

Constitutionalizing and Legislating
Parity Democracy: The Cases of France
and Belgium

by Jocelyne Praud
and Karl A. Henriques

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ABSTRACT

This paper examines how and why France and Belgium came to modify their respective constitutions and pass parity laws. The first section analyses French and Belgian women's acquisition and exercise of political rights and, in particular, their right of eligibility. Statistics concerning women's presence in both the lower and upper houses (France's National Assembly and Senate and Belgium's Chamber of Deputies and Senate) are used to assess the extent to which they have been able to exercise their right of eligibility. The second section focuses on the involvement of French and Belgian women's movements and parties in the introduction of gender parity reforms, and the third section examines the involvement of French and Belgian executive and legislative elites in the adoption of constitutional reforms. Overall, it appears that in France, the women's movement played the key role in the introduction of parity reforms whereas in Belgium, both the women's movement and political parties did. Further, although in both countries top executive and legislative elites from the left and the right were actively involved in the ratification of constitutional reforms, their involvement appears to have been more collaborative in Belgium than in France.

Initially formulated and promoted by German and French environmentalists and feminists, the Council of Europe, and high-ranking female officials from Europe, “parity democracy” can be defined as a democracy whose underlying principle is the sharing of political power between women and men who are equally present in governing bodies.¹ Following in the footsteps of environmentalist and feminist grassroots groups that had tried to function along parity lines, the German and French Green parties inserted the principle of parity into their statutes in the mid- and late 1980s. Then, in 1989, the Council of Europe organized a seminar on parity democracy. Likely inspired by this emerging discourse on parity democracy, 14 high-ranking female elected officials present at the first European summit on “Women and Power”, including France’s former Prime Minister Edith Cresson and Belgium’s Labour and Equal Opportunities Minister Miet Smet, signed the “Declaration of Athens” on November 3, 1992. In this document, they identified the paucity of women in the decision-making bodies of European member states as a “democratic deficit” and stressed that “[e]quality require[d] gender parity in the representation and administration of nations” (“Déclaration d’Athènes”, 1992: 4-5).²

While detractors of parity often criticize it as a 50 percent quota in disguise, its defenders point out that parity and quotas are based on different underpinnings. For the latter, parity is a fundamental principle of democracy that is justified by the inescapable fact that women constitute half of humankind. As a consequence, half of the members of governing bodies should be women. Furthermore, in Mateo Diaz and Millns’ words, parity is “a definitive measure that goes beyond the quantitative aspects of gender inequality”, and quotas are “a temporary measure” designed to correct the gender imbalance observable in male-dominated governing bodies (2004: 289, 286). Alternatively put, for parity advocates, parity is a principle of democracy and a measure of correction and thus both a means and an end, while quotas are simply a means to an end.³

On June 28, 1999, the French National Assembly and Senate met in Versailles and adopted a constitutional bill on gender parity in electoral politics modifying Articles 3 and 4 of the Constitution. Henceforth, Article 3 specifies that “the law favours women and men’s equal access to elected office”, and Article 4 requires that political parties implement this new principle (Dauphin and Praud, 2005: 595-596). Two and a half years later, on January 24, 2002, the Belgian Chamber of Deputies approved the revision of Title II of the Constitution previously passed by the Senate. As a result of this revision, Article 10 was amended to include the sentence “equality between women and men is guaranteed”, and Article 11*bis* was adopted. Article 11*bis* stipulated that laws, decrees and orders-in-council guarantee to “men and women equal exercise of their rights and liberties” and favour “their equal access to elected and public office”; further, it noted that “the council of ministers as well as communal and regional governments include persons from a different sex” (Marques-Pereira and Vanclaire, 2005: 516).⁴ Shortly after the adoption of these unique constitutional modifications, both countries passed so-called “parity laws” to ensure the equal access of women and men to candidacies, namely, France’s June 6, 2000 law and Belgium’s July 18, 2002 law.⁵ While it is correct to say that both countries adopted legislative measures soon after their constitutional reforms, eight years earlier Belgium had adopted Europe’s first gender quota law for candidates: the 1994 Smet-Tobback law.⁶ Clearly, these far-reaching constitutional and legislative gender parity reforms constitute an important historical achievement for French and Belgian women, one that is perhaps comparable to their acquisition of full political rights⁷ some six decades ago. Nonetheless, to date there is no in-depth comparative study of these two countries’ breakthrough reforms available in English.⁸

This paper examines how and why France and Belgium came to modify their respective constitutions and pass parity laws.⁹ The first section analyses French and Belgian women’s acquisition and exercise of political rights and, in particular, their right of eligibility. Statistics concerning women’s

presence in both the lower and upper houses (France's National Assembly and Senate and Belgium's Chamber of Deputies and Senate) are used to assess the extent to which they have been able to exercise their right of eligibility. The second section focuses on the involvement of French and Belgian women's movements and parties in the introduction of gender parity reforms, and the third section examines the involvement of French and Belgian executive and legislative elites in the adoption of constitutional reforms.¹⁰ Overall, it appears that in France, the women's movement played the key role in the introduction of parity reforms whereas in Belgium, both the women's movement and political parties did. Further, although in both countries top executive and legislative elites from the left and the right were actively involved in the ratification of constitutional reforms, their involvement appears to have been more collaborative in Belgium than in France.

WOMEN'S HISTORICAL STRUGGLE TO ACQUIRE AND EXERCISE POLITICAL RIGHTS

Acquisition of political rights

Despite the determined mobilization of women's and suffrage associations around women's political rights through the first four decades of the twentieth century, French women were granted political rights quite late, in 1944, or 104 years after men were granted "universal" suffrage. Nonetheless, political rights were not always a priority for women's associations. In the late nineteenth century, these associations focused mainly on the right to education and, more generally, civil rights, while only two feminist activists, Hubertine Auclert and Julie-Victoire Daubié, demanded political rights for women. Auclert, who founded the association *Droit des femmes* (which became *Suffrage des femmes* in 1884), was the first to stress in the February 13, 1881 issue of her paper *La Citoyenne* that "for women, political rights are the key to all other rights" (Auclert in Albistur and Armogathe, 1977: 377). Then, in the early twentieth century, realizing that it would be difficult to obtain new civil rights for women, women's associations, together with the new suffrage associations that were being launched at the time, began to mobilize for political rights and attempted to launch a dialogue with parliamentarians. Shortly after the end of World War I, suffrage activists were even able to have a suffrage bill introduced in the National Assembly. Passed by the Assembly but not the Senate, the bill never became law. During the interwar years, the Senate and, in particular, its Radical members, who were ideologically committed to republican universalism and secularism and thus feared that women voters would undermine these principles, defeated four other suffrage bills (Albistur and Armogathe, 1977: 376-383; Dauphin and Praud, 2005: 584-586).

