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Gender and Political Representation: the Question of *Parité* in France

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“Here is the vaginas concert”

(A member of the direction of the Gaullist movement during a speech of Roselyne Bachelot, Director of the Observatory on Parity appointed by President Chirac).

Introduction

Until recently, France had been one of the European countries in which the participation of women in political assemblies had been the lowest (for example, 11% in the National Assembly, 5% in the Senate, 7% out of the mayors; one woman out of the 104 Presidents of departmental Assemblies, one woman out of the 25 Presidents of regional Assemblies...). In June 1999, after a huge national debate on the so-called parity of participation of men and women in politics, the French parliament voted an amendment to the Constitution. The amendment has added to the sovereignty article¹ the following sentence: “The law promotes equal access of women and men to electoral mandates and elective offices”. Another sentence has added to the constitutional article concerning political parties: “They contribute to the implementation of [this] principle”. The aim has been to quickly reach the objective of parity of participation of men and women in all elective offices. Two instruments are to be used: a legal obligation of parity for the party list system in local or European elections, and financial incentives through the public funding of political parties for the other elections—most notably legislative elections. In order to amend the Constitution, the National Assembly and the Senate have first to vote the same text separately and then have a joint session in which a 60% majority is required. In fact, the majority was even stronger and nearly reached unanimity: 94% of the

¹ Which states that “National Sovereignty resides in the people who exercise it through their representatives and by way of referendum. No group (*section*) of people, nor any individual, may lay claim to the exercise thereof”.

Parliament members who expressed their opinion voted in favor of the proposal². With the so-called "PACS", a status that allows homosexuals to legally recognize their relationship comparable on some aspects to marriage³, the parity law has been one of the most important institutional reforms of the Left government.

How was the French backwardness for female political representation to be explained? After all, French women are no less emancipated than in most other European countries. The explanation has therefore to rely on a specific political factor. And in this situation, how was the radical shift that the parity laws represent possible? Beyond the ethnology of French political culture, is there something that can be learned from the parity debate? These are the questions I would like to answer in this paper. I shall develop my argument in three steps. Firstly, I will briefly sketch the events that have led to the parity law. I will then analyze the debate that has taken place and will emphasize the peculiarity of the French discussion on genders in politics. Even though I do not claim that the discursive dimension is the only important one, I will focus on it to understand the French specificity. Finally, beyond the French example, I will make some cognitive and normative claims concerning gender and political representation.

I. Parity in politics: a success story.

In 1982, under the first French Left government in the Fifth Republic, the National Assembly voted nearly unanimously a law saying that no party list in municipal elections shall be composed by more than 75% of candidates of the same sex. The French Supreme Court (*Conseil constitutionnel*) objected that this law was not constitutional, because the Declaration of the Rights of Man and of the Citizen from 1789 (which has a constitutional value in the French system) states: "As all citizens are equal in the eye of the law, positions of high rank, public office and employment are open to all on an equal basis according to ability and without any distinction other than that based on their merit or skill"; moreover, article three of the Constitution of 1958 adds that "no group (*section*) of people, nor any individual, may lay claim to the exercise" of National Sovereignty. After this decision, most people

² There were 741 votes in favor, 42 against, and 50 abstentions or non-voting.

³ At the time being, the PACS (which is open to heterosexual couples) differs from normal (straight) marriage on two points: it is much easier to "divorce" for a couple engaged in PACS, but it does not open the right to have children through adoption or artificial insemination.

thought that the only way to pass a law promoting women's participation in political offices was to amend the Constitution, but such a change was considered highly improbable during the next decade.

Some years later, a Green and Alternative political group ("*Arc en ciel*") introduced a new notion, the "parity" of political participation, and decided to implement an internal quota of 50% women in most of the leading positions. The Green Party also implemented this principle systematically. The concept was adopted by a majority of feminist associations that popularized it at the beginning of the nineties. In the years to follow, they lobbied for this cause. In November 1993, 577 people published in the newspaper *Le Monde* a Manifesto for the adoption of a law imposing an equal participation of men and women in political assemblies. At the European elections of 1994, 6 lists (out of twelve) had parity between men and women.

The parity idea had also spread to Europe. In 1989, the Council of Europe set up a working group on "parity democracy" and in the following years adopted several recommendations on equal representation in political life. In 1992, a Conference in Athens funded by the European Commission led to an Appeal for "parity in representation and administration of nations" that was widely broadcast. Still, at the beginning of the nineties, the objective of parity defended by the feminist movement in the short run seemed out of reach, due to the strong political and theoretical oppositions it faced and to the difficulty of amending the Constitution.

