

Case Study: France

The French Experience: Institutionalizing Parity

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In Europe, French women were among the last to be granted the right to vote and to stand for election.¹ As of early 2004, the representation of women was still lagging: in the Assemblée Nationale (National Assembly) elected in June 2002, they held only 12.3 percent of the seats, making France 19th among the 25 member countries of the European Union and 66th in the world in the percentage of women parliamentarians. Imposition from above, which is traditional in France,² has allowed women to become ministers more easily than they become members of parliament (they make up almost one-quarter of Cabinet members). There is a striking discrepancy between the high level of economic responsibilities held by women in France and their absence in the parliament.

The 30 ‘glorious’ years from 1945 to 1975, which brought tremendous changes in the lives of women (massive entry into the economic fields, increasing wage-labour employment, especially in the services sector, the proportion of women going on to higher education, legal emancipation, etc.) did not end women’s lack of electoral legitimacy. The difficulty of electing a sizeable presence of women in the assemblies produced the radical idea of *parity*, which eventually led to major institutional reforms aimed at promoting equal access for women and men to elective office.

This case study first presents the specific historical and institutional context of France, and then elaborates on the significance of the idea of parity and the controversies it has generated. It provides an overview of the broad lines of the reforms implemented and an examination of their practical application during the 2001 municipal and Senate elections, and later the 2002 legislative elections.

Historical Context

A number of historical factors explain why women have never held more than a marginal position in the national assemblies of their respective countries. In France, first, women

owe their lengthy political ostracism to the 1789 French Revolution. By positing women's political inability as an absolute principle for over 150 years, the revolution legitimized the notion that women were not competent to assume responsibility for the conduct of public affairs. More recently, further institutional constraints have impeded women's access to legislatures. Regulations and practices originating in the Fifth Republic (1958) have marginalized women, namely the uninominal (single-member) system used in legislative elections and the widespread practice of multiple terms that this system favours. This system indirectly discriminates against women since, by 'personalizing' the election, it gives the political premium to the 'notable' (usually a man): in selecting their candidates, the parties tend to choose the most well-known personality, that is someone who already holds a local mandate in the district (e.g. that of a mayor or general councillor).

The rule of incompatibility between ministerial and parliamentary functions has also been an indirect disadvantage for women since it has compelled the regime to resort to appointing high-level civil servants to executive and even legislative positions, most of whom are trained in distinguished educational institutions such as the *Ecole Nationale d'Administration*, all of which are male institutions par excellence.

Women have been ill-treated by both the institutions of the Fifth Republic and the political parties in charge of perpetuating them. Far from being open forums for training and selection, the French political parties, with their narrow-minded and ageing leadership, have mainly operated as nomination groups that favour the self-reproduction of male elites. The feminist movement of the 1970s must also bear a share of the responsibility for these practices, because it did not push to put women into the system of political representation: feminists expected change to come from social movements, not political parties. Consequently, for a long time women were under-represented in the leadership of the parties as well as in groups of elected representatives, and found it difficult to make their voices heard.

For many years, the *Parti Communiste* (PC, Communist Party) was the only party to nominate women for elected office,³ thus implementing—without calling it this—a quota system. The *Parti Socialiste* (PS, Socialist Party) amended its by-laws in 1974 in order to include a quota for women in its leadership (initially 10 percent; the quota was increased to 30 percent in 1990). The PS also applied the quota system in elections for the European Parliament (under a proportional list system), and only much later, in 1996, did it vote for a 30 percent quota for female candidates in legislative elections (which came into effect in 1997). The feminist impetus came from *Les Verts* (the Green Party), which has male–female parity written into its by-laws. None of the right-wing parties have applied the quota system.

A final barrier to the presence of women in politics in France was judicial. On 1 November 1982, the Constitutional Council, the country's highest judicial body, struck down a provision of the law instituting a maximum of 75 percent representation for either sex on the list of candidates contesting municipal elections (in cities with a population over 3,500). By setting a precedent, this decision clouded the outlook for reforms.

To overcome all these obstacles, it was deemed necessary to reform the system

from above. France and Belgium are the only European countries to have adopted a law requiring some degree of mixing of the candidates standing for election. While most of its neighbours rely on the 'wisdom' of the political parties to ensure the political representation of women, France stands as an exception by resorting to legislative directives through the law on parity.

