



UNIVERSITY OF  
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# “NIQUE LA FRANCE”

French rappers' artistic and/or political expressions  
and the limits of the right to freedom of expression

*By*

*Mathieu Schiffmann*

*SOA- 3902*

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Master Erasmus Mundus in Human Rights Practice*

*School of Global Studies, University of Gothenburg  
School of Business and Social Sciences, Roehampton University  
Department of Archaeology and Social Anthropology, University of Tromsø*

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*A l'ombre des jugements j'aiguisé mes vers  
Car les mots peuvent défaire les nœuds coincés dans l'âme  
J'suis qu'une sista j'parle à mes frères  
Trop sincère pour m'laisser faire  
Très loin de vos bunkers  
Venue cracher ma vérité et j'l'ai juré la main sur l'cœur*

In the shadow of the judgments I sharpen my lyrics  
Since words can undo knots jammed in soul  
I'm just a sista, I'm talking to my brothers  
Too honest to yield  
Far from your bunkers  
I came to spit my truth in your face and I swore it my hand on my heart.

(Keny Arkana, 2011)

# Declaration form

The work I have submitted is my own effort. I certify that all the material in the Dissertation which is not my own work, has been identified and acknowledged. No materials are included for which a degree has been previously conferred upon me.

Signed



Date: 23/05/2013

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To my family and my friends, thank you for your support and love.

To conclude, this Master's thesis is dedicated to Marcel Sanou from Koumi who was fighting for his freedom of expression despite of the several hindrances.

*Grand frère, c'est un honneur d'avoir bu le dolo avec un homme d'une telle humanité.*

*Repose en paix, Marcel le rebelle.*

In order to be faithful to the spirit of the original words, the researcher used vulgar language. He would like to apologise for any offence which might be caused reading this paper.

# Abstract

The right to freedom of expression is defined and protected by several national and international instruments. However, it does not exist any definition universally accepted, which implies that the limits of this right are not clear. Therefore, many States adopt different laws fixing limits to freedom of expression when the existence of hate speech is proved.

In France, the debate on the right to freedom of expression and the potential negative consequences of it has been raised several times. Indeed, for twenty years, French politicians have accused French rappers of using hate speech in their acts of expression.

This thesis uses the theory of Scanlon, which states that regulation of freedom of expression is category-dependent. In fact, this theory brought a new perspective in the research on freedom of expression by giving more importance to the interests of the speaker rather than to the effects he may cause. According to Scanlon, the regulation of the right to freedom of expression depends on the categories of interests at stake and on the categories of acts of expressions.

Analysing French rappers' acts of expression with the support of the theory of Scanlon, the researcher will prove the importance of a categorisation of interests at stake and expressions in order to justify a governmental regulation.

However, this academic work will demonstrate that such intents of regulation bring new perspectives since it modifies categories of expression and hence, audience interests at stake.

**Key words:** freedom of expression; rap music; France; political expression; artistic expression; Scanlon.

# List of abbreviations

BAC	Brigade anti-criminalité
DJ	Disc jockey
ECHR	European Convention on Human Rights
ICCPR	International Covenant on Civil and Political Rights
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organisation
UDHR	Universal Declaration of Human Rights



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# I/ Introduction

## 1.1/ Freedom of expression

Various forms of expression are under the protection of freedom of expression, which is defined and protected by diverse national and international instruments. The first steps to protect about the protection of freedom of expression were made in the end of the eighteenth century following several revolutions and a growing desire for emancipation. Indeed, the First Amendment to the United States Constitution, ratified in 1791, claimed that “congress shall make no law [...] abridging the freedom of speech” (1989, 5).

Moreover, in Europe, French citizens considered themselves as equals before the law and requested to be treated as having the same rights. Thus, the French Assembly (*Assemblée Nationale*) ratified the Declaration of the Rights of Man and of the Citizen (*Déclaration des droits de l’homme et du citoyen*) in 1789, which defined the right to freedom of expression as fundamental in the Article 11:

The free communication of ideas and opinions is one of the most precious of the rights of man. Every citizen may, accordingly, speak, write, and print with freedom, but shall be responsible for such abuses of this freedom as shall be defined by law. (1989, 2)

These two national instruments have been taken as references for the realisation of international instruments after the Second World War. The United Nations voted in favour of the Universal Declaration of Human Rights (UDHR) which lists the fundamental rights; among them, the right to freedom of expression is mentioned in the Article 19<sup>1</sup>. Following this, the Council of Europe created the European Convention on the Protection of Human Rights and Fundamental Freedoms (ECHR), which guarantees freedom of expression with in its Article 10<sup>2</sup>.

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<sup>1</sup> See appendices section A

<sup>2</sup> See appendices section A

This freedom of expression is not unlimited. Indeed, there are some limitations in order to avoid extreme forms of expression such as propaganda for war or defamation or attack of national security or even national, racial or religious hatred. “This raises the debate about whether such hate speech should be restricted” (Naik, 2003). Indeed, some states (e.g. United Kingdom) adopt a rude legislation in order to combat against hate speech while other states give more importance to freedom of expression (e.g. United States). More precisely, each states “forms its concepts of what is acceptable in terms of expression based on its own cultural and political heritage” (Packard, 2010, 20). Thus, each state identifies limits to freedom of expression differently. This is due to a lack of a universal definition of the term “hate speech” (Weber, 2009, 3). In fact, international human rights instruments are not accurate. For instance, according to the Article 20 of the International Covenant on Civil and Political Rights (ICCPR), “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence must be prohibited” (Vidal-Hall, 2003, 110). This article does not specify to what extent some forms of expression can be identified as hate speech; hence, regulation of freedom of expression is not well defined.

Some scholars tried to answer to this question without finding a consensus. For instance, some scholars tried to deal with this issue by studying the potential consequences that the restriction of acts of expression could have on speakers’ rights. However, as Cox (1999) reminds, “liberty of expression benefits more than the speaker” (*Ibid.*, 1). Thomas Michael Scanlon, Professor of Philosophy, developed a theory concerning the way in which limits to the right to freedom of expression are fixed. According to him, regulation of freedom of expression is category-dependent. The categories of interests at stake and the categories of acts should be identified when it comes to the issue of regulation (Scanlon, 1978). This innovative theory presents the right to freedom of expression through a new perspective.

## **1.2/ Framework**

Some specific actors are regularly subjected to restriction due to the acts of expression they use. For instance, in France, during the last twenty years, rappers have been at the centre of polemics and subjected to legal proceedings (Decouvelaere, 2008, 41) from different actors (politicians, police unions, polemicists) due to the use of harsh and violent words in some lyrics or comments which were perceived as hate speech<sup>3</sup>. Moreover, questions dealing with the violence of French rap lyrics are regularly submitted to the French Government by senators and deputies. Hammou emphasises that those questions to the French Government are perfect illustrations of French politicians' negative perception regarding rap music (Hammou, 2012, 252-254).

## **1.3/ Aim and research questions**

This research is guided by the general objective to study the relationship between politicians and rappers in France under the framework of freedom of expression. To understand this complicated relationship, the researcher will use a specific theory of freedom of expression to demonstrate that regulation on this issue is category-dependent (Scanlon, 1978). Using the research method extracted from Scanlon's theory, the researcher will answer the following research questions:

- Why do French rappers use harsh and violent words in their acts of expression?
- To what extent regulation on freedom of expression is category-dependent?

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<sup>3</sup> See appendices section B

# II/ Literature review and analytical framework

## 2.1/ From freedom of expression to hate speech

As it is explained in the introduction (Part 1.1), freedom of expression is a fundamental right protected by various international and national instruments. The first national instruments protecting the right to freedom of expression for everyone were the First Amendment to the United States Constitution and the Article 11 of the Declaration of the Rights of Man and of the Citizen in France. These two instruments were developed in a specific context when theorists and philosophers believed that “liberty [was] essential to the pursuit of truth” (Cox, 1999, 2-3) and that freedom of expression had to be protected as freedom of truth or thought. For instance, Voltaire, the famous French Enlightenment philosopher, strongly advocated for freedom of expression. He did so to such a point that later Evelyn Beatrice Hall summarized his thought in one sentence which is still regularly used as description of absolute freedom of expression: “I disapprove of what you say, but I will defend to the death your right to say it” (Hall, 1907, 199).

After Voltaire, the main theorist on freedom of expression was John Stuart Mill who published *On Liberty*, which is one of “the most influential framework” regarding freedom of expression (Levin, 2010, 10). According to this liberal philosopher, freedom of expression is the most important liberty. This right should be protected in every case since society could obtain benefits even from messages that are negatively perceived (Mill et al., 2003, 87). Mill explains this statement looking at two “hypotheses”; either the opinion formulated is true or the opinion is wrong. In the former hypothesis, those who attempt to suppress or censor this opinion deny the truth and hence, the fact that they are “infallible” (*Ibid.*, 88). Mill also argues that all kind of opinions should be compared since wrong opinions will have no weight against truth and the true opinions would benefit from this comparison (*Ibid.*, 90). Taking the example of Socrates who was condemned to death for “immorality and impiety” as he denied the gods recognised by the

state (*Ibid.*, 94), Mill explains that individuals have to listen to and debate with other opinions. Indeed, the denying of opposite opinions brought the death of Socrates. Thus, Mill was an enthusiastic defender of the right to freedom of expression since he observed the benefits on society and mankind.

In the middle of the twentieth century, Alexander Meiklejohn proved the importance of freedom of expression for democracy. This “foremost American philosopher of freedom of expression” (Cox, 1999, 2) studied the political aspect of this issue and argued that citizens need information and ideas in order to be able to elect their government (Meiklejohn, 1948, cited in Cox, 1999).

Then, the debate on freedom of expression focused on the issue of hate speech. As societies became “multicultural”, theorists started to suggest some limits on freedom of expression in order to avoid extreme forms of expression. In other words, after the Second World War, it was important to reconcile a “variety of cultures, religions and lifestyles” (Weber, 2009, 1). Hence, the right to freedom of expression cannot be defined as absolute since it could threaten this reconciliation as well as other rights such as the right to freedom of thought or the right to freedom of religion for instance. Weber rightly reminds that there is a conflict between all these rights and interests at stake when an individual expresses himself, which means that governments face the challenge “to find the correct balance between the conflicting rights and interests at stake” (*Ibid.*, 2). Hate speech is characterised by this contrast between the right to freedom of expression and “the interdiction of all forms of discrimination” (*Ibid.*).

Furthermore, the issue of identification of hate speech is particularly difficult since it is influenced by the context or other criteria. Music is one of the contexts where it is hard to identify hate speech. As it is reminded in the introduction of *Should Music Lyrics Be Censored?*, “music [...] is highly subjective” (Rosenthal, 2012, 7); hence, music brings challenges when it comes to the identification of hate speech. More precisely, a message sent by an artist through a song could be subjected to misunderstanding by a part of an audience while another part of this audience perfectly understands the message. After explaining the “Shoot the Boer” case<sup>4</sup> which is a perfect

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<sup>4</sup> In 2011, a South African court banned the song « Shoot the Boer » arguing that it was hate speech against Afrikaners. GRAY, L., 2010. *Can Music Kill? Index on Censorship*, 39, 112-120.

illustration of this issue of perception, Gray raises the issue of the identification of hate speech in music. According to her “in politically stable countries, examples of music being cited as an incitement to violence [...] are very rare” (Gray, 2010, 116). However, in France, a politically stable country, one type of music is often accused of hate speech. Rap music has been accused of hate speech by different politicians for twenty years in France<sup>5</sup>.

This issue of hate speech, raised in the debate on the right to freedom of expression, brought a surge of innovative thinking regarding the topic of freedom of expression.

## **2.2/ Scanlon’s approach**

Scanlon developed a new theory on freedom of expression in his article *Freedom of expression and categories of expression*. This scholar uses a new perspective to study freedom of expression. As Scanlon reminds in his paper, the right to freedom of expression is usually studied through the perspective of potential consequences. Scanlon explains that “in many cases, we seem to decide whether a given policy infringes freedom of expression simply by consulting our conception of what this right entails” (Scanlon, 1978, 519). For instance, Mill deals with the benefits of negative or positive messages; however this consequentialist way of thinking is being questioned by the notion of “hate speech” which raises the importance of interests. Scanlon thinks about the dependence of freedom of expression regarding categories of expression and prefers to study freedom of expression beforehand. In order to understand this issue, Scanlon considers individual interests as basis of study and the identification of these interests represents the first step of the understanding of freedom of expression (*Ibid.*, 521). According to him, individual interests can be classified in three different categories: participant interests, audience interests and bystander interests.

Participant interests are all interests related to the person or the group of persons producing a message. For instance, in the case of a written act of expression, the term “participant” corresponds to the writer. The main participant interest is to be able to send a message to a broad audience. Scanlon explains that being able to “call something to the attention” (Scanlon, 1978,

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<sup>5</sup> See appendices section B



521) of an audience can help the speaker to reach other goals of various significances. For instance, a participant could be interested in being famous or in creating a chaos in a country. These purposes have different values which are sometimes taken into account in the regulation of freedom of expression. However, it does not mean that freedom of expression should be protected only following a scale of value's importance of the goals an act of expression aims. It is "antithetical to freedom of expression" (*Ibid.*, 522) as reminds Scanlon; in other words, the interests at stake are exactly the same even if some purposes' value seem negative. Scanlon explains that regulation of freedom of expression depends often on "approaching a consensus on the relative importance of interests" (*Ibid.*). However, this consensus or ranking of interests could be modified since values and society change. Scanlon reminds that the identification of categories of expression can be easily identified with the participant interests at stake (*Ibid.*, 523). However, this identification cannot be the only criteria used to determine if an act of expression should be protected or not. Indeed, the identification of categories of expression implies other criteria such as "the costs and benefits to non-participants and the reliability of available forms of regulation" (*Ibid.*). In other words, the effects of an act of expression have on audience and bystanders are taken into account with goals' values of participants for the regulation of freedom of expression.

The second category of interests is the audience interests; there is a large set of these interests. Scanlon does not make an exhaustive list of them but give a few of examples such as "interests in being informed on political topics" (Scanlon, 1978, 524). In other words and in a broader way, audience interests represent the interests to be exposed to what the participants have to say. Scanlon raises a conflict between participant interests and audience interests. Indeed, he explains that participants usually are interested in exposing their expression to a large audience even if the audience is not supposed to be interested on the topic. In this specific case, audience interests would not be respected. Audience would consider that it "costs" to be exposed to a message which does not represent its own "ideas and attitudes" (*Ibid.*, 524). However, this conflict should not be raised. Scanlon wisely quotes Mill to explain that audience should accept to be exposed to unwanted ideas and attitudes since a regulation of this exposure could be a threat for audience interests. Indeed, audience has autonomy of reaction regarding the message sent by the participant; in other words, audience can choose how to protect itself. However, this protection is partial and varies depending on various independent criteria. More precisely, in some cases a

message can negatively or positively influence audience, the latter failing to notice it. Scanlon uses the example of “subliminal advertising” which is an issue since audience is influenced by the message “without being aware of that influence” (*Ibid.*, 525). In this case, participant sends a message to the audience; audience does not realise that it is receiving a message and cannot choose how to protect itself. Thus, audience do not always take benefits of receiving a message since audience’s autonomy is sometimes bypassed. Then, this issue brings a fundamental audience interest in expression which is “the interest in having a good environment for the formation of one’s beliefs and desires” (*Ibid.*, 527). Scanlon explains that the right to freedom of expression becomes one right to protect out of many others such as freedom of information. Nonetheless, freedom of expression has to be defended without any interferences and also particularly with a positive protection (*Ibid.*). Indeed, the former protection could let expression having negative consequences. Furthermore, it is important to mention that attempts of restrictions on freedom of information involve a try to hide a message to a large audience. Thus, in this case, the right to freedom of expression is threatened.

