

## CHAPTER 12

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# *Parité* in Politics

## FROM A RADICAL IDEA TO CONSENSUAL REFORM

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*“Nous [les femmes] sommes  
le Tiers-Etat de la République.  
 (“We [women] are the Third  
Estate of the French Republic.”)*

—Edith Cresson, France 2 Radio, June 9, 1996

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“Hemiplegic,” “one-legged”—the metaphors are not lacking to qualify the French version of democracy and the monopolization of political power by males. In the spring of 2002, France still ranks next-to-last among the countries of the European Union in terms of percentages of women elected to the lower house (10.9 percent). If France seems inept, most notably compared to Scandinavian countries, at feminizing its political establishment, it owes this to certain historical burdens. The Salic law, which under the monarchy prohibited women from succeeding to the throne of France, was resumed by the Revolutionaries of 1789. As a consequence, political equality among all citizens has adapted itself to the exclusion of women from all political rights. This sidelining of women would last more than a century and a half, until the ordinance of April 21, 1944, made women full-fledged citizens. To the weight of these historical factors are added institutional checks. For example, certain characteristics of the Fifth Republic (such as a uninominal voting system for the election of deputies, the widespread practice of multiple elected posts, and so on) blocked the entry of women into the electoral or parliamentary scene.

To break the deadlock, a radical idea blazed a trail during the 1990s: the idea of political parity. Defined as “l’égalité quantitative garantie pour l’accès à certaines

fonctions électives” (guaranteed quantitative equality for access into certain elective functions),<sup>1</sup> *parité*<sup>2</sup> marked an unexpected return to the legal battle. The concept of *parité*, which was presented both as “une demande d’égalité” (a demand for equality) and as “la reconnaissance d’une altérité socialement construite” (the recognition of a socially constructed alterity),<sup>3</sup> provided an escape from the classic dilemma presented by the citizenship of women in democracy: the dilemma of choosing between equality and a recognition of sexual difference. This is why the notion of *parité* has had the beneficial effect of making everyone rethink abstract universalism and analyze differently the question of the political representation of women.

A number of groups have taken up the cause, thereby increasing public awareness of the invisibility of women in the arena of political decision making and helping remobilize a feminist movement that was previously disinterested in electoral issues.<sup>4</sup>

### *I. PARITÉ UNDER DEBATE: UNIVERSALISTS VERSUS DIFFERENTIALISTS*

An analysis of the debates that have taken place as a result of the battle for *parité* reveals the presence of tensions caused by different concepts of equality and democracy. On the one hand, universalist Republicans oppose *parité* today just as they opposed all categorical rights in the past. In the opposing camp are all those (both women and men) who emphasize the limits of formal egalitarianism, who distance themselves from any fixed interpretation of the law, and who refuse to characterize as “democratic” any democracy without women.

#### **A Universalism Indifferent to Differences**

If numerous legal experts and male politicians are opposed to *parité*, it is because, they say, of their attachment to the principle of universality set forth in the French Declaration of the Rights of Man and the Citizen of 1789, which does not recognize any sexual distinction among individuals. Hence, the enactment of a democracy organized on the basis of *parité* would bring harm, in their view, to the Republican principle of national sovereignty, which does not lend itself to any fragmentation among voters or any distinction of these voters by category.

Qualified by legal experts as an infringement of the right to impartiality, *parité* is expressly denounced by a number of acting “Republican” politicians as a breach that imperils democracy. Thus, François Mitterrand, during his second term as president, declared he was shocked that anyone could want to “découper la démocratie en tranches” (cut up democracy in slices). The former president of the Constitutional Council, Robert Badinter, also counted himself among the unconditional universalists, and viewed the enactment of *parité* as an intolerable threat of “communitarianism.”<sup>5</sup>

The tenants of Republican universalism have often been supported by militant feminists in their opposition to the idea of *parité*. Some women saw it as a way to reintroduce, or even essentialize, gender differences in politics. It is from this perspective that Eleni Varikas denounced a “solution magique qui prétend traiter l’exclusion des femmes par des mesures qui perpétuent et institutionnalisent la

répartition sexuée qui fonde leur exclusion” (magical solution that proposes to deal with the exclusion of women using the same measures that perpetuate and institutionalize the sex-based distribution upon which their exclusion is founded).<sup>6</sup> Other women, notably on the extreme Left, criticized the relevance of an alliance of all women under the banner of *parité*, for it included no reference to a societal undertaking that would raise the question of social inequalities and the division of labor according to sex.