The Concept of Parity

Parity can be defined as quantitatively guaranteed equal access to certain elective positions. The concept, which appears as a 'demand for equality' and as 'acknowledging a socially constructed otherness',⁴ helps to circumvent the classic dilemma raised by the citizenship of women in democracy, that is, the choice between equality and taking into account the differences between the sexes. It has compelled a rethinking of the content of abstract universalism, and an alternative analysis of the issue of women's political representation.

Is parity equivalent to quotas? 'No' will be the answer of those who maintain that the philosophy underlying parity (perfect equality) is different from that underlying quotas (which constitute a threshold, and as such are considered discriminatory). 'Parity does not mean 50–50', says Eliane Vogel-Polsky. 'Parity is demanded in the name of equal status, and not in the name of representing a minority.'⁵ Also, parity has been voted into law on a permanent basis, while the quota is, in principle, a temporary measure. Nonetheless, the French law on parity was cited in debates to defend quotas as a model for immediately increasing the number of women elected.

The concept of parity arose in the late 1980s, being put forward first by the Council of Europe.⁶ It was brought to France by intellectuals and feminist movements, who put pressure on the authorities in the early 1990s. Feminists' conversion to legal reform was accelerated by the ideas of certain intellectuals. In 1992, the book *Au pouvoir citoyennes! Liberté, Egalité, Parité*⁷ helped to popularize the concept. And in 1996, in her *Recueil Dalloz*, Francine Demichel showed that because women were legally 'not considered and invisible' they were the subsidiary sex of legal theory. She concludes from this that sex must be integrated into the theory of representation, precisely by means of parity.⁸

The call for parity was taken up by intellectuals as well as politically active women. In June 1996, ten former ministers, all women and all from the political sphere, published a manifesto in favour of parity in the magazine *L'Express*. This publication later had a major impact on the outcome of the debate.

Slowly taken up by political actors of both left and right, parity became a major issue during the 1995 presidential election and the 1997 legislative elections. In the context of the crisis of representation, it was widely held that a democracy without women was a disfigured democracy. Opinion polls also showed that people wanted to see a renewal and feminization of the elite.⁹ The political change that brought the left to power in June 1997 precipitated the reforms, since one of the central

issues trumpeted by Socialist leader Lionel Jospin was the renewal of the political institutions (including parity and limiting the plurality of election mandates).

The debate on parity gave rise to violent controversies over the founding principles of the republic which cut across the left–right divide and split feminists. Opposing it, orthodox republicans considered that parity would strike a blow against universalism because it groups citizens in categories. Backing parity were those who stressed the limitations of formal egalitarianism and maintained that any democracy that did not include women was not a genuine democracy. The vote for reforms brought an end to the controversy, and parity is now a matter of consensus, both in public opinion and among political actors.

The Reforms

The constitutional law of 8 July 1999 on equality between women and men authorizes legislators to take affirmative action, but remains within the bounds of constitutionality. It complements article 3 of the constitution (on the indivisibility of sovereignty) with the following item: ‘The law favours equal access of women and men to electoral mandates and elective positions’. It then stipulates (in article 4) that political parties ‘contribute to the implementation [of this principle] under the conditions set by the law’. The term ‘equality’ was preferred to ‘parity’, so the latter does not appear in the text. This minimalist reform merely asserts that formal equality must be implemented in practice, but it is fundamental because by redefining the sovereign people it marks a break from the symbolic order from which it arises. In place of the old order, based on ‘neutral citizenship’ and the ‘one-ness’ of a society made up of individuals, parity brings in a bi-gendered, dual order.

This new situation resulted in the adoption, on 6 June 2000, of a law on ‘equal access of women and men to electoral mandates and elective positions’. This law is also known as the parity law. It requires the parties in all the elections that are run on the basis of the list system to have 50 percent of each sex (with a margin of one unit) on their lists of candidates; failing this, the list is rejected. The elections covered by this law are those to the European Parliament, regional and Senate elections (in departments with four or more seats, accounting for 50 percent of Senate seats), and municipal elections (for municipalities with at least 3,500 inhabitants).¹⁰ For list system elections with only one round (European Parliament, Senate and regional elections), the law requires that the names on the lists alternate between men and women (or women and men) from top to bottom. For list system elections with two rounds (regional elections, and municipal elections in towns or cities with 3,500 or more inhabitants, including the Corsican Assembly), parity must be achieved per group of six candidates (men and women may be listed in any order). However, the government, which modified the electoral system in 2003 for regional elections in order to limit the extent of the proportional system, agreed to apply strict alternation on the lists in the regional elections of 2004, although these elections comprise two rounds.