The third category of interests identified by Scanlon is called bystander interests. According to Scanlon there are minor interests for bystanders such as being able to forefend the side effects of acts of expression. For instance, bystanders could want to avoid the noise of mob during a protest. Moreover, Scanlon underlines that there are more important bystander interests as “interests in the effect expression has on its audience” (Scanlon, 1978, 528). For instance, a bystander’s interest can be threatened since audience acquire new or unfavourable beliefs about bystanders or about a group of which the bystander is a member (*Ibid.*). The protection of these bystander interests would be efficient only with regulation of expression. However, this regulation “can conflict with the interests of audiences and participants” (*Ibid.*). Indeed, in the case of regulation aiming to protect bystander minor interests, audience and participant interests are threatened in a smaller way than regulation protecting the other kind of bystander interests. Scanlon explains that it is due to difference of both types of regulation. While in the first case regulation has to be made on “time, place and manner of expression”, the regulation “prevent effective communication of an idea” in the second case (*Ibid.*).

After this categorisation of interests, Scanlon explains that theories regarding the protection of the right to freedom of expression usually deal with the defence of audience and bystander interests even though “‘freedom of expression’ seems to refer to a right of participants not to be prevented from expressing themselves” (Scanlon, 1978, 528). Indeed, the right to freedom of expression is protected by several international instruments referring to a right for participant to be able to express himself<sup>6</sup>. However, participant interests are less taken into account by theorists of freedom of expression such as Mill or Meiklejohn. Scanlon explains that these theorists have a tendency to intend to prove that restriction of expression in order to protect audiences and bystanders from harms are inappropriate (Mill’s theory) or “illegitimate” (Meiklejohn’s theory) (*Ibid.*, 529). Indeed, in the case of Mill’s theory, there is a lack of consideration of advantages of a non-interference’s policy. In the case of Meiklejohn’s theory, it is demonstrated that the right to freedom of expression derives from the right to freedom of information and that interference with expression violate both rights and autonomy of individuals. According to Scanlon, Meiklejohn’s theory applies to political speech and not to other forms of expression (*Ibid.*, 530) which seems to be quite limited.

Scanlon tried to cover this lack in a previous article (Scanlon, 1972) where he was basically trying to find a universal theory of freedom of expression covering “more than just political speech” (Scanlon, 1978, 531). In this theory, Scanlon explained that there are various forms of harmful speech that should be prohibited. However, he argued that two forms should not be prohibited creating the Millian Principle, based on Mill’s principle of individual liberty so-called “harm principle” (Mill et al., 2003, 179). These two forms of speech are harmful speeches which imply audience’s “false beliefs”, or that audience believes that harmful acts have to be performed. In these two cases, audience has ample autonomy and is sufficiently rational to decide whether or not to believe in a message. As Scanlon reminds, this article was criticised by some scholars who “doubted” (Amdur, 1980, 300) that Scanlon’s theory was relevant to all categories of expression. Regarding these criticisms (especially by Amdur<sup>7</sup> and Dworkin<sup>8</sup>), Scanlon changed his mind and explains that his Millian Principle cannot “apply with the same force to all categories of expression” (Scanlon, 1978, 532).

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<sup>6</sup> See appendices section A

<sup>7</sup> AMDUR, R., 1980. Scanlon on Freedom of Expression. *Philosophy & Public Affairs*, 9, 287-300.

<sup>8</sup> DWORKIN, G., 1988. *The Theory and Practice of Autonomy*: Cambridge University Press.

Admitting his error, Scanlon states that political speech has to be distinguished as a “category of expression” (Scanlon, 1978, 535) which cannot be regulated by the government while other categories could be regulated. In other words, a government can limit non-political expression since categories of interests would be less affected than in the case of a restricted political speech (*Ibid.*, 534-535). Furthermore, according to Scanlon, some expressions could be protected even if audience interests are missing or bystander interests are threatened. In other words, acts of expression can be protected in spite of the fact that audiences do not want to be exposed or bystanders are afraid of the impact of the expression (*Ibid.*, 537).

For all these reasons, a theory of freedom of expression is “category-dependent” (*Ibid.*); Scanlon refers to “two forms of categorization as, respectively, categories of interests and categories of acts” (*Ibid.*). Categories of interests in expression are described previously and are divided in three: participant, audience and bystander. Categories of acts can be distinguished “either by participant intent [...] or by content and effect” (*Ibid.*, 538). Scanlon illustrates his statement with the identification of “political speech” which can define an act of expression used by a participant who intends to have “a political purpose” or will have impacts on “political issues or contributes to the understanding of political issues” (*Ibid.*).

As explained before, categories of interests are an essential part of the understanding of freedom of expression. However, it is also necessary to distinguish categories of acts in order to have an adequate regulation. In other words, two acts such as “expression” and “assault” have completely different consequences (Scanlon, 1978, 539). Nevertheless, the identification of categories of acts should not be automatically used in “legal understanding of freedom of expression” (*Ibid.*, 538) since there is a “possibility of official misapplication” and the difficulty “to regulate one category of speech without restricting others as well” (*Ibid.*, 540).

## 2.3/ Scanlon's method

This theory has been chosen by the researcher since it presents a new perspective to the debate on freedom of expression and its regulation. Indeed, Scanlon admits that freedom of expression has some limits; these limits have to be justified and identified (Scanlon, 1978, 519). According to him, this justification and identification of limits have to be made distinguishing interests at stake in freedom of expression. In other words, Scanlon believes that the right to freedom of expression should not be interpreted looking at "class of actions" since these actions are protected "under a given set of circumstances" (*Ibid.*, 521). Freedom of expression should be interpreted looking at interests this right aims to protect.

It is interesting to notice that a methodology can be extracted from Scanlon's theory in order to see if an act of expression should be protected or restricted by a government. First of all, it is important to identify the categories of interests at stake in the case chosen. In other words, the researcher has to understand what are participant interests, audience interests and bystander interests. The researcher has to particularly determine the various purposes that participant aims with its act of expression. These goals represent the other interests at stake in the case of the participant since all participants have as main interests to be "able to call something to the attention of a wide audience" (Scanlon, 1978, 521). Then, the researcher has to identify the categories of expression looking at participant intentions or by analysing the effects that the act of expression has on different audience and bystanders. Indeed, according to Scanlon, categories of acts can be recognised looking at participant intents or looking at the content of the expression and the effects it causes on audience and bystanders.

This identification of category of expression will lead the researcher to conclude if the act of expression can be subjected to governmental regulation or not. Indeed, according to Scanlon, a government can regulate non-political expression since this regulation would compromise less valuable participant and audience interests.

# III/ Methodology

## 3.1/ Selection of area of study

Music allows artists to express their feelings with lyrics or even with the sound itself. However, some of them use this tool and other acts of expression in order to express thoughts and opinions about the society.

Music involves an unlimited number of possibilities for human beings to express themselves. Lyrics can bring detailed messages of love, hate, fear, violence... (Hald, 2001)

As it is raised in the introduction chapter, the question of the regulation of French rap music by French government has been raised several times due to many polemics and legal cases. In the appendices<sup>9</sup>, one can refer to a list of all polemics and legal cases about French rap music identified since this music exists in France, estimated in 1980 (Hammou, 2012, 17).

## 3.2/ Scope and limitations of research

In order to framework his analysis, the researcher will select cases involving two kinds of actors. The cases selected involve French rappers and politicians. Indeed, in France some politicians qualified the lyrics and the words used by French rappers as “hate speech”. The researcher will focus on politicians rather than polemist or unions since politicians represent a power which is more official.

This selection of these two actors will enable the researcher to restrict his analysis. Indeed, the researcher will analyse rappers’ acts of expression; however, due to the space constraint in this paper, the researcher will have to make a strong selection of data.

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<sup>9</sup> See appendices section B

For twenty years, there have been various forms of expressions used by French rappers which have been subjected to misunderstanding by politicians. It is important to mention that the researcher will not use all expressions perceived negatively by politicians. Indeed, the researcher will analyse acts of expression which have been subjected to legal complaints by politicians; polemics or legal complaints dismissed will not be analysed. Moreover, the researcher will not analyse all kinds of acts of expression used by French rappers. Indeed, some offensive words claimed during concerts<sup>10</sup>, interviews<sup>11</sup> and songs<sup>12</sup> were denounced, or music video<sup>13</sup> or even article<sup>14</sup> were perceived as aggression.

The researcher will focus on two forms of expression: songs and articles. Indeed, it is important to analyse songs since it is the main category of act of expression used by a singer and thus, by a rapper<sup>15</sup>. Then, the researcher will analyse an article since it is an act of expression fully reflected like a song. This selection of two forms of expression intentionally excludes two other kind of act of expression raised previously such as music videos and concerts. One can raise the fact that the second main category of act of expression used by a rapper after songs is the concert. However, the researcher will not use this category since the rapper claiming the offensive words can be influenced by the dramatic context and hence the act of expression is not fully reflected. Moreover, the researcher will not analyse music videos since there are various actors involved in the realisation of this act of expression. Indeed, music videos are realised by the rapper and a director while, conversely, songs and article are written by the rapper himself.

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<sup>10</sup> See case n° 3 in the appendixes section B

<sup>11</sup> See case n° 13 in the appendixes section B

<sup>12</sup> See cases n° 1, 2, 5, 6, 7, 8, 10 and 12 in the appendixes section B

<sup>13</sup> See cases n° 9 and 11 in the appendixes section B

<sup>14</sup> See case n° 4 in the appendixes section B

<sup>15</sup> It is important to stress the fact that unlike French singers, all French rappers are supposed to write their own lyrics. However, the use of ghost-writer is badly received in French rap which means that some French rappers might make use of it without saying it. Since no proofs of ghost-writing exist, the researcher will consider that the texts analysed are written by rappers themselves.

For more information about ghost-writing in French rap context, read:

- OULAC, F., 2013. Des paroles en vente pour rappers pas inspirés, la fin du hip-hop ? *Rue89.com*. Available at: <http://www.rue89.com/rue89-culture/2013/03/17/des-paroles-en-vente-pour-rappers-pas-inspires-la-fin-du-hip-hop-240151> Accessed on 17/03/2013].

- SHACKLETON, S., 2012. “*We had something to defend*” an Interview with Hamé [Online]. Available at: <http://www.annadeaveresmithworks.org/news/55-hame-interview-4-15-2012> Accessed on 10/05/2013].

Using the “methodology” extracted from Scanlon’s theory on freedom of expression, the researcher has to analyse acts of expression in order to identify the various goals that French rappers aimed with their acts of expression. In other words, songs and articles will enable the researcher to raise rappers’ intents and so participant interests; it represents the first step of the identification of category of expression. Then, the researcher will use comments of politicians regarding the fact that French rap music uses hate speech in order to raise the effects on audience and bystanders of rappers’ acts of expression. Indeed, some politicians identified limits to freedom of expression of French rappers perceiving hate speech in their comments. A focus will be made on “official texts” produced by politicians. Indeed, the researcher will avoid deliberately some forms of expression (such as interviews) in order to analyse thoughtful and accurate words. For instance, in the case of interviews, politicians’ comments could be changed by journalists. As it is explained in the introduction (Part 1.2), questions to the government are relevant documents to analyse politicians’ perception regarding French rap music. These comments are used by deputies and senators in order to raise issues to the government. These questions with their responses are referenced and faithfully transcribed in the French Parliament official websites<sup>16</sup>. The researcher will use questions<sup>17</sup> asked dealing with the songs and rappers selected previously. It will help the researcher to identify the effects that French rappers’ acts of expression have on audience and bystanders. This identification of effects added with rappers’ intents determined previously will enable the researcher to clearly set the category of expression at stake in this case.

### **3.3/ Acts of expression selected**

- Songs

1/ *Sacrifice de poulets* (Sacrifice of chickens<sup>18</sup>) from Ministère Ämer (Ministère Ämer, 1995): Jean-Louis Debré, French Minister of Interior, brought an action in justice against the band for the lyrics of this song. The case is lost by the band since the latter is convicted of incitement to murder and will have to pay 250,000 francs (around 38,000 €). (Anon., 2013).

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<sup>16</sup> National Assembly questions to government: <http://recherche2.assemblee-nationale.fr/questions/questions.jsp>  
Senate questions to government: <http://www.senat.fr/quesdom.html>

<sup>17</sup> See appendices section D

<sup>18</sup> Chicken means cop in French jargon



2/ *La France from Sniper* (Sniper, 2001): Nicolas Sarkozy, French Minister of Interior, decided to prosecute the band because of the lyrics of this song. It is important to stress the point that this complaint was the result of a big campaign of lobbying launched by some far-right political groups such as *Bloc identitaire* or *Jeunesses Identitaires* (Hammou, 2012, 255). Nicolas Sarkozy lodged a complaint of incitement to wound and murder of police and authoritarian representatives (*Ibid.*, 254). However, he lost the case since the band is relaxed upon the request of the prosecutor (Anon., 2013).

- Article

3/ *Insécurité sous la plume d'un barbare* (Insecurity in the name of a barbarian) from Hamé (La Rumeur): this article was published in the fanzine “La Rumeur magazine” (Hamé, 2002). Nicolas Sarkozy, French Minister of Interior brought an action against the rapper for public slander of French police. This complaint was transformed into a judicial marathon (eight years) which ended in 2010 when the Court of Cassation (France’s court of last resort) dropped the charges against Hamé (Anon., 2013).

### **3.4/ Data analysis**

The researcher will use discourse analysis in order to understand and explain the context, the framework and the content of the documents. According to Bryman (2008), discourse analysis is “an approach to the analysis of talk and other forms of discourse that emphasizes the ways in which versions of reality are accomplished through language” (*Ibid.*, Glossary). Thus, in other words, discourse analysis is a tool to find the hidden meaning of a form of expression. This method will be used in order to follow Scanlon’s theory developed in the previous chapter. The researcher will analyse the text of rappers’ acts of expression selected looking at various aspects.

