, various events, and debates).

Several articles examine the electoral success of the extreme right in the first round of presidential elections, and attempt to discern the causes and effects on the ground. *Le Monde* dedicated a report to the unsettling increase in racist discourse several weeks

⁶² "Un vent mauvais : la grande inquiétude des juifs de France", *Arche*, n° 527-528, Paris 2002, p. 34-63.

⁶³ Nonna Mayer, Guy Michelat, "Les Français sont-ils racistes ?", *Revue politique et parlementaire*, n° 1017-1018, 2002, p. 60-68.

⁶⁴ Pascal Perrineau, "Le vote d'extrême droite en France: adhésion ou protestation?", *Futuribles*, n° 276, Paris, 2002, pp. 5-20.

⁶⁵ Fassin Didier, "L'invention française de la discrimination", *Revue française de science politique*, vol 52, N°4, August 2002, p 403.

⁶⁶ "Incriminés et discriminés", Collectif Adri, *Hommes et Migrations*, N°1241, January-February 2003, 139p.

before the event. Of the five articles included in the report, where we witness the stigmatisation of “Arabs” blamed for the lack of security experienced in daily life or perceived through the media, one article focuses on youth from a disadvantaged neighbourhood. Analysing the discourse from the position of these youth who refuse to be labelled “racist” but nevertheless define themselves in opposition to the Other, (“foreigner”, “Arab” or “immigrant”), it attempts to show that this hostility is not necessarily linked to the extreme right movement but to the daily experience of fear and insecurity⁶⁷. The historian Gerard Noiriel, in an interview in the magazine *Telerama*⁶⁸, brings attention to France’s denial of its own history and lack of collective memory, which according to him, contributes to xenophobia. Even though France was the first country in Europe to accept immigration, the phenomenon has yet to be integrated in the collective national memory.

A report in the journal *Le Monde*⁶⁹ looks at the strong revival of populism in Europe, notably with the success of Le Pen in the first round of the presidential elections. Despite the ambiguity of the term and its different manifestations around Europe, certain constants are discernible: it plays on xenophobia and hatred for the poor and oppressed when it doesn’t rest on supposed racial superiority to justify exclusionary practices. Populism exploits expressed or latent fears provoked by globalisation, Europe and its expansion, the opening of borders and immigration policies, unemployment and so on. Populist parties can be characterised by their anti-European attitudes.

Yves Meny describes this populism as an “opportunist chameleon” that carries a diversity of ideology and mixed platforms which it adapts to the circumstances and environment. But it has first and foremost the goal of rendering the power to the people, arresting it from incompetent, complicit, corrupt elite, indifferent to the “real” interests of the people. Xenophobia and racism only amplify this rejection: it is the national against the foreigner, the rejection of the immigrant here to take advantage of the welfare state when he doesn’t even belong. The press covered widely the increase in racist and anti-Semitism acts in France. The theme was often presented in the context of news concerning the Israeli Palestinian conflict. It is from this angle that anti-Semitic violence in the Parisian suburbs is reported, while according to residents, the two communities had until then successfully coexisted.

The Middle East conflict brought on a strong hostility towards Jews among youth in French suburbs. Conversations and internet exchanges reveal a daily anti-Semitism. Between expressing aversion to the Israeli “oppressor” and making a direct association with the Jewish community in general, these youth are only a step away from expressing anti-Jewish sentiments outright. Occasionally religion is used to justify these sentiments (“in the Koran, Allah says that our worst enemies are the Jews”).

These articles also communicate concern among Jewish communities and anti-racist associations in France who consider that anti-Semitic sentiments are being downplayed, and violence not being accorded the needed attention.

⁶⁷ Many adolescents estimate that the gap widens between communities which, according to them, cannot continue to cohabit together without tension. A sectarian logic results, pitting group against group and leading to the perception of “anti-French racism” a notion heretofore ideologically deployed by the *Front National*.

⁶⁸ “Entretien avec Gérard Noiriel” . in *Télérama* October 16, 2002.

⁶⁹ “Populismes d’Europe”, in *Le Monde*, Sunday May 19 - Monday May 20 2002, pp. 13-20.

5.4. INTERNET SOURCES

The 21 internet sites featured in the RAXEN 3 database are still open to the public: a large part of their activities are concerned with the fight against racial discrimination and target both general and specialised audiences⁷⁰.