For legislative elections, which use the single-member plurality/majority system, the law provides for a financial penalty for parties that fail to present 50 percent of candidates of each sex, with a margin of 2 percent. The state financing allocated to them on the basis of the number of votes obtained in the first round is reduced 'by a percentage equivalent to half the difference between the total number of candidates of each sex, out of the total number of candidates'. For instance, if one party presents 35 percent women and 65 percent men, the difference is 30 points, so its funding is reduced by 15 percent.

The departmental assemblies, which are elected by a uninominal system, are not affected by this law.

Implementation: The 2001 Municipal and Senatorial Elections and the 2002 Legislative Elections

The municipal elections of 11–18 March 2001, the first test for the new law, showed that it was capable of producing equality: some 38,000 women were elected to local councils in towns and cities with populations over 3,500, accounting for 47.5 percent of all council members. There was a significant gain (84.8 percent) compared to 1995, when 25.7 percent of council members elected were women. It would seem that the obligation to present 50 percent candidates of each sex was achieved without much difficulty: a poll of some 600 candidates heading up party lists showed that 78 percent of those interviewed deemed it 'easy' to apply the parity law in drawing up their lists.¹¹ The parties did not do the 'minimum service': according to a simulation carried out by the Ministry of the Interior, if, in the six candidate brackets, all parties had positioned three men on top followed by three women, the final outcome would have been 43 percent women.

The proportion of women elected varies with the size of the communities, from 47.4 percent for the smallest (population 3,500–9,000: hitherto, these municipalities had had the smallest numbers of women), to 48 percent for those with more than 30,000 inhabitants.

However, the impact of the law can also be assessed in contrary terms, since in those municipalities with less than 3,500 inhabitants (where no constraints existed previously), 30.1 percent women were elected as against 21 percent in 1995, representing a gain of more than 45 percent. There was little effect on the process of designating mayors, as they are chosen in indirect elections, about which this law is silent. Only 10.9 percent of the mayors elected were women. This percentage is an average that does not reveal the significant gap between towns and cities with more than 3,500 inhabitants (among these, only 6.9 percent were governed by women) and those with fewer than 3,500 (of which 11.2 percent were led by women). Inequality of the sexes in politics reflects inequality in the face of power.

Table 12: Women and Political Power in France

	Date	No. of Members	No. of Women	% Women	Type of Election
Government	2004 (Apr.)	42	10	23.8	
European Parliament	2004	78	34	43.5	List PR
National Assembly	2002	577	71	12.3	Majority uninominal, two rounds
Senate	2004	331	56	16.9	Parallel system: large regions: proportional list. Small regions: two-round system
Regional council	2004	1,880	895	47.6	List PR
General council (departments)	2004	3,966	411	10.4	Majority uninominal, two rounds
Local council (towns and cities with population over 3,500)	2001	8,004	38,106	47.5	Proportional list, two rounds
Local council (towns with population under 3,500)	2001	393,716	118,321	30.1	Majority list, two rounds
Mayor	2001	36,558	3,987	10.9	Majority uninominal, two rounds Indirect suffrage (by local council members)

Paradoxically, in France women figure much more prominently in the executive branch than in the legislative branch (the National Assembly and Senate).

The assemblies with the largest percentage of women are those elected by proportional list voting. The enforcement of the 6 June 2000 law, which requires male–female parity of candidates in list system elections, has accentuated the trend: after the 2001 election, women almost doubled their numbers on local councils in towns and cities with more than 3,500 inhabitants, where they now represent 47.5 percent of the council members.

Source: French Ministry of the Interior, 2004.

