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# Parity in France: A ‘Dual Track’ Solution to Women’s Under-Representation

RAINBOW MURRAY

*As the world’s first country to adopt a ‘parity’ quota, France could be considered an example of the growing phenomenon of quotas as a ‘fast track’ solution to the problem of women’s under-representation. French universalism had impeded a more ‘incremental track’ to gender equality whilst placing a constitutional ban on quotas. The design of ‘parity’ as a means of overcoming these hurdles was both normative and pragmatic. Parity could be considered an example of a symbolic policy, where grand claims were made early on but the corresponding legislation only became effective over time. While the practical constraints on parity have delayed its impact, the recognition of the need to ‘legislate equality’ has had a more profound impact, leading to the creep of parity into other areas such as ethnic minority representation and parity in the workplace. This broader societal change is indicative of a ‘dual track’ to gender equality.*

In 2000, France was the first country in the world to introduce a ‘parity’ law. Yet the current representation of women in the French Parliament, at 18.9 per cent, is hardly world-leading. Indeed, the impact of the law has been so limited that numerous scholarly works have emphasised the failure of parity to meet its targets (Achin *et al.* 2007: 128; Bird and Dubesset 2003; Murray 2004; Sénac-Slawinski 2008a: 84–7; Sineau and Tiberj 2007: 166). The proportion of women in parliament has risen since the introduction of the law (from 10.9 per cent in 1997 to 12.3 per cent in 2002 and 18.5 per cent in 2007), but at a slower rate than many other countries with less ambitious quotas. Given this poor performance, it is tempting to classify parity as an example of quota reforms which have been primarily symbolic in nature. This article argues that, while various factors have stymied the achievement of gender parity in the French

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Parliament, it would be erroneous to dismiss the importance of the parity reforms. Indeed, the symbolic aspects of parity may prove to be the law's greatest strength, as they have provided an impetus for more far-reaching societal change.

This research draws on the typology of the 'fast track' and the 'incremental track' to women's representation, a framework developed by Drude Dahlerup and Lenita Freidenvall (2005; Dahlerup 2006). The 'incremental track' to gender equality, often associated with Scandinavian countries, involves 'gradual improvement in women's representation' alongside the development of gender equality more broadly (Dahlerup and Freidenvall 2005: 30). In contrast, the 'fast track' of gender quotas seeks to impose and enforce gender equality where it might not otherwise be present. The widespread uptake of gender quotas worldwide demonstrates a growing preference for 'fast track' measures, especially in those countries where the 'incremental track' appears too slow or too ineffective (*ibid.*; cf. Krook 2009). In France, where women's sustained under-representation in politics has led to the introduction of parity, there appears to have been a preference for the 'fast track' solution of gender quotas. However, it is argued here that the dynamics of gender parity in France are broader than can be accounted for using the dichotomous models of fast and incremental reform. Instead, France might better be classified as an example of a 'dual track', whereby the preferred model of incremental reform was assisted and accelerated through the use of parity.

The article begins by exploring the 'fast/incremental track' framework in more depth, including the normative differences underlying the two models. It is then posited that the French model of universalism acted as a barrier to both paths towards gender equality, by insisting on an equality of opportunity which did not really exist. This barrier, in turn, led to the creative and unusual solution of gender parity. Parity targeted both the practical and the normative obstacles to women's representation. In practical terms, the 50 per cent target of parity was both necessary (in order to circumvent a constitutional ban on gender quotas), and unachievable for parties in the short term. The dilemmas faced by parties in this regard led to an ambitious law moderated by weak sanctions – a classic example of an ineffective gender quota, which also followed in the path of symbolic reforms for gender equality in France. In normative terms, however, the law has been rather more successful, as it has presented a successful challenge to the concept of universalism as a guarantor of equality. The recognition of the need to 'legislate equality' has led to the reach of parity into other areas, including 'diversity' in political representation and parity in the workplace. The incremental changes in attitudes, expectations and rhetoric inspired by the parity law demonstrate that the law has impact above and beyond the composition of the French Parliament. In this respect, parity may even have succeeded where some 'fast track' solutions have failed.

### Revisiting the 'Fast Track' Model

Dahlerup and Freidenvall (2005) argue that the Scandinavian model of incremental gains in gender equality was once seen as the ideal, as developments in gender equality were far-reaching and gained without singling women out for 'special treatment'. However, the incremental track to representation is far from guaranteed (even in Scandinavia, where the incremental track has been most successful, women still have not achieved full parity of representation). In many countries, the incremental track is too slow or too uncertain to be effective. Consequently, there is a growing preference for the 'fast track' of gender quotas, where the emphasis has shifted from equality of opportunity to equality of outcome. Gender quotas enjoy the advantage of generating faster changes in women's political representation, with the hope that these women representatives can then assist in effecting wider societal change. In this respect, gender quotas represent women's empowerment 'from above' rather than 'from below' (ibid.: 35).