Among these sites, the MRAP (*Mouvement Contre le Racism et pour l'Amitié Entre les Peuples* – Movement Against Racism and for Friendship between Peoples) has published an online report that was made public July 18th, 2003, giving the results of a detailed two-year study on racist internet sites, and focusing in particular on new expressions of extremism on the Internet⁷¹. The Internet is today, for extremists, a privileged vector for diffusing xenophobic hatred. Taking advantage of servers in countries where legislation is less strict, these individuals escape the constraints of French law.

Between January 2001 and January 2003, nearly 30 internet sites of a racial or xenophobic nature were brought online, all hosted by the same server, *liberty-web.net*⁷². In this assemblage of racist sites, the MRAP saw signs of a novel “mix of genres, in which pro-Israeli extremists frequented sites conceived and maintained by neo-Nazi..., reunited by the same hatred of the Muslim and the Arab.”⁷³

In addition to sites containing hate-filled texts venturing as far as to call for murder, contributors also authored tens of thousands of messages in discussion forums⁷⁴ where their identity is protected by services that render them anonymous, preventing limits to access and protecting contributors against identification and subsequent legal pursuits. After the closure of *liberty-web.net* in the beginning of 2003 following disputes between two ideological groups concerning the war in Iraq, the site has been partially put back on line under other names, united under the common title *Frema*.

The difficulty of identifying these extremists who, due to aforementioned services are able to express racist views without fear recrimination, does not explain the lack of legal pursuits. “Weak political will seems to be the only reason that these individuals are permitted to unleash their hatred on the internet with complete impunity”⁷⁵ the report’s

⁷⁰ See RAXEN 3 Report for detail on these sites.

⁷¹ *La naissance d'une nouvelle extrême droite sur Internet*, Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP), July 2003, 94 p. + annexes.

⁷² The website *liberty-web.net* opened February 14th 2001, presenting it as a simple server for websites. Among the key ideological sites of this network “*sos-racaille.org*” and “*aipj.net*” played a key role in the activism that accompanied the wrong-doings of this organisation. All of the racists of newsgroups were assembled on “*sos-racaille.org*”, drawn by a discussion forum led by “*aipj.net*”. Dozens of contributors authored thousands of messages attacking “Arabs” and Muslims, employing extremely violent suggestions, towards the French media and authorities. Some of these individuals were royalists, Catholics and Jewish fundamentalists, as well as sympathisers with the *Front National Party* and the *Mouvement National Republicain*.

⁷³ MRAP, *op. cit.*, p.58.

⁷⁴ The authors justify their racial hatred on the basis that Muslims invaded France and are responsible for the crime experienced daily; they proceed to forge an equation between : Arabs=Muslims=Fundamentalists. Under the guise of criticising fundamentalism, some proceed to stigmatise the entire Muslim population, even going beyond populations of Arabic origin.

⁷⁵ MRAP, *op. cit.*, p.94.

authors conclude. In this context, victims no longer benefit from their right to effective protection. Ways of regulating content and questioning fundamental freedoms by surveillance measures and generalised checks must be defined, and the existence of diverse laws relating to cyber crime should not justify a lack of dialogue on the question.

6. NATIONAL SCHEMES AND ANTI-RACISM INITIATIVES

6.1. ASSESSMENT OF THE 114/CODAC SCHEME

As required by the ministerial circular of October 30 2001, a systematic analysis of the 10,243 cases forwarded to the CODACs since the help-line opened has been undertaken.

It was clear from the outset that the procedures laid down for the scheme were poorly adapted to the context and to administrative implementation. The results, therefore, have been disappointing.

Five key points emerge from the assessment:

- the scheme is opaque,
- civil servants are reluctant to work with non civil service referral officers,
- criminal charges are pressed frequently but often inappropriately,
- there are difficulties in providing genuine assistance to victims,
- civil remedies and labour law are insufficiently called upon.

Furthermore, the CODACs do not always provide a follow-up of cases forwarded to them. When they do, documents are often incomplete and provide inadequate information on how complaints were dealt with and what results were achieved. Experience to date and assessments of the scheme points to the need for:

- A deepening of the knowledge of participants (administrative and voluntary) about the legal framework;
- Increased professionalism of the actors;
- Better institutional coordination of activities.

