Liberté, Égalité, Parité

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Joan Wallach Scott, *Parité! Sexual Equality and the Crisis of French Universalism* (Chicago: University of Chicago Press, 2005).

Eléonore Lépinard, *L'Égalité introuvable. La parité, les féministes et la République* (Paris: Presses de la Fondation nationale des sciences politiques, 2007).

Since the Revolution of 1789, the specter of universalism has haunted French concepts of rights and the qualifications for and the practices of citizenship. The ideal of the citizen that emerged from the Revolution incorporated the notion that the abstract republican individual, the bearer of the universal rights elaborated in the Declaration of the Rights of Man, could represent and defend those rights in elected representative bodies. But the Jacobin model of the abstract citizen also sought to mask, if not to deny, difference wherever it cropped up. In some regards the model worked; republican values led to the abolition of slavery in 1792; Jews were incorporated into the Republic as citizens in 1794 on the condition that they not claim special rights as a community. But in other respects the Enlightenment model proved hypocritical. From the very beginning the abstract individual was figured as male and for over a century and a half, women could not achieve recognition as full-fledged rights bearers, as *citoyennes à part entière*. Even after French women won the right to vote in 1944, the universal abstraction of the republican citizen prevailed, and the assertion of women's difference from men continued to prevent women from serving as representatives of the nation. As late as 1997, women constituted a mere 6 percent of parliamentary representatives and many in France acknowledged a "crisis of representation." The political movement for *parité*, by seeking to increase the numbers of women in elected offices, attempted to reverse this situation by radically redefining the meaning of the abstract republican individual and by removing lingering doubts about women's ability to serve as representatives of the nation.

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In June 2000, France became the first country in Europe or anywhere in the world, for that matter, to pass a law mandating *parité* in all elections, requiring that one half of candidates for elected political offices be women. The outcome of French and European feminist activism over the preceding eight years, the law elicited enormous debate by attempting to address the contemporary crisis of representation—the extent to which women or minority groups could serve as representatives. Advocates of *parité* challenged the very meaning of "representation" and the rule of republican universalism as the guiding principle of representative democracy. *Parité*'s assault on the principle of universalism had implications not only for women, but also for the representation of racial and ethnic minorities as well as for other forms of difference in republican ideology and practice. The meanings of *parité* and the extent to which the law led to an outcome of greater gender equality are the subject of these books by two outstanding feminist scholars, one a historian, the other a sociologist. Joan W. Scott's and Eléonore Lépinard's complementary studies masterfully tease apart and analyze the emergence and trajectory of the *parité* movement and its results. Both seek to explain why the resulting constitutional amendment and legislation incorporated a much less robust version of *parité* than activists initially intended and why it has not succeeded in radically altering either the state's commitment to insuring gender equality or women's representation in the eight years since both were passed.

Scott analyzes how the movement emerged from contemporary debates about whether and how social differences could be represented in the democratic political system, and examines how *parité* challenged and disrupted prevailing ideas about democratic citizenship. Discussions of immigrants' integration into the Republic, principally in the controversy over the headscarf that exploded in 1980s and 1990s and surrounding revisions of the French nationality code in 1986 and 1998, created an opportunity to consider how those citizens deemed "different" could represent the nation. These discussions exposed the extent to which French notions of universalism continued to resist the incorporation of those who were different—in this case immigrants—into the republican idea of the abstract individual. "The idea was not that women (or for that matter, any other group) needed representatives of their own to speak in their name, but rather that elected assemblies should, in their composition, reflect the diversity of the French population" (51). Ironically enough, feminist advocates of *parité* failed to incorporate forms of difference beyond gender (such as ethnic, or racial, for example) into their arguments for equality in representation.[1]