The two models proposed by Dahlerup and Freidenvall differ from each other conceptually as well as in terms of the methods used to achieve the goal of women's equal representation. The incremental track identifies women's absence as stemming from a lack of resources and from ingrained attitudes towards women, and identifies the solution as one of increasing women's resources and confidence so that they are able to compete on equal terms to men (ibid.: 29). Rather than advocating positive discrimination, this approach focuses on addressing structural inequalities (for example, through provision of childcare, making the working hours of politics more family friendly, and encouraging women's education and participation in the labour force). Conversely, the fast track identifies party gatekeepers as key actors in the process of controlling women's access to politics. Positive discrimination is accepted, for it is seen as a means of overcoming other forms of discrimination rather than giving an unfair advantage to women. The emphasis on equality of outcome means that it is acceptable to guarantee, rather than simply facilitate, women's political representation. However, the likelihood of gender quotas succeeding depends on the way in which they are introduced, with strong sanctions and placement mandates<sup>1</sup> necessary to ensure that quotas are effective. Where sanctions for non-compliance are weak or absent, and where there is no obligation on parties to place women in winnable positions, quotas may be no more successful than other measures at raising women's political presence.

### French Universalism: A Dual Barrier to Women's Representation

The two tracks to women's representation outlined by Dahlerup and Freidenvall (2005) are based on the principles of equality of opportunity (the incremental track) and equality of outcome (the fast track). It is argued

here that neither of these tracks could be achieved in France due to the different barriers presented by French universalist thought. The basic premise of universalism is that all citizens are equal before the law, without regard for their personal characteristics. Indeed, any emphasis on personal attributes is perceived as a dangerous threat to the neutrality of universalism. Although a universalist discourse ought to favour women, it actually serves to conceal very real discrimination behind a cloak of false equality (Bereni 2006; Servan-Schreiber and Gaspard 1995). The foundations of universalism did not truly conceive of a universal citizen but of a citizen who was male. As Fraisse (2001: 316) argues, ‘everyone knows that, for two centuries, the “universal” has been a lie, especially in the expression “universal suffrage” which, from 1848 to 1944 . . . was the label applied to male-only suffrage’.<sup>2</sup> The universalist assumption of inclusion has not taken account of the explicit exclusion of women from French politics for most of the past two centuries, and the ongoing structural inequalities which prevent their full and equal participation.

This problem of a false universalism that refuses to acknowledge underlying inequalities has served as a dual barrier to women’s representation. From a normative perspective, it has been difficult to follow the incremental track, because it has not been possible to identify and acknowledge some of the barriers preventing women from acceding to politics (such as a lack of resources or the problems of gendered attitudes). The incremental track favours equality of opportunity, but also requires that inequalities of opportunity be recognised so that they can be addressed. French discourse already insists on equality of opportunity, and this equality in theory prevents the recognition of inequality in practice. As a result, France has been slow to achieve incremental improvements in gender equality.<sup>3</sup>

At the same time, universalism has presented a practical barrier to the use of the fast track measure of gender quotas. In 1982, a bill was passed by the National Assembly requiring a maximum of 75 per cent candidates of either sex on party lists for local elections – in effect, a 25 per cent gender quota. The willingness of deputies to pass this bill was attributed to their (accurate) expectation that the law would subsequently be rejected by the Constitutional Council (Mossuz-Lavau 1998: 31). The Constitutional Council ruled that quotas were incompatible with France’s Declaration of the Rights of Man [*sic*], which ‘rejected any division of voters and candidates into categories’ (Decision No. 82–148 DC, cited in Mossuz-Lavau 1998: 32). This ruling was based on a text written before women were legal citizens (Allwood and Wadia 2000: 217; Baudino 2005: 89). This enforcement of gender-blindness, according to Scott (2005), asserted that ‘the fiction that individuals have no sex (and that sex is equivalent to any other social characteristic) had to be maintained in politics’ (cited in Bereni 2007a: 199).

Despite the legal obstacles preventing the use of gender quotas, in many respects France was the classic case of a country seeking a ‘fast track’

solution to its crisis of representation. For a country which prided itself on being a beacon of democracy, its levels of women's representation compared very unfavourably to all its European neighbours. In 1992, when the parity movement was launched, women's presence in the National Assembly was only 5.7 per cent, a reduction from the low peak of 5.9 per cent achieved in 1986. Unlike other elections to France's National Assembly, the 1986 election was conducted under proportional representation (PR).<sup>4</sup> PR is frequently associated with higher levels of women's representation (Dahlerup 2006; Matland 2002; Rule 1987; Rule and Zimmerman 1994), but had only a miniscule impact in 1986, leading women to conclude that even electoral reform was not sufficient to resolve the problem.<sup>5</sup> The stagnant levels of progress in women's presence suggested that there was no 'incremental track' to speak of; without quotas, women's presence might never rise beyond a marginal level.