In addition, the lack of results shows the difficulties the legal system faces in sanctioning unintentional discrimination. Once there is doubt about the moral culpability of the person charged with discrimination, actors have problems in going through with cases. The notion of fault is so deeply rooted in the French legal system that doubts about the appropriateness of punishment, the Public Prosecutor's discretion in prosecuting and the problems of evidence combine to hamper implementation of the principle of non discrimination by ordinary recourse to law.

This assessment has led both the state and voluntary organizations to consider the creation of an Independent Administrative Authority as a means to implement the spirit of

EU directives and to produce greater effectiveness in legal responses to discrimination. A survey casts a new light on the CODAC of the North⁷⁶

6.2. ESTABLISHMENT OF THE NATIONAL COUNCIL OF FRENCH MUSLIMS

Numerically, Islam is the second largest religion in France, where there are estimated to be 4 to 5 million Muslims. While covered by the legal framework applicable to religions in general,⁷⁷ Islam was unique among major religions in having no national representative body. For over a decade, successive governments have been trying to create a body to serve both as a partner [the usual French word is *interlocuteur* someone to talk to] of the French government and as a place to promote the interests of French Islam.

The CFCM (*Conseil Français de la communauté Musulmane*) is a federation of associations governed by the general law on associations (Law of July 1 1901). Its general assembly comprises representatives of the regional councils, umbrella associations set up to manage Muslim religious buildings, and the associations that manage the main mosques.

In April 2003, 4032 electors representing 995 Muslim religious facilities (their number based on surface area rather than on number of worshippers) elected the members of the 17 regional councils. The CFCM elected as its President Dalil Boubakeur, the Rector of the Paris Mosque. He is flanked by two co-presidents, one representing the UOIF and one the FNMF.

The CFCM will began to operate 2003. 11 committees have been established to make proposals on such subjects as worship, religious neutrality and the definition of French Islam. A major conference on Islam ion France and in Europe is planned for late 2003.

6.3. WORKING GROUP FOR THE DEVELOPMENT OF AN IMMIGRATION MEMORIAL AND RESOURCE CENTRE

On April 10th, 2003, at the time of the Inter ministerial Committee on Integration, the Prime Minister announced the creation of a Working Group for the Development of an Immigration Memorial and Resource Centre that would report on their findings in Spring 2004. With the objective of recognising the participation of immigrants in the historical and social construction of France, and improving public perceptions of immigration, the working group set-up three consultant teams:

- A Technical committee comprised of technical advisors and ministerial representatives with a vested interest in the project

⁷⁶ Hastings Michel, Dombret Camille (eds.), *La politique gouvernementale de lutte contre les discriminations raciales en France*, Etude de cas: la CODAC du Nord, Lille, Institut d'Etudes Politiques de Lille, June 2002, 146 p.

⁷⁷ Marongui O. & D'un monde à l'autre, *Droit français des cultes appliqués à l'Islam*, 2002; Open Society Institute of Budapest, *La situation des musulmans en France*, 2002.

- A scientific council made up of approximately 20 experts, academics and scientists charged with defining the role of the centre
- A Forum to mobilise civil society through non-profit organisations.

Each team has been issued a work plan for the year 2003 and unites thematic groups responsible for elaborating working proposals for the future centre (archives, curation, planning, programming, education, internet, etc) The ADRI was charged with the technical aspects of the centre's plans.

The Working Group is organised a public meeting November 28th and 29th at the National Library, in order to present the results of taskforce studies relevant to the project and for the public to judge for themselves the project's value and contribute to discussion intended to enrich reflection on the project.

The future centre will be brought into activity progressively over two or three years according to an Interministerial Committee on Immigration's decision, and installed at a central location with a strong identity, emblematic or rich in history.

Open to the greater public, it is intended that this site of living memory will act as a centre point for existing initiatives, resources, archives and other historical foundations of immigration, and increase their accessibility to the public.

6.4. PRELIMINARY INDEPENDANT ADMINISTRATIVE AUTHORITY FOR THE FIGHT AGAINST DISCRIMINATION

To conform with orientations decreed by the President of the Republic and the Prime Minister, an Independent Administrative Authority charged with the fight against all forms of discrimination will be created. To this end, the French government will develop a draft law drawn from the conclusions of the preliminary taskforce report.