In the media, journalists, analysts, and essayists from all sides tirelessly denounced the malice behind the idea of *parité*. They pointed out its inherent dangers or the aberrations to which it might lead. Olivier Duhamel, for example, perceived *parité* as a veiled menace to democracy, the destructive effects of which (ethnicism, nationalism, and a reversion to difference) would not fail to have an impact. He held that “l’acte de parité est parfois indispensable, mais que le principe de parité serait déplorable” (the *act* of *parité* is sometimes indispensable, but the *principle* of parity would be deplorable) (*L’Express*, November 1993). Echoing her husband, Elisabeth Badinter decried the idea that “les paritaires ne proposent rien moins que de changer de système politique et d’imposer la démocratie communautaire des quotas importée des Etats-Unis” (proponents of *parité* propose nothing less than to change political systems and to impose the communitarian democracy of quotas imported from the United States) (*Le Monde*, June 12, 1996). Finally, in an editorial bearing the revealing title, “La violence des faibles” (The violence of the weak), Jacques Julliard exclaimed that the principle of *parité* in politics would place women “dans une situation d’assistance perpétuelle c’est-à-dire d’infériorité réelle” (in a situation of perpetual assistance, that is, of real inferiority): “A force d’insister sur l’identité au détriment de l’universalité, les faibles ou les minoritaires scient la branche sur laquelle ils prétendent s’asseoir: leur appartenance à un droit commun valable pour tous” (As a result of their insistence on identity at the expense of universality, the weak or the minorities are sawing off the branch upon which they claim to be seated: their eligibility for a common right that is valid for all) (*Nouvel-Observateur*, June 27-July 3, 1996).

Women as a danger to democracy: this is a frequently recurring theme of the French political debate. Under the Third Republic, radicals and radical Socialists refused to grant women full political privileges, arguing that their vote would threaten the fragile Republic, which was at that time under royalist attack. Today, universalists, whether they lean toward the Left or the Right, often exaggerate the potential deviations introduced by the principle of *parité*, drawing the same conclusions as their forefathers: women, by claiming *parité*, are going to destroy the foundations of the Republican, democratic ideal.

Here is a case in point: partisans of the legal status quo invoke the judicial precedence of the Constitutional Council. They remind us that supreme jurisdiction, in a decision approved on November 18, 1982, overruled the article of municipal law instituting a maximum quota of representation according to sex (75 percent) on lists of candidates in municipal elections (in communes of more than 3,500 inhabitants). It was overruled in the name of equality of all citizens before the law, guaranteed both by article 3 of the Constitution of 1958 and by article 6 of the Declaration of the Rights of Man and the Citizen. In the name of principles ensuring formal equality, the constitutional judge in essence opposed a measure aimed at ensuring real equality in municipal assemblies. Hence, as a means of obstructing a policy of

women's rights founded on the principle of positive action, he cited the concept of universalism and the philosophy of the rights of man.

Adversaries of the principle of *parité*, try as they might to entrench themselves in legal precedence, cannot bury the debate on democratic *parité*. They invoke rights and the Constitution to reject voluntarist policy as a means of nominating and electing more women to office.

### Unequal Rights for Unequal People

Other authors have adopted a different interpretation of the law—one, moreover, that goes hand-in-hand with another concept of the right to and principle of equality. This reading most often comes from activists engaged in the fight for *parité*, but it has also rallied some legal experts. It affirms that there would be no constitutional obstacle barring the enactment of a law on *parité* and even emphasizes that there might be concrete textual elements to support this interpretation. The generators of this interpretation base their argument mainly on a sentence in the preamble of the Constitution of 1946, which is reiterated in the Constitution of 1958: “La loi garantit à la femme, dans tous les domaines, des droits égaux à ceux de l’homme” (The law guarantees women, in all domains, rights equal to those of men). Following this line of argumentation, there would be no reason to revise the Constitution to impose *parité*. It would suffice to lay claim to this equality of legal status, as guaranteed by the legislature of 1946, in order to draft a law on *parité*. Such a law, they argue, would be a measure of real equality, whose existence has its basis in the formal legal equality posited by the Constitution.

Other interpreters of the law have pushed even further by affirming that national legislation does not respond to the legal norms contained in the Constitution. This is Gisèle Halimi's position (she is founder of the feminist movement, Choisir-La Cause des Femmes), who has stated: “Plus qu'un constat, plus qu'une déclaration, voire une proclamation, il y a une garantie, obligation du passage de la liberté formelle au droit réel” (More than a realization, more than a declaration or even a proclamation, there is a guarantee, an obligation, to progress from formal liberty to real rights) (*Le Monde diplomatique*, October 1994). These authors emphasize that the principle of *parité* is quite different from the principle of quotas, and that the judicial precedents of the Constitutional Council thus do not apply. While a quota, by opposing equality, is unconstitutional, the notion of *parité*, which advocates perfect equality, is constitutionally necessary. Although they see no legal obstacle to the enactment of *parité*, many supporters of the reform nonetheless consider that a revision of the Constitution is absolutely imperative for political reasons.