The situation shifted dramatically with the consecutive defeats of both socialist and Right governments in 1993 and 1997. All the parties were weakened and in a deep crisis. Opinion polls showed French citizens' growing distrust towards political life and political leadership. The so-called "*affaires*", i.e. the bribe scandals that affected both Left and Right, were the most visible symptom of the gap between ordinary people and the political "class". In this context, both Right and Left, Chirac and Jospin, became advocates of a so-called "modernization of political life", whose aim was to reduce the gap between politicians and the citizens. Parity suddenly appeared to many politicians to be a necessary part of this modernization process. A further advantage is that it had no financial cost in a time of economic recession. President Chirac created an Observatory on Parity in 1995, which was led by an open-minded Gaullist representative, Roselyne Bachelot, and a famous feminist lawyer, Gisèle Halimi. At the Legislative elections of 1997, Jospin imposed a quota of

30% female candidates on the Socialist Party, which resulted in significant electoral success. He also promised to propose a constitutional amendment if elected Prime minister. Although Jospin could not generally be defined as a feminist, he seemed to be really convinced on this proposal, influenced by his wife, Sylviane Agacinski, a philosopher who had a major role in the parity debate. Once elected, he asked a leading Feminist historian and philosopher, Geneviève Fraisse, to become state Secretary for women's rights and to prepare a reform. The Right globally accepted the constitutional bill, partly afraid of being seen as "archaic". The constitutional amendment was adopted with some modifications after one year of intense discussions, and in spite of a temporary opposition from the Senate. The National Assembly proposed to modify the constitutional article on Sovereignty, in order to be able to *impose* parity through a law regulating the organization of the ballot. But the Senate wanted only to modify the constitutional article concerning political parties, in order to *promote* parity through the public funding of parties. The final compromise, in which both Jospin and Chirac were very active, was to modify both. The word "parity" did not appear in the text of the amendment, which mentioned only the word "equality", but parity was mentioned in its official justification. Political oppositions reappeared with the discussions on the ordinary bill that should implement the principle mentioned in the Constitution. However, a simple majority in the National Assembly is sufficient in this case, and the law was adopted on May, 3, 2000. As a first result, the percentage of women in local councils (in towns with more than 3.500 inhabitants) has grown from 25,7% to 47,5% with the 2001 municipal elections⁴. One has finally to notice that the constitutional amendment on parity mentioned only the *political* sphere. It had not been necessary to mention the objective of *social* equality in the constitution, because the Supreme Court ("*Conseil Constitutionnel*") has had no objection tot ordinary laws that promote *social* equality between women and men.

II. The peculiarity of the French debate

1. "*Only paradoxes to offer*"

In order to understand this success story, one has to look at the ideological and discursive dimension. Certainly, the role of one individual, Lionel Jospin, was

⁴ Still, the percentage of women among the mayors in these towns remains very low, less than 7% (*Le*

important: as Geneviève Fraisse puts it, it was a happy circumstance that he had been in love with a Feminist. Political strategies were also decisive to move a number of male representatives, who had not been intimately convinced, in favor of parity. Still, one has to explain these strategies. Why is it that parity has become so popular, so that to oppose it has been considered by most politicians to be dangerous for the popularity of their party? Why is there such a pressure on this topic?

In the previous years, a widening gap between the evolution of the position of women in French society at large, and their role in politics, has been manifest. Although equality in the family or workplace remain a long term objective, legalization of divorce, contraception and abortion, equality between men and women in civil law, a rapid progression of female participation in higher education, and two decades of feminist movement had radically altered the image of both sexes in society and, at least partially, modified the gender roles. Meanwhile, politics had remained a sphere in which women were nearly excluded from important responsibilities.

The parity claim had been a grassroots feminist and green proposal before being accepted by the political leadership. It has appeared a popular topic, the only one upon which a large majority of feminists could agree. Even though the feminist movement had nearly disappeared from public arena in France at the end of the eighties, the parity claim had given it a second opportunity. When some women of the older generation refused it, because they had suspected it was not radical enough or because they have considered it too essentialist, it was very popular among young activists. Until the mid-nineties, parity, however, remained a kind of an underground vindication. It was only when the crisis of all institutional political parties and when the gap between them and ordinary citizens became visible that parity increasingly became a popular topic. In the mid-nineties, the polls showed a wider public support. Between two thirds and three fourths of all citizens considered it legitimate, and the proportion was even higher among women.