The discourse surrounding the call for parity also represented a certain normative shift from the 'incremental' to the 'fast track'. Dahlerup and Freidenvall (2005: 30–31) contrast the discourse of 'equal opportunity', which they associate with the incremental track, and 'equality of outcomes', which they associate with the fast track, 'according to which real, not just formal, equal opportunities must be guaranteed from the start in order to secure fair competition'. This 'fast track' discourse mirrored the arguments used by parity advocates, who rejected the formal equality of opportunity offered to the universal citizen by the French constitution. Similarly, claims for parity in France, as for 'fast track' quotas elsewhere, were underlined by a belief that discrimination against women and barriers to women's entry were endemic within the political system and would not be rectified by time, but would require more concrete action (Mossuz-Lavau 1998: 23–7).

'Parity' is often referred to as a gender quota in the international literature (Dahlerup 2006; Krook 2009; Murray 2007; Opello 2006) as, in many respects (including its design, implementation and measurable impact), parity fits within comparative studies of gender quotas. However, unlike other countries, where concepts of parity and quotas may be used more interchangeably, France explicitly rejected a discourse of gender quotas. Indeed, the founders of the parity movement claimed that 'parity distinguishes itself from quotas by its very philosophy' (Gaspard *et al.* 1992: 165; see also Bereni and Lépinard 2004). The threshold for parity was set at 50 per cent, and parity was framed in gender-neutral language that avoided all references to quotas. The reasons for setting such a high threshold and adopting such a distinctive discourse are explained below.

### **Parity: A Dual Solution**

Advocates of quotas were faced with a double challenge – how to overcome the legal and constitutional hurdles facing quotas, and how to overcome the

norms underlying these hurdles. The double barriers created by universalism led to the 'dual solution' of parity. The detailed history of parity is well documented elsewhere and will not be repeated here (see, *inter alia*, Bereni 2007a, 2007b; Opello 2006; Scott 2005; Sénac-Slawinski 2008a). Rather, we will focus on how parity led to a reframing of universalism, whilst providing the only form of gender quota which would be acceptable in France. At the same time, the rhetorical necessity of parity was combined with the practical impossibility of swift and dramatic change to the composition of the French Parliament.

It took a decade for the idea of parity to emerge as a possible solution to the double problem posed by universalism. Parity served both as a normative challenge to the (male) universal citizen, and as a swift and practical solution to women's under-representation (Fraisie 2001). These two goals, though complementary, are also distinct, and the success of parity is measured differently depending on the goal in question.

### *Normative Goals*

Parity advocates had to engage with a discourse of formal equality that failed to recognise structural inequality. Defenders of universalism (which included some feminists) were opposed to the notion of gendering citizenship. A standard defence of universalism, proposed by Mitterrand, warned: 'Don't cut democracy into slices, one for men, the other for women, one for blondes, the other for brunettes etc.' (Mossuz-Lavau 1998: 49). The concept of recognising categories within citizenship is so firmly resisted in France that there is no census data on ethnicity. The 'American' notion of preferential treatment, even if it serves merely to redress existing inequalities, does not sit comfortably with the French. In a country with long-standing and ongoing attempts to impose a national language, culture and identity, the recognition of difference risks leading towards social disintegration and disharmony. For some feminists, parity was also seen as essentialist, patronising and a dangerous move away from formal equality to the legal recognition of gender differences (Amar 1999).

In order to counter such arguments, parity advocates had to challenge the notion that universalism guaranteed a genuine equality of opportunity. The enduring inequalities faced by women could not be coincidental, and women's growing presence in the workplace and public life cast doubt on the notion that sex divides in politics were the result of 'natural' differences. Rather, it was necessary to recognise structural inequalities as a barrier to women's inclusion, in a country which did not grant women the vote until 1944.

Although a few women within the parity movement emphasised the different qualities that women would bring to the political process (see Halimi 1994; Veil 1997), claims for parity were largely located within a framework of equality. Parity advocates argued that parity would enable the

true goals of universalism to be fulfilled, by addressing the barriers which had disproportionately hindered women's presence. By insisting on an equal number of men and women, parity would be compatible with the spirit of universalism, as the natural balance between the sexes would no longer be distorted in the political realm. Indeed, Bereni claims that 'they presented their demand as a *deepening* of, rather than a *derogation* from, the universalist framework' (Bereni 2007a: 200; emphasis original).

Building on the arguments of Halimi (1994) and Phillips (1995), parity advocates argued that it was only fair for women, who formed half of the country's population, also to form half of its political class. Anything less than equal representation would be a perpetuation of an injustice. Quotas set below 50 per cent were seen as both symbolically and practically deficient, often serving as a ceiling rather than a minimum target.