In the case of songs, the researcher will first explain the context of the song. Then, the lyrics will be analysed<sup>19</sup> with a specific analysis on the lexical field and the figure of speech. The researcher will also explore the musical aspect of the song, music intonations and the flow. In the case of the article<sup>20</sup>, the researcher will also contextualise the text and explain how it was published. Then, the words used will be analysed in order to raise a lexical field and figures of speech. All this analysis will be supported by references to other academic works in order to prove the relevance of the researcher's analysis.

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<sup>19</sup> See appendices section C for the transcript of the songs

<sup>20</sup> See appendices section C for the transcript of the article

# IV/ Findings

## 4.1/ Sacrifice de poulets from Ministère Ämer

### Context:

This song was released in 1995 in the compilation album of various French rappers' songs from *La Haine* (Hate) movie (Kassovitz, 1995). This movie dramatizes one day of the life of three young suburbanites having a police's gun and deals with their hate against the police force since the latter perceive young suburbanites in general as "targets of police brutality" (Siciliano, 2007, 220). This black-and-white film was released after fifteen years of riots in French suburbs and frameworks "the contemporary application of colonial-style governance, interlocking spatial and historical referents that have been central to the ideological construction of the French banlieues" (*Ibid.*, 226). In other words, this movie was a critical artwork about the strong and sometimes unfair policy of repression against suburbanites. It also illustrates the strong tension between suburbanites and French state which existed at this period.

This song was especially written for the soundtrack album of this movie. Indeed, Mathieu Kassovitz, director of *La Haine*, wanted to gather some French rap bands of this period. Kenzy, the manager of Ministère Ämer, explained later that it was "the biggest budget<sup>21</sup> of [their] life" (Hammou, 2012, 145). The rap band Ministère Ämer was made up of several rappers, the most famous being Doc Gynéco, Passi and Stomy Bugsy. However, the latter is the only one singing in this song even if others repeat some words or make some background sounds. Before this song, the band already released two controversial songs in 1992 with *Brigitte, femme de flic* (Brigitte, cop's wife) (Ministère Ämer, 1992a) and *Garde à vue* (Custody) (Ministère Ämer, 1992b)<sup>22</sup>. Consequently, this band is part of the violent branch of French rap called "rap hardcore" or "reality rap" equivalent to gangsta rap in the United States (Mucchielli, 1999, 8; Marc Martínez,

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<sup>21</sup> The band earned 50,000 francs (around 7,600 €) for the record, 100,000 francs (around 15,200 €) for copyrights and 50,000 francs for management. Ministère Ämer will create, with this money, an independent record label called *Secteur Ä Editions*.

<sup>22</sup> See case n° 1 in the appendixes section B

2008b, 43; Prévos, 1996, 719). To conclude, it has to be said that this song is regularly mentioned as a classic song of French rap (Abcdrduson.com, 2009).

**Text:**

It is a first-person song which is the case of the majority of French rap song (Pecqueux, 2003, 107-115). The song lasts three minutes fifty five seconds and is introduced by a mysterious music. The first sentence is a question asked in a dramatic voice: *Pourquoi les innocents sont-ils punis ?* / Why are the innocents punished?; this question is a sample of a dialogue of the science fiction film *Alien 3* (Fincher, 1992). There is also a reference to another fictional extra-terrestrial species (McTiernan, 1987) when it is said "*Comme le Prédator je ne sors que la nuit*" (Like the Predator I am out only at night time). Still in the introduction part, a dialogue is set up by a cheerful female voice asking the listener if he knows who is coming. Some male voices reply using the NATO phonetic alphabet in order to say the first name of the rapper S.T.O.M.Y.. With this introduction part, the song starts with fictional basis (references to the cinematographic world) and an oppressive climate of war (references to military alphabet and science fiction horror movies).

The first verse of the song starts with a clear statement emphasizing that police is the enemy ("*Cette fois encore la police est l'ennemie*" / Once again police is the enemy). Stomy Bugsy describes a scene of chaos in a city where a mob faces policemen. The rapper is in the mob's side since he is allergic to police ("*allergique aux flics*" / allergic to the cops); referring to the context of this song, the mob represents the suburbanites. He describes himself as unpleasant ("*antipathique*" / antipathetic) and sadistic ("*sadique*" / sadistic). He seems to be used to this kind of confrontation since he teaches to the youngest how to throw Molotov cocktails. He concludes the verse explaining that he has to sacrifice a chicken (understand a policeman) since Abdulai requests it. Abdulai refers here to the sect of Abdulai which is the nickname of the district where Ministère Ämer's members live (Johannes, 1995).

The refrain is sung by other rappers of Ministère Ämer saying that there is no peace possible until Babylon is punished or until the chicken is killed. Babylon is a recurrent term used by French rappers in order to describe the urban and racist atmosphere where they live (Silverstein, 2012,

112; Ruhe, 2001, 71). Stomy Bugsy completes the chorus repeating the aggressive sentence “*Sacrifions le poulet*” (Let us all sacrifice the chicken).

The second verse describes a war scene where two different types of army are fighting. There is a well-equipped and trained army of police force against a numerically inferior army of young unarmed, disorganised and oppressed people. Stomy Bugsy compares the district where he lives with the occupied Palestinian territories since it is impossible for anyone to flee. It is important to mention that there is a third reference to cinematography with the mention of Tony Montana, the extremely violent hero of *Scarface* (De Palma, 1983). To conclude the verse, Stomy Bugsy shows that he suffers from bipolar disorder; it could be noticed since his flow and his voice change regularly (Marc Martínez, 2008b, 50). For instance, Stomy praises God to stay alive while Bugsy call the Devil to cause bloodshed (“*faire couler le sang*” / to cause bloodshed).

The third and last verse continues to describe the war demonstrating that the small army still resist at the point that the rapper asks if finally the small army is more powerful than the biggest one referring to the Bible (“*Qui est David ? Qui est Goliath ?*” / Who is David? Who is Goliath?). Stomy Bugsy also stresses that the mob has the opportunity to leave the combat, however people want to stay for the fight. Stomy Bugsy tells his audience that he is fighting good hurting policemen described as indigenous (“*Et tous les coups que j’assène font mal à l’indigène*” / Each time I hit I hurt the indigenous). Thus, the rapper considers that policemen belong to France rather than himself or other suburbanites. He concludes his verse saying that the same confrontation happens in other Parisian suburbs. It is interesting to mention that all the suburbs quoted host jails; the last sentence is a pun hinting that he will finish the night in jail (“*Ce soir j’ai la santé<sup>23</sup>, ah ouais !*” / Tonight I’m in good physical condition, oh yeah!).

To conclude the song, the music is stopped and a theatrical voice says “so shall it be” (“*Ainsi soit-il*”) which represents another reference to the Bible. Then, an extract from *La Haine* movie can be heard, it is the first sentence of this movie which concludes the song with a dramatic sentence.

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<sup>23</sup> “Santé” has a double meaning here. In the context of the sentence it means that he is in good physical condition; however, following the previous sentence it refers to the French La Santé prison.

**Participant intents and interests:**

In this case, it is possible to identify various purposes aimed by the participant (rapper). With this song, the rapper is interested in entertaining the listener. Indeed, the song refers to some movies, the protagonist is crazy, listeners are invited to interact with the lyrics and the song is clearly fictitious. As Marc Martínez (2008a) explains, the rapper derides the common beliefs about the fact that suburbanites are violent. Moreover, with this song the rapper intends to illustrate the topic of *La Haine*; indeed, the tensions between suburbanites and police are dramatized. In other words, the rapper takes action in this situation of tension killing, in a fictional way, some policemen. Another purpose can be raised regarding the context since this song was an opportunity for the band to be listened by a new audience. Indeed, at this period, radio stations were not willing to broadcast rap songs (Hammou, 2012, 114-118); hence, it was difficult to reach a large audience for rappers. More than the prospect of financial gains, the release of this compilation was a great opportunity to reach a new audience for Ministère Ämer.

To conclude, four participant interests can be raised with this song. The band Ministère Ämer intended to send a message to a large audience, to illustrate the topic of the movie *La Haine*, to entertain the listener and to reach a new audience.

**Identification of category of expression:**

These purposes demonstrate that the song can be categorised as an artistic expression. Indeed, as Hospers (1954) reminds, an act of expression can be defined as artistic if there are an “evocation [...] of whatever kind [to] the listener” (*Ibid.*, 332) and a “communication between artist and audience” (*Ibid.*, 341). In the case of *Sacrifice de poulets*, the song is an illustration of the topic of *La Haine* and the rapper intends to entertain the listener; hence, there will be several evocations for the listener such as reflections or emotions. Moreover, there is clearly a communication between artist and audience since the rapper communicates, in an “ironical manner” (Marc Martínez, 2008a, 142), to the audience that he thinks there are stereotypes about suburbanites.

However, according to some politicians, Ministère Ämer is part of some French rap bands which do not really produce artistic expression. Indeed, Nathalie Goulet, senator, thinks that texts from Ministère Ämer are distantly related to art<sup>24</sup>. Thus, according to Goulet, the song *Sacrifice de poulets* cannot be fully categorised as artistic expression. Moreover, other politicians think that the band's audience is made up by young without any social landmarks. In his written question to the Justice Minister, François Grosdidier expresses his fear to see these young people becoming violent or even terrorists since the band seems to justify these behaviours<sup>25</sup>. Thus, in this case, the song could have an effect on the audience which could be tragic; therefore *Sacrifice de poulets* is a political speech according to politicians' arguments.

However, these arguments are not relevant; this song cannot be identified as political speech. Indeed, regarding some theories about subversion in art, this song does not follow the "rules" established. For instance, as Adler (1996) reminds a subversive and political speech does not attack frontally its target, this kind of act of expression appropriates language elements of the target (*Ibid.*, 1569-1570). It is not the case of *Sacrifice de poulets* which clearly states that police forces are the enemy in the first verse of the song.

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<sup>24</sup> See question 1.2 in the appendixes section D

<sup>25</sup> See question 1.1 in the appendixes section D

## 4.2/ La France from Sniper

### Context:

This song was released with the first album of Sniper, *Du rire aux larmes* (2001). Sniper was a band made up of two rappers (Tunisiano and Aketo), one reggae musician (Blacko) and one disc jockey (DJ Boudj); this band is part of the third generation of French rap (Hammou, 2012, 241). Rap music is highly broadcasted at this period and Sniper enjoyed a great success with this first album which was the 65<sup>th</sup> best-selling disc in France in 2001 (Syndicat National de l'édition Phonographique, 2013). *La France* is rapped by Tunisiano while Blacko sang the refrain.

### Text:

This song seems to be made in order to stay unknown. Indeed, it does not follow the criteria required to be broadcasted in radio station at this period (Hammou, 2012, 159). The song lasts more than six minutes and does not deal with the classical topics of the “transformat’ songs” (Grenier, 1990).

The first verse starts with the using of “on” (“we”) which implies that the listener is invited to support what the rapper will say (Pecqueux, 2003, 72). Indeed, using this word, Tunisiano put himself in a group which is also made up by the listener. Looking at the lexical fields, it can be said that this group is deeply affected by the misery (“*merde*” / shit; “*galère*” / pain ; “*misère*” / misery) and thinks that French people (“*les gens*” / the others; “*la France*” / France; “*législation*” / legislation) try to push themselves down (“*chien*” / dog; “*la France nous ronge à un point*” / France eats us away; “*ne plus avoir confiance en son prochain*” / not trust us anymore others; “*législation conçue pour nous descendre*<sup>26</sup>” / legislation made to put us down). It is important to stress the point that Tunisiano is not saying that he does not consider himself and the group as French; indeed, he regrets that they are not considered as fully-fledged citizens. These first sentences are clear; Tunisiano will be the spokesperson of his group. The rapper continues his verse explaining that his group will not surrender especially since they are ready for a combat.

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<sup>26</sup> “descendre” has a double meaning here. In the context of the sentence it means that legislation put them down; however, it could also mean that laws kill them.



The main task of the combatants is to exterminate the ministers and fascists (*“Pour mission exterminer les ministres et les fachos”*). This extremely violent mission is justified by the fact that the members of this group are listened only when they burn cars (*“à croire que le seul moyen de s’faire entendre est d’brûler des voitures”* / it’s like the only one means to be heard is to burn cars). However, Tunisiano makes a little reflection on the fact that the situation does not change positively when cars are burned. Then, the rapper seems to refer to the French motto (Liberty, Equality, Fraternity) saying that he lives in a pseudo-democracy where human rights disappeared and his brothers are expelled.

The refrain is sung by Blacko who insults France qualifying it as a bitch (*“la France est une garce”* / France is a bitch), saying that he fucks it (*“on nique la France”* / we fuck France) and that he does not give a damn about the French Republic (*“on se fout de la République”* / we don’t give a damn about the Republic). However, as Pecqueux (2003) explains in his PhD thesis all these insults which are clearly addressed to France are followed by a “metonymic reduction of France” (*Ibid.*, 225) (*“le système”* / the system; *“la haine”* / the hate; *“répressions”* / repressions ; *“lois”* / laws; *“Elysée”*<sup>27</sup>). In this refrain, Blacko also suggests some solutions to the problem such as changing the laws and having an Arab or Black President. Moreover, Blacko explains that Sniper uses violent lyrics since they feel the hate of French Republic and excluded of this latter (*Ibid.*).

Tunisiano starts the second verse talking directly to the listener and including him in his group emphasizing that he knows what Tunisiano is talking about. Then, he describes the life of his group which is full of violence coming from outside and also from inside. Indeed, he criticises the fact that some group’s members betray other members. Moreover, he also explains that drugs cause violence and that it is unfair to complain when someone die since all members are accomplice of a kind of vicious circle. In a way, Tunisiano is trying to moralise the listener and so, the other members of the group. He admits that his group has its part of responsibility for its own misery. He concludes the verse explaining that all this violence inside the group is a good thing for the enemy called “babylones”<sup>28</sup>. According to Tunisiano, the fact that a raghead

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<sup>27</sup> Official residence of the President of the French Republic

<sup>28</sup> See analysis of *Sacrifice de poulets* for explanation in Part 4.1

("bico") or a nigger ("négro") is killed is good for the enemy since police will not have to do it by its own. This sentence is interesting since Tunisiano ironically uses a language which is usually used by old French people. He also states that police makes their crimes look like police blunders. The verse is concluded with a call to his brothers to destroy everything and to leave a strong aftermath.

The third verse mainly deals with French police that Tunisiano accuses to kill people from his community. He speaks to the listener another time to tell him that he is from this community as well. Tunisiano strongly calls to violence against police several times in this verse and directly involves himself saying that he would like to hang them up ("*j'aimerais les faire pendre*" / I would like to hang them up). He concludes this verse explaining that he is calling to violence against police since he had hard time with them ("*ils m'en ont fait baver les enculés*" / they gave me hard time these cocksuckers).