At this point, parity became almost inevitable; it was considered as one of the privileged ways of building a bridge between the politicians and the people. The idea was that the political sphere has to reflect the composition of society at large if it wants to be able to respond to this legitimacy crisis. Due to the feminist movement, the gender dimension was considered central. Still, it is interesting to note that the

emergence of parity in public discourse was contemporary to the popular critique of the monopolization of administrative and elective positions by a few group of people coming from the so-called "*grandes écoles*", especially the ENA. It is also worth understanding the popularity of the parity ideal in the light of the weakening and reshaping of the Republican ideology.

2. *French Republicanism*

My claim is that the peculiar French Republican ideology has been the main reason for the French backwardness in political representation of women, and that its contemporary weakening and reshaping is a key factor that has allowed a move forward at this level—besides the growing concern for equality between men and women at all levels in society, politics included.

This ideology is not to be confused with what is called "civic Republicanism" in the English or American world. It is a republicanism expressed by the Jacobins and Durkheim, not by Harrington or Arendt. Although they share common topics, these two types of Republicanism differ from each other on important questions. French Republicanism has not only been concerned with the active political participation of citizens, the priority of the political order over pre-political rights, or the legitimacy for a political community to define its own substantial values. It has also relied on the state—often against associations, intermediate powers, and local governments—to embody the national sovereignty. It has also put a strong emphasis on the general interest (which has to be defined politically above all particular social interests), on "universal" citizenship (which is supposed to be disembedded from any social characteristic), on the indivisible character of the Sovereignty and the Republic (against any "partial association"—Rousseau—or particular difference). The reluctance about any division of the political community and the strong "universalistic" claims had however been made when women were excluded from the public sphere; when regional peculiarities and languages were repressed; and when colonization was taking place.

The strength of French Republicanism has been to impose its "universalistic" grammar on the groups that have been excluded from the political power, legally or de facto. Members of these groups have therefore faced a paradox. They often have contested their exclusion and have claimed their "universal" rights as a group—a notion to which Republican political grammar and the very notion of "universal"

rights were inhospitable. But when they have opted to act only as individuals and have claim to be recognized as individuals, most of them have remained powerless and voiceless against this “universalistic” structure which has excluded them precisely as members of a particular group. As Joan Scott rightly puts it, the problem for women has been particularly strong. They have been excluded in the name of their sexual difference, which was supposed to put them in the realm of nature (v. politics), of the private (v. the public), of feelings and emotions (v. reason)—all things quite opposite to the universal, disembedded, rational and autonomous citizen. They have to face a dilemma. They have either to vindicate as women, as sexually different, relying therefore on a category which had been constructed in order to exclude them; or to try to gain full citizenship identifying themselves with the other side of the dichotomy, the unencumbered, rational and autonomous citizen, i.e. with a figure which had been constructed for men as distinct from women. In this assimilation, they have had to deny their femininity. The vocabulary itself expresses this difficulty: a “*femme publique*”, a “public woman” means in French a prostitute; an “*homme public*”, a “public man”, means a politician or an artist. As the conservative representative Robert Pandrau said during the debate, (he was protesting against the feminization of elective and administrative offices names), “one cannot feminize it”. Another example: “*politicien*” is in French very pejorative. The neutral name to describe a person whose activity is politics is “*homme politique*”, literally “political man”—but “*femme politique*”, “political woman”, does not exist. Nearly all the names of official higher offices, both administrative and elective, used to have masculine names until the present socialist government, which has begun to change this situation.

That is why French feminists have “only paradoxes to offer” (Joan Scott). However, these paradoxes were firstly those of Republicanism. Debates have been structured within Republican discourse rather than on their own terms. French feminists have defended quite contradictory positions throughout history. But the interest of their fight has been the critique of the antinomies of the Republican discourse.

As the analysis of the parity debate shows, the dilemma of feminism facing French Republicanism has partly remained the same. Still, the Republican grammar has lost some of its hegemony and has been forced to adapt itself to a new situation, in which the under-representation of women in political offices can no longer be taken for granted or as natural.

3. Mapping the debate

What were the different positions in the parity debate⁵? As in any wide public discussion, there were internal divisions within both camps. I shall distinguish three philosophical and political sub-currents on each side, for and against parity. The mapping of the debate clearly shows the peculiarity of the French configuration, with at least one original (though not very convincing for me) position (that I will call the “parity Republicans”) and some amazing absences.