One problem for parity advocates was the need to distinguish a recognition of gendered citizenship from a broader division of citizens into categories. Parity might be seen as the thin end of the wedge of 'communitarianism', thus opening a Pandora's box that would threaten universalism and enhance social division. Parity activists sought to distance themselves from these arguments by claiming that women were a heterogeneous group, with sex being the one cleavage cutting across all others. The theoretical tensions created by an attempt to fit parity within a universalist framework, and hence to recognise structural inequalities for one group but not for others, led Geneviève Fraisse to describe parity as 'right in practice and wrong in theory' (Helft-Malz and Lévy 2000: 105). Scott (2005) argues that the claims of the parity movement also became more essentialist over time, thus demonstrating the tensions within the attempt to marry a claim for sexual parity to a framework of universalism. One significant outcome of this doublethink was the denial of claims for fair representation to any group other than women. In order to allay the fears of universalists, feminists claimed that only women were entitled to descriptive representation, based on the 'natural' division of society into two sexes. Lépinard (2008: 98) observed that '[w]ith respect to the politics of difference, parity could be compared to a half-open door with a sign saying "women only"'. Without this insistence on 'women only', parity might never have taken hold as a concept. Nonetheless, by gaining recognition of the need for actual and not just formal equality, the parity movement enabled the first shift of focus from equality of opportunity to equality of outcome.

### *Practical Goals*

The demand for gender parity, rather than a quota set below 50 per cent, had practical as well as normative benefits. By locating discourse on parity within a universalist framework, and demanding that political bodies reflect the natural gender balance within society, proponents claimed that parity



could be deemed compatible with the existing constitutional arrangements – thus overcoming the constitutional ban of gender quotas. Nonetheless, a revision to the constitution was considered necessary, both to enshrine the principle of parity (and thus enhance its prospects of success) and to protect any subsequent legislation from rejection by the conservative and male-dominated Constitutional Council.

An additional practical goal stemming from parity was the wish to avoid the ‘ceiling effect’ commonly found among quotas set below 50 per cent, whereby the quota, when met, is seldom exceeded (Matland 2006: 278; Mossuz-Lavau 1998: 32–3). By demanding the ultimate goal of equal representation from the outset, parity advocates rejected the notion that anything less than equality would suffice.

This is not to say that no quotas below 50 per cent were considered. To the contrary, the Socialist Party adopted internal party quotas from the 1970s onwards, set at different levels over time and depending on the election in question. However, voluntary party quotas were not affected by the jurisdiction of the Constitutional Council. The gentle and incremental rises in the Socialist Party quotas over nearly 30 years, compared to the dramatic leap from zero to 50 per cent for legalised quotas, demonstrates the influence of the Constitutional Council’s ruling on the shape and form of parity.

### **From Concept to Policy**

For both normative and practical reasons, no gender quota below 50 per cent would have been permissible. At the same time, a target of 50 per cent women in politics was a hard sell for male-dominated political parties, which would need to restructure their recruitment practices and force men out of politics to make way for women. The development of parity from a concept to a policy required a combination of sustained political pressure and compromise. The pressure came in the form of the parity movement; the compromise came in the form of loopholes that enabled parties to promise more than they delivered.

#### *Political Pressure*

The parity movement was effective in mobilising public support for parity, keeping parity on the agenda and coercing political actors into supporting parity claims. Key measures included petitions published in newspapers, and targeted pressure placed on presidential candidates in the 1995 presidential elections. The strongest support for parity came from the defeated Socialist candidate, Lionel Jospin, while the victor, Jacques Chirac, mostly paid lip-service. His Prime Minister, Alain Juppé, infamously nominated 12 women to the government (nicknamed ‘Juppettes’, a patronising play on Juppé’s name which translates as ‘short skirts’). The scandal created when eight of

the 12 women ministers were sacked in the first reshuffle six months later had a lingering effect on the reputation of Chirac's RPR (Rally for the Republic) party. When the RPR lost the 1997 parliamentary elections and Jospin, newly elected Prime Minister, put parity back on the agenda, Chirac had little choice but to support it. Jospin saw support for parity as a way to gain votes; Chirac saw support as a way to avoid further tarnishing his party's reputation. Hence a casual commitment to the seemingly unachievable notion of parity was transformed, due to an unexpected series of events, into a political reality.

The popularity of parity as a concept made it difficult for politicians to resist openly. However, the hostile political environment which had made parity necessary also made the implementation of such an ambitious target problematic. Despite their public commitment to parity, politicians continued to harbour reservations about the practical possibilities of implementing such an ambitious measure (Fabre 1999, 2001; Saux 2001). As detailed below, barriers to implementation included the difficulties of deselection of incumbents, and the unequal supply of men and women candidates. The detail of the law therefore watered parity down from a highly idealistic 'quick fix' to a more realistically achievable incremental measure.

### *Practical Compromise*

Given the difficulties that parties would face in implementing the law, the final legislation was rather flexible in nature, with toned-down language and loopholes which limited the sanctions imposed on parties that did not comply. This section explores the difficulties behind implementing parity which are inherent in the French political system, before exploring how the design of the legislation may have been intended to slow down rather than negate the effects of parity.