Given that the Independent Administrative Authority was to be established, the Planning Council of GELD, whose mandate terminated in December 2002, was not continued and the GELD working groups were suspended. The GELD has since reoriented its activities towards the preparation and support of the Preliminary Taskforce of the Independent Administrative Authority entrusted to Bernard Stasi, ex-minister and Mediator of the Republic, on June 2nd, 2003 (cf. section 5 A 1). The taskforce has been asked to develop ideas on the role of the new authority, relating notably to:

- Collecting and analysing complaints and supporting discrimination victims, in order to dispose more effectively of existing tools, and finally, to define pre-judicial prerogatives.
- Informing and advising the government and its non-governmental partners of progress achieved and obstacles encountered in the implementation of anti-discrimination public policy, and
- Its own organisation and modes of collaboration with the gamut of legal institutions and jurisdictional administrations, but also the remainder of the

institutional environment (other independent administrative authorities and administration inspection bodies.)

This Taskforce will lead into a series of consultations with representatives of government and civil society with expertise in the field. The creation of the Independent Authority should result in the significant redefinition of the 114/CODAC action plan for 2004.

6.5. THE COMMISSION ON SECULARISM

On July 3rd, 2003, the president of the Republic called for the creation of a commission to examine the application of secular principles in the French Republic⁷⁸, under the law of December 9th, 1905. This commission would concern itself with defining secularity, which under its French interpretation, implies an acceptance of cultural diversity and otherness, while guaranteeing the neutrality of public services with respect to the diversity of religious beliefs.

The commission includes French personalities (lawyers, philosophers, sociologists, historians and representatives of civil and religious society) of all leanings in order to confront the subject in a comprehensive manner. It is expected to make recommendations favourable to implementation.

This commission's work received significant media attention, and set off a sensitive debate on Islamic veils in France, in particular the decision to permit young women the right to wear their veils in public education institutions that meanwhile was repealed.

6.6. COMMUNITY INITIATIVES

The RAXEN 4 database includes a number of files concerning community and non-profit initiatives in the fight against racism and discrimination. These initiatives have a long history, and demonstrate how French civil society has often struggled for the protection of human rights, tolerance, and respect of human dignity and against racism. We also note that these actions have always been strongly linked with the struggle for immigrant rights.

In earlier sections of the report, we described two important initiatives in the campaign against racism and anti-Semitism, namely the CRIF's creation of a national laboratory on anti-Semitic phenomena, and the MRAP study on racist internet sites.

On May 1st 2002, massive public demonstrations were organised throughout France in protest of the National Front Party's first round election results. The participation by young people was extremely strong. These emblematic demonstrations, which received wide coverage from the media, were accompanied by a mobilisation of students seeking to continue reflection on the situation by creating local responses to rising intolerance and racism.

In addition, several associations organised a series of discussions, exhibitions, and documentary and fictional films, bringing attention to the antiracist struggle and raising

⁷⁸ Decree n°2003-607 from July 3 2003, J.O. of 04-07-03.

awareness of the political stakes associated with this issue, such as was witnessed in the first round of presidential elections.

A notable example was Lille's campaign "If discrimination beats us, we are lost", a program initiated by the Regional Council of Nord-Pas-de-Calais, the General Councils, cities and the State⁷⁹. It consisted of a poster campaign and the organisation of workshops in four cities in the region, and a prospectus on the state of knowledge in discrimination matters, discrimination versus mobilisation, stakes and perspectives. Assessments of this program are not yet available.

Another initiative needs to be brought to the attention of RAXEN. It consists of a strong mobilisation of women, mostly of foreign origin, from suburban housing projects, who are resisting the violence and oppression to which they are subjugated in their neighbourhoods: injustice, unhappiness, machismo, sexist violence, control by "big brothers", etc. Originally, these women mobilised in response to a case of extreme violence: October 4th 2002 in Vitry-sur-Seine, Sohane was burned alive in a local trash container. With the goal of initiating a feminist movement in the suburbs, this collective has led several important actions in 2002 and 2003: the organisation of States Generals on Neighbourhood Women which assembled 250 women at the Sorbonne University in Paris, January 26th and 27th 2002, the creation of a white paper assembling the testaments of women, a petition signed by 15,000 people, a "Tour de France" of Women for Equality of the Sexes, which toured 23 cities to initiate debates under the slogan *Ni putes, ni soumises* "Neither Whores nor Submissives" (coordinated by the national federation of the *Maison des Potes*) from January to March 2003, and the organisation of the first summer university to further elaborate the discussion.