A conceptual map of the debate

| <i>Type of argument</i> | <i>Parity opponents</i> | <i>Parity supporters</i> |
|-------------------------|----------------------------|---------------------------|
| <i>Essentialist</i> | Classical sexists | Differentialist feminists |
| <i>Transcendental</i> | Anti-parity republicans | Parity republicans |
| <i>Constructivist</i> | Radical deconstructionists | Pragmatist egalitarians |

a. Three positions fight the parity reform. The first one is the one of “*Classical sexists*”. They think that women are generally less able and interested than men to become representatives. This position is very strong among male politicians, as shown by the sexist insults when women talk in public in the Parliament or in the parties. Roselyne Bachelot, the first Observatory on parity president, had the surprise to hear one of her colleague shouting: “Here is the vaginas concert” when she began speaking during a direction meeting of the Gaullist movement. “Naked” (“*à poil!*”), shouted another Gaullist representative during a speech at the National Assembly by Ségolène Royal, a socialist minister. But though it is possible to say it off the record or in private jokes, it is no longer acceptable to express such an opinion in the light of the cameras or in front of a public of ordinary citizens. Even the softer version of this meritocratic (or more simply... sexist) argument, which says that there are not enough competent and available women at the moment, has hardly been express in public discourse. This position, although numerically important, has therefore remained nearly mute in the public discussion. The contrast with the previous century, but also with some decades ago, is striking.

b. The second position opposed to parity is the one of “*Classical Republicans*” like Élisabeth and Robert Badinter or Evelyne Pisier. Politics radically transcends any social or natural difference, they say. And this is even more crucial with the core of politics, which is Sovereignty. To define people according to their biological difference hankers after the Vichy regime more than after progressive politics. To introduce a difference in the Sovereign people is to break the symbolic basis of the French political order. It will open the Pandora box of communitarisme. Parity law will import into French Republic identity politics and affirmative action (which is translated in French as “positive discrimination”, “*discrimination positive*”), i.e. typically American products that have failed even in the US. It will ultimately destroy the Republic through the balkanization of the public sphere. This discourse used to be hegemonic in the past. Though it is still strong among politicians and academics, it is striking that it has lost most of his appeal in the public (according to the polls, less than fifteen percent of the electorate share this argument).

c. The third position is the one of radical critics of representative democracy and “*radical deconstructionists*”. This position is weak among politicians and among the electorate, but it has a certain role in the feminist movement, particularly among the generation that began to be active in the seventies. Their argument is that women cannot vindicate their rights or equal participation with the concept of parity, which rests ultimately on the dualism that was constructed to exclude them. The problem is not only to reverse the hierarchy in the duality between men and women, but also to contest all the oppressive categories that force individuals to respect normalized social roles. This is even truer when the categories are essentialist and derive gender roles from sexual identities. The problem is less about gender equality than the critique of the gender division of society. Furthermore, parity would only reform representative democracy, although under-representation of women in politics should be denounced as symbolic of the limits of this political order. The problem is not to replace male politicians by a parity political class, but to criticize politicians and wider social divisions altogether.

Two features seem distinctive here compared with other countries. Firstly, the parity opponents are very focused on principles, and pragmatic arguments (such as “imposing quotas would put a negative label on all women representatives”) are

⁵ A peculiarity of the parity debate has been that a large interaction has taken place between politicians,

secondary. As such, they do not define a specific position. Secondly, one can hardly distinguish a Liberal position that would argue in the name of the rights of the electors to vote for the persons of their choice⁶. Even the qualified version of the Liberal argument, which says that something could be made concerning equality of opportunities but in no case concerning equality of results, is not very frequent and is used in rhetorical rather than in theoretical contexts (though it is not completely clear whether the law will impose parity among candidates or among representatives). And the concern for accountability, which seems important in other countries, is not widespread in the French contemporary debate⁷.

d. Parity supporters are equally divided. “*Differentialist feminists*” (such as Julia Kristeva) represent the first component. Women and men are different by nature, they say. Women have different values, concerns, interests, behaviors, and experiences than men. These values, concerns, interests, behaviors and experiences have been excluded from the public sphere, and the aim now is to make them equally part of it. The political presence of women will change politics and improve it: because of their potential maternity, women care for others when men care for power. Though this argument is constitutive of a specific position only for a small group of feminists, mainly in the older generation, it is widely spread as a secondary argument among other women (and even some men), be they politicians, young feminists or ordinary citizens.