Finally, on March 23, 1944, the Consultative Assembly of Algiers, which was mainly composed of Communist, Socialist and Radical representatives from the Resistance, adopted a resolution granting women the same voting and eligibility rights as men. While all of the 51 Communist and Socialist representatives voted in favour of the resolution, all of the 17 Radical representatives voted against it. Women's new political rights were then confirmed by General de Gaulle's April 21, 1944 Order-in-Council. In the end, French women were granted full political rights primarily as a reward for their active involvement in the Resistance (Albistur and Armogathe, 1977: 407; Adler, 1993: 132-136).

In Belgium, political parties appear to have played a much greater role in women's acquisition of political rights than women's and suffrage associations. Just as their French counterparts, the Belgian women's associations of the late nineteenth and early twentieth centuries were more preoccupied with girls' access to education and women's social and civil rights than with women's political rights. However, while France's new suffrage associations were able to mobilize independently from political parties, Belgium's suffrage associations were unable to do so due to the influence of political parties and traditional spiritual families (socialist, liberal and catholic) which were organized in pillars in

Belgium's consociational system. Indeed, the fact that Belgian women were granted the right of eligibility prior to that of voting highlights the control that parties exercised over the issue of women's political rights. Clearly, it was more beneficial for parties to allow women to run as candidates than to allow them to vote, female candidates being more easily controlled than female voters. Following long negotiations between Catholic parties, that favoured female suffrage, and Liberal and Socialist parties, that favoured universal manhood suffrage, Belgian men were awarded the right to vote in 1919 and women the right to vote in local elections in 1920. Finally, women were granted the right to run in local, provincial and legislative elections in 1921 and full political rights 27 years later (Marques-Pereira and Vanclaire, 2005: 501-503, 510-512; Meier, 2005: 41-42).

France and Belgium can be identified as laggards because they granted full political rights to women much later than most West European countries, including Germany (1918), the Netherlands (1919), Sweden (1921), the United Kingdom (1928) and even Spain (1931).¹¹ Nonetheless, the fact that Belgian women were allowed to vote in local elections and run as candidates in all elections right after World War I indicates that Belgium was somewhat less of a foot-dragger than France. This paper will now examine how women's presence in France and Belgium's lower and upper houses has evolved since the 1940s and determine whether Belgian women have been able to exercise their right of eligibility to a fuller extent than French women.

Exercise of eligibility

Table 1: Women in the French National Assembly and Senate since 1945

Year of Legislative Election	Women in the National Assembly (%)	Year of Senatorial Election	Women in the Senate (%)
1945	5.5	1946	6.7
June 1946	5.1	1948	3.8
Nov. 1946	6.8	1952	2.8
1951	3.5	1955	2.8
1956	3.0	1959	1.6
1958	1.4	1962	1.8
1962	1.7	1965	1.8
1967	2.3	1968	1.7
1968	1.6	1971	1.4
1973	1.6	1974	2.5
1978	4.1	1977	1.7
1981	5.3	1980	2.3
1986	5.9	1983	2.8
1988	5.7	1986	2.8
1993	6.1	1989	3.1
1997	10.9	1992	5.0
2002*	12.2	1995	5.6

Table 1: Cont'd

Year of Legislative Election	Women in the National Assembly (%)	Year of Senatorial Election	Women in the Senate (%)
2007*	18.2	1998	5.9
		2001*	10.9
		2004*	16.9

Sources: Dauphin and Praud (2005: 588); Observatoire de la parité (June 18, 2007: 1); Inter-Parliamentary Union (May 31, 2007: 3); Inter-Parliamentary Union (December 31, 2007: 3).

* Elections that took place after France's constitutional and legislative gender parity reforms.

As Table 1 highlights, until very recently, French women's share of seats in both the National Assembly and the Senate was abysmally low. In the first legislative elections of June 1946, 5.1 percent of the National Assembly's new deputies were women. Throughout the 1950s, the proportion of women in the National Assembly kept declining from 3.5 percent in 1951 to 3 percent in 1956 to an all-time low of 1.4 percent in 1958, the year the Fifth Republic was established and the proportional representation (PR) electoral system was replaced by a two-round majority system. From 1958 until 1973, women's presence in the National Assembly hovered around 1 to 2 percent before reaching 5 percent in the 1980s. In the 1997 legislative elections, the last legislative elections conducted before the gender parity reforms, women were finally able to reach the 10 percent mark. In the Senate, women's presence has followed a similar, albeit even more appalling, pattern with 6.7 percent in 1946, remaining below 4 percent until 1992, and reaching the 10 percent mark only in 2001 (Table 1). As a result, France has been a laggard not only with regards to women's acquisition of political rights, but also with regard to their exercise of eligibility.¹²

The unsuccessful attempt by feminist lawyer and activist Gisèle Halimi to enable French women to fully exercise their right of eligibility reinforces the image of France as a straggler in the area of women's political rights. In 1982, one year after her election as a deputy affiliated to the *Parti socialiste* (PS), Halimi proposed an amendment to the law on the electoral system for municipal elections specifying that for municipal elections taking place in towns with more than 3,500 residents, party lists could no longer comprise more than 75 percent of candidates from the same sex. Despite the adoption of this amendment by both the National Assembly and the Senate, and for the first time in its history, the Constitutional Council took it upon itself to examine this amendment and declared it to be unconstitutional. According to the Council's members, the amendment infringed upon the principle of indivisibility of the Republic established in Article 3 of the Constitution of the Fifth Republic and Article 6 of the "Declaration of the Rights of Man" (Gaspard, Servan-Schreiber and Le Gall, 1992: 131-142).