For this fourth verse, the music is changed and is faster. Tunisiano introduces this verse with the description of an identity check made by the *Brigade anti-criminalité* (so-called *BAC*) which is specialised in the intervention in suburbs. Tunisiano explains that if he does not have any identity papers the *BAC*'s policemen will insult his family and then hit him. This sentence illustrates the tension which exists between young suburbanites and the *BAC*; indeed, the violence of the *BAC*'s interventions brought "a political radicalism" to the young suburbanites (Marlière, 2011). Then, Tunisiano continues to explain that he is full of hate and that he would be ready to insult the police. He also makes a comparison between two fictional cases. First, there is a fight in the street between Cyril (first name representing a white man) and Mamadou (first name representing a black man). In this case, Tunisiano explains that police will stop the fight and apprehend the assailant. In the second case, there is a fight in the street between Badou (first name representing a black man) and Mamadou (black man). In this special case, policemen just watch the fight. At the end of this comparison, Tunisiano asks a question changing his flow, rapping a sentence and using the tune of a famous French singer Maxime Le Forestier, *Né quelque part*<sup>29</sup> (Pecqueux, 2003, 69). This song was considered as "an anthem of official multiculturalism" (Looseley, 2003, 52) in France. This question asks if people are born equal before the law where they are born.

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<sup>29</sup> LE FORESTIER, M., 1988. "Né quelque part", on *Né quelque part* (CD). France, Polydor.

Tunisiano replies that he does not think so. Then, Tunisiano talks to the listener but, for the first time, the listener seems to not being part of Tunisiano's community. The rapper explains that he does a lot of things for the country of the listener (France). Thus, Tunisiano does not consider himself as French citizen. For this reason, he emphasises that France is a bitch since it betrayed him and his group. He attests that he has only one wish which is watching his community invading France. Then, he justifies his song saying that there are too many significant facts ("*faits marquants*") to stay quiet; for instance, he does not admit that a policeman can kill a man without being condemned. According to him, this impunity is the reason why his community rises up against French society; it has to be noticed that Tunisiano makes the use of a rhetorical question to introduce this statement ("*Simple banalité ?*" / Simple routine?). To conclude the verse, Tunisiano sings sentences which are replied by other people; it sounds like a fake public performance. Tunisiano and the other people stress their community solidarity ("*on est tous solidaires*" / we all stand by together); they qualify themselves as niggers and ragheads using the same old French language than previously ("*négros*" / niggas; "*bougnoules*" / raghead). The verse is concluded by a sentence proving that they will not stop being subversive ("*on n'est pas prêt d'se taire, lève ton doigt en l'air, l'Etat nique sa mère*" / We won't shut up, give them the finger, fuck the mother of the State).

To conclude the song, a real live performance can be heard; then, the music stops. A cock crows and a shotgun is fired. These last sounds represent in a violent way the French national emblem being killed or illustrate France being destroyed.

### **Participant intents and interests:**

This song is for the rapper (participant) a means of shocking his audience. Indeed, the lyrics are extremely violent and Tunisiano threatens directly the French Republic; moreover, Tunisiano repeats his gripes about France in all verses, hence the listener can feel the hate. It also can be said that the participant aims to urge a change in French Republic since he expresses several times that he will not stop talking until something is done. It could be states as well that the rapper uses this song as a catharsis since he expresses violently his bad feelings with an aggressive song. However, as Pecqueux (2004) explains, it is too simple to say that French rappers use violent lyrics and aggressive songs as a simple catharsis. According to him, songs are

used by rappers as “political catharsis”; rappers and listeners have a political problem more than a psychological or sociological problem (*Ibid.*, 56). Pecqueux explains this statement analysing songs using a specific system of enunciation (“us/them meaning love/hate”) which defines a song as political or subversive (Pecqueux, 2003, 211-260). It is the case of *La France*; hence, it can be said that Tunisiano intends to shock his audience and to release his strong feelings regarding French Republic.

To conclude, four participant interests can be raised with this song. The band Sniper intended to send a message to a large audience, to shock his audience, to urge a change in French Republic and to have a political catharsis.

### **Identification of category of expression:**

Some politicians are afraid of the effects that this song can have on audiences; indeed, some of them perceive *La France* as threat. For instance, Nadine Morano explains that she thinks that policemen feel threaten by the song<sup>30</sup>. This theory about the violence of these lyrics can be denied saying that this song represents a catharsis for the rapper. However, as it is explained previously, this song is used by the rapper as a political catharsis and not as a simple catharsis. It is important to prove this distinction between these two kinds of catharsis. Indeed, in the case of political catharsis, the rapper shows what can happen if the situation in French Republic stay the same for him and the listener. It is more an anticipation rather than a threat. Thus, the rapper uses his act of expression (song) to show that the current situation is unbearable and that French Republic and his audience have to do something to change it. Thus, this song can be categorised as political speech since Scanlon explains that the term of “political” should be interpreted as “having to do with the electoral process and the activities of government” (Scanlon, 1978, 537).

Some politicians also argue that *La France* includes racist lyrics against France<sup>31</sup>. However, as it is shown in the previous analysis all the violent lyrics against France are followed by a metonymic reduction leading generally to the French institutions. This analysis is followed by some politicians such as the deputy Patrick Braouezec who explains that it is not new in French

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<sup>30</sup> See question 2.2 in the appendixes section D

<sup>31</sup> See questions 2.1, 2.2 and 2.3 in the appendixes section D

culture mentioning Georges Brassens, Serge Gainsbourg and Charles Baudelaire<sup>32</sup>. To illustrate this idea, Maxime Le Forestier, who seems to be a role model for Sniper since they quoted him in the song, wrote a song (Le Forestier, 1973) which has a similar refrain than the one of *La France*. Indeed, Le Forestier says he does not give a damn to France (“*J’m’en fous d’la France*”) which is followed by a metonymic reduction leading to the French nation-state (“la Patrie”). He also says that he has been betrayed (“*on m’a menti*”) by France (Béreaud, 1988, 230). Thus, following this argumentation about the fact that *La France* is part of a French culture tradition of subversive songs, it can be stated that this act of expression can be categorised as artistic and political speech.

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<sup>32</sup> See question 2.4 in the appendixes section D

### 4.3/ Insécurité sous la plume d'un barbare from La Rumeur

#### **Context:**

This article was published in a fanzine (*La Rumeur magazine*) which was given freely with the first album of the band La Rumeur called *L'ombre sur la mesure* (The shadow on the bar). The exact publication date is the 29<sup>th</sup> of April 2002 which was between the two rounds of the French presidential election; the first round was won by Jacques Chirac (right wing) and Jean-Marie Le Pen (far-right wing). La Rumeur is a band made up of four rappers and two DJs and is well-known as an underground rap band. For instance, the band boycotts the French radio station Skyrock which is the biggest French media dedicated to rap music. At this period, this band was famous for the rap fans only. The article is written by Hamé (rapper); however, later the rest of the band will state firmly that this article could have been written by all of them (*A contre sens / La Rumeur*, 2009).

#### **Text:**

The article starts without any introduction and starts with a statement wrote by Hamé who announces something which seems inevitable for him (“*Ça y est*” / we’re there). According to him, in France it is not taboo anymore to support the idea of a State based entirely on security considerations. Hamé uses a lot of metaphors in order to describe people supporting this idea; these metaphors hint the fact that these people are like mad dogs (“*sont lâchés*” / let go of; “*la bride au cou*” / the bridle on the neck; “*pattes arrières*” / back paws; “*babines*” / chops; “*crocs*” / fangs; “*grands coups de mâchoires*” / the snaps of their jaws). Those dogs attack a target which is identified by its Lacoste’s cap; this kind of cap is often worn by young suburbanites.

In the second paragraph, Hamé enumerates people that he is accusing in this article. Each time he gives a short (one or two words) description of these persons; most of the time Hamé finds a subtle way to describe the full compliance with the power which characterises these persons. These two first paragraphs full of a rich vocabulary prove the extremely skilful pen of the author.

In the third paragraph, Hamé says that all these persons can profess their thoughts on the media using hard words such as “barbarians” (“*barbares*”) or “devil” (“*Qu’on en finisse avec le diable*”).

!!!" / we should get the devil off!!). Then, the rapper lists all the positions taken by these persons in order to be fully protected from riff-raff ("*caillera*"). Hamé writes this paragraph playing the part of these accusers.

The fourth paragraph breaks the tone of the first paragraphs since Hamé starts his criticism. First, he ironically compliments these persons for their analysis of the French society using some hyperboles. Then, for the first time in this article, Hamé takes position including himself in the group of the reader. Indeed, he uses the term "our" ("*nos*") in order to include the reader and himself in the same group of person living in the suburbs ("*nos quartiers*") and being eaten<sup>33</sup> by the elites. Then, Hamé summarises his gripes; for instance, he explains that these elites do not try to analyse deeply the problem in suburbs and exclude immigrant families from French society.

In the fifth paragraph, Hamé continues to demonstrate this lack of deep analysis listing the factors that intellectual elites forget to refer to. The rapper also explains that elites do not take the risks to have a debate since they know that it could be a means for the destitute to protest. These explanations are given with the use of two anaphors ("*exit*"; "*ceux-là même qui*" / those who).

The criticism continues in the next paragraph when Hamé talks about the suburbs which, according to him, have been tore open ("*éventrées*") by the government. He also complains about the media especially newspapers which do not mention it. Thus, Hamé continues to use strong words and also, he includes once again the reader saying "we" ("*nous*").

The next paragraph starts with the same word criticising another media (television channels). Hamé explains that his ancestors started to be attacked at the beginning of the eighties when the left wing began to have the power in France. He qualifies this period as cursed with a strong word ("*maudite*" / wretched).

In the eighth paragraph, Hamé makes two statements saying that all French governments hardly tried to erase some social organisations created by labourers while they protected political

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<sup>33</sup> Hamé uses the lexical field of festive gastronomy: "*à la table des grand-messes*" / in the table of big events; "*festin*" / feast.

organisations which were trying to recuperate the young suburbanites. These two statements are meticulously explained with two endnotes fully detailed. The first endnote is written with an educational tone since Hamé gives an historical context and some details to the reader that he includes in his community with another use of “our” (“*nos*”). The second endnote is written in order to give an example of political organisation. Hamé uses the example of *SOS Racisme* which is an anti-racist non-governmental organisation (NGO) having a “considerable influence in France” (Morris, 1999, 20). Hamé ridicules *SOS Racisme* saying that according to this NGO having equal rights means being allowed to enter in discos. For the first time in this text, the rapper affirms that young suburbanites are murdered by police. This statement is introduced in the article as a fact.

The next paragraph is made up of three rhetorical questions where Hamé uses a rich vocabulary to describe the issues which are problematic according to him. Once again, Hamé presents himself as part of this community of people suffering from these issues.

The tenth paragraph is written in future tense and Hamé expresses what will happen next in France. He explains his forecasts without any doubts and for the second time, he states that police murders young suburbanites; however, he gives an approximate number (“*des centaines*” / hundreds of). Moreover, he includes himself and the reader as part of the same community using the term “brothers” (“*nos frères*” / our brothers). He also accuses several Interior and Security Ministers (“*Pandraud-Pasqua-Debré-Chevènement*”<sup>34</sup>) of having promulgated racist laws.

The next paragraph continues to list the issues that should deserve comments from politicians; however, it is not the case according to Hamé. Then, he seems to conclude all the previous paragraphs using an antithesis (“*Aux humiliés l’humilité et la honte, aux puissants le soin de bâtir des grilles de lecture*” / to mortified people, humility and shame; to powerful people, the ability to make elaborated analysis). Thus, the conflict is clear; there are two groups confronting themselves: the humiliated people and the powerful one.

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<sup>34</sup> Robert Pandraud (right wing) was Security Minister from 1986 to 1988  
Charles Pasqua (right wing) was Interior Minister from 1986 to 1988 and from 1993 to 1995  
Jean-Louis Debré (right wing) was Interior Minister from 1995 to 1997  
Jean-Pierre Chevènement (left wing) was Interior Minister from 1997 to 2000



Then, Hamé describes the reality lived by the suburbanites enumerating negative adjectives. The rapper writes a long sentence where he lists ironically all the “opportunities” for people living in suburbs.

In the thirteenth paragraph, Hamé uses one anaphora in order to stress the point that the French leaders already know what he is saying (“*ils savent que*” / they know that).

To conclude, Hamé explains that, above all, French elites know that suburbs are a threat. Indeed, according to him, suburbs are hotbeds where a social protest can be dangerous if suburbanites organise themselves correctly. Hamé concludes his article explaining that it is for this reason that the political and economic elites support the idea of a State based entirely on security considerations. This theory is supported by the use of one anaphora (“*on comprendra que*” / we will understand that); moreover, Hamé concludes this article including the reader again (“*nous*” / we; “*on*” / we).

Furthermore, it can be said that this article presents all the characteristics of a *pamphlet*, used here in the French sense of this term. Indeed, during the trial Hamé defended himself asking a linguist, Dominique Lagorgette, to analyse his article. The linguist presented her analysis in front of judges concluding that the article was definitely a *pamphlet* which is part of French satire tradition; even if, according to her, the rapper “could have been better” being more violent. She also explained the use of the term “brother” as a “strong term of solidarity” (A contre sens / La Rumeur, 2009, 19).

### **Participant intents and interests:**

With this act of expression, Hamé (participant) aims various purposes. First, it is obvious that Hamé intends to inform the reader about several issues. Indeed, Hamé lists conscientiously all these issues providing details, using a diversified vocabulary and helping the reader to think about some issues. The analysis of Hamé is written in order to provide new ideas and perspectives to the reader. The reader is one of his “brother” and part of his community; hence, Hamé informs his community. Then, regarding the context of publication, it can be said that

rapper of La Rumeur was interested in warning French society against these elites who give a disturbing huge importance to security. Indeed, in this case, the rapper warns his audience that it is threatened by French elites. Furthermore, even if this text is not a song, the theory of Pecqueux (2004) regarding political catharsis can be used in this case as well. Indeed, the system of enunciation (“us/them meaning love/hate”) presented by the sociologist can be identified in this article. Hamé uses several times this system to present himself and his community (us) against French elites (them).






To conclude, five participant interests can be raised with this song. The band La Rumeur intended to send a message to a large audience, to inform the audience about several issues, to provide new ideas and perspectives to the audience, to warn the audience and French society against elites and to have a political catharsis.

#### **Identification of category of expression:**

Unlike the two acts of expression analysed previously, *Insécurité sous la plume d’un barbare* is not a song; however, this act of expression share some similar characteristics with them. Indeed, this article can be categorised as artistic expression. First, as it is explained in the previous paragraph, this article is a *pamphlet* since it presents all criteria usually found in a *pamphlet*. Indeed, according to Chisick (1993), a *pamphlet* is a short text presenting a “topical and urgent issues” and aiming “at influencing opinion” (*Ibid.*, 149). This article was dealing with “topical and urgent issues” since it was published between the two rounds of the French presidential election when the debates were monopolised by the insecurity issue (Pecqueux, 2009). Moreover, the author (Hamé) tried to influence opinion since he gives details to his demonstration and suggests to his brothers to organise themselves. Thus, *Insécurité sous la plume d’un barbare* can be classified as *pamphlet* literature. Secondly, in the discourse analysis, the researcher proved that Hamé has a skilful pen since he uses a rich vocabulary and various figures of speech such as metaphors, anaphors and antithesis. The fact that this *pamphlet* is well written proves that it is an artistic expression. Indeed, as reminds Hospers (1954), it is “the work of art itself” (*Ibid.*, 341) which matter for the identification of artistic expression. Thus, regarding both argumentations presented above, *Insécurité sous la plume d’un barbare* can be categorised as artistic expression.