e. I should call “*parity Republicans*” those who compose the second position (Sylviane Agacinski and Gisèle Halimi are the most famous supporters of this position). They also rely upon a duality between men and women, and consider it as a social construction that is built on a natural one, sexual difference. The content of gender roles differs in history and between civilizations, but the division of humanity between men and women and the dual structure of gender identity, as such, are universal. This is why parity Republicans want to blend the dualism of humanity with the universality of the French Republican tradition. This universality has been “abstract” because it has been blind to sexual difference. This abstractness has led to the monopolization of the public sphere by men and the resulting exclusion of women. Earlier feminists such as Simone de Beauvoir have been misleading. They

feminist associations, and the academics or intellectuals—In the meaning Bourdieu gives to this notion:
⁶ Among the few exceptions was the “doyen” Vedel.

have asked women to integrate into politics as it was, one-sided, and to drive back the feminine dimension of mankind. Parity is a new principle: it says that universality has to be conceived as a duality. Political parity between women and men will not open the Pandora box of communitarisme, it will not overload the general interest with particular interests: women are not a category nor a community nor a minority, they are half of humanity. If it is general, the general interest has to be defined by (and for) both women and men. This is why women's demand for parity has nothing to do with potential demands of ethnic, regional, social, age or whatever kind of specific groups. Parity Republicans even say that parity has nothing to do with quotas, even with a 50% quota. By the way, 51 or 52% of French people are women, not 50%. The question is qualitative, not quantitative.

This position is very specific to the French political discourse. It has been influential among academics, feminists of all generations and ordinary citizens. It has also been amazingly influential among politicians. *All* the political groups in the parliament have officially justified their position in favor of parity relying on this argument (although with strong "nuances" for communists and Greens), and it has been expressed continually in the speeches at the Assembly. The other two groups that were promoting parity, the essentialist feminists and the pragmatist egalitarians, would have probably got a majority among the electors. But alone, they would have been unable to get 66% of both National Assembly and the Senate, a level that was necessary to amend Constitution. This newly fashioned Republicanism, a Republicanism reshaped in order to resist the new trends in society, is decisive to explain why the constitutional law on parity has been approved by 94% of representatives in a Parliament in which men were over 92%.

f. The third group for parity is composed by "*pragmatist egalitarians*". (such as Geneviève Fraisse or Françoise Gaspard). Rather than a principle, they tend to consider parity as a tool. A constitutional amendment is necessary only to the extent that the French Supreme Court ("*Conseil Constitutionnel*") had opposed in 1982 the Constitution to the law that aimed to promote equality between the sexes in politics. An ordinary law would have been otherwise better. The hierarchy between the sexes has been historically constructed, and some kind of affirmative action in politics is necessary to rectify past and present discriminations. Parity is a stage in a journey to

⁷ The tension that Anne Phillips emphasizes between deliberative democracy and the politics of

social and political equality, and therefore to democracy. For Geneviève Fraisse, parity is philosophically false, because it is based on an essentialist dualism; but it is politically interesting, because it is popular and helps to fight against discriminations. Pragmatic egalitarians are skeptical towards sexual difference: certainly, men and women are biologically different, but this difference has in itself no significance in political matters. Gender identities matter, but they are historically and socially constructed. Some argue that they can even disappear or at least lose their importance in a future egalitarian society. Other think that the gender polarity will remain important in some aspects of life, but that its importance will dramatically decrease in an egalitarian society, as far as politics is concerned. Most think that the fight for parity has a positive meaning only if combined with a fight against other forms of discrimination. The PACS (a sort of homosexual marriage, as I said previously) has been discussed during the same period in public opinion and at the Assembly. This group has defended it, when a large part of the parity Republicans have been opposed to “homosexual marriage” in the name of the symbolic order of sexual difference. This group is influential among ordinary citizens and has probably a majority among academics and feminists. It is far less important among politicians. Still, probably due to the action of Geneviève Fraisse and Françoise Gaspard, it has been strong enough to prevent the government to introduce the word “parity” in the Constitution, and to stand instead on the word “equality”.

III. Beyond the French case

What can be learnt from the Parity debate beyond the French case? I would now like to briefly outline some cognitive and normative assumptions about gender and political representation.

1. Sexual difference.

I am highly skeptical regarding any positive affirmation of sexual difference in politics, as in respect to any attempt to understand gender as based on biological sexes. To politicize sexual difference may however have a deconstructive force: “sexual difference” has been combined with Republican universality to exclude

présence is also completely absent in France.

women from the public sphere. To fight this exclusion should imply to refuse the ground on which it was built. One cannot simply claim for a reversal of the former hierarchical structure and affirm proudly feminine values or behavior that were underestimated in the past. On the other hand, one cannot accept the kind of citizenship that was based on men's monopoly, a citizenship built on a rigid distinction between the private and the public, the social and the political, particular interests and general interest, the representative and the represented. The frontiers have to be challenged—this does not mean they have to be suppressed. A real democratization has to displace the problem.

