

**From Gender Gap to Gender Equality?
Assessing the role of rhetorical frames in the implementation of gender quotas in political
representation in France**

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Under the pressure of women's rights activists, the United Nations as well as the European Union have promulgated non-binding conventions and soft-laws in order to encourage states to achieve gender-balance in decision making processes, and more particularly in politics. The recent awareness of the gender gap that characterizes political representation – women make up only 15% of electoral bodies worldwide - has led many countries today to implement affirmative actions policies and more specifically gender quotas which increasingly appear as the only efficient tool available.

SLIDE ONE

Since the beginning of the nineties and especially since UN's conference on women held in Beijing in 1995, women's rights activists have prioritized women's political representation as an urgent political goal. They have also worked to legitimate affirmative action policies for women in political representation. From their point of view, this priority stems from the idea that more women in politics would benefit women. Women's political participation would foster gender equality as they reach the famous *critical mass* in representative bodies.

The types of policies implemented to reach this goal vary from affirmative action policies applied by political parties to binding legislation and, in the case of France, to the constitutionalisation of the principle of sex-parity – that is to say 50/50 - among electoral candidates. This last type of gender quota, which necessitated a revision of the French constitution, adopted in 1999, as well as an electoral bill passed in 2000, seems to be the strongest tool available to ensure an increase in women's political representation, however, as the comparison with other European countries shows, it is not the case.

* SLIDE TWO *

Some countries with no quotas legislation, such as Norway, have more female deputies than France. And, on the overall, the goal of 50% has not been reached in France. Indeed, the implementation of the parity laws in France shows variations depending on the type of elections.

* SLIDE THREE *

The grey lines indicate the elections tackled by the parity legislation. For the other elections, or the executive offices, parity does not apply. You can see that there is, as one could have foreseen, a gap between these levels where parity was enforced compared to the ones not targeted by the legislation. However, even among the electoral offices targeted by the reform, some show high levels of female representatives, such as the town councils or the regional councils, whereas others, like the Parliament, show only a very slight increase of the number of women. Indeed, for some elections such as town council elections in cities over 3500 inhabitants, election rosters **had** to comprise 50% of women, evenly distributed within the roster. In these communities, the percentage of women in town councils increased from 21.4 to 47.5. The outcome of numerical equality has definitely been reached. On the contrary, for parliamentary elections the 50% quota is not compulsory and parity is enforced only through non-binding tools, such as financial incentives for political parties. At this electoral level, the increase in the number of women has only been of slightly more than one point.

On the overall, the implementation of the reform is disappointing, especially from the point of view of parity activists who fought, in the public arena and during parliamentary debates, to voice their concern about the under representation of women at the Parliament. **Hence, one of the most striking observations about France's parity laws is the stark contrast between the high expectations raised by the revision of the Constitution, and its concrete results.** Although the revision of the Constitution was very controversial and many opposition were voiced in the beginning, in the end the parity claim reached a strong consensus, in public opinion as well as among the political elite, rounding up the vast majority of French MPs. However, despite this

consensus, its implementation seems very weak. Whereas parity was elaborated by women's rights advocates as a new way to foster and realize concretely gender equality, four years after the reform it seems to have failed to produce such equality.

In this presentation I want to tackle this paradox: What can account for both such a strong political consensus, and such a pervasive failure? One of the answers to this question, the answer I would like to present today, draws upon an analysis of discourses, public debate and category politics in order to assess the role played by the rhetoric mobilized by parity activists to legitimize the reform.

Indeed, quotas are often very controversial as they call into question understandings of equality, difference and political representation. Hence, by focusing on discourses, I want to provide an approach that can account for the controversial nature of gender quotas and that can assess as well the articulation between the arguments in the name of which quotas can be justified and their concrete implementation. Whereas tenets of the 'critical mass' argument assume that an increase in women's political representation mechanically produces policies fostering gender equality, I argue that the rationales which are used to justify women's higher numerical presence also matter.

I will first analyse the parity rhetoric and the context in which it was set forth, investigating how the requirement to make the parity claim compatible with French legitimate cultural repertoires on citizenship, equality and political representation has led parity advocates to base parity on an essentialist definition of sexual difference.