Although Belgian women have been able to run in all elections since 1921, their marginal presence in the Chamber of Deputies and Senate has been almost as dreadful as that of French women. As Marques-Pereira and Vanclaire (2005: 503) point out, from 1921 until World War II, a total of six women sat in the Belgian Parliament, three in the Chamber of Deputies and three in the Senate. Furthermore, Table 2 demonstrates that the proportion of female deputies was around or below 4 percent in the three post-war decades, except in 1961, when it reached 5.1 percent. From 1974 until 1991, the proportion of women in the Chamber of Deputies was above 5 percent, but less than 10 percent. Women finally exceeded the 10 percent mark in the lower house in 1995. As for the Senate, after steadily decreasing between 1946 and 1968 from 5.9 percent to 0 percent, women's presence began to increase again. It then reached the 10 percent mark in 1978 and remained around that level

Table 2: Women in the Belgian Chamber of Deputies and Senate since 1946

Year of Election	Women in the Chamber of Deputies (%)	Women in the Senate (%)
1946	1.4	5.9
1949	2.8	4.0
1950	3.3	4.0
1954	4.2	3.4
1958	4.2	3.4
1961	5.1	1.7
1965	3.3	1.1
1968	3.7	0.0
1971	2.8	2.8
1974	6.6	6.6
1977	7.0	8.8
1978	7.5	10.4
1981	5.6	11.6
1985	7.5	11.4
1987	8.4	8.1
1991	9.4	10.8
1995	12.0	23.9
1999*	23.3	28.2
2003**	35.3	31.0
2007**	35.3	39.4

Sources: Lovenduski (2005b: 295); Amazone (2007: 1).

* Elections that took place after the Smet-Tobback law was passed.

** Elections that took place after Belgium's 2002 constitutional and legislative gender parity reforms.

for three of the next four elections. It should be noted that between 1991 and 1995, the period during which the Smet-Tobback law was introduced and passed, the proportion of women in the Senate more than doubled from 10.8 percent to 23.9 percent (Table 2).¹³

By adopting the Smet-Tobback law, Belgium became more of a vanguard in the area of women exercising their right of eligibility. Nonetheless, two quota bills had failed to pass beforehand. In January 1980, a bill was introduced which provided that no more than three-quarters of candidates should be of the same sex on party lists in local elections. The Council of State rejected the bill on the grounds that it contradicted the Constitution's principle of equality. Then, in March 1991, another bill was introduced which stipulated that for all elections, except local and European elections, no more than 80 percent of candidates should be of the same sex. This bill fell when elections were called shortly thereafter (Meier, 2005: 43-44; Marques-Pereira and Vanclaire, 2005: 502, note 15, 518-519).

In the late 1980s and early 1990s, both France and Belgium could be identified as laggards with respect to women's exercise of their right of eligibility. While French and Belgian women's share of parliamentary seats was less than 10 percent, that of Dutch and German women was in the 20 percent range and that of Swedish women in the 30 percent range (Roudy, 1995: 24-25, 201). In addition to their abysmal record of electing female parliamentarians, France and Belgium also had legislative proposals to institute gender quotas for candidates rejected as unconstitutional. Nonetheless, while France was unable to adopt a gender quota law for candidates until after its constitutional reform, Belgium was able to pass the Smet-Tobback law in 1994, notably, eight years before its constitutional reform. France's failure to pass such a law could be attributed in part to the indifference of its women's movement to the issue of women's poor involvement in electoral politics, and Belgium's adoption of the Smet-Tobback law could be attributed in part to the active involvement of its women's movement in this issue. This paper will now examine the role that the French and Belgian women's movements and political parties have played in the introduction of gender parity reforms.

INTRODUCTION OF GENDER PARITY REFORMS

Women's movements

The important changes that the French women's movement underwent in the early 1990s help to explain why this movement, which in the previous two decades was described as "divided" and disinterested in electoral politics, ended up playing a key role in drawing attention to the paucity of women in electoral politics and the need for gender parity reforms.¹⁴ In the 1970s and 1980s, the French women's movement was split into two wings: the liberation wing or *Mouvement de libération des femmes*, which came out of the May 1968 protests and consisted of numerous groups that denounced the patriarchal, capitalist and/or psychological sources of women's oppression, and the reform wing, which included feminists involved in political parties and unions as well as the traditional women's associations that had been established before and after World War II. Liberation groups used direct action methods to draw attention to sexual issues such as abortion, contraception, maternity, homosexuality, and rape. Following the example of renowned French feminist Simone de Beauvoir, these groups voluntarily excluded themselves from electoral politics and political institutions and ignored women's virtual absence from the electoral arena. On the other hand, throughout the 1970s and 1980s, reform feminists and some traditional women's associations periodically raised this issue with political parties and elected officials, but without much success. Moreover, the fact that the Constitutional Council's 1982 abrogation of Halimi's amendment to institute a gender quota for municipal candidates did not trigger any protests from reform and liberation feminists indicates that at that time the lack of women in elective institutions was not a priority of this divided movement (Baudino, 2005: 88-89; Dauphin and Praud, 2005: 589-590).

By the early 1990s, however, the discourse and strategy of the movement changed, as liberation and reform feminists as well as new parity, feminist and traditional women's associations joined forces to form a "great, lively and united movement in favour of [gender] parity" (Baudino, 2005: 95). In 1989, when France was about to celebrate the bicentennial of its Revolution and thus the advent of its democracy, women still had not reached the 10 percent mark in the National Assembly and Senate, a blatant contradiction that several authors examined, including Gaspard, Servan-Schreiber and Le Gall (1992) in their book *Au pouvoir, citoyennes! Liberté, égalité, parité*. For Gaspard et al. (1992), *parité*, or, more specifically, gender parity in electoral politics, was a new principle of democracy that France should be committed to, just as it was committed to liberty and equality. This influential book helped to publicize the idea of gender parity in electoral politics and prompted women into action.