Defenders of *parité* are supported by philosophers and political scientists intent on questioning the very principles of current Republican citizenship. To show that the notion of *parité* has a valid basis, the political scientist Jean Vogel has questioned the structure of democratic universalism and recalled that “l'institution de la citoyenneté procède d'une auto-définition arbitraire du corps politique” (the institution of citizenship proceeds from an arbitrary self-definition of the political body).<sup>7</sup> He continued, “Ainsi la décision de limiter, au siècle précédent, la composition du corps électoral aux électeurs censitaires, ou celle de considérer pendant des décennies le suffrage universel masculin comme identique au ‘suffrage universel’ tout court, étaient des faits arbitraires, dont aucun juriste n’arguera cependant ja-

mais pour démontrer l'illégitimité des lois adoptées par les représentants élus par les électeurs de l'époque" (So the decision in the nineteenth century to limit the composition of the electoral body to eligible voters, or the decision, [which was in place] for decades, to consider universal masculine suffrage as identical to "universal suffrage"—these were arbitrary facts. But no lawyer would have ever attempted to demonstrate the illegitimacy of the laws adopted by representatives elected by the voters of that period). From that moment on, something that is arbitrary can be changed at any time, and the body politic can, in light of new values (such as *parité*), decide to redefine, to open itself.

Some women philosophers, including Jeannette Colombel, are happy to remind us that the notion of *situation*—which is at the core of the Sartrian concept—has come to "dérégler, la première, l'universalisme en philosophie comme en politique . . . Sartre évite le piège du repli communautaire ou d'affirmation identitaire tout en parlant de différences—'l'Autre en Histoire'—espérant cependant en des 'universels concrets', des 'universels singuliers' " (be the first thing to upset universalism in philosophy as in politics . . . Sartre avoids the trap of communitarian refuge or of identity affirmation, all the while speaking of difference—"The Other in History"—placing hope nonetheless in "concrete universals" or in "singular universals") (*Libération*, December 31, 1995). In a similar vein, Françoise Collin has pointed out that the time has come to "penser l'un en même temps que le deux, ou que le plusieurs, et non en dehors l'un de l'autre" (think the one at the same time as the both, or the several, instead of separating them one from another). In this sense, *parité* in politics would permit [the French people] to "sortir de la logique des contraires" (escape the logic of opposites), to counter universality and specificity "selon une pensée dichotomique d'héritage cartésien" (according to a dichotomic idea of Cartesian heritage). ("Les hommes ont toujours été à la fois des êtres humains, et des êtres masculins, sans que cette double qualification leur apparaisse comme un dilemme") (Men have always been both human beings and masculine beings at the same time, without this double qualification appearing as a dilemma to them).<sup>8</sup> Finally, in response to the article by Elisabeth Badinter, the philosopher Sylviane Agacinski examined the value of universalist abstraction in these terms: "Si l'universalisme consiste à ignorer absolument la différence sexuelle, l'essentielle mixité du genre humain, alors, il faut faire la critique philosophique et politique de l'universalisme" (If universalism consists in absolutely ignoring sexual difference, the essential mixture of the human race, then the philosophical and political critique of universalism must be made) (*Le Monde*, June 18, 1996).

French universalists have also been taken to task by certain legal experts. In a long, theoretical work, Eliane Vogel-Polsky engaged in an elaborate critique of the legal theory on the equality of the sexes, which constitutes in her view an "inaboutissement programmé" (programmed nonoutcome). This is shocking evidence, though rarely denounced: "L'égalité des sexes est la seule qui ait été et qui soit encore conjoncturelle, fragmentaire et diachronique, c'est à dire qu'elle a été intégrée dans les systèmes juridiques contemporains par une succession de textes séparés visant des domaines spécifiques: l'égalité des hommes et des femmes n'a jamais été consentie, reconnue et accordée en une seule fois pour tous les domaines de la vie en société . . ." (Equality between the sexes is the only kind that has been and that still today is related to economic fluctuations that are fragmentary and diachronic; that is, it has been integrated into contemporary legal

systems by a succession of separate texts targeting specific domains: the equality of men and women has never been consented to, recognized, and granted once and for all in all the domains of life in our society . . .). In her view, legal systems that recognize “l'égalité des citoyens et des personnes de manière abstraite et neutre en l'assortissant de l'interdiction de discriminations fondées sur le sexe, la race, la couleur . . .” (equality of citizens and of people in an abstract and neutral manner, by adding it to the prohibition of discrimination based on sex, race, color . . .) necessarily lead to an impasse. To get out of this rut, it is necessary to switch tools and to adopt a legal system that “reconnaisse le droit fondamental autonome—existant per se et non par incidence—de l'égalité de la femme et de l'homme. Et ce droit fondamental doit se traduire par la *parité*” (recognizes the fundamental, autonomous right—existing per se and not incidentally—of the equality of woman and man. And this fundamental right must be translated through *parité*).