Although the *parité* movement shared a focus on gender equality with its nineteenth- and twentieth-century suffragist ancestors, unlike its predecessors *parité* activists did not claim the right to vote or even the right to be represented, but demanded women's right *to be representatives*. And as Scott points out, unlike previous feminist movements that struggled with the paradox of obtaining political *equality* on the basis of *difference*, the *mouvement pour la*

parité avoided altogether the opposition of equality versus difference.[2] Rather, it attempted to deal with the thorny question of whether or not those who had been defined as different could represent the abstract individual who resided at the heart of the democratic polity. In this regard, *paritaristes* posed a radical challenge to modern democratic systems by arguing for a new conceptualization of universalism that *incorporates* sexual difference based on the relatively straightforward idea that "the human individual [is] understood to come in one of two sexes" (4). Women could then be recognized as representatives of the nation. These ideas were translated into a simple demand for equality of representation that was communicated through feminist networks, manifestos, and lobbying of the French Socialist Party—which because of its gender equality rhetoric appeared most likely to take the first steps.

Several developments helped to advance French feminists' claims for *parité* between the 1980s and passage of the law in 2000. First, although the governments of François Mitterrand did little to address the problem of women's political representativity, the reform efforts of the ministerial delegate for women's rights, Yvette Roudy, helped pass legislation against employment discrimination and sexual harassment, and made the issue of women's equality more visible than it had been previously. Second, within the European Union, discussions of gender equality and the perceived "crisis of representation" showed that France had one of the worst records on the representation of women in elected bodies of all of the member states. In 1992, the establishment of a European Experts' Network on Women in Decision Making by the European Commission demonstrated that the Commission took seriously the matter of gender equality and provided a formal framework within which feminist jurists, theorists, and representatives could lobby for *parité*. Moreover, the Network's declaration in Athens that year that " 'Democracy requires *parité* in the representation and administration of nations' " provided support for the *parité* campaign in France, as did the presence of Françoise Gaspard, the French expert in the European Women's Network.[3]

A third development that proved crucial to the success of the *parité* campaign in France was the French political landscape of the 1990s. As Scott points out, although the Socialist Party had been more attentive than any other party to the matter of gender discrimination, the party's devastating loss of 205 of the 285 seats it had held since 1988 in the 1993 legislative elections made the Socialists more responsive than ever to calls for *parité* in hope that electoral reform might help them recover their losses. By now, supporters both inside and outside the PS had gathered momentum and established a network that included most major feminist organizations. This network lobbied party officials, held meetings, demonstrations, and published the Manifesto of 577 (the number of seats in the National Assembly) proposing that all elected bodies in France consist of half women and half men. Socialist politicians responded to their appeals, pledging support for *parité* (Michel Rocard in 1993, Lionel Jospin in 1997); even conservative Alain Juppé, not to lose out on the

potential electoral benefits of *parité* for his party, also came out in support, invoking *paritaristes'* central theoretical claim that women are "one of the two parts of humanity."[4] Socialists' commitment to run women candidates proved decisive in allowing them to recapture control of the National Assembly in 1997, catapulting Lionel Jospin to power as new prime minister (Jospin promptly appointed eight women ministers to his cabinet). This victory helped to promote the *parité* campaign.

The fourth issue that helped prepare the way for the 2000 law, however, was more complex and involved the influence of the campaign for domestic partnership and homosexual rights that swung into action precisely when the *parité* campaign was under way. With keen attention to context and an appreciation of the nuances of the political stakes in the debate over *parité*, Scott deftly demonstrates how the debate over a domestic partnership law, the *Pacte civil de solidarité* or PaCS, that began in 1998 both complicated and facilitated the passage of the law on *parité*. Opponents of a law that would allow homosexual couples the same rights as heterosexual couples feared that such a law would effectively endorse the disappearance of sexual difference and forced a debate over what constituted "a couple." Discussion of whether or not "a couple" was by definition composed of sexually different and complementary partners, inevitably influenced debates over *parité*. Sylviane Agacinski, lawyer, supporter of *parité*, and wife of Prime Minister Jospin, played a major role by shifting the debate over *parité* away from the original and radical *paritariste* position of reconceptualizing the abstract individual (where the question of difference would no longer be an issue since women would be considered neither different from or the same as men, but simply one half of humanity). In Agacinski's formulation, one that was much more comforting to those who feared the radical consequences of both *parité* and rights for homosexual couples, sexual difference, and complementarity should be considered as the foundation of republican citizenship. On these grounds Agacinski argued against homosexual families and for *parité*. "For Agacinski ... sexual difference—expressed in the unvarying human traits of complementary gender roles and heterosexual attraction—was a natural foundation that law could only reflect" (119). Ultimately Agacinski's argument influenced what became the dominant version of *parité*—a version that cast aside the radical claim to revise the notion of the abstract Republican individual in favor of *encouraging* women's access to elected office.