Then, I will explore the consequences of this rationale for the implementation of the reform, showing **why parity did not fill the gender gap**, and I will point out the **paradoxes inherent to affirmative action policies such as gender quotas in political representation**.

The parity movement's strategy: successes and discursive dangers¹

As you may know, there are many ways to justify affirmative action policies, and it also applies to the question of women's access to political representation through gender-quota policies. I will present them briefly and explain how they were used in the French context.

* SLIDE FOUR *

The first argument is the equality argument (also called justice argument). Underlying the gap between formal equality and gender inequalities in practice, this argument insists upon the existence of indirect discrimination preventing women from accessing to the political sphere. Equal treatment cannot remove these barriers and compensatory measures – preferential treatment - must be introduced. Hence, one must shift from the liberal notion of equality as equality of rights to a conception of equality as equality of result.

Although this rationale was used, in the beginning, by parity activists who denounced the gender gap at the Parliament, and although European soft laws and incentives in favor of affirmative action use a similar rationale, it was met with fierce opposition in the French context. Indeed, affirmative action policies have been declared unconstitutional because they contradict the principle of equal treatment of all individuals which constitutes the core principle of the French Republican doctrine. The French tradition of republicanism promotes an abstract conception of citizenship and, when it comes to political representation, it forbids any references to categories or social groups. The French Constitution does not take into consideration categories, be they ethnic, social or sexual. The doctrine of abstract universalism which grants equal rights to all individuals “refuses any link between belonging to a group or having an identity, and political representation. Only individuals are represented, not as social agent but as abstract figures of the universal human subject” (Scott, 1997). This interpretation of the constitution was widely used by parity opponents

¹ The formulation « discursive dangers » comes from an insightful article by Hege Skjeie : « Quotas, Parity and the Discursive Dangers of Difference », in Jytte Klausen & Charles S. Maier (eds.) *Has Liberalism Failed Women? Assuring Equal Representation in Europe and the United States*, New York, Palgrave, 2001.

who argued that gender quotas would introduce a breach in this doctrine as it would ground political representation in groups and not in individuals, it would also lead to the multiplication of groups' claims, would divide the nation into categories, and finally would endanger the universality of citizenship.

Hence, parity activists were **compelled** to translate their claims into something more acceptable by power holders. In order to do so they used another repertoire commonly used to advocate for women's political representation, adding a specific French twist to it.

Indeed, to justify gender quotas, women's rights activists often stress the idea that women are different, have different lives and experiences, and hence will make a difference in politics. It is generally well accepted by power elites as it assumes that sexual difference as well as traditional sex roles is meaningful.

As in many other countries (Skjeie; 2001), the rhetoric of sexual difference had a great political effectiveness in the French context, but it was used in a very peculiar way, in order to define the notion of "parity" as compatible with French republicanism. Indeed, parity advocates opted for a definition of sexual difference which stressed its **universal nature**. They argued that women were not a social category but *half of humankind*, that they did not hold specific interests but embodied, as well as men, the *universality* of mankind. **In their opinion, unlike other differences, like ethnic ones, the sexual difference was therefore "universal" and, contrary to other minority groups, women could not be defined as a "minority"** as they represent half of the population. Once sexual difference was granted this universal status, parity was not defined anymore as a **quota** but as a mean to **translate** a fundamental and universal difference into political representation. This rationale enabled parity advocates to ask for a quota of 50% of women rather than the 30% or 40% that are usually granted in other countries. Nevertheless, according to this justification, sexual difference is only symbolically –and not politically– represented in elected bodies.

Hence, the parity rationale also differs from the last argument that can be used to justify gender quotas, that is that women representatives will defend women's specific political interest. If several feminist activists and some female member of the government used this argument, it did not succeed in convincing power holders, and on the contrary it has tended to disqualify the claim for gender quotas. Indeed, this argument is based on the idea that men and women do not share the same political interests. It unveils the power dimension embedded in gender relationships and reveals gender issues as political ones.