Specialists in social legislation note that this branch of the law “articule volontiers égalité et différence” (willingly articulates equality and difference) and emphasize that “le discours juridique de l'égalité a longtemps été le discours de l'égalité formelle qui n'est pas refus des différences mais plutôt indifférence aux différences” (the legal discourse on equality was for a long time the discourse of formal equality, which is not the refusal of difference, but rather indifference to differences).<sup>9</sup> Jean-Jacques Dupeyroux, for one, does not hesitate to say “non au principe d'égalité” (no to the principle of equality) if it leads to rich and poor alike having the same claims to state-allocated family benefits (*Libération*, November 10, 1995).

To some observers, these remarks demonstrate that the best argument to support the claim to *parité* may be to say, “For unequal people, there must be unequal rights”; or, on the contrary, to say, “To grant to women and to men the same legal treatment leads to denying justice to women.” This critique of formal equality, moreover, has some illustrious antecedents. It is the logic of the criticisms that Marx was already leveling at the agenda of German Socialists. Using this logic, Guy Braibant has recalled in a timely manner that, if the principle of inequality has constitutional value, it also has political value. He writes, “Les assemblées juridiques ne sauraient s'opposer aux évolutions nécessaires et entraver la marche vers l'égalité réelle au nom d'une conception de l'égalité juridique. . . . Des discriminations considérées aujourd'hui comme justifiées ne le seront peut-être plus demain—par exemple à l'égard des étrangers. D'autres seront au contraire considérées comme fondées pour mieux assurer l'égalité des chances et des conditions” (Legal assemblies would not be able to oppose the necessary changes and hinder progress toward real equality in the name of one conception of legal equality. . . . Some types of discrimination that today are considered justifiable may not be so tomorrow: for example, with respect to foreigners. Others will, to the contrary, be considered as founded to better assure equality of opportunity and of conditions).<sup>10</sup>

This “instrumentalist” vision of the law—in the service of an equality that is up to the politicians to define—is shared by Francine Demichel. In her view, “Sans intervention sur le terrain même du droit, les femmes sont condamnées, pour très longtemps encore à n'être désignées par celui-ci qu'à la condition d'être assimilées aux hommes, conjuguées au masculin. La *parité* est seule à même de remplacer cette identification unilatérale d'un sexe à l'autre par une réelle égalité des rapports entre les sexes.” (With no intervention in the arena itself of law, women, for a long time

to come, will be condemned to be designated under the law only on condition that they be assimilated with men, conjugated with the masculine. *Parité*, and only *parité*, can replace this unilateral identification of one sex with the other by a real equality of relationships between the sexes). Demichel, a legal expert, insists that the concept of abstract citizenship, as represented by the Constitutional Council and the majority of jurists, is excessively “dogmatic” or “absolutist.” In her view, sex must be taken into account in the theory of representation, because it contributes to defining “l’identité même de l’individu et du corps social” (the very identity of the individual and of the social body). Did we have to wait for a woman lawyer to intervene and write an editorial for the *Recueil Dalloz* in order to read such conclusions?<sup>11</sup>

### ***La parité* as a Stake in Politics: Taking Back the Idea**

Political figures have not remained indifferent to the debate on *parité*. Witness the multiplicity of reform proposals that have succeeded one another since 1994. Over the course of time, the number of both Right- and Left-wing male politicians to seriously consider the principle of *parité* has been on the rise.

Electoral preoccupations are no stranger to this state of affairs. In the midst of a crisis in political representation, political leaders understood that it was time “d’entendre la société sous peine que bientôt celle-ci ne les écoute plus” (to hear society, lest it soon stop listening to them).<sup>12</sup> Moreover, opinion is shown to be more and more favorable to the feminization of political decision makers, even at the top.<sup>13</sup> Thus, the IFOF survey published in *L’Express* of June 6, 1996, revealed that a strong majority of French people of both sexes approved of a whole series of reforms that would be taken to achieve male-female equality in the political arena: 84 percent of those surveyed were in favor of an “interdiction pour les hommes politiques d’occuper plusieurs postes à la fois” (restriction prohibiting politicians from holding several political offices simultaneously); 82 percent responded favorably to the “organisation d’un referendum sur les mesures permettant d’atteindre l’égalité hommes-femmes” (organization of a referendum on measures permitting male-female equality to be reached); 79 percent said yes to the “nomination d’autant de femmes que d’hommes aux postes importants qui dépendent de l’Etat et du gouvernement” (appointment of as many women as men to high-level State and governmental positions); and 77 percent were in favor of a “[modification de] la Constitution afin d’introduire la *parité* hommes-femmes comme principe général” (modifying the Constitution in order to introduce male-female *parité* as a general principle).