What then of its effects? While recognizing that the final version of the constitutional amendment was weaker than the original aims of feminist *paritaristes* (it stated only that it "encourages equal access of men and women to elective office," and that "Political parties will contribute to the realization of [this] principle under conditions determined by law" [120]), Scott acknowledges that *paritaristes'* attempt to radically transform the notion of abstract individual central to republican politics will not occur as a result of "theoretical pronouncements," but will occur—if it occurs at all—through practice.

And she is cautious about the law's potential to result in greater numbers of women representatives. Her analysis of the municipal elections, regional, senate, and European Parliament elections of 2001, 2002, and 2004 reveals that while the numbers of women sitting on municipal councils almost doubled in 2001, there has been plenty of evidence of men strategizing to hold on to positions as mayors or deputy mayors or to Senate seats. Moreover, in the 2002 legislative elections, after Jospin suffered a resounding defeat placing Chirac against Le Pen in the second round, *parité* was effectively abandoned in the subsequent scramble to defeat the extreme right by winning seats in the National Assembly. Scott concludes that in the end the practice of *parité* led to accentuating sexual difference in matters of politics, rather than deflecting it: "women were granted access to elective office not as individuals, but as women" (147). At the same time, she is reluctant to accept that the law merely became a tool for shoring up French liberal democracy and suggests a guarded optimism about its potential to transform political institutions: the law has made women more assertive about presenting themselves for elected office and their relative success at entering politics at the local level can provide experience and promote upward mobility. Indeed the candidacy of Ségolène Royal in the 2007 presidential elections, and her ability to garner close to 46 percent of the vote on the second round against Nicolas Sarkozy owed a tremendous debt to the debates over *parité* of the preceding ten years.

It is the *parité* law's ability to alter the French political landscape that is the point of departure for Lépinard's detailed and theoretically informed examination of these issues. Lépinard traces the progress of the social movement and the institutional obstacles that shaped the political opportunity structure within which *paritaristes* worked. Although she protests that she does not want to create a balance sheet of successes and failures or measure the distance that separates *parité*'s claims against its practice, she too questions the law's ability to alter significantly women's ability to be elected as representatives. In spite of its tremendous symbolic importance, she asks, have the very terms in which arguments for *parité* were couched foreclosed the possibility of real change?

Although Scott emphasizes how discussions of the inclusion of immigrants in Republican institutions served as a point of departure for the *parité* movement, Lépinard places somewhat more emphasis on the importance of transnational feminist organizations (notably within the European Union) that pressed for parity democracy in the 1980s and 1990s. Within France, Lépinard suggests, opponents of *parité* also played a key political role by forcing *paritaristes* to respond to arguments about the unconstitutionality of quotas and fears that this major electoral reform would shatter Republican universalism. And whereas Scott soft-pedals the disagreements among feminists on the question of *parité* (that is, until Sylviane Agacinski and others shifted the terms of the debate), Lépinard emphasizes the divisions between radical and liberal feminists and the key role of opponents of reform. Although

the resulting portrait risks characterizing the *parité* movement as largely reactive, this dialogue between feminist advocates and opponents is central to Lépinard's claim that pro-*parité* arguments were refined in direct response to those who opposed it. At the same time, the details of these differences illuminate social movements' internal complexities and show how a minority demand provoked a national debate and was transformed into a major piece of institutional reform.