Still, one has not to confuse the utopian project of a society in which gender roles would lose weight, a “queer” society, and the present fight against sexual discrimination. The queer utopia may be a leading idea for some concrete proposals (such as demands for an equal repartition of the care of children in the family, or for the equality of sexualities before the law—and therefore the legalization of gay and lesbian marriage). But one cannot simply “melt” social groups and cleavages into fluid identities, and gender is one of the most powerful cleavages. Various kinds of group affirmation and positive action are necessary in order to deal with past and present injustice and domination. This entails a risk of essentialism, but there is no way of simply escaping it. One has to face this risk. This is also true in politics.

2. The social and the political.

Juridical and political equality represents a symbolic realm that differentiates itself from social differences. It has an ambivalent meaning. On the one hand, it has an emancipatory dimension against the old regime, but also against any form of racism, sexism, and so forth. On the other hand, it has an ideological function when juridical equality masks social inequalities and a factual unequal political power. The constitutional order (human and citizens rights) is an autonomous symbolic sphere that has performative effects. Still, this sphere is socially constructed and the rights are socially exercised. This is why social divisions matter in politics. To say, as most parity opponents in France, that the Republic does not know any distinction of race, class, sex and so on is therefore simply misleading. Public nursery schools, to give only one example, are not only a question of welfare: they influence also the actual presence of women (and men) in politics. The same is true for power relations inside the family.

This is not to say that politics has to be conceived as a mere instrument in the hands of social groups and interests, or that democracy is the aggregation of pre-political preferences, or that the general interest is an addition of particular interests. Simply, one cannot easily “jump” from the particular interest to the general interest, from social differences to political neutrality. What Boltanski and Thévenot call the “*montée en généralité*”, and Habermas the generalization of validity claims, is not a transcendence but a discursive process that is both social and political.

Deliberative democracy seems the most convincing normative ideal to define this process. Still, fair deliberation cannot rest only upon fair procedures, it cannot be only procedural. It implies some substantial equality. Power cannot simply be melted into discussion. When the input in the deliberative process is social domination, the output can hardly be equal and fair. It implies also the actual participation of the people from all relevant social groups in political deliberation, at all levels: grassroots politics, institutional politics, and representative or administrative bodies. Most often, “neutral” assumptions are ultimately paternalistic. A politics of presence, as Anne Phillips calls it, has to complement the politics of ideas.

Finally, a good deliberation is not the whole story. The parity debate in France was rather good, one could say even exceptional for a political debate. Still, political arguments imply a rhetorical dimension and a degree of coherence less important than philosophical debates (not to speak of scientific ones). Institutional constraints (such as the parity law) and social mobilizations have to complement deliberation. This is why, sometimes, a bad philosophical principle can be a good political solution, as Genevieve Fraisse puts it about parity.

3. Political representation and representative democracy

Some consequences follow for representative democracy. The marginalisation of women in political representation, fifty years after they had finally got the franchise, could not be explained if politics was completely disembedded from the social. Parity is not “natural” in representative democracy, and this has consequences for understanding what this system really is. As the founding fathers of French and American Republics rightly stated, Republic, i.e., in modern words, representative democracy, has not to be confused with democracy—if one understands democracy etymologically, as the power of the people. Bernard Manin is right when he

characterizes representative democracy as a dual system, both aristocratic (it is the power of an elite) and democratic (people can control this elite to a certain extent).

The principle of distinction that is inherent to the act of selecting a representative cannot be explained only through a meritocratic explanation (the one who is the best is elected). More generally, methodological individualism hardly makes sense of the regularity with which some persons present themselves and are perceived as "better" than others. This is best understood in more structural terms, relying on concepts such as Bourdieu's "habitus" (one tends to incorporate and internalize his/her place in the social structure and conform his/her desires and expectations to his/her social "fate"; this produces a "individual" frame of perception and behavior that is mobilized each time individuals act and think). All inquiries tend to show that, after the franchise, a "*cens caché*" has remained: the exclusion or marginalisation, though no more legal, has persisted *de facto*. The tendency is clear: the higher the level of representation, the lower the participation of socially dominated groups. To give only this example, in France, women are in parity in neighborhood assemblies, and 10% at the National Assembly. In some circumstances, one could even say that representative democracy adds a specific power relation to social domination produced by the political system.