In 1994 numerous reforms were proposed. This was because *parité* was on the agenda in the European elections in June in the form of several lists composed of equal numbers of male and female candidates (including the Socialist and the Ecologist lists). Simone Veil, the incumbent Minister of Social Affairs, Health, and Urban Affairs in the Balladur administration (RPR<sup>14</sup>), proposed a reform aimed at the institution of a progressive quota for female representation in municipal, regional, and European elections (all of which employ a list system of proportional representation, which lends itself better to the application of numerically perfect *parité* than does a uninominal system<sup>15</sup>). In addition, six bills (of parliamentary origin) were put forward. One of them, drafted at the initiative of the association Choisir-La Cause des Femmes and presented by three deputies of the Mouvement

des Citoyens (Citizens' Movement), had as its objective a modification of article 3 of the Constitution by the addition of the following clause: "L'égal accès des femmes et des hommes aux mandats politiques est assuré par la *parité*" (Equal access for women and men to politically elected posts is guaranteed by *parité*).

In 1995—a presidential election year—three new legal proposals saw the light of day. One of the more surprising outcomes of the campaign was that the main competitors addressed the question of the division of power between the sexes. Several candidates explicitly addressed the issue of *parité* and proposed reforms in order to achieve it. Dominique Voynet, on behalf of the Green Party, rallied support to modify the Constitution and drafted a legal proposal to that end. The Communist Party candidate, Robert Hué, declared himself in favor of a referendum to implement *parité*. The Socialist Party candidate, Lionel Jospin, made several proposals in order to "faire avancer cette grande idée de la *parité*" (further this great idea of *parité*), including a limitation on the accumulation of mandates and a reform of the ballot system used in legislative elections. "Un scrutin mixte en France (majoritaire et proportionnel) serait la manière de réaliser une meilleure égalité hommes-femmes" (A mixed ballot system [using both majority rule and proportional representation] would be the only way to attain better male-female equality) (*Le Monde*, March 10, 1995). On the Right, Edouard Balladur declared himself in favor of the implementation of quotas for women ("disons 30 pourcent pour base") (let's say 30 percent to start) and promised to organize "dans les cent jours" (within the first hundred days), if he were elected, a constitutional revision by referendum. Jacques Chirac, for his part, declared his desire to link party financing to the feminization of each party's list of election candidates and promised to create a National Observatory of *parité*.<sup>16</sup>

In 1996, six new legal proposals relating to *parité* were tabled. In June, an article entitled the "Manifeste de dix" (Manifesto of Ten) was published in *L'Express*. The article was signed by ten former women ministers—Left-wing, moderate, and even Right-wing—all of whom were ready to rise above partisan politics in order to achieve *parité*. The publication of this text, which had the impact of a bombshell in the wading pool of politics, accelerated a shift among those in charge of the question of *parité*. On the Right, incumbent Prime Minister Alain Juppé (RPR) declared himself clearly in favor of revising the Constitution. On the Left, the unconditional conversion of Michel Rocard to the idea of *parité* marked a milestone. For the former prime minister, only this radical, yet not "undemocratic," solution would allow for an end to the prevailing situation by which it was "la communauté des mâles qui gouverne" (the community of males that governs) (*L'Express*, June 20, 1996). The Socialist Party Secretary himself, Lionel Jospin, also made great strides on the issue of *parité*. In 1996, he recognized that "le temps de la contrainte est bel et bien arrivé" (the time for constraint has finally arrived). This willingness to change things was reflected in the text ("Les acteurs de la démocratie") (The players in democracy), which was adopted by the Socialist Party during the National Convention on Democracy, held in Paris on June 29 and 30, 1996. There, activists pronounced themselves in favor of a revision of the Constitution that would establish the principle of male-female parity. The Socialist Party also affirmed its determination to at least double the proportion of women elected over the course of the elections, and decided to apply a quota of 30 percent to the number of female candidates in the next legislative elections.



The legislative elections were held as scheduled in May and June 1997, after the decision of President Jacques Chirac to dismiss the French National Assembly. In the course of the election campaign, Lionel Jospin made renovation and feminization of the political arena one of the central themes of his platform. He firmly declared himself in favor of *parité* between women and men in the political arena. After the victory of the Socialists—who presented a list containing nearly 30 percent women, of whom some 17 percent were elected—Jospin, the new prime minister, renewed his promise. In his statement of general policy on June 19, 1997, he proposed to the French a new Republican pact founded on the modernization of France's democracy: "Il faut d'abord permettre aux Françaises de s'engager sans entraves dans la vie publique. . . . Une révision de la Constitution, afin d'y inscrire l'objectif de la *parité* entre les femmes et les hommes, sera proposée" (We must first of all enable French women to engage in public service without obstacles. . . . A revision of the Constitution will be proposed, with a view to inscribe in it the objective of *parité* between women and men).