However, this *pamphlet* is not just an artistic expression. Most of the time authors of *pamphlets* use irony and figures of speech in order to deal with political issues. According to Chisick (1993) *pamphlet* literature is a “political genre” (*Ibid.*, 161) which represents a tradition in French culture. Thus, regarding all these purposes and arguments, *Insécurité sous la plume d’un barbare* can be categorised as artistic and political speech.

#### 4.4/ Summary table

<b>Rappers' acts of expression</b>	<i>Sacrifice de poulets</i> (Ministère Ämer, 1995)	<i>La France</i> (Sniper, 2001)	<i>Insécurité sous la plume d'un barbare</i> (Hamé, 2002)
<b>Participant interests</b>	<ul style="list-style-type: none"> <li>- To send a message to a large audience</li> <li>- To entertain the audience</li> <li>- To illustrate the topic of the movie <i>La Haine</i> (tensions between suburbanites and police)</li> <li>- To reach a new audience</li> </ul>	<ul style="list-style-type: none"> <li>- To send a message to a large audience</li> <li>- To shock the audience</li> <li>- To urge for a change in French society</li> <li>- To have a political catharsis</li> </ul>	<ul style="list-style-type: none"> <li>- To send a message to a large audience</li> <li>- To inform the audience about several issues</li> <li>- To provide new ideas and perspectives to the audience</li> <li>- To warn the audience and French society against elites</li> <li>- To have a political catharsis</li> </ul>
<b>Political expression</b>			
<b>Artistic expression</b>			

# V/ Conclusion and discussion

## 5.1/ The use of harsh and violent words by rappers

The discourse analysis of rappers' acts of expression raised many interesting points. First, the use of harsh and violent words can be explained in many ways. In the first case, the rapper intends to illustrate a movie and the song *Sacrifice de poulets* becomes a movie by its own since it is written as a fiction with references to cinematic arts. Ministère Ämer uses harsh words in this song to illustrate an atmosphere of apocalypse and to scare the audience. Thus, harsh and violent lyrics are entirely part of the artistic exercise of this *hardcore* band. In the second case presented, the discourse analysis showed that the lyrics of the song were full of harsh words. *La France* was written by Tunisiano in order to urge a change in French society. Indeed, if the lyrics shock Sniper's audience it is the effect sought by the rapper. He wants to present a catastrophic vision of the French Republic to the audience. He shows that hate of police, ministers and other State representatives can lead to a disaster. In the third and last case, the article *Insécurité sous la plume d'un barbare* warns the reader and French society about the fact that elites are dangerously supporting the idea of a state based entirely on security considerations. The researcher demonstrated that this article is part of a particular genre of literature called *pamphlet* literature. In this case, Hamé from the band La Rumeur follows the French tradition of subversive and political expression which consists of dealing with topical issues using violent words.

Moreover, the fact that those acts of expression are artistic justifies the use of harsh and violent words. As it was previously said, rappers use different acts of expression in order to express different issues or feelings. The researcher analysed two kinds of acts of expression used by rappers which have the same characteristics being made of comments fully reflected. In all cases, songs and article, it has been proved that those acts of expression can be categorised as artistic expression. However, an issue can be raised since it has been shown that some politicians are worried about the effects that can have these violent comments can have on rappers' audience. Thus, politicians position themselves not as audience but as bystanders following the classification of categories of interests made by Scanlon (1978, 520-528). Indeed, according to

him, bystanders have “interests in the effect expression has on its audience” (*Ibid.*, 528) which is the case of politicians in our research.

This clear identification of actors and interests perfectly illustrates the fact that some conflicts can be raised in the case of regulation of expression. Indeed, according to Scanlon (1978), restriction of some forms of expression owing to the fact that an act of expression could have a negative impact on bystander interests can conflict with interests of other actors (participant and audience) (*Ibid.*, 528). In the cases studied in this research, a restriction of songs or article produced by rappers can protect politicians interests. Indeed, this regulation would avoid tragic consequences on rappers’ audience which is the main concern of politicians as it proved with their comments. However, such restrictions will affect rappers interests (participant interests) since rappers will not be able to send freely their messages to a broad audience and to achieve purposes discovered in discourse analysis (e.g. to entertain or inform the audience).

## **5.2/ Artistic, political or political artistic expressions**

The researcher identified various categories of expression in which rappers’ acts of expression can be classified. Indeed, in the discourse analysis, it has been proven that the first song analysed (*Sacrifice de poulets*) can be categorised as an artistic expression since it evokes fear and shocks the audience. Indeed, the researcher proved that there is clear communication between the rapper (Stomy Bugzy from Ministère Ämer) and his audience. The researcher also showed that the arguments presented by politicians regarding this song might indicate that this song is not only an artistic expression but also a political one. However, the researcher proved that these arguments cannot be received since subversion in art presents criteria which are not followed by this song. The second song (*La France* from Sniper) and the article (*Insécurité sous la plume d’un barbare* from La Rumeur) can be classified in both categories of expression. Indeed, the researcher proved that these acts of expression are artistic and political expression. In the case of *La France* the researcher explained that the rapper (Tunisiano) intended to urge a change in French society using this song as a political catharsis. Moreover, Tunisiano’s song can be categorised as artistic since this song is part of the French culture tradition of subversive songs. In the case of the *pamphlet*, the researcher proved that the rapper (Hamé) intended to

influence audience with this political catharsis giving a strong argumentation about the urge of a better organisation in audience's community in order to fight French elites. Thus, the article has to be categorised as political expression. Furthermore, the researcher explained that this article can also be categorised as artistic expression since it is part of a literature genre called *pamphlet literature*.

Thus, the discourse analysis raised that rappers' acts of expression can be classified in two categories of expression and in some cases, an act of expression merges both categories. According to Scanlon (1978), political expression is the only one category of expression which cannot be regulated by government since with this regulation participant and audience interests could be compromised. Indeed, according to him, a governmental regulation of political speech could represent "a serious threat to particularly important participant and audience interests" (*Ibid.*, 534). Other categories of expression such as artistic expression can be subjected to governmental regulation since it will affect less participant and audience interests. Following these arguments, *Sacrifice de poulets* could be restricted since the researcher proved that it is an artistic expression. Indeed, if there is a governmental regulation on this song, participant and audience interests would be affected but these interests are less valuable than the ones in the case of political speech. Indeed, in the cases of *La France* or *Insécurité sous la plume d'un barbare*, participant and audience interests might deserve a strong protection. For instance, in the case of the song *La France*, the researcher proved that rapper's interests are to be able to send a message to a broad audience, to shock the latter, to urge a change and to express a political problem. In the case of the song *Sacrifice de poulets*, rapper's interests are obviously to be able to send a message to a broad audience but also to entertain this audience and to reach a new audience. Looking at these various participant interests it is clear that participant interests of *La France* are more valuable than the one of *Sacrifice de poulets*. Thus, *Sacrifice de poulets* could be restricted while *La France* should be protected from governmental regulation.

### **5.3/ Regulation influencing categorisation or categorisation influencing regulation?**

One issue can be raised since it can be assumed that an act of expression can be classified as artistic expression and, later can become a political speech. Indeed, in the case of *Sacrifice de poulets* it was clearly stated that this song was an artistic expression which can be restricted since it contains harsh and violent words. For that matter, this song was almost removed from the compilation (*La Haine, musiques inspirées du film*) since the government and later deputies requested the justice to ban this song and other rap songs from the shelves (Hammou, 2012, 250-258). If this song would have been censored, audience could not be able to listen to the song anymore. Thus, the communication between the artist and the audience which characterises artistic expression, as presented by Hospers (1954) in his article, would have been disappeared. In this potential context, the song cannot be categorised as artistic expression anymore; the intent of censorship has converted the artistic expression into a political speech. Indeed, as reminds Julie Polter, international human rights instruments keep censorship for extreme cases since “it can be wielded to help consolidate political and economic control by silencing [...] dissenters” (Winfield and Davidson, 1999, 33). In the case studied, the government wanted to censor the song although it was an artistic expression and not an “extreme case”. Therefore, being censored *Sacrifice de poulets* can be categorised as political expression and has to be protected from government regulation regarding Scanlon’s theory. This case proves that Scanlon’s theory about category-dependence of freedom of expression has some limits.

Furthermore, in the cases of the song *La France* and the pamphlet *Insécurité sous la plume d’un barbare*, these acts of expression were political and artistic expressions at the moment of the creation and of the release. However, when the government intended to regulate or censor these two rappers’ acts of expression pressing charges against them, these forms of expression became exclusively political. Indeed, new audiences listened to the song or read the article since the government tried to regulate these expressions; the trials revealed the existence of such acts of expression to new audiences. The artistic parts of these acts of expression were therefore denied since new audiences wanted to have access to the alleged political offending words. Thus, participant and bystander interests stayed the same while audience interests changed.



Therefore, the categorisation of an act of expression can evolve regarding different criteria. In some cases, an act of expression can evolve from artistic expression to political expression after government intent of censorship such as in the case of *Sacrifice de poulets*, the song evolved from artistic expression to political expression. Moreover, sometimes acts of expression being both artistic and political speech can become only political after the same governmental intents such as in the case of *La France* and *Insécurité sous la plume d'un barbare*.

The cases studied in this research showed that regulation of freedom of expression is category-dependent but has some limits since categorisation of an act of expression also depends on whether or not an act of expression is regulated. Therefore, Scanlon's theory seems to be a good method to follow in order to know if an act of expression should be restricted by the government. However, it is limited in some cases when regulation of freedom of expression modifies the categorisation of an act of expression. These limits prove that theory on freedom of expression should depend on categories of interests and categories of expression but also on consequences that a governmental regulation can raise.

Therefore, before asking for censorship, French politicians must take into account the interests at stake in the case of texts produced by rappers. Politicians position themselves as bystanders; however, they should not forget that they could be considered by rappers as audience. This new perspective of thinking for politicians could make them realise that audience interests are quite different from what they think. This new approach about categories of interests would definitely help French politicians to categorise rappers' acts of expression. Thus, their conception of regulation of the right to freedom of expression would evolve from the necessity of restriction to the necessity of protection of this human right.

**Word count: 14,382**

*Mon rap, un poème sans poésie  
Et puis quoi ? Ça fait quoi ? Dis-moi toi qui sais tout  
Si tu kiffes pas re-noi, t'écoutes pas et puis c'est tout*

My rap, a poem without poetry  
And then what? What happens? Tell me since you know everything  
If you don't like nigga, don't listen, that's all.

(Lunatic, 1996)

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# Appendices

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# A/ International instruments

- Universal Declaration of Human Rights:

Article 19: Everyone has the right to the freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.  
(Roosevelt, 2001)

- International Covenant on Civil and Political Rights:

Article 19: (1) Everyone shall have the right to hold opinions without interference.  
(2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.  
(3) The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (ordre public), or of public health or morals.  
(Bair, 2005)

- European Convention on the Protection of Human Rights and Fundamental Freedoms:

Article 10: Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.  
The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.  
(Delmas-Marty, 1992)

- European Court of Human Rights:

Freemuse reminds that ECHR made a judgement in 1988 to interpret artistic freedom of expression in a broad way.

Those who create, perform, distribute or exhibit works of art contribute to the exchange of ideas and opinions which is essential for a democratic society. Hence the obligation on the State not to encroach unduly on their freedom of expression.  
(Hald, 2001)



## B/ French rappers and polemics

In chronological order

1/ Charles Pasqua and SIPN vs Ministère Ämer (1993): The French Minister of Interior and the police union brought a complaint against the band for the lyrics of two songs *Brigitte, femme de flics* (Brigitte, cop's wife) (Ministère Ämer, 1992a) and *Garde à vue* (Custody) (Ministère Ämer, 1992b). The complaint is dismissed since the songs were released one year earlier. (Johannes, 1995)

2/ Jean-Louis Debré vs Ministère Ämer (1995): The French Minister of Interior brought an action against the band for the lyrics of the song *Sacrifice de poulets* (Sacrifice of chicken<sup>35</sup>) (Ministère Ämer, 1995) “*Sans faire de propagande, Abdoulaï nous demande la plus belle des offrandes. Le message est passé, je dois sacrifier un poulet*” (Without doing any propaganda, Abdoulaï is asking us the most beautiful offering. The message is received, I have to sacrifice a chicken). The band will lose the case and will be convicted of incitement to murder and will have to pay 250,000 francs (around 38,000 €). (Anon., 2013)

3/ Three police unions vs Joey Starr (1995): The police unions did not accepted the lyrics of *Police* sang during a concert the 14<sup>th</sup> of July 1995 at Seyne-sur-Mer (France) “*Les fascistes sont habillés en bleu et roulent par trois dans des Renault 19. Ils attendent que ça parte en couille pour nous taper sur la gueule ! On leur pisse dessus !*” (The fascists wear blue and hang out per three in Renault 19. They wait it's going wrong to beat us up! We piss on them!). The court sentenced Joey Starr to suspended prison terms of two months and to 50,000 francs (around 7,600 €). (Hammou, 2012, 251)

4/ Nicolas Sarkozy vs Hamé (2002-2010): The French Minister of Interior brought an action against the rapper who published in 2002 an article about police violence (*Insécurité sous la*

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<sup>35</sup> Chicken means cop in French jargon

*plume d'une barbare / Insecurity in the name of a barbarian*) in his band's free magazine "*La Rumeur magazine*" (Hamé, 2002). "*Les rapports du ministère de l'intérieur ne feront jamais état des centaines de nos frères abattus par les forces de police sans qu'aucun assassin n'ait été inquiété / La réalité est que vivre aujourd'hui dans nos quartiers c'est avoir plus de chance de vivre des situations d'abandon économique, de fragilisation psychologique, de discrimination à l'embauche, de précarité du logement, d'humiliations policières régulières*" (The reports of the French Ministry of Interior will never mentioned the hundred brothers killed by the police while not any killers have been took to court / The reality is that living today in the suburbs implies economic relinquishment, mental distress, social discrimination, housing problem, regular police humiliations). After eight years of judicial procedures the Court of Cassation (France's court of last resort) dropped the charges against Hamé in 2010. (Anon., 2013)

5/ Nicolas Sarkozy vs Sniper (2003): The French Minister of Interior brought an action against the band because of the lyrics of *La France* (France) (Sniper, 2001) "*exterminer les ministres et les fachos* » / « *brûler les voitures* » (to exterminate the ministers and the fascists / to set fire to cars). However, Nicolas Sarkozy lost the case since the band is relaxed upon the request of the prosecutor. (Anon., 2013)