Tracing the process of legitimating *parité*, Lepinard suggests that a crucial piece of the explanation for the transformation lies in the politics of discourse—the struggle over the meaning of terms like equality, democracy, nation, republic, law, and *parité* itself. By proposing a new definition of equality and attempting to embed sexual difference within the abstract idea of the republican individual in a way that could be actualized politically, *paritaristes* broke with the more radical Mouvement de liberation des femmes and were able to win support from liberal, "reformist" feminist movements. At the same time, the process of legitimation occurred within juridical, institutional, and political constraints. Using social movement theory and the theoretical literature on interest mobilization and structures of political opportunity, Lépinard examines how the institutions and structures through which paritaristes operated in the process of securing a constitutional amendment shaped discourses and arguments. The opportunity structures of the French political system explain the constraints within which *paritaristes* had to operate as well as the dynamics of legitimation of parité claims, and illuminate why French pro-*parité* feminists chose to achieve real political equality through the state rather than operate through political parties or through the judiciary (as women in England and the US have done). As she points out, because of the difficulty they faced establishing women's organizations within parties, feminists lacked a political base from which to argue for political equality. At the same time, because of the belief in France that operating through the state is the best way to achieve reform, in spite of how the state weakened feminist state institutions (notably governments' failure to retain a Ministry of Women's Rights or to commit resources to the *Observatoire de la parité* established in 1995), pro-*parité* feminists turned their attention to constitutional revision and legislation.

A set of political opportunities in the 1990s helped the movement to advance. Growing support for parité emerged among candidates in the elections for the European Parliament in 1994, the French presidency in 1995, and the French legislative elections in 1997. Like Scott, Lépinard points to the debate over the crisis of representation in French democracy in the late 1990s that created a window of political opportunity for *paritaristes* to make the case for gender equality. Finally, the competitive and divided political climate during the cohabitation of Prime Minister Jospin opened additional points of access to the political élites for *paritaristes*. At the same time, the 1982 decision of the Constitutional Council forbidding the institution of quotas as inimical

to republican universalism proved crucial in determining their strategy. As paritaristes argued, the point was not to establish arbitrary quotas, but to institute real equality (Lépinard, 172). Indeed, here was the core of the pro-*parité* argument: "it [was] not the duty of representative bodies to give a place to such and such a particular category, even an already constituted social group. This would lead to a form of "*corporatisme*" which would destroy the unity of universal suffrage. Women are neither a *corporation* nor a lobby. They constitute half of ... the human race."[5]

Whereas Scott focuses on the impact of other social movements—namely for the PaCS and the rights of homosexuals—in explaining the outcome of a limited version of *parité*, Lépinard focuses on institutions and shows how the parliamentary process itself allowed the weaker version to triumph. As she shows, the institutions themselves incorporated competing ideas about gender. "The formulation of *parité* [in legal terms] was ... the product of a negotiation between different gender ideologies which implied different visions of equality" (200). Pro-*parité* parliamentarians in the National Assembly who defined gender as constituted on the basis of unequal power relations demanded a robust, constraining law that would bring about real results. The Senate majority, on the other hand, naturalized gender difference, maintained that the absence of women in elected bodies resulted from women's choices not to run for office, and supported the minimalist constitutional amendment encouraging "equality of opportunity between men and women in political representation" (25)—a politics of inclusion rather then a strong commitment to create real equality. The resulting law required that in elections run on the basis of proportional representation (Senate) and in elections to the European Parliament, party lists alternate by sex, but that in all other elections based on majority voting, parties be obligated to present as many women as men for every group of six candidates (191), hardly the stronger version of *parité* advocated by feminists. Ultimately, the institutionalization of a weak version of *parité* in the constitution and in law robbed the reform of its political effectiveness, as did charging political parties, themselves responsible for women's low representation, with implementation of the law. Although one might quibble that the explanation for the triumph of a weaker amendment and electoral law in parliament might incorporate some attention to the broader immediate context in which parliament produced the legislation, Lépinard is surely right that this combination of factors explains the law's limited effect on women's representation.