I detailed all these arguments because I believe they explain why there is a stark contrast between the symbolic victory parity campaigners won in passing the constitutional reform, and the large failure of the implementation of parity laws. I think that the way by which women's representation is legitimized is not without consequences.

Parity campaigners have made an important political and strategic move when they have defined gender equality as a right to equal presence. They have indeed claim for more than formal equality, and opened up new possibilities to enact concretely gender equality. By assuming that gender equality is realized only when 50% of women are present in a representative body, they have stated that 50% quotas were the only efficient mean that could lead to gender equality. However, to argue for these quotas, they have mainly focused on symbolic aspects of the reform to legitimize it, but have left aside political questions such as: how can women represent women or women's interests? Or what are the political practices and the mechanisms that discriminate against women's access to the political sphere? how should we prevent this indirect discrimination against women and other minorities? If quotas enable women's access – only to some political offices, not all of them – they do not remove all the barriers or indirect discrimination to political representation and a full citizenship for women.

Learning from the French parity experiment: ambivalent results

Now I would like to briefly present some elements of reflection that may enlighten the ambiguous results of parity laws in France, and expose the pitfalls that may, or may not, be avoided when it comes to claim for gender quotas or parity for women's political representation. For analytical purpose I will present them separately, but all these issues are of course entangled together

* SLIDE FIVE *

- The rhetoric of difference used by parity advocates is a very efficient one as it transforms the reason of women's exclusion – their difference from men which should assign them to the social sphere – into a reason for their inclusion. But this rhetoric may be a slippery slope as it often leads to a rhetoric of **utility**: women have the right to participate in the political arena **in so far as** they will **improve** politics. This rationale also hides the power dimension of gender relationship at the core of women's former political exclusion. Moreover, the rhetoric of difference tends to **reinforce gender stereotypes** and **does not entail** the elaboration of public policies promoting gender equality. Indeed, in the French case, despite a higher presence of women in local politics there is no evidence that this presence has an impact on gender equality. In French town councils, despite the critical mass of women elected thanks to the parity laws, women do not believe they ought to represent women's interests or implement public policies to reverse gender discriminations. On the contrary, they make a lot of effort to appear as "neutral" to gender issues as male representatives are.

- This limit raises the issue of the nature of political representation and the limits of gender quotas policies. Indeed, quotas policies in political representation stem from the idea that a *politics of ideas* (Phillips; 1995) is not sufficient to achieve a fair representation and that it should be complemented by a politics of presence as only members of discriminated groups might raise political issues specific to their group. However, contrary to the theory of the *critical mass* developed by some feminist scholars, the implementation of the parity laws shows that to fill the

gender gap is not enough to achieve gender equality. Even when they are 47% of female representatives in a local council, women do not have an impact on local policies related to gender issues. Indeed, parity has legitimized women's presence in politics thanks to a rationale underlining sexual difference, but it has not defined gender relationships as political ones, marked by inequalities. This repertoire, made widely available by the media and those social movements advocating parity, has been taken on by local politicians to frame their own experience of the implementation of the parity laws. As the interviews I made with local representatives show, following the parity rationale, mayors and members of town councils magnify gender difference and define gender in a very stereotypical way that enables them to ignore issues of gender inequalities. To sum-up, one can say that quotas are a necessary but not a sufficient condition for the realisation of gender equality. Furthermore, when they are legitimized with a rationale focusing on gender difference they can participate in obfuscating issues of gender equality.

- As I have said before, an affirmative action rationale generally insists on indirect discrimination against women in the public sphere and proposes several measures including recruitment techniques, training for women etc., reservations being only one of the tools which are available. On the contrary, the parity rationale focuses only on the symbolic representation of gender difference in elected bodies and, in this framework, quotas as the only mean to achieve this goal. However, quota policies do not challenge the existing rules of the political system; they cannot remove all the other barriers to women's full citizenship. **Nancy Fraser** has proposed an analytical distinction between affirmative politics and transformative politics that I think is useful to understand the limits of gender quota policies such as the parity laws. Affirmative politics ask for the social and political recognition of some groups previously marginalized, such as gay and lesbian communities or women, but do not call into question the functioning of society or the socio-economical mechanisms which previously excluded these groups. On the contrary, transformative policies aim at changing the social structure itself, at challenging socio-economic inequalities which contribute to exclude some groups from the political sphere, and call into questions the norms

which define **who** is different. Following this distinction, parity **cannot** be labelled as a transformative policy. Quotas guarantee women's inclusion but they do not challenge the rules of the political game which tend to exclude women and are linked to the sexual division of labor within the domestic sphere.