6/ AGRIF, Daniel Mach and François Grosdidier vs Monsieur R (2004-2006): The non-profit organisation and two deputies accused the rapper of offense to the French Republic for the lyrics of *FranSSe* (FranSSe) from *Politiquement incorrekt* (Monsieur R, 2004) "*La France est une garce, n'oublie pas de la baiser jusqu'à l'épuiser, comme une salope faut la traiter*" / "*La France est une de ces putes de mères qui t'a enfanté*" / "*Je pisse sur Napoléon et le général de Gaulle*" (France is a bitch, don't forget to fuck her until she's exhausted, like a bitch you have to treat her / France is one of these slut who had gave birth to you / I piss on Napoleon and General De Gaulle). Monsieur R is relaxed in June 2006. (Anon., 2013)

7/ François Grosdidier, 152 deputies and 49 senators vs 7 French rap bands or rappers (Ministère Ämer; Fabe; Salif; Lunatic; Smala; Monsieur R; 113) (2005): The group of complainant brought an action against the bands about various lyrics. The complaint is rejected; one of the reasons

being that some bands and rappers were not anymore in activity such as Ministère Ämer, Fabe or Lunatic. (Anon., 2013)

8/ Valérie Létard, Christine Albanel and Ségolène Royal vs Orelsan (2009): Feminists and female politicians tried to censor the French rapper Orelsan because of his song *Sale pute* (Bitch). In this song, he plays the part of a man who had been cheated on by his girlfriend and who wants to kill her brutally. Some concerts are cancelled by the organizers while politicians request Youtube to censor the music video without any success. The polemic disappears rapidly since Orelsan received some prestigious awards such as two *Victoires de la Musique*. (Anon., 2013)

9/ Frédéric Mitterrand, police unions and LGBT organisation vs Morsay (2009): The music video “*Jai 40 meufs*” (I got 40 chicks) is denounced by the French minister of culture and some police unions since Morsay sings “*j’nique la police municipale*” (I fuck the police) showing some weapons. However, no legal proceedings are launched until an LGBT organisation (*Révolution LGBT*) brought a complaint about the hostile lyrics against gays. (Anon., 2013)

10/ Eric Zemmour vs Youssoupha (2009-2012): The polemist accused the rapper of death threat after listening the lyrics of *A force de le dire* (By continually saying it) (Youssoupha, 2009) “*Je mets un billet sur la tête de celui qui fera taire ce con d’Eric Zemmour*” (I gonna give money to the guy who will gag on this fucking Eric Zemmour). Youssoupha won the case on appeal. (Anon., 2012)

11/ Brice Hortefeux vs AbdulX (2010): The French minister of Interior brings a complaint against AbdulX for his music video “*Tirez sur les keufs*” (Shoot the cops) where he appears with weapons calling for killing policemen. The rapper is relaxed. (Anon., 2013)

12/ AGRIF vs Zone d’Expression Populaire (2010): The non-profit organisation brought an action against the rap group Zone d’Expression Populaire for the song called « *Nique la France* » (Fuck France) (Zone d'Expression Populaire (ZEP), 2009) which was released with a book wrote by the sociologist Saïd Bouamama. One concert is cancelled by the local council of Audincourt

which is composed by a majority of left wing politicians. The case is under investigation. (Lemaire, 2012)

13/ NGOs vs Sexion d'Assaut (2010): Several NGOs such as *SOS Racisme*, *Fédération LGBT* and *Human Rights League* call for the cancellation of live concert of the group. Sexion d'Assaut members said homophobic comments during an interview. "*l'homosexualité est une déviance qui n'est pas tolérable*" (being a homosexual is a deviancy and not to be tolerated). (Silberfeld, 2011)

A few of people (intellectuals, journalists, rappers and fans) argue that French rap music is victim of discrimination owing to the increasing number of legal procedures and negative criticisms against it.

# C/ Songs and article

*Sacrifice de Poulets (Sacrifice of Chicken)*

Ministère Ämer, 1995

*La Haine, musiques inspirées du film (Hate, music inspired from the movie)*

<https://www.youtube.com/watch?v=3nzdV38IQLA>

Pourquoi les innocents sont-ils punis ?

3, 2, 1, devinez qui revient ?

Sierra Tango Oscar Mike Yankee

A-m-e-r est la secte maudite

Comme le Predator, je ne sors que la nuit

Cette fois encore la police est l'ennemie

Je zieute la meute, personne ne pieute

Ca sent l'émeute, ça commence, la foule crie vengeance

Par tous les moyens nécessaires, réparer l'offense

La ville est quadrillée, les rues sont barrées

Les magasins pillés, les lascars chirés

Moi j'ai toutes les caractéristiques du mauvais ethnique

Antipathique, sadique, allergique aux flics

Même dans la foule je porte la cagoule

Les plus jeunes m'écoutent dans l'école de la rue, je suis leur prof

Premier cours : lancer de cocktails Molotov

Sans faire de propagande, Abdulaï nous demande la plus belle des offrandes

Le message est passé, « prooooouuu ! » : je dois sacrifier un poulet

Pas de paix sans que Babylone paie, est-ce que tu le sais ?

Sacrifions le poulet !

Pas de paix sans que le poulet repose en paix, est-ce que tu le sais ?

Sacrifions le poulet !

Dans cette masse qui s'agite, je vis et ça m'excite

Tout crame autour de moi, les pompiers ne viennent pas

Même pas la fenêtre, les gamins veulent en être

En mettre aux CRS chauds qui se lancent à l'assaut

Matraques à la main dans les quartiers plein

Des fourgons blindés, des flics surarmés

Mon putain de quartier ressemble aux territoires occupés

J'engraine, j'engraine à la mauvaise conduite

Certains ne m'écoutent pas et tentent la fuite

« Pssshhh ! » il y en a qui voltigent !  
« Boom ! » les keufs veulent le prestige  
Comme le font les médias, le peuple suit mes pas  
Le monde est à moi, je suis Tony Montana  
« Mec, le temps est mystique »  
J'ai devant moi tous les flics  
Ce soir j'ai pas d'Uzi, ce soir j'ai pas de fusil  
Et monsieur Stomy laisse la place à Bugsy  
Avant de laisser faire mes pulsions meurtrières  
J'adresse au Tout Puissant mes dernières prières  
« Mec, demande à Dieu de rester vivant »  
Et j'appelle le Diable pour faire couler le sang

Pas de paix sans que Babylone paie, est-ce que tu le sais ?  
Sacrifions le poulet !  
Pas de paix sans que le poulet repose en paix, est-ce que tu le sais ?  
Sacrifions le poulet !

3 heures du mat', partout ça calte, les civils s'éclatent  
Qui est David ? Qui est Goliath ?  
Des journalistes à terre, des caméras par terre  
Sur la vie de ma mère, la guérilla dégénère  
Sirènes, fumigènes, ça sent le soufre  
Plus d'oxygène nous sommes dans le gouffre  
La foule se disperse, personne ne veut partir  
« Ils veulent le paradis mais ne veulent pas mourir »  
Trop tôt pour festoyer, trop tard pour reculer  
Ce soir la lune est pleine, ce soir je suis en veine  
Et tous les coups que j'assène font mal à l'indigène  
Et déjà la même scène de Fleury à Rosny, Bois-d'Arcy et Fresnes  
Ce soir j'ai la santé, ah ouais !

Pas de paix sans que Babylone paie, est-ce que tu le sais ?  
Sacrifions le poulet !  
Pas de paix sans que le poulet repose en paix, est-ce que tu le sais ?  
Sacrifions le poulet !

« Ainsi soit-il... »

*La France (France)*  
*Sniper, 2001*  
*Du rire aux larmes (From laughter to tears)*  
[https://www.youtube.com/watch?v=yzO9FC\\_trXs](https://www.youtube.com/watch?v=yzO9FC_trXs)

On est tous solidaire face à la merde à la galère  
Sortir la tête de la misère pour que les gens nous considèrent  
En tant que citoyens non en tant que chiens  
La France nous ronge à un point  
De ne plus avoir confiance en son prochain  
Législation conçue pour nous descendre  
Frères derrière les barreaux et maintenant  
Y penseraient que l'on pourrait se rendre  
On est pas dupe en plus on est tous chauds  
Pour mission exterminer les ministres et les fachos  
Car de nos jours, ça sert à rien de gueuler, de parler à des murs  
À croire que le seul moyen de s'faire entendre est de brûler des voitures  
Un putain de système haineux, cramer mais après tout ça avance pas  
Et je sais que ça les arrangent si on se bouffe entre nous  
Soit disant démocratie aux yeux d'un peuple endormi  
Les droits de l'homme franchement où ils sont passés  
Faut faire en somme que ça change et que des frères cessent d'être chassés  
En charter c'est nos frères qui jarretèrent rapatriement  
Et maintenant la haine coule dans nos artères  
Nous faire taire franchement ça serait impossible quand on s'aperçoit  
Que la plupart du temps c'est nous qu'ils prennent pour cible

La France est une garce et on s'est fait trahir  
Le système voilà ce qui nous pousse à les haïr  
La haine c'est ce qui rend nos propos vulgaires  
On nique la France sous une tendance de musique populaire  
On est d'accord et on se moque des répressions  
On se fout de la République et de la liberté d'expression  
Faudrait changer les lois et pouvoir voir  
Bientôt à l'Élysée des arabes et des noirs au pouvoir

Faut que ça pète ! tu sais que le système nous marche dessus  
Nous on baisse pas la tête on n'est pas prêts de s'avouer vaincus  
Des frères béton tous victimes de trahison  
T'façon si y aurait pas de balance y aurait personne en prison  
La délinquance augmente même les plus jeunes s'y mettent  
Pètent des bus parlent de braquage et à l'école ils raquentent  
Des rondes de flics toujours là pour nous pourrir la vie  
Attendent de te serrer tout seul et te font voir du pays  
Émeutes qui explosent ça commence par interpellation  
Suivie de coups de bâtons et ça se finit par incarcération

T'façon on se démerde, mec ici on survit  
Fume des substances nocives pour apaiser les ennuis  
La galère n'arrange rien au contraire elle empire les choses  
Si certains prennent des doses c'est pour penser à autre chose  
Les frères sont armés jusqu'aux dents, tous prêts à faire la guerre  
Ça va du gun jusqu'au fusil à pompe, pitbull et rottweiler  
A quoi ça mène, embrouilles de cité, on se tape dessus  
Mais tu te mets à chialer lorsque ton pote se fait tirer dessus  
Encore un bico ou un négro, les babylones sont fiers  
Ça les arrangent ce coup-là y aura pas besoin de bavure policière  
Frère je lance un appel, on est là pour tous niquer  
Leur laisser des traces et des séquelles avant de crever

La France est une garce et on s'est fait trahir  
Le système voilà ce qui nous pousse à les haïr  
La haine c'est ce qui rend nos propos vulgaires  
On nique la France sous une tendance de musique populaire  
On est d'accord et on se moque des répressions  
On se fout de la République et de la liberté d'expression  
Faudrait changer les lois et pouvoir voir  
Bientôt à l'Elysée des arabes et des noirs au pouvoir

La France aux Français, tant que j'y serai ce sera impossible  
Par mesure du possible je viens cracher des faits inadmissibles  
A vrai dire les zincs en perdent le sourire  
Obligés de courir certains ont eu le malheur de mourir  
Des homicides volontaires j'ai une pensée pour leurs mères  
Blessées par un décès, bavures classées en simple faits divers  
Contrôles qui part en couilles, des potes s'font serrer par les keufs  
J'ai le seum lorsque je jette des pavés sur les J9  
Mes potes je les aime c'est pour ça que je les laisserai jamais béton  
Même si il y en a qui béton, tu le sais on est tous des jeunes du béton  
A présent y a plus de bluffe on vient dire toute la vérité  
Faut leur en faire baver v'la la seule chose qu'ils ont mérités  
Ma parole les gars si il y en a un qui se la joue vénere  
Si y veut s'la raconter j'vais lui baiser sa mère  
T'façon j'ai plus rien à perdre, j'aimerais les faire pendre  
Non c'est pas parce qu'il porte un flingue qu'il peut penser mettre à l'amende  
La vérité est masquée, à savoir ce qui s'est passé  
Le mystère des G.A.V. un blème qui ne pourra être démasqué  
Je dédie ce texte à toute mes gardes à vue  
Ils m'en ont fait baver les enculés mais ils ont pas tout vu

La France est une garce et on s'est fait trahir  
Le système voilà ce qui nous pousse à les haïr  
La haine c'est ce qui rend nos propos vulgaires  
On nique la France sous une tendance de musique populaire



On est d'accord et on se moque des répressions  
On se fout de la République et de la liberté d'expression  
Faudrait changer les lois et pouvoir voir  
Bientôt à l'Elysée des arabes et des noirs au pouvoir

A 2 ou 3, on reçoit c'est comme ça qu'ça sépare  
Contrôle musclé, la BAC passe et demande tes piers-pa  
Si j'les ai pas, là ça commence par insulter ta mère, ta sœur, tes frères  
Ça dégénère et tu t'fais pé-ta  
Tunisiano, la délinquance en moi, la haine en moi  
Donc s'il faut insulter leurs mères, pour ça ayez confiance en moi  
Dans la rue, règlement de compte entre Cyril et Mamadou  
La police est intervenue et a interpellé l'agresseur  
Dans la rue, règlement de compte entre Badou et Mamadou  
La police a tout vu et est restée en tant que spectateur  
Donc est-ce que les gens naissent égaux en droit à l'endroit où ils naissent ?  
J'crois pas  
Dans l'fond, j'travail pour ton pays, m'bat pour ton pays  
Persécution, alors que j'fais gagner de l'argent à ton pays  
La France est une garce et on s'est fait trahir  
Mon seul souhait désormais est de nous voir les envahir  
Y a trop de faits marquants donc j'suis obligé d'les citer  
Un flic tue un homme froidement et s'trouve acquitté  
Simple banalité ? Non, y a trop d'inégalités  
Justice à deux vitesses, ils assassinent en toute légalité  
Ils nous croient débiles mais quand ça pète dans les cités  
Ils canalisent la révolte pour éviter la guerre civile  
Hé ouais, c'est pour quelle raison qu'on casse tout et qu'on s'défoule  
C'est qu'si les larmes coulent, le sang coule  
La France est une garce, La France est une garce  
La France est une garce, La France est une garce  
Jusqu'à Saint-Denis, on est tous solidaires  
Garges Sarcelles aussi, on est tous solidaires  
On n'est pas prêt d'se taire, lève ton doigt en l'air, l'Etat nique sa mère  
Dans toutes les cités, on est tous solidaires  
Quand ça part en couilles, on est tous solidaires  
Négros et bougnouilles, on est tous solidaires  
On n'est pas prêt d'se taire, lève ton doigt en l'air, l'Etat nique sa mère

*Insécurité sous la plume d'un barbare (Insecurity in the name of a barbarian)*  
Hamé (La Rumeur), 2002  
*La Rumeur magazine*

Ça y est, les partisans chevronnés du tout sécuritaire sont lâchés. La bride au cou n'est plus et l'air du temps commande aux hommes modernes de prendre le taureau par les couilles. Postés sur leurs pattes arrière, les babines retroussées sur des crocs ruisselant d'écume, les défenseurs de "l'ordre" se disputent à grands coups de mâchoires un mannequin de chiffon affublé d'une casquette Lacoste.