⁷⁹ Campaign coordinated by the organisation Intervention, Formation, Action-Research (IFAR), the 6,10,11 and 12 of June 2003 concerning four cities in the region: Dunkerque, Arras, Valenciennes et Lille.

7. SUMMARY AND CONCLUSION

At the end of this analysis of data and literature sources on racial violence, it must be said that the subject, in its different formulations specific to the French situation, remains poorly developed, even if numerous analyses concerning racist, anti-Semitic and discriminatory phenomena exist. The lack of qualitative and quantitative studies demonstrates the sensitivity of this issue in a context characterised by the overwhelming influence of a republican model that refuses the categorisation of individuals based on origin, racial belonging, or religion.

In this context, it would be desirable to establish this topic as a subject of academic research that develops legitimate responses to the growing questioning by a French society faced with the intensification of violent acts linked directly or indirectly with racism, anti-Semitism and discrimination. These acts are at once widespread, multi-form and associated with racist attitudes (racism of conviction rather than one of ignorance) that often elude our attempts at identification, orientation and scientific interpretation.

In pursuing such an effort, it would first be necessary to hone our statistical understanding of these phenomena by using sources of information based on case descriptions. That would imply greater proximity between the institutional programs and centres or academic research, following the GELD's example of forging associations between experts and researchers around given themes. Moreover, efforts should be made to conduct work focusing on victims of racial violence with an eye to improving information campaigns and prevention activities, particularly in the framework of the national public education system, which should play an important role in the eradication of prejudices and stereotypes of immigrants such as migrant populations.

First, it is necessary to improve our capacity to understand victims statistically, through the collection of diverse sociological criteria (sex, age, socio-professional category, place of residence, etc). The issue of double discrimination, by virtue of sex and origin, appears to have been little studied. With respect to the origin and religious affiliation of victims - factors which often explain their victimisation - the statistical tools are confronted with legal obstacles, in that these factors are not recorded in police reports.

Nevertheless, these insufficiencies could be compensated for by scientific research programs that call on representative samples of victims of racist violence for more systematic and rigorous study (using complex methodology, and with the goal of resolving the extremely sensitive situation of these people.)

NGO initiatives to gather alternative data on certain types of victims, following the example of the CRIF observatory, are promising in this sense, so long as their objectives are transparent and scientifically-based. They also have the advantage of developing more aggressive public education campaigns than those of the government.

With respect to the legal accompaniment of victims following an aggression, it is important to develop highly visible and accessible local services. Many victims do not lay complaints and do not know their rights. The "legal houses" set up in difficult neighbourhoods could, for example, provide information on such questions, to diffuse the information and put in place prevention campaigns in conjunction with educational

institutions, community and leisure centres, and associations already engaged in legal counsel. These local structures like the “legal houses” should establish policies of legal access to assure victims access to legal and administrative recourse.

Within the framework of legal recourse, protection for victims and witnesses should be augmented, and psychological counselling offered to victims throughout their complex legal proceedings.

Moreover, the current questioning of the foundations and strategies employed in the fight against racism is helpful in order to breakdown misunderstandings and pacify conflicts between different ideological streams, even if this risks disturbing and weakening existing initiatives by discrediting them in front of large segments of society. Nevertheless, considering the repercussions of the 2002 presidential and legislative elections that uncovered a widespread, mainstream “anti-foreigner/anti-immigrant” racism, rendered commonplace by the National Front Party’s electoral results, it seems vital to unite and mobilise the resources and assets of antiracist movements around common priorities such as the struggle and prevention of racist violence in France.

REFERENCES AND BIBLIOGRAPHY

Reports, Research and Studies

AIRIAU, Paul: *L'antisémitisme catholique en France aux XIXe et XXe siècles*, Paris, Berg international, 2002, 167 p.

ALLALI, Jean-Pierre: *Les habits neufs de l'antisémitisme : autonomie d'une angoisse*, Paris: Desclée De Brouwer, 2002, 179 p.

Association franco-maghrébine: *Guide juridique contre le racisme*, Villeurbanne, Association Franco-Maghrébine, January 2002, 41 p., 2e édition.

BANCEL Nicolas, BLANCHARD Pascal, BOETSCH Gilles, DEROO Éric, LEMAIRE Sandrine: *Zoos humains*, Paris, La Découverte, 2002, 479 p.

BECHTEL Guy: *Délires racistes et savants fous*, Paris, Plon, 2002, 246 p.