*A hostile political environment.* Several features of the French political system make it a poor candidate for a parity quota. Firstly, the National Assembly – where most power is concentrated – is elected using a system of single-member districts. This places a preponderant emphasis on the (usually male) incumbent. The value of incumbents is enhanced further by the use of two-round single-member plurality (SMP), as parties on the left and the right frequently form tacit electoral coalitions to boost the chances of their candidates qualifying to the second round. In electoral negotiations between parties, it is easier for a party to claim a seat for their candidate if he or she is the incumbent. The risks of deselection of incumbents may be significant. For example, the ousted incumbent might choose to stand against his own party (as several disgruntled men have done), thus diverting votes away from the official party nominee, with a likely outcome of losing the seat to a different party. To avoid this risk, parties will seek to reselect

their incumbents wherever possible, making their replacement with women rather difficult.

An additional, and specifically French, phenomenon is the concentration of power within individuals. Presidentialisation encourages individual politicians to strengthen their power base in every way possible in order to be considered a potential presidential candidate for their party. Cults of personality and political fiefdoms emerge, usually to the benefit of men. This is facilitated by the ability of French politicians to hold multiple offices at the same time, a phenomenon known as '*cumul des mandats*'. The most powerful sub-national offices, such as presidents of regional councils or mayors of large towns, are immune to the application of parity and are a way of building up or reinforcing a political power base. As men comprise the vast majority of holders of elective and party office, they are the best placed both to strengthen their own positions and to nurture the next generation, and they have traditionally done so to the benefit of other men (Pionchon and Derville 2004: 75). The '*cumul des mandats*' is such a well-recognised barrier to political renewal (and to political efficacy) that it frequently emerges on the political agenda as an area for reform. However, so entrenched are the interests of those who benefit from this system that the *cumul* continues, occasionally tamed but never abolished.

The implications of both the emphasis on incumbents and the *cumul des mandats* are, firstly, that political renewal is difficult to achieve, as it involves wrenching power away from those least inclined to step down and best placed to protect their interests. Secondly, the barriers to women's presence in politics extend, through the *cumul des mandats*, beyond the national arena, as the prime local springboard positions are also chiefly the preserve of men. This has served to reduce the supply of women with sufficient experience and political capital gained at the local level to move upwards to the national political arena. For example, following the 2008 local elections (to which parity applied), women were still only 13.8 per cent of mayors<sup>6</sup> and 13.1 per cent of *conseillers généraux*, the powerful members of the departmental governments (Zimmerman 2008). Similarly, only two women are the president of a region.<sup>7</sup> The difficulty for women of gaining access to these positions both disempowers them at a local level and prevents their passage to national office. While quotas are often perceived as a 'top-down' approach to increasing gender equality, a certain degree of 'bottom-up' change was also necessary in order to increase women's presence in the positions that would prepare them for national office. In the absence of an equitable supply chain of candidates, parties might struggle to implement parity immediately at the national level. (This is not because it was impossible to find sufficient well qualified women candidates – there were still enough suitable women to meet demand when parties were willing to look – but rather because there were too many men in positions of local power who were unwilling to be overlooked for selection to national seats, and were capable of creating difficulties for the party if they were sidelined.)

To resolve this problem, parties would benefit from implementing parity more swiftly at the local than the national level.

*A law designed for slow impact.* Given the difficulties of implementing parity immediately, policy makers were careful to design a law that allowed for a more staggered implementation of parity. The constitutional amendment was watered down by the Senate to make it less prescriptive, and the subsequent legislation contains loopholes that exempt strategic local positions of power from the law and provide only a weak penalty for non-implementation at the national level. These features are all considered in more detail below.

Despite being known as the ‘parity’ law, the word ‘parity’ is conspicuously absent from the constitutional amendment enacted in 1999. The exact wording of the amendment was heavily contested, with disagreements between the Prime Minister (Jospin) and the President (Chirac); between the Socialist Party on the left and the RPR (now part of the Union for a People’s Movement (UMP)) on the right; and between the National Assembly and the Senate. The final wording (‘the law favours the equal access of men and women to political office’) contains two elements which were watered down: the word ‘parity’ is omitted, and ‘favours’ has replaced the original wording of ‘guarantees’ (Opello 2006: 31). The term ‘equal access’ was considered more compatible with universalism than the phrase ‘parity’, but it is also more reminiscent of the discourses associated with ‘incremental track’ measures rather than ‘fast track’ measures (Dahlerup and Freidenvall 2005).

The legislation enacted in 2000 furthered the attempts to limit the impact of parity, although it also contained measures to ensure at least some efficacy. The law was not applied evenly to all elections: it did not apply for elections to the departmental councils (*conseils généraux*); in local elections it only applied to larger constituencies; in senatorial elections it only applied to larger districts;<sup>8</sup> and the law did not originally apply to executive office.<sup>9</sup> For elections conducted under proportional representation (including local, regional, European elections and some senatorial elections), the law was fairly restrictive; party lists were rejected if they did not comply with the requirement of parity, and the law contained a placement mandate – in local and regional elections, three in every six candidates must be women, while in senatorial and European elections, one in every two candidates must be a woman. The use of a placement mandate was significant – it demonstrated good will and a willingness to place women in positions where they stood a reasonable prospect of election.