In a finely tuned analysis of election results Lépinard shows that *parité*'s effect has varied with municipal, regional, and legislative elections, with the *mode de scrutin* (proportional or majority), and with parties' willingness to accept financial penalties for failing to meet parity standards. Although women's representation on municipal and regional councils grew by between 20 and 22 percent between 1995 and 2004, in legislative elections the results have been less encouraging. In 2002 for instance, the large parties that could

afford to pay penalties for failing to observe *parité* did less to promote women candidates. Thus, the UDF and UMP for instance, ran less than 20 percent women candidates on the first round. But even where women have been represented in strong proportions on electoral lists, they have lost votes between the first and second rounds of elections because parties tend to place women on lists in constituencies where they are traditionally weak and destined to fail, or which are less critical to overall party strength. The small increase in the number of women mayors (3 percent between 1995 and 2001) resulted from the fact that executive positions—mayors, assistant mayors, regional council presidents and vice-presidents, for example—were not covered by *parité* legislation at all (another sign of the weakness of both the constitutional amendment and the electoral reform).

A second problem concerns how the law was limited to political equality. As Lépinard points out, with few exceptions, issues such as child care that are related to women's private and domestic lives but that greatly impinge upon their public political functions as representatives, mayors, or presidents or vice-presidents of regional councils have been left by the wayside. Although the *parité* law has stimulated progressive legislation in other areas, such as professional equality, education, and training, decisions of the Constitutional Council have invalidated their provisions.

Boosted by debates within the European Union, French feminists took the lead in advancing *parité* and ultimately achieving legislation—as good an example as one could find of how social movements operate successfully within the constraints of political opportunity structures to make claims on the state. But why France? As both Scott and Lépinard suggest, the fact that the concepts of equality, democracy, and Republican universalism had such salience in French political life required that charges of a crisis of representative democracy be taken seriously, creating an opening for the reform of republican institutions. Advocates of genuine political equality, moreover, could mobilize this rich vocabulary in the service of reform that could receive support across the political spectrum. As others have shown, *parité* could also be supported by French political elites to bolster the neoliberal citizenship regime crafted in the 1990s.[6] Whether this symbolic victory can be translated into real equality in the future remains to be seen. But the complementary explanations Scott and Lépinard advance for *parité*'s weakness in its current form—both convincing on their own terms—do not auger well in the short term.

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Notes

1. Left-wing feminists criticized the *mouvement pour la parité* for assuming the homogeneity of the category "women" and ignoring other dimensions of difference (class, racial, and ethnic) that are themselves incorporated into "women." See Helena Hirata, Danièle Kergoat, Michèle Riot-Sarcey, et Eleni Varikas, "Parité ou mixité?" *Le Nouveau Politis: La Revue* 6 (Février-Mars-Avril, 1994): 117-18; and Eliane Viennot, "Parité: les enjeux et les craintes," *Le Nouveau Politis: La Revue* 6 (Février-Mars-Avril 1994): 113-16.
2. See Scott, *Only Paradoxes to Offer: French Feminism and the Rights of Man* (Cambridge, MA: Harvard University Press, 1996).
3. Scott, *Parité,* 48, quoting the 1992 Athens declaration of the European Women's Network.
4. Juppé quoted by Scott, 96.
5. Françoise Gaspard, Claude Servan-Schreiber, and Ann Le Gall, *Au Pouvoir citoyennes! Liberté, Egalité, Parité* (Paris: Seuil, 1992), 167 (Author's translation).
6. See Isabelle Giraud and Jane Jenson, "Constitutionalizing Equal Access: High Hopes, Dashed Hopes?" in Jytte Klausen and Charles Maier, *Has Liberalism Failed Women?* (New York and London: Palgrave, 2001), 69-88.