BENCHEIKH Ghaleb, HADDAD Philippe, CAUDRON Jean-Philippe collaboration: *L'islam et le judaïsme en dialogue*, Paris, Les éditions de l'Atelier/Les éditions Ouvrières, September 2002, 187 p.

BODY-GENDROT Sophie, WIHTOL DE WENDEN Catherine: *Police et discriminations raciales. Le tabou français.*, Paris, Les éditions de l'Atelier, March 2003, 189 p.

BORILLO Daniel (dir.) : *Lutter contre les discriminations*, Paris, La Découverte, 2003, 201 p.

BRENNER Emmanuel direction: *Les territoires perdus de la République. Antisémitisme, racisme et sexisme en milieu scolaire*, Paris, Éditions Mille et une nuits, September 2002, 238 p.

Collectif: *L'Aventure humaine, numéro 12: La Société et ses races.*, Presses universitaires de France - PUF (Aventure Humain) ; 158 pages (May 21, 2002)

Collectif: *Vers la société multiraciste*, Coulommiers, Dualpha Ed., 2002, 289 p.

Commission nationale consultative des droits de l'homme (CNCDDH): *La lutte contre le racisme et la xénophobie. Rapport d'activité 2002*, Paris, la Documentation française, 2003, 617 p.

FREDERICKSON M. Georges: *Racisme, une histoire*, Paris, Liana Levi, 2003, 217 p.

GEISSER Vincent, *La nouvelle islamophobie*, Paris, La Découverte, 2003, 128p.

GELARD Patrice: *Aggraver les peines punissant les infractions à caractère raciste, antisémite ou xénophobe*, Commission des lois du Sénat - Rapport 139 - January 2003

- GUILLAUMIN Colette: *L'idéologie raciste. Genèse et langage actuel*, Paris, Gallimard, 1972, 2002, 370 p.
- HASTINGS Michel direction, DOMBRET Camille : *La politique gouvernementale de lutte contre les discriminations "raciales" en France. Étude de cas : la Codac du Nord*, Lille, Institut d'études politiques de Lille, June 2002, 146 p. + annexes
- Institut BVA: *Xénophobie, antisémitisme, racisme et anti-racisme en France*, Institut BVA - March 2003, 35 p.
- KLEFF Patrice: *Paroles de la Shoah : anthologie*, Paris, Flammarion, 2002, 123 p.
- LIAUZU Claude: *Violence et colonisation : pour en finir avec les guerres de mémoires*, Paris, Syllepse, 2003, 214 p.
- LANQUETIN Marie-Thérèse (Association ADRESSE): *La double discrimination à raison du sexe et de la race ou de l'origine ethnique - Approche juridique*, Paris, Association de développement des recherches et des études sociologiques, December 2002, 85 p.
- MAYER Nonna: *Ces Français qui votent Le Pen*, Paris, Flammarion, 2002, 478 p.
- Ministere de la justice: *Les lois antiracistes*, Les guides de la justice, avril 2003
- MRAP : *Victime ou témoin de racisme : comment agir ?*, Mortemart, éditions du Rouergue, 2002, 156 p.
- NABA René: *Du bougnoule au sauvageon, voyage dans l'imaginaire français*, Paris, l'Harmattan, 2002, 152 p.
- Open Society Institute: *The situation of Muslims in France - La situation des musulmans en France*, Budapest, Open Society Institute, 2002, 70p.
- SERERO, R. et J. P Alladi: *Contre le racisme les combats de la Licra*, Paris, Le Cherche-Midi, 2002, 120 p.
- TAGUIEFF Pierre-André: *La couleur et le sang. Doctrines racistes à la française*, Paris, Mille et une nuits, 2002, 326 p.
- TAGUIEFF Pierre-André: *La nouvelle judéophobie*, Paris, Mille et Une Nuits, 2002, 234 p.
- TAGUIEFF Pierre-André: *L'illusion populiste*, Paris, Berg International, 2002, 182 p.
- TÉVANIAN Pierre: *Le racisme républicain, réflexions sur le modèle français de discrimination*, Paris, L'Esprit frappeur, 2002, 190 p.
- TEVANIAN Pierre, TISSOT Sylvie: *Dictionnaire de la lepénisation des esprits*, Paris, L'Esprit frappeur, 2002, 373 p.