The early 1990s saw the formation of *Parité, L'Assemblée des femmes, Club Parité 2000, Elles aussi, inter alia.*, as well as two main networks *Femmes pour la parité* and *Demain la parité*, which comprised women's and feminist associations supportive of parity. Together, these different associations and networks organized events to highlight the need for parity reforms and lobbied party leaders and key political figures so that they would publicly endorse such reforms (Lovenduski, 2005a: 130-136; Baudino, 2005: 95; Jenson and Valiente, 2003: 75, 78-79; Dauphin and Praud, 2005: 594).¹⁵

Observers such as Meier (2005: 46) have identified the Belgian women's movement as "fragmented" due to not only the presence of Flemish and Francophone groups and associations, but also the existence of a reform wing and a liberation wing. While the former is part of the traditional (socialist, liberal and catholic) pillars that structure Belgian civil society and thus are close to the political parties associated with these pillars, the latter is independent from them.¹⁶ The liberation wing, which emerged in the 1970s, includes grassroots groups and associations that have focused on issues related to reproduction, violence against women, and the socialization of housework. Since its heyday between 1979 and 1984, this wing has weakened somewhat while the reform wing, which comprises women active in parties and unions as well as established women's associations and newer feminist associations close to political parties associated with traditional pillars, has expanded steadily (Marques-Pereira and Vanclaire, 2005: 513-514; Meier, 2005: 46-47).

Despite its fragmented nature, the Belgian women's movement and, in particular, its reform wing has been able to draw considerable attention to the deficit of women in electoral politics and formal measures to address it for quite some time. The removal in 1973 of the only two female State Secretaries from the government after less than one year in office prompted reform feminists into action. In the 1970s, they launched "Vote for a Woman" campaigns and established women's groups within different political parties. Similar campaigns were organized throughout the 1980s and 1990s. Although the liberation wing initially rejected participation in elections, it came out to advocate a greater presence of women in electoral politics in 1980, when the first gender quota bill was put forward.¹⁷ Between 1980 and the 1990s, as different quota bills were being introduced in the legislature (regarding electoral lists, advisory committees, and the federal government), both liberation and reform feminists demanded a *greater* presence of women in electoral politics and from the mid-1980s onwards an *equal* presence of women in electoral politics (Carton, 2001: 127; Mateo Diaz, 2002: 52; Marques-Pereira, 2005: 506; Meier, 2005: 42-43, 47). Furthermore, as Meier (2005: 57) points out, "[a]fter the middle of the 1990s, the entire women's movement without any exception demanded parity democracy."

Clearly, both the French and Belgian women's movements have played a key role in drawing attention to the dearth of women in electoral politics and the need for gender parity reforms. The mobilization of the French women's movement around gender parity in electoral politics is particularly striking given the movement's relative indifference to and inaction on these issues throughout the 1970s and 1980s. In a sense, the French movement's focus on the need for gender-balanced elective institutions and its use of lobbying tactics during the 1990s signal that it was now closer to the U.S. model "characterized by emancipatory goals and lobbying strategy" than to the Southern European model characterized, among other things, by largely "direct action, revolutionary ideology, and very informal organizational structure" (della Porta, 2003: 65-66). On the other hand, what is striking about the Belgian movement is its early and sustained efforts since the 1970s to highlight and remedy the deficit of women in elective institutions. While the Belgian movement does not appear to have undergone the same shift as the French movement, its longer history of raising and lobbying for a greater presence of women in electoral politics as well as the prominence of its reform wing, which has close links to traditional parties, would suggest that it has tended to be closer to the U.S. model than to the Southern European model. This paper will now examine the extent to which French and Belgian political parties have supported the efforts of these two movements.

Political parties

On the whole, French parties have been unwilling or unable to take concrete and effective steps to enhance the presence of women in electoral politics, especially when considering the period before the mobilization for gender parity. However, on this issue, it is important to distinguish between parties of the right and parties of the left. While the former have been fiercely opposed to any measures designed to promote women in electoral politics, the latter, in particular, the large *Parti socialiste* (PS) and the smaller *Parti communiste français* (PCF) and *Verts*, did take such measures. For instance, in 1973, the PS adopted a 10 percent quota for women in all its governing bodies and candidacies for elections fought according to PR, which was raised to 15 percent in 1977, 20 percent in 1979, and 30 percent in 1991. Nonetheless, as several observers have pointed out, the PS has rarely been able to meet its quota. Although the PCF has a long record of recruiting and nominating female candidates, its declining electoral strength from the 1970s onwards has significantly hampered its ability to elect women. Last but not least, the *Verts*, the first party to insert the principle of gender parity into its statutes, has had difficulty achieving gender balance within the party hierarchy as well as among its candidates (Appleton and Mazur, 1993: 103-108; Praud, 1997: 101-109; Allwood and Wadia, 2000: 55-68).

In *Women and Politics in France, 1958-2000*, Allwood and Wadia (2000: 81) point out that since the 1990s “parties have competed to embrace the rhetoric of parity”. Here again a distinction can be made between parties of the right, which (with the exception of the far-right *Front national*) expressed support for the popular idea, and parties of the left, which put forward parity lists alternating women and men’s names for the 1994 European elections and endeavoured to increase the number of their female candidates in subsequent elections. In any case, overall, the PS appeared to be the most committed to gender parity. At the request of its new party leader, Lionel Jospin, the party made concerted efforts to ensure that 30 percent of the Socialist candidates running in the 1997 legislative elections would be women. The record number of female candidates that the PS presented (133 women or 27.8 percent) in these elections as well as its victory greatly contributed to increasing women’s presence in the National Assembly from 6.1 percent to 10.9 percent (Allwood and Wadia, 2000: 65-68, 81; Dauphin and Praud, 2005: 595; Table 1). In brief, after decades of indifference, hostility and/or ineffectiveness towards the deficit of women in electoral politics, French parties finally rallied to support gender parity probably to project a more modern image and obtain votes.