- The last limit I want to point out is related to the rhetoric of gender as a universal difference. Such a rhetoric has three pitfalls. The first one is that it assumes that all women share the same political interests; it homogenizes the category "women" and forgets to take into consideration differences among women that may lead to different political interests. In the French context it obfuscates the specific needs of migrant and minority women, and renders them invisible. Though we do not have racial statistics for female representatives, in the cities where I did my fieldwork minority women were only tokens in the political assemblies. The second pitfall is what I call the essentialist trap. Indeed, scholars who have argued for a politics of presence have insisted upon the inherent risks that such a political claim entails. That is mainly that identity politics tends to define rigidly the boundaries between social groups and might emphasize social differences rather than eliminate them. To avoid this pitfall, some scholars such as Jane Mansbridge have argued that some affirmative action devices are more fluid than others and hence prevent from the risk to essentialize social groups. The constitutionalization of gender quotas, as opposed to quotas in political parties' structures for example, are obviously a very rigid measure and run the higher risk of essentialisation of the targeted group.

The third pitfall is that the quota granted to women cannot be extended to other minority groups. As they insisted to distinguish parity from affirmative action policies, arguing that the aim was to represent symbolically half of the human kind, a social group which was not defined as a minority; parity activists have precluded any possibilities for other minorities to claim for similar quotas in political representation, whereas ethnic minorities are as underrepresented in politics as

women are. In a way one can argue that, in France, **feminism has been set against multiculturalism.**

Conclusion

If the necessity of what Ann Phillips called a *politics of presence* is now acknowledged, the question of the strategies used to achieve this presence and of their consequences in the political arena remains open. In this presentation my aim was to discuss how some rhetorics framed in order to legitimize gender quotas could lead to their practical failure.

Parity advocates first framed their claim in a very radical way, calling into question the functioning of the political system and women's exclusion from the political arena. However, faced with tremendous opposition, they quickly focused their efforts on constructing the meaning of parity by linking it to legitimate repertoires devoid of feminist claims. The campaign for parity, in the end, has been focused on the single outcome of numerical equality in representative institutions. This is mainly because this definition of women's representation did not threaten the existing system and was compatible with strong French cultural repertoires on citizenship's universality, political representation, and an undivided nation. But, whereas a repertoire of affirmative action tends to reveal and denounce social and political discriminations against women, a rationale focused on difference tends to depoliticize gender relationships.

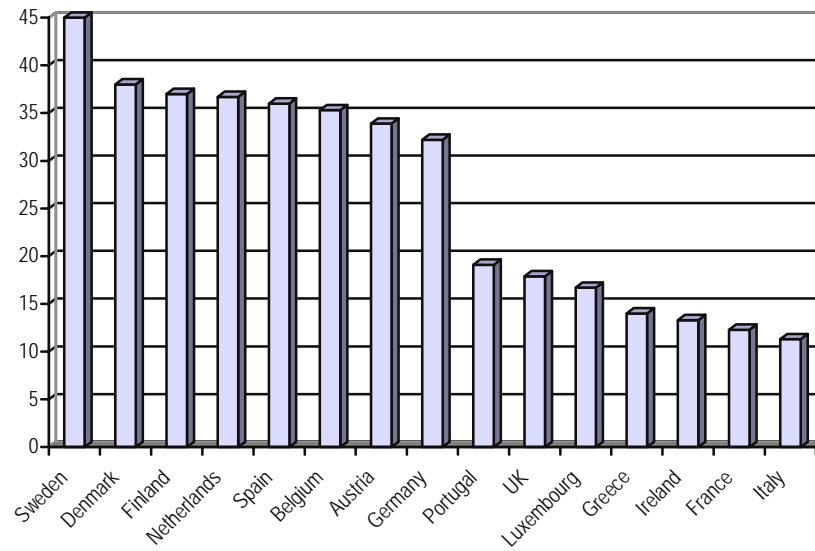
Therefore the question of the impact of gender quotas and of a critical mass of women on politics in general and on gender equality in particular has an ambivalent answer. Though one might think that more women will transform the political system and represent women's political interests the French case show that this is not the case. Quotas do not remove all the barriers to women's political participation and, what is more, their efficiency depends on how the controversies over their implementation were solved, that is to say on how they were legitimized. Because politics is not only a matter of legal technicalities, but also of ideas, discourses and words, in order to understand the success, the failure or the unintended consequences of quota policies, we need to