Sociologues et universitaires agrippés aux mamelles du ministère de l'intérieur, juristes ventrus du monde pénal, flics au bord de la crise de nerfs en réclamation de nouveaux droits, conseillers disciplinaires en zone d'éducation prioritaire, experts patentés en violences urbaines, missionnaires parlementaires en barbe blanche, journalistes dociles, reporters et cinéastes de "l'extrême", philosophes amateurs des garden-parties de l'Élysée, idéologues du marché triomphant et autres laquais de la plus-value ; et bien évidemment, la cohorte des responsables politiques candidats au poste de premier illusionniste de France... tous, jour après jour, font tinter en *prime-time* le même son de cloche braillard :

*"Tolérance zéro " !!! "Rétablissement de l'ordre républicain" bafoué "dans ces cités où la police ne va plus".*

Ils sont unanimes et hurlent jusqu'à saturation, à longueur d'ondes et d'antenne, qu'il faut "oser" la guerre du "courage civique" face aux hordes de "nouveaux barbares" qui infestent la périphérie de nos villes. Qu'on en finisse avec le diable !!! L'ennemi intérieur, fourbe et infâme, s'est immiscé jusque dans nos campagnes et y a pris position. Ne craignons pas les contrats locaux de sécurité, les couvre-feux, l'abaissement de l'âge pénal à 13 ans, l'ouverture de nouveaux centres de détention pour mineurs, la suppression des allocations familiales aux familles de délinquants... Que la caillera se le tienne pour dit, la République ne laissera pas sombrer le pays dans le chaos apocalyptique des vols de portables, du recel d'autoradios ou du *deal* de shit sous fond de rodéos nocturnes...

La République menacée, la République atteinte mais la République debout !!! Quelle leçon d'héroïsme ! Quelle lucidité d'analyse ! Et quel formidable écran de fumée !! A la table des grand-messes, la misère poudreuse et les guenilles postcoloniales de nos quartiers sont le festin des élites. Sous les assauts répétés des faiseurs d'opinion, les phénomènes de délinquance deviennent de strictes questions policières de maintien de l'ordre ; les quartiers en danger se muent en quartiers dangereux dont il faut se protéger par tous les moyens ; et les familles immigrées victimes de la ségrégation et du chômage massif, endossent la responsabilité du "malaise national".

La crème des auteurs de la pensée sécuritaire joue à l'idiot à qui on montre la lune du doigt et qui regarde le doigt. Exit les causes économiques profondes. Exit les déterminismes sociologiques. Exit le risque que le débat prenne un jour l'aspect d'un réquisitoire contre les vrais pourvoyeurs d'insécurité : ceux-là même qui ont réduit des centaines de milliers de famille à vivre avec 4000 francs par mois ; ceux-là même qui appellent de leurs vœux les plus chers la marche forcée vers "l'économie de marché débridée".

Nous ne lirons pas, dans la presse respectable, que les banlieues populaires ont été, depuis une vingtaine d'années, complètement éventrées par les mesures économiques et sociales décidées depuis les plus hautes sphères de l'Etat et du patronat pour pallier à la crise sans toucher à leur coffre-fort. Nous n'entendrons pas sous les luminaires des plateaux de télévision, qu'à l'aube maudite du mitterrandisme, nos parents et nos plus grands frères et sœurs ont été les témoins vivants d'une dégradation sans précédent de leur situation déjà fragilisée.

L'histoire officielle ne retiendra pas l'énergie colossale déployée par les gouvernements des trois dernières décennies pour effacer les réseaux de solidarité ouvrière enracinés dans nos quartiers [1] Pas plus qu'elle ne retiendra le travail de récupération et de sape systématique des tentatives d'organisation politique de la jeunesse des cités au milieu des années 80 [2].

Qui parmi les scribouillards du vent qui tourne s'indignera de l'opacité entretenue vis-à-vis de la vallée de larmes et de combats que fut l'histoire de nos pères et grands-pères ? Parmi ces hommes de paille éructant la "croisade républicaine", combien déclareront la guerre du "courage civique" devant les ravages psychologiques du mépris de soi chez des générations qui atteignent la vingtaine avec 8 ans d'échec scolaire et 3 ans de chômage ? Les logiques d'autodestruction (toxicomanie, alcoolisme, suicide...) où certains d'entre nous sont conduits par pur désespoir et complète perte de foi en l'avenir, mériteront-elles quelconque voix au chapitre de l'insécurité ?

Les pédagogues du dressage républicain n'auront pas en ce sens la critique fertile. Ils n'esquisseront nulle moue face à la coriace reproduction des inégalités sociales au travers des échelons du système scolaire, ni l'élimination précoce du circuit de l'enseignement de larges franges de jeunes qui ne retiennent de l'école que la violence qui leur a été faite. Les rapports du ministère de l'intérieur ne feront jamais état des centaines de nos frères abattus par les forces de police sans qu'aucun des assassins n'ait été inquiété. Il n'y figurera nulle mention de l'éclatement des noyaux familiaux qu'ont provoqué l'arsenal des lois racistes Pandraud-Pasqua-Debré-Chevènement et l'application à plein rendement de la double peine.

Les études ministérielles sur la santé refermeront bien vite le dossier des milliers de cancers liés à la vétusté de l'habitat ou au non-respect des normes de sécurité sur les chantiers de travail. La moyenne effroyablement basse de l'espérance de vie dans nos quartiers ne leur semblera être, elle aussi, qu'un chiffre indigne de tout commentaire. Bref, ils n'agiteront jamais au vu de tous le visage autrement plus violent et criminel de l'insécurité. Aux humiliés l'humilité et la honte, aux puissants le soin de bâtir des grilles de lecture.

À l'exacte opposée des manipulations affleure la dure réalité. Et elle a le cuir épais. La réalité est que vivre aujourd'hui dans nos quartiers c'est avoir plus de chance de vivre des situations d'abandon économique, de fragilisation psychologique, de discrimination à l'embauche, de précarité du logement, d'humiliations policières régulières, d'instruction bâclée, d'expérience carcérale, d'absence d'horizon, de repli individualiste cadennassé, de tentation à la débrouille illicite... c'est se rapprocher de la prison ou de la mort un peu plus vite que les autres...

Les hommes et les femmes qui dirigent ce pays savent tout cela. Ils savent aussi que la libéralisation massive de la vie économique française est en très bonne voie. Ils savent que les privatisations, les fusions, les délocalisations de nombreux secteurs d'activité vont se généraliser

comme va se généraliser la paupérisation. Ils savent que la nouvelle configuration du marché exige la normalisation du salariat précaire et l'existence d'une forte réserve de chômeurs et de sans-papiers.

Et ils savent surtout que les banlieues populaires (parce qu'elles subissent de plein fouet et avec le plus d'acuité les mutations de la société française) sont des zones où la contestation sociale est susceptible de prendre de radicales formes de lutte si elle trouve un vecteur qui l'organise. On comprendra qu'il est de nécessité impérieuse d'installer toujours plus d'instruments de contrôle et de répression "éclair" au sein de nos quartiers. On comprendra que le monde du pouvoir et du profit sans borne a tout intérêt à nous criminaliser en disposant de notre mémoire et de nos vies comme d'un crachoir.

## Notes

[1] Dans les années 60-70, les quartiers du monde ouvrier étaient encore traversés de réseaux de solidarité vivaces et actifs au travail ou sur les lieux de vie. Les milieux de l'immigration ouvrière ont toujours combattu en première ligne lors des grands conflits sociaux qui secouèrent la France. En dépit de conditions de vie extrêmement pénibles : maigres salaires, logement extrêmement précaire (bidonvilles, caves, chambres insalubres à plusieurs...), situations de ségrégation, crimes xénophobes, déchirement intérieur de l'exil... nos parents avaient conquis les instruments de lutte (cellules, partis, syndicats) indispensables à la formulation d'un rêve de progrès collectif et d'un avenir plus enviable à offrir à leurs enfants. Ils avaient conscience de participer à l'histoire et de maîtriser ne serait-ce qu'une parcelle de leur destinée. Cette culture ouvrière politisée a volé en éclats sous l'impact des effets multiples de la crise (licenciements massifs, paupérisation, répression de fer des foyers de résistance et de grève, démantèlement, délocalisation des bastions ouvriers - Renault-Billancourt par exemple -, enfouissement rapide de la mémoire de ces luttes sous l'euphorie mitterrandienne, sauve qui peut individualiste...). Pour l'instant, rien ne l'a remplacée.

[2] Notamment au travers d'organisations comme SOS racisme, créée de toutes pièces par le pouvoir PS de l'époque pour contribuer à désamorcer le radicalisme des revendications de la Marche des beurs : l'égalité des droits devient l'égalité devant l'entrée des boîtes de nuit. La justice pour les jeunes assassinés par la police disparaît sous le colosse slogan médiatique "Touche pas à mon pote !" ou "Vive le métissage des couleurs !", etc.

# D/ Questions to government

- Dealing with the song *Sacrifice de Poulets* or Ministère Ämer:

## National Assembly

1.1/ Written question n° 79280 from M. François Grosdidier (right wing) to the Justice Minister, M. Pascal Clément (right wing) (2005): <http://questions.assemblee-nationale.fr/q12/12-79280QE.htm>

M. François Grosdidier appelle l'attention de M. le garde des sceaux, ministre de la justice sur le groupe de rap Ministère Amer ainsi que sur sa chanson Flirt avec le meurtre dont il cite ces quelques paroles : « J'aimerais voir brûler Panam au napalm comme au Vietnam. Tandis que ceux de ton espèce galopent. OÙ 24 heures sur 24 et 7 jours par semaine, j'ai envie de dégainer sur des faces de craie. Dommage (...) que ta mère t'ait rien dit sur ce putain de pays. Me retirer ma carte d'identité avec laquelle je me suis plusieurs fois torché. » Le groupe Ministère Amer désigne par « faces de craie » les blancs. Il incite sans ambiguïté au racisme, à la haine et à la violence. Son message, reçu par des jeunes déstructurés ou paumés, peut légitimer chez eux au mieux l'incivilité, au pire le terrorisme. Il lui demande s'il envisage d'engager des poursuites contre les membres du groupe Ministère Amer.

## Senate

1.2/ Oral question without debate n° 0300S from Mme Nathalie Goulet (centre) to the Interior Minister, response from M. Manuel Valls (left wing) (2013): <http://www.senat.fr/questions/base/2013/qSEQ13010300S.html>

*Mme Nathalie Goulet* : Monsieur le ministre, je ne suis pas de nature liberticide - d'ailleurs, le port d'un petit voile dans le sport ne me dérange personnellement pas... -, mais mon attention a

été attirée sur un certain nombre de « chansons » - si l'on peut dire - de rappeurs tels que 113, Sniper, Salif, Ministère Amer, Smala ou encore Lunatic, dont les paroles sont d'une violence absolument inouïe contre la France, ses autorités civiles et militaires, son drapeau.

J'ose à peine les citer : « Du commissaire au stagiaire : tous détestés ! » ; « J'aimerais voir brûler Panam au napalm... » - je vous épargne la suite de ce texte et notamment les propos châtiés sur la carte d'identité - ; « La France aux Français, tant que j'y serai, ça serait impossible. Leur laisser des traces et des séquelles... » Bref !

Monsieur le ministre, ces « compositions » sont en vente libre et sont diffusées sur toutes les radios. J'estime que leurs paroles sont des appels à la violence et à la haine envers les autorités de police qui s'efforcent de faire respecter la loi de la République dans des secteurs qui, vous le savez comme moi, deviennent des espèces de zones « grises » sur lesquelles plus personne n'a de contrôle.

La représentation nationale ne peut évidemment supporter ces appels à la violence, et il y a eu plusieurs réactions. Je vous interroge aujourd'hui, monsieur le ministre, pour savoir ce que vous comptez faire. Je sais que la liberté d'expression est importante dans notre pays, mais de tels propos dépassent, et de très loin, ce qui est tolérable.

*M. le président* : La parole est à M. le ministre.

*M. Manuel Valls, ministre de l'intérieur* : Madame la sénatrice, je suis déçu de votre remarque concernant le voile dans le sport, car il me paraît nécessaire que quelques principes soient maintenus et respectés. Vous m'avez cependant interrogé sur un autre sujet, à savoir le contenu de plusieurs albums de rap qui attentent gravement à la dignité, à l'honneur des membres des forces de l'ordre ou, plus généralement, des autorités publiques, ainsi qu'aux valeurs qui nous rassemblent. Aucun d'entre nous, évidemment, ne souhaite mettre en cause la liberté d'expression et la créativité. Le rap fait partie de notre culture urbaine ; il existe incontestablement des talents, et certains textes sont d'une grande qualité. Néanmoins, comme c'est le cas dans beaucoup d'autres domaines, il y a aussi des abus - en l'occurrence, le mot est faible -, et je partage votre préoccupation : il faut lutter contre les paroles agressives à l'encontre des autorités ou insultantes pour les forces de l'ordre et les symboles de notre République. Sachez que j'adresse des signalements au garde des sceaux ou que je dépose plainte lorsque les faits sont avérés et non prescrits. C'est ensuite le juge judiciaire, gardien des libertés individuelles, qui sanctionne ces propos. Mes services sont mobilisés face à ce phénomène qui dépasse, bien sûr, le seul support du

disque ou du livre et s'exprime de plus en plus sur Internet. Ainsi, en 2012, la plate-forme d'harmonisation, d'analyse, de recoupement et d'orientation des signalements, ou plate-forme PHAROS, a recensé sur Internet soixante et un outrages à personnes chargées d'un service public ou dépositaires de l'ordre public. De même, trente-neuf provocations à la désobéissance ont été relevées. Les productions que vous avez mentionnées ont été mises à la disposition du public depuis plus de trois mois. Elles sont donc atteintes par la prescription de trois mois prévue par la loi du 29 juillet 1881 sur la liberté de la presse, que nous avons évoquée dans cet hémicycle à l'occasion du débat sur la loi antiterroriste et qui appelle incontestablement une réflexion tant la presse dématérialisée sur Internet a évolué. (*Mme Nathalie Goulet approuve*)

Je rappelle cependant que le groupe Ministère Amer a déjà été condamné en 1995 - rendez-vous compte ! - à l'équivalent de 38 000 euros d'amende pour provocation au meurtre de policiers. La plainte avait été déposée par le ministère de l'intérieur. Vous connaissez ma volonté de lutter contre la délinquance et contre le sentiment d'impunité. N'en doutez donc pas. Lutter contre la violence dans notre société, au sein de notre jeunesse, c'est refuser la banalisation de la violence, fût-elle verbale. C'est aussi refuser que l'on dégrade ceux qui, chaque jour, travaillent pour la sécurité des Français. Les paroles de ces chansons non seulement s'en prennent aux symboles de la Républiques et aux forces de l'ordre, mais aussi donnent souvent une image dégradée de la place de la femme au sein de la société. Soyez assurée, madame la sénatrice, qu'avec les moyens qui sont les nôtres, en nous appuyant notamment sur la justice, nous ne faiblirons pas dans cette lutte.