Unlike their French counterparts, Belgian parties have been quite willing to adopt measures to increase women’s presence in electoral politics. In fact, several parties already had binding and non-binding measures in place before the Smet-Tobback law was passed in 1994. For instance, at their inception in 1985, the Flemish Greens inserted a binding double quota requiring that women occupy half of the positions on the list, including one of the first two positions, and adopted the “zipper principle” (or alternation of female and male candidates throughout their electoral lists) as a non-binding target. Their 50 percent quota, which was to apply to local elections, was then extended to federal elections in 1991 and to all elections four years later. The Flemish Social Democrats started to use a 25 percent quota for all elections in 1992. Four other parties, namely, the Flemish Christian Democrats and Liberals as well as the Francophone Christian Democrats and Greens, had non-binding target figures regarding the proportion and/or ranking of women on electoral lists (Meier, 2004: 588-589).¹⁸

After the Smet-Tobback law was enacted, a number of political parties adopted more stringent provisions to improve the proportion and ranking of female candidates. For instance, the Flemish Christian Democrats, Social Democrats and Regionalists followed the example of the Flemish Greens and approved the zipper principle as a target. In so doing, these political parties went further than the Smet-Tobback law, which reserved only a third of list positions for the under-represented sex and lacked any requirements regarding the ranking of candidates. According to Meier (2004), the stricter

party stipulations adopted after 1994 paved the way for the July 2002 parity law requiring parties to list an equal number of men and women on their electoral lists and a man and a woman for the first two positions. In her view, the sequence of party and legal measures and, more specifically, parties' surpassing of legal measures which triggered more stringent legal requirements, indicates that a "mutual contagion effect" has been at work between party and legal measures (Meier, 2004: 591-596). Although insightful, Meier's analysis makes no mention of the February 2002 constitutional reform, which laid the foundation for the July 2002 law by stipulating that laws had to "guarantee...men and women[']s equal exercise of their rights and liberties" and "favour their equal access to elected and public office." Surely, the measures taken by political parties from the mid-1990s onwards to bring gender balance to the electoral arena must have also contributed to this constitutional reform.

The differences between French and Belgian parties are quite stark. In France, only parties of the left took steps to enhance women's presence in electoral politics while in Belgium, several parties of the left and the right took such steps. Furthermore, there was a clear contagion effect between party measures and parity reforms in Belgium, but not in France. Indeed, the most stringent measure ever adopted by a French party, namely, the PS quota, did not prompt other parties to adopt similar let alone stronger measures; and parties rallied to gender parity only once it became a popular idea. By contrast, Belgian parties attempted to outperform each other and exceed the requirements of the 1994 Smet Tobback law; and the adoption of the zipper principle for electoral lists by other parties besides the Flemish Greens paved the way for the constitutional and legislative reforms of 2002. In other words, Belgian parties have been much more disposed than their French counterparts to adopt concrete measures to enhance the number of their women candidates, which eventually facilitated the adoption of Belgium's legislative and constitutional gender parity reforms. This paper shall now review how constitutional reforms were adopted in France and Belgium and, more specifically, the role that executive and legislative elites played in their formal adoption.

ADOPTION OF CONSTITUTIONAL REFORMS

French executive and legislative elites

If France's constitutional reform came about just seven years after associations began mobilizing for gender parity, it is in part due to the increasing involvement of top executive and legislative elites from both the left and the right. During the 1995 presidential election, all candidates had expressed greater support for gender parity than ever before. Jacques Chirac, the candidate of the right-wing Gaullist party *Rassemblement pour la République* (RPR) and eventual winner, had even promised to establish an *Observatoire de la parité* responsible for taking stock of women's place in state and society and, more specifically, produce studies, disseminate information, enlighten decision-makers, and make recommendations for reforms. In October 1995, President Chirac's newly-appointed Prime Minister Alain Juppé, also from the RPR party, announced the creation of the *Observatoire de la parité*. Juppé appointed RPR deputy Roselyne Bachelot-Narquin as the General Reporter of the *Observatoire* and renowned left-wing feminist Gisèle Halimi as the Reporter of the political commission of the *Observatoire*. At the beginning of 1997, Bachelot-Narquin submitted her first report to Juppé, *La parité dans la vie publique*, which recommended that parity be inserted into the Constitution and that this question be submitted to a referendum.

Following the left's victory in the 1997 legislative elections, President Chirac had to appoint PS leader Lionel Jospin as Prime Minister. To signal that his commitment to the feminization of the political sphere was real, Jospin included eight women in his government of 26 members (which then comprised 30.7 percent of women) and announced that his government would soon introduce

a constitutional bill to remedy the dearth of women in electoral politics. In June 1998, PS Justice Minister Elisabeth Guigou put forth a bill designed to add to Article 3 of the Constitution that “the law favours women and men’s equal access to elected office.” As Wallach Scott (2005: 99) notes, the term “parité” had been replaced by the phrase “women and men’s equal access to elected office” in order to secure President Chirac’s support for the constitutional reform. Following the introduction of the constitutional bill, a new network of pro-parity associations, *Femmes et hommes pour la parité*, lobbied the National Assembly and Senate to support the bill and even proposed to substitute a more constraining verb in place of “favour” when it appeared before the Assembly’s law commission. To a certain extent, the National Assembly echoed the network’s proposal since it ended up adopting the verb “determine” instead of “favour”. As for the Senate (dominated by the right), it rejected the version adopted by the Assembly (dominated by the left) and proposed to modify Article 4 (rather than Article 3) and stipulate that political parties (rather than the law) favour women and men’s equal access to elected office. After several weeks of discussions and negotiations, the Senate, and then the National Assembly, adopted a constitutional bill stating in Article 3 that “the law favours women and men’s equal access to elected office” and in Article 4 that political parties “are required to implement this principle.” Finally, on June 28, 1999, the two houses gathered in congress in Versailles and approved these two modifications of the Constitution (Tremblay, 2002: 42-45; Dauphin and Praud, 2005: 595-596).

Belgian executive and legislative elites

Francophone Social Democrat Laurette Onkelinx, who succeeded the Flemish Christian Democrat Miet Smet as the Minister of Equal Opportunities in 1999, played a key role in bringing the 2002 modifications of the Constitution and related legislative reforms to completion. That said, Onkelinx would have been unable to do so without the support of the parties that formed a new coalition government following the 1999 federal elections. These elections, which replaced the coalition led by the Flemish Christian Democrats with one led by the new right-wing Flemish Liberals (including their Francophone counterparts as well as the Flemish and Francophone Greens and Social Democrats), were significant in terms of women’s involvement in electoral politics. Due in part to the Smet-Tobback law (and the parties complying with it), a record number of women ran as candidates and were elected. Indeed, the proportion of female deputies nearly doubled from 12 percent in 1995 to 23.3 percent in 1999 while the number of female senators increased from 23.9 percent to 28.2 percent (Table 2). Among the parties of the new coalition, the Francophone and Flemish Greens were the most successful in electing women as deputies (women comprised 54.5 percent and 44.4 percent of their delegations respectively) followed by the Francophone and Flemish Liberals (22.2 percent and 17.4 percent). The two Social Democratic parties were the least successful in electing women, with the Flemish party at 10.5 percent and the Francophone party at 0 percent (Diaz, 2002: 66). It is puzzling perhaps that the Flemish and Francophone Greens, who had gender parity rules, and the Flemish and Francophone Liberals, who did not have any measures in place to promote female candidates, did better than the Flemish Social Democrats, whose measures were rendered obsolete by the Smet-Tobback law, and the Francophone Social Democrats, who lacked any measures (Meier, 2004: 588-590).¹⁹ In any event, in 1999, only two of the six parties that ended up forming the new coalition government were committed to gender parity.