This promise was kept, even though revision of the Constitution in a period of "cohabitation"<sup>17</sup> was considered a difficult exercise, for it required cooperation between the two chiefs of the executive branch. This time, the chief of state did not oppose revision: not wanting to alienate half the population, he took up as his own theme the need to feminize politics.

### The Time of Reforms

On June 18, 1998, the government brought before the office of the French National Assembly a bill for constitutional reform. First presented to the National Assembly on December 15, 1998, the proposal was unanimously adopted by the French deputies on March 10, 1999. Having triumphed over the Right-wing opposition and the Senate (which, faithful to its tradition of misogyny, had swept the project aside after a first reading), the measure required only a vote by both Chambers at the Congress of Versailles on June 28, 1999.<sup>18</sup> Voted into law with 741 parliament members in favor and 13 against (with 48 abstentions), the bill became "constitutional law number 99–509 of July 8, 1999, regarding equality between women and men." The new version of article 3 of the Constitution (concerning sovereignty and universal suffrage) states that "la loi favorise les conditions dans lesquelles est organisé l'égal accès des femmes et des hommes aux mandats électoraux et fonctions électives" (the law favors the conditions under which is organized equal access of women and men to electoral mandates and elective functions). To the contrary, article 4 specifies that political parties "contribuent à la mise en œuvre du principe énoncé au dernier alinéa de l'article 3 dans les conditions déterminées par la loi" (contribute to the enactment of the principle set forth in the last clause of article 3 under conditions determined by the law). The term "*parité*" appears nowhere in the wording, although it is the very object of the reform. Why is this? The reasons, we are told, relate to the practical difficulties of its realization. *Parité*, which evokes the idea of perfect equality, "renvoie à un déterminisme mathématique impossible à mettre en œuvre" (implies a mathematical determinism that is impossible to put into action).<sup>19</sup> The motives were also clearly political. The term *parité* was carefully avoided and replaced by the term *égalité* in the text of the bill—at the express demand of the Elysée Palace,

after Jacques Chirac had persuaded deputies that the Right would resist voting for a reform that authorized quotas of 50 percent.

The revision of the basic law was criticized as being an empty shell. Georges Vedel, a former member of the Constitutional Council, was the most severe, qualifying the project as “marivaudage législatif” (legislative banter): “Et voilà aujourd’hui que le pouvoir constituant, ce souverain, dans un débat fondamental dit qu’il n’a rien à dire, que c’est au législateur de se débrouiller et au Conseil constitutionnel de prononcer le dernier mot” (And we see here today that in a fundamental debate, the constituent assembly, that sovereign power, has nothing to say, that it is up to the legislature to find its way and up to the Constitutional Council to say the last word) (*Le Monde*, December 8, 1998).

On the Left and the Right, a number of women politicians expressed a rather critical view, from Gisèle Halimi (Choisir-la cause des femmes) to Roselyne Bachelot (RPR) and Yvette Roudy (Socialist Party), not to mention Muguette Jacquaint (Communist Party). They all emphasized that the revision would not have any real meaning until the articles of its application were adopted; many of them feared that these articles would pose serious difficulties, notably because the uninominal voting system makes for an awkward fit with the principle of equal access to men and women.

In reality, this reform is both *minimalist*, restricted to affirming that formal equality needs to be implemented through deeds, as well as *fundamental*, because of the breach in the symbolic order it has caused. A redefinition of the sovereign people, in effect, took place with the new wording of article 3. How can we fail to notice, in the words of Geneviève Fraisse, that “ce sont deux siècles d’abstraction démocratique, d’abstraction masculine [qui] se referment. Et que s’ouvre une ère nouvelle, celle de l’incarnation du souverain par les deux sexes.” (Two centuries of democratic abstraction, male abstraction, are sealed shut. And let a new era begin, an era of the embodiment of the sovereign by both sexes) (*Libération*, December 29, 1998). A paradigmatic shift had taken place. And that is why some, including Leftist members, were critical of the revision, beginning with Robert Badinter, a Socialist senator and the former president of the Constitutional Council. So was his spouse, Elisabeth Badinter, who saw it as “a regression,” leading to the enshrinement in the Constitution of “the right to difference . . . after 20 years of working toward equality of the sexes” (*L’Événement du Jeudi*, February 3, 1999).

The new constitutional order promptly led to voluntary measures designed to achieve the goal of *parité*. Starting on December 8, 1999, the Council of Ministers approved a government bill establishing *parité* between men and women in politics. The text of the bill obliged parties to present 50 percent of women on ballot lists but does not provide any guidelines in terms of the position occupied by women candidates on those lists. For legislative elections, which are uninominal ballots, the bill provided incentives to parties in the form of state financial aid to respect candidate *parité*. The government’s bill found favor well beyond the ranks of the majority. The president himself did not fail to show interest, and many of the leading voices on the Right were heard in favor of *parité*.