Political representation cannot simply be reduced to this aristocratic dimension. The political system of elites competing for power is autonomized in respect to the ordinary world of citizens, but it remains coupled with it through legitimacy. A too important gap may induce legitimacy crisis, as the French example shows. This fosters an indirect control by the people. Moreover, representative democracy is not simply what Weber (and later Schumpeter) thought it was, the mere possibility to choose the leaders who have the real power. Even present democracy cannot be understood through the metaphor of the market, which attributes to politicians the monopoly of political supply. As the French parity debate shows, the political "supply" comes often from below, from civil society, associations, intellectuals or social movements.

The level of sexual difference and the level of political representation by sex are clearly distinct. For even if one claims that there is something like sexual difference, it does not follow that it has to be politically represented. On the other hand, those who want to melt genders into ambiguous and individual identities, can concede that during a transitory stage, both sexes have to be equally politically

represented: this could for instance help to break the identification of the masculine with the public and the feminine with the private. To pass from sexual difference to political representation by sex implies a further argument for the parity supporters. In order to be able to say that parity in elected offices matters, one has to deny that the act of representation is independent from the characteristics of the persons who represent citizens. As Anne Phillips puts it, the question is not only "*What* ideas are represented?" but "*who* will represent the ideas?" It adds a politics of presence to a politics of ideas. The response to second question (Who?) will influence the response to the first (What?): it is for instance highly plausible that an elective body composed only by men and a parity assembly would debate differently on a topic like sexual harassment. But the second question (Who?) has also an independent worth. Aside from the ideas that are defended, the presence of women in elected offices may have a symbolic value for gender equality—and therefore for justice—in society at large. The political process can also be emphasized, rather than the output of the process: democracy may be considered as a value as such, and the participation of both men and women at all levels of decision may be considered as a democratic requisite. In any case, parity supporters have to defend at this level the idea that the representative body should reflect (or looks like, or be similar with) the dual composition of society⁸.

This is why the parity debate confirms that the notions of "representative" or "representation" have quite different meanings, as authors like Hanna Pitkin, Anne Phillips or Bernard Manin have shown. In this case, two major meanings are involved. In all the arguments that defend parity (or softer versions of positive action for women in politics, such as bonus and penalties in the public funding of political parties), a representative body has (at least partially) to "reflect" society, even though this reflection has performative effects. It has something to do with a representative sample. But another version of representation claims quite the opposite. It insists on the incommensurable difference between the social and political representation. The latter means that the people delegate the power to enact laws and to symbolically embody the Nation to a special group of individuals selected independently of their social characteristics and exclusively according to their ideas. These two versions are less complementary (as Hanna Pitkin think they are) than conflicting. This has to do with the ambivalence of representative democracy itself, this mixed regime

⁸ Whether this duality is biological or social, transitory or universal, does not matter here.

combining aristocratic and democratic dimensions. As such, this conflict about the meaning and the implications of political representation is not related exclusively to the gender dimension. The ideal of similarity was defended and criticized long before the parity debate. The opposition between Federalists and anti-Federalists about the size of the constituencies at the beginning of American Republic, or the demand for a worker representation in nineteenth-century France, are only some examples of a similar problem. Contemporary ethnic demands for political representation involve also the same "politics of presence".

4. From parity to discriminations at large.

Parity in political representation and, more generally, quotas for women, are parts of a "politics of presence" (Anne Phillips). Could they be dangerous, are they really interesting?

Their first risk is essentialism, i.e. the reification of socially constructed roles and identities and the neglecting of the multiplicity of individual identities and positions. Even though part of the arguments for parity have been essentialist, it seems highly implausible that a parity representation of women and men in politics will rigidify gender roles. It is much more probable that it will contribute to question their present definitions and make them more complex.

A second risk is that the parity principle, even inoffensive at the time being, could be used in a regressive way in another historical context (this was the "Vichy" argument: to introduce biology in politics is very risky). When the parity argument is a deconstructive one, directed against historical and present discriminations, and when parity is subordinated to equality, this risk seems rather improbable.

One of the main critiques against parity has focused on the third risk is balkanization of the public sphere: quotas for women will open the door to similar demands from other groups. A common political culture will hardly overcome this challenge. The majoritarian response in France is that women are different from all other groups, that they are actually not a group nor a category, and that there is therefore no continuity between parity and minorities political representation.

I would like to give a different answer to the fear of balkanization. Certainly, women are not a minority, nor a group like other groups, nor a category like other categories. Still, the most interesting thing in the parity idea is not the insistence upon the peculiarity of gender relations in respect to all other social relations. Beyond the

influence of French Republicanism, parity seems more appealing when this struggle against a specific and highly crucial discrimination leads not only to reduce or suppress this discrimination but to fight against any form of discrimination.