Within a year, however, the government and all its coalition partners except one endorsed gender parity. First, it is telling that Flemish Liberal Prime Minister Guy Verhofstadt decided to appoint Francophone Social Democrat Laurette Onkelinx, whose party had failed to elect any female deputies, not only as Minister of Labour and Equal Opportunities, but also as Vice Prime Minister. Furthermore, in 2000, the Flemish Liberals and the Flemish and Francophone Social Democrats, but

not the Francophone Liberals, adopted gender parity measures. For instance, the Flemish Liberals approved gender parity as a target for the first ten positions on local and provincial lists, including at least one woman in the first three positions. While the Flemish Social Democrats adopted the zipper principle for their local and provincial lists, the Francophone Social Democrats inserted into their statutes the binding requirement that electoral lists contain an equal number of female and male candidates (Meier, 2004: 588-590). In hindsight, Onkelinx' appointment and the fact that only one year after the election all but one of the governing parties had gender parity measures foretold the newly-elected government's imminent gender parity reforms.

With the support of the coalition government's left- and right-wing partners and their parliamentary representatives, Onkelinx was able to have the Chamber of Deputies and Senate ratify the gender parity modifications of the Constitution. Following the 1999 federal elections, a committee for political renewal was set up, including both deputies and senators, to discuss rules that would enhance democracy, such as the composition of electoral lists by sex. In May 2000, the cabinet discussed its intention to renew electoral politics by progressively introducing "double parity", or the equal presence and alternation of women and men on electoral lists (Mateo Diaz, 2002: notes 19-20, 55). On January 24, 2002, the Chamber of Deputies approved the constitutional reform unanimously passed by the Senate a few months earlier. As a result of this reform, Article 10 of the Belgian Constitution now guarantees equality between women and men, and Article 11*bis* stipulates that the law guarantees to "men and women equal exercise of their rights and liberties" and favours "their equal access to elected and public office". Furthermore, it specifies that all executive bodies are to include members from both sexes (Diaz and Millns, 2004: 279-303; Marques-Pereira and Vanclaire, 2005: 516).

In both countries, top executive and legislative elites from the left and the right were actively involved in the adoption of the constitutional gender parity reforms. In France, while the right-wing President and Prime Minister laid the background for these reforms with the creation of the *Observatoire de la parité*, the subsequent left-wing Prime Minister took the formal steps to launch the constitutional modifications and bring them to completion. Furthermore, the right-wing President and legislative elites watered down the constitutional reform by excluding the term "parité" and insisting on the verb "favour". In Belgium, the newly-elected multi-partisan coalition government of right-wing Prime Minister Verhofstadt, which at first included only two pro-parity parties, quickly converted to gender parity and moved to revise the Constitution. The somewhat similar wording of the two constitutional reforms could indicate that the French reform may have been a factor in the Belgian government's decision to endorse gender parity and revise the Constitution accordingly.

In the end, the French and Belgian reforms' statement that the law is to favour women and men's equal access to elected office and their eschewing of the term "parity" are revealing. Indeed, the two reforms essentially aim at *favouring the equal access* of women and men to elected office, not at *ensuring the election* of an equal number of women and men, as pro-parity associations and advocates wanted. Even though the Belgian reform appears to go further than the French reform in that it also guarantees women and men the equal exercise of their rights and liberties and requires that members of each sex be appointed to all executives, one can still argue that the equality advanced by the French and Belgian reforms is more an equality of access than a more constraining equality of results.

CONCLUSION

This paper has analyzed the constitutional and legislative reforms that France and Belgium adopted in their efforts to enhance gender parity in their elective institutions. Particular attention was paid to

the historical context when French and Belgian women acquired political rights and the extent to which they have been able to exercise their right of eligibility; the role of women's movements and political parties in the introduction of reforms; and finally, the role of executive and legislative elites in the formal adoption of France and Belgium's 1999 and 2002 constitutional gender parity reforms.

Four main conclusions can be drawn from this comparative study. First, France and Belgium's status as laggards in the area of women's political rights may need to be revised as they are now the first two countries in the world to have adopted strong constitutional and legislative reforms to enhance gender parity in electoral politics. This is especially appropriate in the case of Belgium, which in regard to women's share of legislative seats (35.3 percent) now ranks 11th in the latest world classification of the Inter-Parliamentary Union, namely, behind Sweden (2nd with 47 percent) and the Netherlands (5th with 39.3 percent), but also before Germany (17th with 31.6 percent), Canada (50th with 21.3 percent), and France (64th with 18.2 percent) (Inter-Parliamentary Union, December 31, 2007: 1-3).²⁰ Second, the women's movements in both countries played an important role in drawing attention to the dearth of women in elective institutions and the need for parity reforms, even though the associations composing the French movement came to focus on these issues significantly later than their Belgian counterparts. Third, the limited and reluctant participation of French parties in the introduction of gender parity reforms contrasts with the widespread and proactive contribution of Belgian parties. Fourth, although top executive and legislative elites from the left and the right in both countries were actively involved in the ultimate adoption of the constitutional gender parity reforms, their involvement appears to have been more collaborative in Belgium than in France.