The initial text was heavily amended by the National Assembly in an effort to tighten the law, since the principle of *parité* of women candidates in large part gave precedence to *parité* of women elected to office. According to the provisions of law number 2000–493 of June 6, 2000, “tendant à favoriser l’égal accès des femmes et

des hommes aux mandats électoraux et fonctions électives” (tending to favor equal access of women and men in elective mandates and positions), parties are obligated, under pain of having their candidates’ lists invalidated, to present 50 percent of the candidates from both sexes (with a maximum difference of one) for all elections by ballot list. Moreover, the alternation between a woman and a man or a man and a woman is obligatory from the beginning to the end of the list for elections of only one round (European Union elections and senatorial elections in the most heavily populated *départements*). For elections with two rounds (regional elections and municipal elections for communities of more than 3,500 inhabitants, and the Corsican Assembly), *parité* must be respected in six-candidate segments. For legislative elections, *parité* is not obligatory, but the law calls for financial penalties for parties and political groups that have not presented 50 percent of the candidates from both sexes (within a 2 percent margin). The state aid they receive in accordance with the number of votes obtained in the first round of the legislative elections is reduced “d’un pourcentage égal à la moitié de l’écart entre le nombre de candidats de chaque sexe rapporté au nombre total de candidats” (by a percentage equal to half of the disparity between the number of candidates of each sex compared with the total number of candidates). For example, if a party’s list consisted of 35 percent women and 65 percent men, the disparity would be 30 percentage points. State aid would thus be reduced by 15 percent.

This law is clearly a useful tool—“constraining” as some critics say—to produce a mix in elected bodies without delay. In fact, at the outcome of the municipal elections of March 11 and 18, 2001, which served as a sort of test case of the law, local assemblies had a different profile. On the evening of the second round, more than 38,000 women were elected to municipal councils of towns with more than 3,500 inhabitants in metropolitan France, that is, 47.5 percent. The increase, when compared with the municipal elections of March 1995 (with 25.7 percent women elected), is clear: the number almost doubled!

The spirit of *parité* had little effect, however, on mayoral elections. (Mayors are elected through indirect suffrage by members of the municipal council, and the law made no provisions for this.) Only 181 women were elected mayors of towns of more than 3,500 inhabitants. This is not much, even considering progress made since 1995: 6.9 percent, compared with 4.9 percent six years ago (40.8 percent). While the French put great hope in the feminization of town halls,<sup>20</sup> no egalitarian dynamic came to redistribute public offices in cities. Forced to cede seats to municipal councilors, they were all the more able to hang on to the control of towns in which they benefited from more political capital (name recognition, length of office, partisan experience . . .). The presidencies of urban communities—a sort of regrouping of communes that will be the structures of the future—dropped even more—and almost exclusively in favor of men.<sup>21</sup> Martine Aubry may well govern Lille-Centre, but Pierre Mauroy is president of the urban commune. In Strasbourg, the same division of power occurred between Fabienne Keller and Robert Grossmann. In other words, the feminization of towns is hierarchical: 47.5 percent of municipal councilors are female; this compares with 6.9 percent female mayors and 5.4 percent women presidents represented in intercommunal structures.

The division of responsibilities is still far from attaining *parité* when compared with men. Yet a real dynamic is in gear, and nothing seems to be able to stop it. The law of June 6, 2000, the so-called law on *parité*, has rung in the end of the “French

exception” as we know it: a unique nation, reserving for men the legitimate political monopoly. The time of “women as exceptions” or “token women” is over; it belongs to the past. In the new millennium, the *parité* generation is taking over.