First, gender discriminations are not reduced to the political sphere. One of the most exiting impacts of the debate over under-representation of women in politics has been to reveal (or put a cruder light on) other kinds of gender discriminations to a wide public. It has also helped the feminist movement to reappear in the French public arena.

A better presence of women in political representation could also be interesting if it leads to a change in politics. In the future, if we go on with the same kind of politicians and if the difference is only that they are from both sexes, the interest would be limited. More appealing is the idea that the coming of women will bring some fresh air, new and less professional figures, and more communication between politicians and ordinary citizens. Not because women “naturally” would care more for ordinary people than men do. Simply, they used to be challengers or outsiders; they were marginal in political groups. That is why they could bring with them new experiences, values or behaviors. In the long run, this change will go on only if parity is coupled with other genuine political reforms. The modernization of French political life, to which I have made some allusions before, has to reduce the autonomy of the political system. It has to limit the plurality of elective offices, to impose rotation in these offices, to institutionalize forms of participatory democracy...

Thirdly, the non-correspondence between the political system and society cannot be reduced to gender dimension. Nor can political and social discriminations be reduced to gender. The parity debate would have been much more interesting if it had also helped people to question the under-representation of lower classes or naturalized migrants in politics—and to criticize the relations of domination this under-representation reflects (at least partially). The parity debate can be seen as part of a broader emergence of a cultural politics and of a cultural left. This is something new in France, and is parallel to the decline of republican ideology. The fact that under-representation of the working class has been nearly absent from the debate

indicates also the weakening of the social politics and of the social Left⁹. One can hope that the implementation of parity will spread the light upon other forms of under-representation, such as class or ethnic ones and not exclusively upon gender relations. Certainly, these discriminations are different, and therefore require other responses than just quotas imposed by law. But they require a response.

⁹ During decades, at least since the so-called "Manifesto of the sixty" in 1864, which called for a worker representation in politics (see Rosanvallon) the real presence of workers among representative bodies had been a major concern to the Left.

The 1958 French Constitution

PREAMBLE

The French people solemnly proclaim their attachment to human rights (*droits de l'homme*) and the principles of national sovereignty as defined in the Declaration of 1789 and as confirmed and complemented by the Preamble to the 1946 Constitution. By virtue of these principles and that of the peoples' right of self-determination, the Republic offers the Overseas Territories, who show the will to adhere to them, new institutions founded in the common ideal of liberty, equality and fraternity and conceived with a view to their democratic evolution.

Article 1

France is an indivisible, secular (*laïque*), democratic and social Republic. France shall ensure equal treatment of all citizens before the law, regardless of their origin, race or religion. All creeds shall be respected.

TITLE 1: SOVEREIGNTY

Article 2

The language of the Republic shall be French.
The national emblem is the Tricolor flag, in blue, white, and red.
The national anthem is the Marseillaise.
The motto of the Republic is "Liberty, Equality, Fraternity".
Its principle is: government of the people, by the people and for the people.

Article 3

National Sovereignty resides in the people who exercise it through their representatives and by way of referendum. No group (*section*) of people, nor any individual, may lay claim to the exercise thereof.
Suffrage may be direct or indirect under the conditions laid down in the Constitution. It shall always be universal, equal and secret.
All citizens of majority age, of either sex, who are in full possession of their civil and political rights, are entitled to vote under the conditions determined by law.

Additional Amendment:

The law promotes equal access of women and men to electoral mandates and elective offices.

Article 4

The right to vote is exercised with the participation of political parties or groups. They shall be formed and carry on their activities freely. They must respect the principles of national sovereignty and democracy.

Additional Amendment:

They contribute to the implementation of the principle stated in the article 3 last paragraph under conditions determined by law.

Law proposal adopted by the National Assembly on May, 3, 2000:

Regarding the party list system in local elections:

In any list, the difference between the number of candidates of both sexes cannot be superior to one. In groups of six candidates in the list order, there shall be as many candidates of each sex.

Regarding the party list system for the European elections:

In any list, the difference between the number of candidates of each sex cannot be superior to one. Any list has to be composed alternatively of candidates of each sex.

Regarding the public funding of political parties

Any party that has a proportion of candidates from one sex superior more than 2% to the proportion of candidates of the other sex is less publicly financed (the public funding is inversely proportional to the difference).

Evaluation

Evaluation reports on parity and the application of the law have to be regular.