By contrast, the regulations for elections conducted under SMP were disappointing. For all SMP elections except the legislative elections, parity was not applied at all, and for legislative elections there was only a weak penalty and no placement mandate. The penalty consisted of a reduction in state finance in proportion to the defection from parity, and applied only to

the first portion of state finance (based on votes obtained). For small parties that failed to win seats, the law was constraining but had no bearing on the composition of parliament, while larger parties that obtained most of their funding from the second portion of state finance (based on seats won) could afford to pay the financial penalty and hence circumvent parity. The use of a financial penalty provided parties with an incentive to implement parity where they could, but also provided an opt-out where a party could or would not achieve parity immediately. Furthermore, the law only applied to the number of candidates and not to the number of women elected, thus permitting parties to place women in unwinnable seats if they so chose. These loopholes were reflected in the fact that most smaller parties respected the law while the larger parties paid penalties (the winning party, the UMP, only fielded 19.6 per cent women in 2002 and 26 per cent women in 2007), and the overall proportion of women candidates greatly exceeded the proportion of women elected.<sup>10</sup>

It is clear that parity is most effective in local and European elections, less effective in senatorial elections, least effective in legislative elections, and without jurisdiction over key springboard positions of power. One could argue that the key difference lies in the electoral system, with parity much harder to implement in single-member districts. Alternatively, one could argue that the law is designed to have an immediate and significant impact at the lower levels, with a more gentle and controlled impact at the higher levels of power, in order to provide women with local experience before obliging parties to select women for higher office. This would be consistent with the notion of a bottom-up approach. Finally, and more cynically, one could argue that the law enabled women to access the political offices with lower status, while permitting parties to preserve the positions of greatest power for men. There is an element of truth to all three explanations. The use of single-member districts certainly hampers the implementation of parity, although a measure such as paired seats (twinning) or reserved seats could be used to overcome this problem. The idea that parties have tried to adopt an incremental, bottom-up approach is explored in more detail below. Finally, there is no doubt that the spirit of the law has been breached by parties in order to protect the political interests of men at the expense of women. Examples of this include the placement of women in unwinnable seats in legislative elections; the under-representation of women in positions of power in local executives, even when their placement on the list should have translated into a more powerful position; the multiplication of party lists in senatorial elections so that a male incumbent placed third behind the obligatory woman in second place on the list could defect to another list and keep the seat instead of ceding it to her (Bird 2003; Murray 2008); and recent reform of local government that replaces departmental and regional councils with territorial councils elected through SMP, despite warnings about the deleterious impact that this would have on women's representation within these powerful local offices.

Overall, the passage of ‘parity’ represented something of a normative victory for women, as the recognition of women’s entitlement to equal citizenship and representation was enshrined in the constitution. At the same time, parties overcame the practical obstacles to parity by weakening the law to make it more manageable. In these respects, parity was in keeping with other symbolic reforms, where obtaining recognition of a problem has been the first major hurdle to be overcome, while an effective solution has been slower to emerge.

### A Symbolic Policy?

Parity could be considered a ‘symbolic’ policy; an emotive debate led to a much-hyped policy which promised more than it delivered. Yet parties have done more than the minimum possible. The proportion of women elected to local office in 2001 (47.5 per cent) exceeded the 43 per cent who would have been elected had all parties consistently placed women in the lowest permitted positions within each group of six on the list (*Le Monde*, 27 March 2001). In addition, in keeping with some other symbolic policies (detailed below), the law has had a growing impact since its passage, despite falling off the public and feminist agendas.

The weakest performances for parity have been in its first applications. Parties have made notable improvements in legislative elections, where parity’s first application produced negligible results for women, while the 2007 elections produced a 50 per cent rise in the proportion of women deputies. This rise came despite a reduction in pressure from the media and a dissipation of the parity movement, and was witnessed across every major party except the Union for French Democracy (UDF),<sup>11</sup> with a rise in the proportions both of women candidates and women elected. Parity is still a long way off, with men still occupying the majority of seats both as incumbents and as newcomers, but parties are moving in the right direction and continuing their efforts. So parity does appear to be having the desired effect, albeit more slowly than its proponents had intended.