*M. le président* : La parole est à Mme Nathalie Goulet.

*Mme Nathalie Goulet* : Monsieur le ministre, je vous remercie de votre réponse ; je ne doutais pas du tout de la fermeté de votre action en ce qui concerne ces propos. Voilà quelques jours, le Sénat a justement examiné, avec votre collègue Najat Vallaud-Belkacem, la proposition de loi relative à la suppression des délais de prescription prévus par la loi sur liberté de la presse du 21 juillet 1881. Cette loi appelle effectivement un sérieux dépoussiérage, car elle est totalement inadaptée aux nouveaux médias. Les auteurs d'infractions ne peuvent pas, par exemple, être poursuivis parce qu'il n'est pas possible de déterminer les adresses IP. Le président de la commission des lois, Jean-Pierre Sueur, s'est engagé à aller dans cette voie et, pour ma part, monsieur le ministre, je me permets de vous faire une offre de services, car j'aimerais travailler sur ce sujet que je connais un peu. Ayant en effet moi-même fait l'objet d'une procédure

extrêmement désagréable, je sais que le droit à l'oubli sur Internet n'existe pas. Je crois qu'il s'agit de questions qui méritent amplement que l'on fasse avancer le droit !

- Dealing with the song *La France* or Sniper:

### **National Assembly**

2.1/ Written question n° 2618 from M. Jacques Myard (right wing) to the Justice Minister, response from M. Dominique Perben (right wing) (2002): <http://questions.assemblee-nationale.fr/q12/12-2618QE.htm>

*Question* : M. Jacques Myard appelle l'attention de M. le garde des sceaux, ministre de la justice, sur la violence des paroles de certaines chansons de rap actuellement distribuées en France, qui sont explicitement dirigées contre l'Etat et les valeurs républicaines. Ainsi dans le dernier album du groupe les Snipers entend-on des propos tels que « La haine coule dans nos artères... La France est une garce et on s'est fait trahir... on nique la France et ses tendances de musique populaire... on s'fout de la République et de la liberté d'expression... faudrait changer les lois et pouvoir voir bientôt à l'Elysée des Arabes et des Noirs au pouvoir... les frères sont armés jusqu'aux dents, tout prêts à faire la guerre... la France aux Français, tant que j'y serai ce sera impossible... Faut leur en faire baver car c'est la seule chose qu'ils ont méritée... J'aimerais les faire pendre... Mon seul souhait désormais c'est de nous voir les envahir ». Ces modes d'expression, qui se passent de tout commentaire, sont un appel inadmissible à la violence et à la haine raciale. Ils ruinent tous les efforts consacrés à la lutte contre la délinquance dans les banlieues. Aussi les chefs d'inculpation ne manquent-ils pas dans le code pénal pour qualifier ce commerce honteux. Il lui demande en conséquence quelles instructions il entend donner aux parquets pour poursuivre les auteurs et les distributeurs de ces propos qui mettent en péril la paix civile.

*Réponse* : Le garde des sceaux entend rappeler à l'honorable parlementaire que les dispositions de l'article 24 de la loi du 29 juillet 1881 prévoient et répriment pénalement d'une part les provocations non suivies d'effet à la commission de certains crimes et, d'autre part, les incitations publiques à la haine à l'égard d'une personne ou d'un groupe de personnes à raison, notamment,



de son origine ou de son appartenance à une nation. Ainsi, tout propos appelant au meurtre des ressortissants nationaux ou incitatifs à la haine raciale à l'égard des membres de la communauté nationale sont susceptibles de tomber sous le coup de ces dispositions pénales. S'agissant plus spécifiquement du disque du groupe Les Snipers, le garde des sceaux a l'honneur de faire savoir à l'honorable parlementaire qu'une procédure judiciaire est actuellement menée afin d'établir la matérialité des faits, et les éventuelles responsabilités pénales qui pourraient en découler.

2.2/ Question to government n° 897 from Mme Nadine Morano (right wing) to the Interior Minister, response from M. Nicolas Sarkozy (right wing) (2003): <http://questions.assemblee-nationale.fr/q12/12-897QG.htm>

*M. le président* : La parole est à Mme Nadine Morano, pour le groupe de l'Union pour un mouvement populaire.

*Mme Nadine Morano* : Monsieur le ministre de l'intérieur, de la sécurité intérieure et des libertés locales, dans deux jours, doit se produire à Ecouves, dans ma circonscription, un groupe de rap dont les chansons incitent à la haine, à la violence et bafouent les valeurs républicaines de la France. La décence m'interdit de prononcer, ici, leurs propos les plus scandaleux. Je citerai simplement un extrait : « La France est une garce. Pour mission : exterminer les ministres et les fachos ! A croire que le seul moyen de se faire entendre est de brûler des voitures ! Des rondes de flics, toujours là pour nous pourrir la vie, attendent de te serrer tout seul. Frères, je lance un appel. On est là pour tout niquer, leur laisser des traces et des séquelles avant de crever ! » Monsieur le ministre, vous comprendrez les pétitions et la crainte des habitants qui redoutent que ce concert n'engendre des troubles graves à l'ordre public. Vous comprendrez que les policiers, qui font un métier difficile sur le terrain et à qui vous avez rendu confiance et motivation, se soient insurgés contre les paroles de ces chansons où ils sont gravement humiliés et menacés. Vous comprendrez aussi que voir ces CD en vente libre, ces textes sur des sites Internet aux côtés de ceux des vedettes et des idoles représentent un grave danger pour les jeunes. Monsieur le ministre, nous savons que nous pouvons compter sur vous. Qu'entendez-vous faire pour mettre un terme à ces offenses à nos valeurs républicaines ? (*Applaudissements sur les bancs du groupe de l'Union pour un mouvement populaire et du groupe Union pour la démocratie française.*)

*M. le président* : La parole est à M. le ministre de l'intérieur, de la sécurité intérieure et des libertés locales.

*M. Nicolas Sarkozy, ministre de l'intérieur, de la sécurité intérieure et des libertés locales* : Madame Morano, ces textes sont parfaitement scandaleux (« *C'est vrai !* » sur plusieurs bancs), et ils le sont triplement. D'abord, ils sont antisémites, et je ne peux imaginer que quiconque, quel que soit le banc sur lequel il siège, puisse tolérer des textes antisémites. (*Applaudissements sur les bancs du groupe de l'Union pour un mouvement populaire et du groupe Union pour la démocratie française, sur de nombreux bancs du groupe socialiste et sur plusieurs bancs du groupe des député-e-s communistes et républicains.*) Je crois que nous pouvons tous être d'accord sur ce point, ce n'est pas une affaire de majorité et d'opposition, ce n'est pas une affaire d'ordre moral. Ces textes sont racistes de surcroît, et ils sont injurieux. La démocratie, c'est le droit de parler, de créer, de dire ce que l'on pense, pas celui d'injurier, de bafouer et d'humilier. Ce n'est pas un régime faible, parce qu'elle doit protéger ceux qui sont injuriés. Je déposerai donc plainte contre ces textes racistes et antisémites. (*Applaudissements sur les bancs du groupe de l'Union pour un mouvement populaire et du groupe Union pour la démocratie française.*) Cela n'a rien à voir ni avec les jeunes ni avec le rap. Il y a quelques jours, j'ai demandé et obtenu l'expulsion d'un imam du sud-ouest de la France qui tenait des propos contraires à l'idéal républicain. Il faut que, sur l'ensemble du territoire national, cela se sache. La démocratie impose que, quelle que soient son âge ou sa fonction, on respecte des règles. Ceux qui ne les respectent pas auront à en rendre compte devant la justice de notre pays. (*Applaudissements sur les bancs du groupe de l'Union pour un mouvement populaire et du groupe Union pour la démocratie française et sur quelques bancs du groupe socialiste.*)

2.3/ Written question n° 29116 from M. Philippe Dubourg (right wing) to the Prime Minister, response from the Interior Minister, M. Dominique de Villepin (right wing) (2003):

<http://questions.assemblee-nationale.fr/q12/12-29116QE.htm>

*Question* : M. Philippe Dubourg souhaite appeler l'attention de M. le Premier ministre sur les termes inacceptables de certaines chansons du groupe rap Sniper, qui touchent à la provocation et qui, pas plus que le bruit qui les accompagne, ne s'apparente de près ou de loin au domaine artistique. Les salles qui reçoivent ce groupe n'ont pas pour vocation de trier le public et tous, y

compris les plus jeunes, peuvent entendre appeler à l'assassinat des policiers, à la dégradation de l'image de la femme, à la légitimation des viols collectifs. La nullité de la prestation du groupe serait dérisoire si son message ne véhiculait pas une haine raciste envers notre pays et ceux qui l'habitent, réservant à la France et la République des termes orduriers qui ne paraissent pas tolérables. Cette « musique populaire », qui n'a de musique que le nom appelle « les frères armés jusqu'aux dents » à la guerre contre la société avec « gun... (et) fusil à pompe, pit-bull et rottweiler ». Peut-on parler de concert quand on sait quelle faune est attirée par pareil spectacle ? N'est-ce pas la négation de toute culture, de toute beauté, l'étouffement de tout sens critique au profit des instincts les plus bas, de la décadence et de la dégénérescence ? Il lui demande donc s'il entend prendre des mesures et lesquelles pour que l'État face à l'irresponsabilité et au laxisme de certains, mette fin à de telles outrances et s'il est supportable d'entendre les chantres - parfois subventionnés - de la haine anti-femmes, anti-française, anti-policier et anti-blanche bafouer le respect et la dignité humaine. - *Question transmise à M. le ministre de l'intérieur, de la sécurité intérieure et des libertés locales.*

*Réponse :* Certaines chansons du groupe de rap Sniper contiennent effectivement des propos susceptibles d'entraîner, contre leurs auteurs, l'engagement de poursuites pénales. Le ministre de l'intérieur, de la sécurité intérieure et des libertés locales a, en conséquence, souhaité appeler l'attention du garde des sceaux sur ces chansons. Ce signalement a conduit le garde des sceaux à saisir le procureur général de Paris. Par ailleurs, compte tenu des risques de trouble à l'ordre public que les concerts de ce groupe de rap pourraient occasionner, les préfets ont reçu des instructions d'examen particulièrement vigilant des projets d'organisation de ces manifestations. On notera également que les concerts du groupe Sniper programmés en 2003 à Mulhouse et à Ecrouves et une tournée du groupe prévue courant janvier et février 2004, dans une vingtaine de villes, ont été annulés par les organisateurs.

2.4/ Written question n° 31019 from M. Patrick Braouezec (far-left wing) to the Interior Minister, response from M. Dominique de Villepin (right wing) (2004): <http://questions.assemblee-nationale.fr/q12/12-31019QE.htm>

*Question* : M. Patrick Braouezec appelle l'attention de M. le ministre de l'intérieur, de la sécurité intérieure et des libertés locales sur la plainte qu'il entend déposer à l'encontre des textes des chansons du groupe de rap Sniper, jugés « antisémites, racistes et injurieux ». A la lecture des paroles des chansons incriminées, « Jeteur de pierres » et « La France », il n'apparaît aucune connotation raciste et antisémite. En effet, la chanson « Jeteur de pierres » appelle à la paix au Proche-Orient et dénonce l'assassinat de M. Rabin : « Dans ce coin du monde où la paix reste difficile à défendre / Yitzhak Rabin en a fait les frais et s'est fait descendre ». Quant aux paroles de la chanson intitulée « La France », elles sont composées d'images fortes à l'encontre des institutions, comme le sont certains textes de Georges Brassens, Serge Gainsbourg ou encore Charles Baudelaire, pour n'en citer que quelques-uns. Par ailleurs, il attire l'attention sur la campagne de calomnie et d'intimidation auprès des élus et des organisateurs de concert dans lesquels doit se produire ce groupe, orchestrée par le groupuscule d'extrême-droite Jeunesse identitaire à l'encontre du groupe de rap Sniper. Après relecture attentive des textes des chansons de ce groupe, il lui demande quelles suites il compte donner à cette affaire et par ailleurs ce qu'il compte faire contre la campagne d'intimidation et de harcèlement de Jeunesse identitaire.

*Réponse* : Certaines chansons du groupe de rap Sniper contiennent des propos susceptibles d'entraîner, contre leurs auteurs, l'engagement de poursuites pénales. C'est pourquoi le ministre de l'intérieur, de la sécurité intérieure et des libertés locales a souhaité appeler l'attention du garde des sceaux sur ces chansons. Ce signalement a conduit le garde des sceaux à saisir le procureur général de Paris.

2.5/ Written question n° 65675 from M. Jean-Frédéric Poisson (right wing) to the Justice Minister, response from Mme Michèle Alliot-Marie (right wing) (2009):

<http://questions.assemblee-nationale.fr/q13/13-65675QE.htm>

*Question* : M. Jean-Frédéric Poisson attire l'attention de Mme la ministre d'État, garde des sceaux, ministre de la justice et des libertés, sur les appels à la haine véhiculés par certains groupes musicaux. En effet, certains d'entre eux appellent délibérément à la haine : "j'baise votre nation" (groupe 113), "Pour mission exterminer les ministres et les fachos la France est une garce...On nique la France" (Sniper), Salif « Allez-y, lâchez les pitts, Cassez les vitres, quoi Rien

à foutre, d'façon en face c'est des flics". Parce que de la réponse apportée dépendra notre pacte social, il souhaiterait connaître les intentions du Gouvernement afin de sanctionner lourdement ces propos.

*Réponse* : À ce jour, plusieurs procédures judiciaires ont été diligentées suite à la diffusion de chansons dont le contenu était susceptible de tomber sous le coup d'une qualification pénale, procédures qui ont parfois donné lieu à condamnation. Toutefois, la mise en œuvre de poursuites pénales est conditionnée par le respect des règles qui gouvernent le droit de la presse découlant de la loi du 29 juillet 1881, notamment celle relative à la prescription de trois mois. Au-delà, comme le soulignent certaines juridictions, en présence d'œuvre de fiction se réclamant d'un genre artistique l'élément intentionnel de l'infraction peut être délicat à caractériser. Pour autant, au-delà de ces difficultés, les magistrats du ministère public restent vigilants pour apporter des réponses proportionnées aux propos qui dépasseraient le cadre de l'expression artistique.

## **Senate**

2.6/ Oral question without debate n° 0300S from Mme Nathalie Goulet (centre) to the Interior Minister, response from M. Manuel Valls (left wing) (2013):

<http://www.senat.fr/questions/base/2013/qSEQ13010300S.html>

See question 1.2.