Union des étudiants juifs de France, SOS Racisme: *Les antifeujs. Le livre blanc des violences antisémites en France depuis septembre 2000*, Paris, Calmann-Lévy, 2002, 229 p.

VIDAL, Dominique: *Le mal-être juif : entre repli, assimilation et manipulations*, Marseille, Agone, 2003, 127 p

WEILL, Nicolas: *Une histoire personnelle de l'antisémitisme*, Paris, R. Laffont, February 20, 2003, 332 p.

Articles and Periodicals

Un vent mauvais: la grande inquiétude des juifs de France, Arche, Paris (January/February 2002), n°527-528, p.34-63

CÉDIEY Éric: *Discriminations raciales et politiques antidiscriminatoires. Fiches pour l'action*, Cahier Millenaire 3, (June 2003), 72 p.

Collectif: *1972 / 2002, la loi française contre le racisme a 30 ans*, Différences, n° 241-242, (June/July 2002), 39 p.

Collectif: *Le démon de l'antisémitisme*, Cités, (2002), Hors série, p. 343-366

Collectif: *Combattre les discriminations raciales*, Revue de la Confédération française démocratique du travail, (May/June 2003), n° 59, p.1-35

Collectif: *Mémoire et transmission*, La Revue des livres pour enfants, n° 205 , (June 2002), pages 57-106

Collectif Adri.: *Incriminés, discriminés...*, Hommes & Migrations, n° 1241, (January/February 2003), 139 p.

CORMAN Gilles: *Les jeunes face au racisme et à l'antisémitisme : refus, adhésions, banalisation*, Etat de l'opinion, (2003), p. 173-191

DREYER Emmanuel: *Le fondement de la prohibition des discours racistes en France*, L'Égipresse, (March 2003), n° 199, p.19-25

FASSIN Didier: *L'invention française de la discrimination*, Revue française de science politique volume 52 n°4, (August 2002), p.403

HELFTER Caroline: *Le modèle français d'intégration rongé par les discriminations*, ASH, n° 2257, (April 5 2002), pp. 35-38

MAISONNEUVE Mathieu: *Les discriminations positives ethniques ou raciales en droit public interne : vers la fin de la discrimination positive à la française ?*, Revue française de droit administratif (May/June 2002) 18e année: n°3, p.561-572

MAYER Nonna, Michelat, Guy: *Les Français sont-ils racistes ?*, Revue politique et parlementaire (March/April 2002) 104e année : n°1017-1018, p.60-68 : tabl., graph.

PERRINEAU, Pascal: *Le vote d'extrême droite en France : adhésion ou protestation ?*, Futuribles, Paris (June 2002)n°276, p.5-20

Revue Histoire: *L'antisémitisme : du judaïsme antique au conflit israélo-arabe*, Histoire, (October 2002), n° 269, p.31-77

TRIGANO Shmuel, Boniface Pascal: *Israël et la France face à la nation*, Revue internationale et stratégique, (Fall 2002), n°47, p.11-22

ZARKA Yves Charles: *L'antisémitisme en France aujourd'hui*, Cités (2002)n°10, p.3—7

Table 11: Data Table of Anti-Semitic Acts, prepared by the CRIF

Total France

Type d'acte	Mois											Total par type d'acte
	Janvier	Février	Mars	Avril	Mai	Juin	Juillet	Aout	Sept.	Octobre	Nov.	
Agression physique	2	7	15	20	7	5	2		2	2	7	69
Alerte à la bombe												
Cambriolage			2									2
Courrier	16	9	7	13	4	3	1	2		8	3	66
Distribution publique	2	3	2	3	1	2					1	14
Graffiti	8	14	9	30	5	3	3		2	2	3	79
Insulte	7	4	3	13	6	6	5	1	6	4	4	59
Intrusion menaçante				2	2				1			5
Jets d'objet et gaz	5	2	5	15	1	1	2		4	1		36
Jets d'objets incendiaires et/ou incendie	2		9	18								29
Menace	3	6	5	12	4	4	1	3	5	2	4	49
Menace téléphonique	2	3	2	5	2				1	1		16
Objet piégé												
Profanation												
Repérage				3	1							4
Saccage												
Tentative d'incendie												
Tir												
Vandalisme / Dégradation	2	6	9	4	7	1	3	1	3	1		37
TOTAL	49	54	68	138	40	25	17	7	24	21	22	465

Statistiques établies sur les appels Ligne verte : 0 800 18 26 26