In the end, the more philosophical republican universalism of France's political culture versus the more pragmatic particularism of Belgium's political culture help to explain why Belgian political parties and elites were more receptive to gender parity than their French counterparts. According to French republican universalism, citizens are abstract individuals whose particular attributes of sex, class and race must be ignored in order to ensure equal treatment of all. As many feminists and parity advocates point out, however, this blindness to citizens' differences has resulted in only privileged white men being able to fully exercise political rights (Praud 2001, 263). Thus, the prevalence of republican universalism and related ideas in France's political culture sheds some light on the reluctance of French political parties and elites to endorse gender parity. By contrast, Belgium has a long history of accommodating the particular interests of different social, political and linguistic groups. For instance, in the 1970s, it dealt with conflicts between the Flemish and Walloons by federalizing its political system and, more precisely, devolving powers to the regional governments of Flanders, Wallonia and Brussels, as well as to the Flemish and Francophone Cultural Councils. Moreover, in Belgium, the traditional major parties (the Christian Democrats, Liberals and Social Democrats) always make efforts to guarantee the representation of the main organizations belonging to their pillar (or political family) on electoral lists (Meier, 2000: 76-77). In light of this, the more positive response of Belgian political parties and elites to gender parity is not really surprising.

Considering the continued deficiency of women in the elected offices of Canada, what is the likelihood of this country adopting similar constitutional and legislative reforms in the foreseeable future? At the time of this writing, it is doubtful that Canada's federal and provincial executive and legislative elites, women's movement, and/or parties will be pushing for such reforms any time soon. Given the constitutional fatigue that Canadian citizens have been experiencing since the failure of the Meech Lake and Charlottetown Accords, no federal government will be proposing a revision of the Constitution to ensure women's equal access to elective institutions. British Columbia and Ontario's recent failures to move towards a proportional representation (PR) electoral system are also likely to deter the federal and provincial governments from toying with electoral laws and proposing parity bills.

In any event, even though the past 25 years have witnessed a number of associations, such as *Equal Voice*²¹, formed to raise Canadians' awareness about women's poor presence in their elective institutions, this issue appears to remain a low priority for Canada's governments, parties, and women's movement. One reason may be the fact that women's share of seats in the Canadian House of Commons, although stuck at 20 to 21 percent since 1997, is not so low as be embarrassing, as was the case for France and Belgium.²² Similarly, women's average presence in provincial legislatures, which is currently at 22 percent, may also be seen as not requiring immediate attention. However, while New Brunswick (12.7 percent), Alberta (15.7 percent), Nova Scotia (17.3 percent), and Saskatchewan (19 percent) are laggards, Ontario and Manitoba are vanguards with respectively 31.6 percent and 27 percent. The other provinces have 21 to 26 percent of women in their legislatures (Equal Voice, 2007b: 1). Since the November 7, 2007 election, the Legislative Assembly of Saskatchewan now has 20.7 percent of women (The Legislative Assembly of Saskatchewan, 2007: 1-3).

Nevertheless, Quebec, which has traditionally been more inclined to chart its own course rather than to follow that of others, may be the one province in the foreseeable future to pass legislative measures related to gender parity in elective institutions. In early 2006, a parliamentary commission began to examine the possibility of adopting a PR system for provincial elections. More than half of the submissions made to this commission came from women's groups and associations, such as the *Fédération des femmes du Québec*, *Collectif féminisme et démocratie*, *Groupe femmes, politique et démocratie*, *inter alia.*, insisting that provisions for the greater and even equal presence of women in elective institutions be incorporated into any reform of Quebec's electoral system (Collectif féminisme et démocratie, 2006: 1). The mobilization of the Quebec women's movement around this issue, most Quebec parties' endorsement of PR, Premier Jean Charest's promise to reform the electoral system, his appointment of the province's first gender-balanced cabinet, and finally the election of feminist Pauline Marois to the helm of the *Parti québécois* are all encouraging signs for advocates of gender parity. In light of these developments, Quebec could indeed become the first province in Canada not only to reform its electoral system, but also to pass gender parity measures.

ENDNOTES

1. This definition is adapted from Mateo Diaz' (2002: 3) comment that parity democracy "stipulate[s] that political power should be shared on a 'fifty-fifty' basis between men and women" and Gaspard's (1994: 32) definition of parity as "perfect equality in democratic representation".

2. Authors' translation. The "Charter of Rome", which several European female ministers signed on May 18, 1996, at the European summit on "Women for the Renewal of Politics and Society", reiterated these ideas.

3. Nonetheless, it is important to note that the executive and legislative elites who launched and adopted France and Belgium's gender parity reforms did so primarily for practical reasons (namely, the need to boost women's involvement in electoral politics) rather than philosophical reasons stemming from the view of parity as a principle of democracy. Thus, as will be explained later on in this paper, if these elites decided to revise the French and Belgian constitutions, it was to prevent future laws designed to enhance women's involvement in electoral politics from being abrogated as had previously happened in both countries. Furthermore, the fact that France and Belgium's constitutional and legislative parity reforms ended up being about women's equal access to elected office (rather than their *equal presence* in elected office) appears to indicate that neither the French elites nor their Belgian counterparts were swayed by the view of parity as a principle of democracy.

4. Authors' translations.

5. France's June 6, 2000 law on women and men's equal access to elected office requires political parties to present an equal number of female and male candidates in municipal, regional, legislative, European, and some senatorial elections. In terms of elections where a two-round proportional representation (PR) system is used (municipal elections taking place in towns with more than 3,500 residents as well as regional elections), parties must include an equal number of women and men in sets of six candidates. As for elections where a one-round PR system is used (European and some senatorial elections), parties must strictly alternate female and male candidates. The law stipulates that lists that do not conform to these rules will be invalidated. As for legislative elections, where the electoral system is a two-round majority system, the law reduces the amount of public funding that political parties receive from the state when they fail to present an equal number of female and male candidates (Dauphin and Praud, 2005: 596).

Following Belgium's constitutional reform, a new law was passed in July 2002 requiring that an equal number of men and women be present on lists and that candidates of the same sex not occupy the first two positions. For the first elections held after the law was passed, however, this rule could apply to the first three candidates on the lists. No other provisions were made with regard to the alternation of women and men on electoral lists (Meier, 2004: 587-588).

6. In the spring of 1994, Belgium had adopted the Smet-Tobback law "to promote a balanced representation of men and women on electoral lists", named after Miet Smet and Louis Tobback, the government members who had introduced the bill. The Smet-Tobback law stipulated that electoral lists could not have more than two-thirds of its candidates of the same sex. Lists that did not comply with the law were to be rejected. For the 1994 local and provincial elections as well as all the elections held between 1996 and 1999, lists could include up to three-quarters of candidates of the same sex. Since 1999, however, the two-thirds rule has been applied in all elections. The main drawback of this law was that no provisions were made with regards to candidates' positions on lists, thus allowing parties to place women lower down on the lists in unelectable positions (Meier, 2004: 587-588).