Legislation passed in April 2003 and then in January 2007 may help to speed things up in the future, by strengthening the law in several significant ways. Firstly, the 2003 law raised the placement mandate from three women in six candidates to one in two for the regional elections. Secondly, the law now applies to the executives of regional councils and local councils in towns of above 3,500 inhabitants. This is a significant step forward which will ensure that more women move into springboard positions, thus reinforcing the bottom-up approach and increasing women’s access to positions of power. Thirdly, the 2007 reform required candidates for the *conseils généraux*, elected in single-member districts, to have a reserve candidate (*suppléant-e*) of the opposite sex (although the majority of tickets in the 2011 departmental elections have featured a male candidate and female *suppléante*). Finally, the financial penalty for non-implementation of

parity in legislative elections was increased by 50 per cent. This change, although introduced prior to the 2007 legislative elections, was deferred for implementation to the 2012 elections. This is again consistent with an incremental track, with the first phase (2000) promoting women in local politics, the second phase (2007) promoting women in local executives and the third phase (2012) encouraging parties to select more women for national office.

It is of note that the reforms introduced in 2007 emerged under a UMP government, even though the UMP had initially been somewhat hostile towards parity and had been pushed towards it by the parties of the left. The 'conversion' of the UMP to parity was observed in interviews conducted by Réjane Sénac-Slawinski (2008b), who found that members of the UMP had overcome their ideological aversion to parity and had come to consider it a 'necessary evil' which was compatible with republican ideals. This 'conversion' has been reflected both in the 2007 reforms and by Nicolas Sarkozy's promise of a parity government during the 2007 presidential election. While he did not entirely keep his promise, he did break records both for the number of women in government and the powerful positions given to some of them. Nor was there a repeat of the Juppettes scandal of 1995; women have remained a steady third of the total government, although increasingly at a junior level, as some women have left the cabinet (notably Rachida Dati, who had held the powerful position of Minister of Justice, and Michèle Alliot-Marie, who held a variety of key posts including Foreign Minister). Although the tradition has continued of appointing women outsiders who owe their political capital to the President, the government has also contained some high-ranking women with their own power base, such as Michèle Alliot-Marie.

The incremental process of weak legislation which is slowly strengthened over time is not unique to parity. It can be witnessed in other gender legislation in France, and other quota reforms elsewhere in the world. Mazur (1995) documents a range of symbolic equal employment policies for women, many of which originated as token gestures to pacify women's movement demands. 'Parity' fits into Mazur's (1995: 256) claim that 'symbolic reform may occur when the political environment simultaneously makes adopting some reform extremely attractive to policy makers but deters them from making reform concrete'. 'Parity' was politically valuable as a notion and costly as a practice, making it an ideal target for symbolic reform. The formation of any policy – even a symbolic one – gives activists and state feminists a foundation on which to build, and women become stakeholders in the policy area. Policy makers can evade dealing with difficult issues through the use of symbolic policies, knowing that one of two outcomes is likely. Either the policy remains symbolic, in which case little or no cost is incurred; or the policy is strengthened over time, in which case the costs are likely to be met by a different set of actors, or at a time when the costs have become more acceptable.

Such an approach can also be witnessed in the adoption of quotas in some other countries. Both Brazil and Argentina adopted symbolic gender quotas. While Brazil has not yet seen a transformation of its quotas into a more effective policy, Argentina has benefited from a progressive reform of its law as a result of pressure from state feminists and women's movements. The *Ley de Cupos* was introduced in Argentina in 1991, with 14 per cent women being elected in 1993, rising to 40 per cent in 2007, placing Argentina eighth in the world for women's representation (Inter-Parliamentary Union 2009; Krook 2009). Meanwhile, Belgium passed a quota law which was to be set at 25 per cent in 1994 and 33 per cent from 1999 onwards. A further reform in 2002 raised the law to 50 per cent, with staged implementation of placement mandates (Global Database of Quotas for Women 2009; Mateo Diaz 2002; Meier 2012). Belgium had already used quotas for its linguistic communities, and was not bound by the doctrines of universalism. Consequently, it was easier for Belgium to be open in its pursuit of incremental reform, whereas France was obliged to give the impression of swift reform whilst still seeking to phase parity in more gently over time. Like many French reforms, parity was less radical than it at first appeared, but less redundant than its initial performances might have suggested.

### 'Policy Creep'

The benefits of parity have proven to be very real, even if an overnight transformation of politics was not achieved. Women have made rapid gains in representation within local politics, and more modest gains in national politics. Meanwhile, women are beginning to move towards high executive office, both through their increased presence in government, and through the presence of two powerful women at the top of the Socialist Party, one of whom is the party leader (Martine Aubry), and the other of whom was the party's presidential candidate in 2007 (Ségolène Royal). Although parity does not apply to national executive office, the norms underlying parity are beginning to extend beyond their formal remit. The idea of women politicians is increasingly accepted as women's presence in politics becomes normalised and attitudes evolve.

It is not only within the domain of women's political representation that parity has begun to have a broader impact. Two further extensions of the principle of parity have been witnessed. The first is parity in the workplace. A new constitutional reform was undertaken in 2008, worded similarly to the parity reform, stating that 'the law favours the equal access of men and women to positions of professional and social responsibilities'. This reform was supplemented with legislation passed in 2011, mandating large private companies to appoint 40 per cent women to their boards by 2017. These reforms came at a time when there was relatively little pressure on the government to extend parity beyond the political sphere, demonstrating that



the concept of parity has become deeply engrained in political thought and has become seen as the default way of addressing problems of under-representation in any aspects of public life.