investigate the cognitive contents of these controversies and how it constrains the ways in which actors can implement or subvert them. It also entails that we reassess the notion of **strategic essentialism** and its political consequences.

Classification of old EU member states according to the type of gender-quota implemented

Quotas type		European Countries (2004)
Internal political party quotas for electoral candidates		Austria, Belgium, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden, UK
Legislation	Enabling quotas for political parties	UK (2002)
	Requiring quotas for electoral candidates	Belgium, France (2000)
	Statutory quotas	Finland (1995) (for non-representative political bodies)
Constitutionalisation of parity principle (50%)		Italy (2003), Portugal (1997), Belgium (2002), France (1999)

Source: Global database of quotas for women (IDEA) and Mateo-Diaz Mercedes and Millns Susan (2004): “Liberté, égalité, parité?: A comparative perspective on the constitutionalisation of quotas”.



Percentage of women elected at the lower house of the Parliament, 2004. So
IDEA

Women's political representation in France

Type of elections	% of women elected before parity	% of women elected after parity
Town councils < 3500 inhabitants	21% (1995)	30% (2001)
Town councils > 3500 "	25.7% (1995)	47.5% (2001)
Total (town councils)	21.7% (1995)	33% (2001)
Cantonaes* (local constituencies)	6.3% (1998)	9.8% (2001)
Regional Council	27.5% (1998)	47.6% (2004)
Deputies	10.9% (1997)	12.3% (2002)
Senators	6.2% (1998)	10.9% (2001)
European Parliament	40.2% (1999)	43.6% (2004)

Women's representation at executive levels (parity does not apply)

Executive body	% of women before parity	% of women under after parity
Mayors	7.5% (1995)	10.9% (2001)
Head of intercommunal structure	No data	5.7% (2001)
Head of local constituencies	1% (1998)	3% (2004)
Head of regional Council	11,5% (1998)	3,8% (2004)
Government	30% (1998)	25.6% (2003)

Typology of rationales mobilized to legitimate gender quotas in political representation

Types of rationales	Equality of result Affirmative action rationale	Women's different competencies / experiences	Women's different political interests
In the French context	<p>Opposition to this argument (contradicts the liberal notion of equality and the abstract universalism rationale)</p>	<p>Major rationale voiced in favour of parity Women will change politics, parity will enable the <i>symbolic</i> representation of sexual difference</p>	<p>Argument only used by a minority of parity activists</p>

From the rhetorical frames to the implementation of the parity laws

Rhetoric used to legitimize Parity	Rhetoric of difference	Rhetoric of symbolic representation	Rhetoric of gender difference as universal
Effects	<ul style="list-style-type: none"> • The presence of women in politics is an issue of utility rather than justice • Reinforces gender stereotypes 	<ul style="list-style-type: none"> • Women are not elected to represent women's political interests • Critical mass has no effect on public policies related to gender • Rhetoric of recognition rather than transformative politics (N. Fraser) 	<ul style="list-style-type: none"> • Minority women's specific needs are neglected • Falls into the essentialist trap <ul style="list-style-type: none"> • Other minorities cannot benefit from quotas in political representation: feminism opposed to multiculturalism