After the Senate elections of 23 September 2001—the second time the law was applied—10.9 percent of the seats in the upper chamber went to women (compared to 5.9 percent previously, with a gain of 84.7 percent). One-third of the seats (102 out of 321) were up for election, 74 through the list system (subject to parity) and 28 through the uninominal system (no parity requirement). Many women stood for election (42 percent of the candidates). At the end of the day, 22 out of the 102 (21.5 percent) were women. Most of the women elected (20 out of 22) won elections with proportional list voting, to which the parity constraints applied.

The number of women in the Senate was unexpected because many prominent persons (incumbent senators), particularly from the right wing, resorted to the strategy of creating multiple 'dissident' lists. Rather than run the risk of losing if placed in third position on the list, they preferred to appear in first positions on other lists. And the parties let members do as they pleased, not disavowing these 'wild card' considerations. However, far from harming the women's cause, this dispersion proved fatal to the right-wing candidates, as several left-wing women successfully challenged the right-wing candidates. For instance, four Communist women candidates, each positioned second after Socialist candidates, were elected.

Of the 22 women elected, 13 (59 percent) were from leftist parties (seven Socialists, five Communists and one Green). The Communist group has the highest proportion of women in the Senate (43.5 percent), followed by the Socialists (14.4 percent), and then by rightist groups—the Union centriste (Centrist Union) (13.2 percent), the Rassemblement Pour la République (RPR, Rally for the Republic) (4.2 percent), and the Républicains Indépendants (Independent Republicans) (2.4 percent).

Although it is effective, the new law should be improved, as it has gaps. Indeed, it has lost sight of the municipal executives, the inter-municipal structures and, above all, the departmental assemblies. As long as these remain male bastions (they have only 10.4 percent women members) they will have a negative impact on the distribution of nominations for legislative elections: the parties prefer to distribute the 'good' districts to notable party figures—those department-level elected officials who are known to voters.

Finally, and most importantly, the provisions of the law concerning legislative elections are not stringent enough, for they leave it up to the political parties: either present 50 percent candidates from each sex, or suffer financial penalties. If there is a lesson to be drawn from the legislative elections of 9 June and 16 June 2002, it is that the large parties have preferred to pay the fines rather than have more women candidates, for doing so would require 'sacrificing' the incumbents who would have to step down.

On the right, the two main parties, the Union pour la Majorité Présidentielle (UMP, Union for a Presidential Majority) and the Union pour la Démocratie Française (UDF, Union for French Democracy), have presented fewer than 20 percent women on their lists. On the left, the PS has been more respectful of the law, with 36 percent women candidates. Only the small parties, the PC and Greens, which have not had incumbents to deal with and with minorities in the legislature, have respected parity in their nominations. In the wake of the 2002 legislative elections, swept by the right, women held only 71 of 577 seats in the National Assembly as compared to 62 in 1997. This means that for the first time the parliamentarians of the right have more women than those of the left, in absolute figures: the UMP, with a majority, has 38 women out of its total 365 members, that is, 10.4 percent (the UDF has only two of 29, or 6.8 percent). The PS has no more than 23 women out of 141 deputies (16.3 percent), and the PC has four out of 21 (19 percent); and finally, the Greens

have one out of three (33.3 percent).¹²

In all, the share of women in the National Assembly has increased from 11.9 percent in 1997 to 12.3 percent in 2002. These percentages summarize the failure of the law on parity in the legislative elections. Since it is not obligatory, a real concern remains that parties will continue to prefer men, who are better endowed with political resources, among their nominees.

The conclusion which can be drawn from the triple elections of 2004 is contradictory: 47.6 percent of women were elected to the regional councils (as against 27.5 percent in 1998), and 43.5 percent were elected to the European Parliament (in contrast to 40.2 percent in 1999), but only 10.9 percent of the deputies in the departmental assemblies are women (as against 8.6 percent in 1998). The law is paradoxical: it has accelerated the feminization of the assemblies elected through the proportional representation (PR) list system where women's representation was already high while not doing anything for those elected through the uninominal system. It has widened the gap between the former and the latter, which remain 'male' citadels. This is one of the negative consequences of an affirmative action law, which one would expect to have a more 'corrective' role where women are discriminated against most.