The second extension to parity can be witnessed in the growing recognition of the rights of ethnic minorities to political representation. As noted above, ethnic minorities were conspicuously excluded from the debate surrounding parity. While parity has not – yet – led to widespread demand for quotas for ethnic minority groups, there has been a notable trend in recent years towards acknowledging the under-representation of those from ‘visible minorities’. In the 2007 elections, there was a marked increase in the presence of candidates from immigrant backgrounds (albeit largely in unwinnable seats), including George Pau-Langevin, the first non-white deputy to be elected in mainland France. Sarkozy’s feminised government also included three women from minority backgrounds. The under-representation of ethnic minorities in France is still even starker than the under-representation of women, but parity does appear to have opened the door to broader reflection and discourse on inclusion, representation and diversity. The door which Lépinard (2008) described as saying ‘women only’ might better have read ‘women first, others may follow’.

What is so significant about parity’s ‘creep’ into other areas is that it has occurred without a recurrence of moral panic. Parity has not just challenged sexism; it has also challenged the predominance of universalism, and opened minds to ‘universalism in diversity through positive discrimination “à la française”’ (Sénac-Slawinski 2008b: 246). This evolution in attitudes is a goal of both fast track and incremental track approaches to increasing women’s representation, but the ordering in France is unusual. The acceptance of a fast track solution, rather than the implementation of one, acted as a trigger for broader societal change. In winning the debate on parity, feminists set the wheels in motion for a model of incremental change. The significant attitudinal changes triggered by parity have perhaps been assisted by the gentler implementation of parity. Opponents have struggled to find swathes of discredited women politicians and embittered former male incumbents. Both the benefits and problems associated with fast track solutions have been largely absent from France. But in acting as a trigger for a more incremental approach, parity has the potential to transform French politics and society over the longer term, and as such it may be seen as a Trojan horse (Ramsay 2008).

## Conclusion

Despite the appearance of being the ultimate ‘fast track’, French parity may better be considered a ‘dual track’ approach to gender equality, combining the normative shifts required for the incremental track with the accelerant provided by the legislative tool of parity. The incremental shift in attitudes generated by parity was at least as important as the more easily recognisable

'fast track' legislation. The practical and normative elements of parity have worked in tandem, each relying on the other to carry the notion forward. The practical legislation has made parity concrete and provided the basis for the notion of 'legislating equality', in keeping with fast track solutions. Meanwhile, the normative elements of parity have reinforced the practical elements by keeping them on the agenda and encouraging the broader societal change required to make gender parity truly effective. Change may be coming more slowly – and in a wider variety of ways – than originally anticipated, but it is coming. And if quotas are recognised as a means of achieving accelerated incremental change, rather than being seen as a blunt instrument to achieve a specific goal, their impact may be more profound than anticipated. The expected impact of gender quotas is that they will enhance descriptive representation, which in turn might improve the substantive representation of women, and ultimately lead to societal change. But France has demonstrated that even before descriptive representation has been achieved, the mere acceptance of its necessity is enough to act as a trigger for wider societal change. Hence future research may wish to focus on the impact of quotas not only on parliaments, but also on societal norms, as an agent for change.

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### Notes

1. Placement mandates refer to the obligation to place women in winnable constituencies and/or high enough up a party list to permit their election.
2. This and all other translations are my own.
3. In *Mitterrand et les Françaises*, Jane Jenson and Mariette Sineau (1995) demonstrate in detail how the 14 years of the supposedly more women-friendly Socialists under Mitterrand resulted in some symbolic changes but surprisingly few concrete gains for women.
4. The electoral system was changed from two-round single-member plurality (SMP) to proportional representation for the 1986 election. The incoming government immediately reversed the electoral system back to two-round SMP.
5. The partisan abuse of electoral system reform in 1986 also ensured that subsequent electoral reform was off the table during the negotiations for parity.
6. Women were even less present as mayors of larger towns with 3,500 or more inhabitants (9.6 per cent), even though it was only in the larger towns that parity applied.
7. Prior to the regional elections of 2010, only one woman (Ségolène Royal) presided over a region.
8. The minimum district size for the use of proportional representation, and hence the application of parity, in senatorial elections was lowered from five to three in 2000, but then raised to four in 2003.
9. A reform in 2007 extended the obligation of parity to local and regional executives.
10. In 2002, women were 38.9 per cent of candidates and 12.3 per cent of those elected; in 2007, they were 41.6 per cent of candidates and 18.5 per cent of deputies.

11. The UDF divided in 2007 into two parties (Nouveau Centre and MoDem), both of whom performed badly for women in 2007, perhaps as a result of the split.

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