*Translated by Heidi Kyser Genoist and Margaret Colvin*

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NOTES

1. Francine Demichel, “A parts égales: contribution au débat sur la parité,” *Recueil Dalloz* (Paris: Dalloz-Sirey, 1997), 95.
2. Translator’s Note: In France, the movement that has grown up around the concept of political parity as it is defined here, and which has involved the efforts of politicians, activists, scholars, writers, and journalists, has itself come to be known as “*parité*.” The varying translations of “parity” and “*parité*” herein have attempted, respectively, to account for the concept as such, at its most objective, versus the school of thought at large, along with its products, although there is always necessarily some measure of overlap between the two.
3. Françoise Gaspard, “De la *parité*: genèse d’un concept, naissance d’un mouvement,” in *Nouvelles questions féministes*, 15.4 (Paris), 31.
4. Different stages have punctuated the increase in power of this claim: September 1, 1989, the European Council organizes a Seminar on Democratic Parity; 2. Spring 1992, the release of a work, *Au pouvoir citoyennes! Liberté, Egalité, Parité* contributes to the diffusion of the idea of *parité* in France; November 3, 1992, the Declaration of Athens is adopted on the occasion of the premier European summit on “Women and Power”; November 4, 1993, the Manifesto of 577 for Democratic Parity is published in the daily newspaper *Le Monde*; May 5, 1996, the Charter of Rome is signed promising the promotion of “la participation égale des femmes et des hommes à la prise de décision” (“equal participation of women and men in decision-making”) on a European level.
5. In an interview with the daily newspaper *Le Figaro* of March 9, 1995, he stated his position with perfect clarity: “Nous entrons dans un monde où nous verrons s’opposer deux conceptions de la démocratie. L’une est celle dans laquelle les citoyens se pensent d’abord en termes de communautés, considérées comme des composantes structurelles de la nation. L’autre vision qui, elle, me paraît véritablement républicaine, fidèle aux pères fondateurs, est celle de la nation française, de tous les citoyens français, quels que soient leur origine, leur sexe, leurs affinités culturelles, leur religion, leur race” (We are entering a world where . . . we will see two conceptions of democracy at odds. One is that in which citizens think of themselves first in terms of communities, considered to be like the structural elements of a nation. The other vision, which I myself see as truly republican, loyal to the founding fathers, is that of all French citizens, regardless of their origin, their sex, their cultural affinities, their religion, or their race).
6. Eleni Varikas, “Une représentation en tant que femme? Réflexions critiques sur la demande de parité des sexes,” in *Nouvelles Questions féministes*, 16.2 (1995), 118.
7. Jean Vogel, “La citoyenneté revisitée,” in Eliane Vogel-Polsky, *Les femmes et la citoyenneté européenne*, European Commission, European Network, “Les femmes et la prise de décision,” (Brussels: Direction Générale V, multigraphié, 1994), 43.
8. Françoise Collin, “La raison polyglotte ou pour sortir de la logique des contraires,” in *EPHESIA, La place des femmes, L’enjeu de l’identité et de l’égalité au regard des sciences sociales*. (Paris: La Découverte, 1995), 675.

9. Antoine Lyon-Caen, "L'égalité et la différence dans l'ordre du droit," in *EPHESIA, La place des femmes, l'enjeu de l'identité et de l'égalité au regard des sciences sociales* (Paris: La Découverte, 1995).
10. Guy Braibant, "Le principe d'égalité dans la jurisprudence du Conseil constitutionnel et du Conseil d'Etat," in *Conseil constitutionnel, La déclaration des droits de l'homme et du citoyen* (Paris: PUF, 1989).
11. Founded in 1824, the *Recueil Dalloz* is a publication exclusively devoted to legal matters. It is the work of reference for scholars, members of the law profession, government officials, and so on.
12. National Assembly, Report 1240: Rapport fait au nom de la Commission des lois constitutionnelles, de la législation et de l'administration générale sur le projet de loi constitutionnelle (985) relatif à l'égalité entre les femmes et les hommes (December 1998), 45.
13. Mariette Sineau, "La féminisation du pouvoir vue par les Français(es) et les hommes politiques: images et représentations," in *La parité. Enjeux et mise en œuvre*, Jacqueline Martin, ed. (Toulouse: Presses universitaires du Mirail, 1998), 61–81.
14. Translator's note: "RPR" stands for "Rassemblement pour la République" (usually translated as "Rally for the Republic"), the Republican Party, or the Right, as it is called, of France.
15. In France, two assemblies are elected by ballot in a uninominal system consisting of two rounds: the French National Assembly and the General Councils (or departmental assemblies).
16. By a decree of the President of the Republic dated October 18, 1995, an "Observatoire de la parité entre les femmes et les hommes" (Observatory of *La parité* Between Women and Men) was instituted. On January 15, 1997, the Observatory gave Prime Minister Alain Juppé a report, drafted by Gisèle Halimi, that proposed various solutions to arrive at *parité*. Subsequent to this report, a debate on the presence of women in the political arena took place at the French National Assembly on March 11, 1997. This debate did not result in a vote.
17. Periods of "cohabitation" occur when the President of the Republic must confront a majority opposition in the parliament.
18. According to the stipulations of the Constitution of 1958, in order for a constitutional reform to be adopted, it must be voted on in the same terms by the National Assembly and the Senate, then ratified by a majority of three-fifths by both Chambers of Congress together.
19. Report of the National Assembly 1240.
20. According to the results of a survey of October 25 and 26, 2000, conducted by CSA/*Lunes*, an absolute majority of French people (65 percent) indicated a preference for a woman mayor. *Lunes* 14 (January 2001).
21. Before the election, only 54 electoral jurisdictions (districts, communities within communes, and communities within cities and urban centers) out of a total of 1,672—that is, 3.2 percent—had women mayors. (40 of those 1,672 jurisdictions had less than 15,000 inhabitants.)

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