Conclusion

Despite its shortcomings, this law has resulted in a higher turnover of elected representatives, especially in PR elections. Parity, now beginning in France, has ushered in a new phase in the history of democracy.

The legislators themselves are convinced that women will bring about great changes. About 70 percent of respondents questioned in a 1999 survey thought that if one-third of the members of the National Assembly were women, politics would change in form, and 49 percent thought that it would change in substance.¹³ Moreover, the concept of parity, by helping to give a new legitimacy to the debate on equality of the sexes, has spread to other sectors of society. From parity in elected assemblies, we have now shifted to parity in the civil service, in the economy, and even in the family.

Can the French law on parity be exported? Do we have to consider it as a purely French product? Born out of the deadlock of republicanism, the reform vindicates not quotas but equality, one of the terms of the republican trilogy (liberty, equality, fraternity) engraved on the frontispieces of schools and public buildings. It also emanates from a country with a Jacobin tradition, where the interventions of the central state are often codified in laws.

Technically speaking, the French legislation is easily exportable to countries that use list systems; this makes the principle of parity (such as alternating between men and women) easy to apply. Politically, however, it is hardly likely that such a law will be adopted in countries where the state is weaker or more decentralized, especially

if it is not accustomed to intervening in matters specific to political parties. From the perspective of French law, the people and the representatives of the people are no longer an abstract and indivisible entity. They now have a sex, they are men and women 'who are living in this century', to use the expression of Elisabeth Guigou, then justice minister, speaking in the National Assembly.¹⁴

Notes

- ¹ They gained these rights under an ordinance of 21 April 1944.
- ² In 1936 French women did not have any political rights, yet three women became ministers.
- ³ In the post-war period, the Popular Republic Movement (Catholic) also elected women, but this movement soon disappeared from the political scene.
- ⁴ Gaspard, Françoise, 1994. 'De la parité: genèse d'un concept, naissance d'un mouvement' [On parity: the genesis of a concept, the birth of a movement]. *Nouvelles Questions Féministes*. Vol. 15, no. 4, p. 31.
- ⁵ Vogel-Polsky, Eliane, 1994. 'Les impasses de l'égalité ou pourquoi les outils juridiques visant à l'égalité des femmes et des hommes doivent être repensés en terme de parité' [The impasse of equality, or why judicial measures for the equality of women and men have to be rethought in terms of parity]. *Parité-Infos*, special issue. No. 1, p. 9.
- ⁶ In 1989, it organized a seminar on parity democracy.
- ⁷ Gaspard, Françoise, Claude Servan-Schreiber and Anne Le Gall, 1992. *Au pouvoir citoyennes! Liberté, Égalité, Parité* [To power, women citizens! Liberty, equality, parity]. Paris: Seuil.
- ⁸ Demichel, Francine, 1996. 'A parts égales: contribution au débat sur la parité' [Equal shares: Contribution to the debate on parity]. Paris: Recueil Dalloz Sirey, 21 March.
- ⁹ According to an IPSOS poll (*Journal du Dimanche*, 22 June 1997), 80 percent of those interviewed said they approved of the idea of putting the objective of male–female parity into the constitution. See Sineau, Mariette, 1998. 'La féminisation du pouvoir vue par les Français-es et par les hommes politiques: images et représentations' [The feminization of power seen by the French and by political man: images and representations], in Jacqueline Martin (ed.). *La Parité: Enjeux et mise en oeuvre* [Parity: the stakes and the implementation]. Toulouse: Presses Universitaires du Mirail, pp. 61–81.
- ¹⁰ Towns and cities with more than 3,500 inhabitants are a minority of the 36,000 municipalities, but account for two-thirds of the total number of council members elected.
- ¹¹ A CSA poll conducted from 15 to 18 February 2001.
- ¹² The three other women elected, who belong to small political groupings, sit (like the Green woman deputy) in the group of individuals not registered with any parliamentary group, as a minimum of 20 members of the Assembly are required to constitute such a group.

- ¹³ Sineau, Mariette, 2001. *Profession: femme politique. Sexe et pouvoir sous la Cinquième République* [Profession: political woman. Gender and power under the Fifth Republic]. Paris: Presses de Sciences Po., p. 248.
- ¹⁴ National Assembly, [official analytical report of the 3rd session], 15 December 1998.

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