7. "Political rights" refer to the rights to vote and be eligible for election. Since France and Belgium's gender parity reforms essentially aim at enabling women to exercise their right of eligibility, the paper will focus on this particular right. The right of eligibility can be defined as the right to stand for election and thus become an elected representative.

8. However, the English literature on gender parity in France, which includes recent books by Wallach Scott (2005) and Opello (2005) as well as articles by Haase-Dubosc (1999), Mazur (2001), Bird (2001; 2003), Jenson and Valiente (2003), Baudino (2005), and Krook (2007), is somewhat more extensive than that related to Belgium, which includes mainly articles by Carton (2001), Mateo Diaz (2002), and Meier (2004; 2005).

9. Two other possible case studies would be Portugal and Italy. However, given Portugal's failure to pass any legislative measures and Italy's very limited legislative measures, these two countries' constitutional reforms can be identified as mainly symbolic. In 1997, Portugal asserted women and men's equality of participation in electoral politics and access to elective and public mandates in Article 109 of its Constitution and the Portuguese state's role in the promotion of equality between women and men in Article 9 h) (Mateo Diaz and Millns, 2004: 293-294, note 9, 294).

On March 7, 2003, the Italian Parliament modified Article 51 of the Constitution, which now includes the following provision: "[t]o this aim [that of equality of access of members of both sexes to public and elective mandates] the Republic promotes with specific instruments parity of opportunities

between men and women” (Mateo Diaz and Millns, 2004: 295). The following year, a bill was passed requiring parties to ensure that their lists include no more than two-thirds of candidates from the same sex for the first two European elections. Parties that did not comply with the law were to incur a reduction in the reimbursement of their electoral expenses while parties with one-third of women among their newly elected Members of the European Parliament were to receive additional funding (Creperio Verratti, 2005: 627). The fact that this law was never extended to national and local elections, and that a subsequent proposal to institute a gender quota for women failed to pass, highlights the symbolic character of the Italian constitutional reform (e-mail communication with Professor Marila Guadagnini, July 11, 2007).

10. Given the symbolic importance of France and Belgium’s constitutional reforms and the subsequent smooth passage of their parity laws, the third section will focus on the role of executive and legislative elites in the formal adoption of these two countries’ unique and far-reaching constitutional reforms and leave aside the implementation of these reforms.

11. On this point, see Mateo Diaz and Millns (2004: 282). Other West European laggards include Italy (1945), Greece (1952), Switzerland (1971) and Portugal (1976). In Canada, non-Aboriginal women were allowed to vote and run in federal elections in 1920, notably, four decades earlier than Aboriginal women. As for Quebec women, they were able to fully participate in provincial elections only in 1940.

12. Table 1 reveals that France’s reforms did not significantly boost the presence of women in the National Assembly and Senate. The peculiarities of the different electoral systems used for legislative and senatorial elections as well as the loopholes of the June 6, 2000 law help to account for this. Legislative elections are conducted according to a two-round majority system, and senatorial elections are conducted according to a mixed system where about half of the seats are elected according to a one-round proportional representation (PR) system and the other half according to a two-round majority system. Overall, PR systems have been more favourable to female candidacies than plurality and majority systems. The June 6, 2000 law provides that parties that fail to present a parity of female and male candidates in legislative elections will have their public funding reduced. While small parties cannot afford to defy the law, larger and thus better off parties can and in fact did so in 2002 and 2007. The June 6, 2000 law also provides that only party lists strictly alternating female and male candidates will be accepted for elections conducted according to a one-round PR system. This provision has not had as strong an impact on the gender composition of the Senate as some would have expected for two reasons. First, as noted above, only half of senatorial seats have had to comply with such a provision. Second, up until this year, senatorial elections will have taken place every three years to renew one-third of the seats rather than the whole Senate.

13. Although the 1994 Smet-Tobback law did not apply to the 1995 federal elections, its adoption probably prompted parties to list more female candidates in eligible positions, especially for the Senate. For details on this law, see note 6.

As Table 2 indicates, Belgium’s parity reforms have had a more significant impact than France’s reforms, which may be due in part to the PR system that Belgium uses for its federal elections. However, it should also be noted that to date the Belgian reforms have not brought women’s share of legislative and senatorial seats on par with men’s. The limited requirement of the 2002 law that women and men be alternated for the first three (and then two) positions on party lists rather than throughout party lists helps to explain why gender parity has not been achieved quite yet.

14. In *The Unfinished Revolution*, Doris Anderson (1991: 108) identifies the French women’s movement as the most divided in Europe. Given the split between reform and liberation feminists and

the bitter conflicts that erupted among liberation feminists in the late 1970s and early 1980s, Anderson's description was quite justified (see Praud, 1998: 77). Many French observers, including Gaspard (1994: 29), Picq (2002: 14), and Baudino (2005: 103), have noted the lack of interest of the second wave women's movement in the deficit of women in electoral politics.

15. For detailed accounts of the beginnings and activities of the movement for parity, see Wallach Scott (2005: 75-99) and Jenson and Valiente (2003: 74-83). While some parity advocates argued that the insertion of parity into the Constitution would prevent the Constitutional Council from abrogating future parity laws, others, such as Françoise Gaspard, disagreed (see Gaspard, 1998: 26-27).

16. To stress the reform wing's close relationship to traditional parties and state institutions and the liberation wing's rejection thereof, Meier (2005: 46-47) identifies them respectively as "integrated" and "autonomous".

17. The Council of State rejected this bill on the grounds that it contradicted the Constitution's principle of equality.

18. The Flemish right-wing extremists and the Francophone Liberals and Regionalists did not adopt any measures to enhance the presence of women in electoral politics on the grounds that such measures were incompatible with their ideologies (Meier, 2004: 589).

19. In 1992, the Flemish Liberals dropped their target of 20 percent women on electoral lists when they changed their name and statutes (Mateo Diaz, 2002: 56).

20. Before the June 2007 legislative elections, France, with 12.2 percent of female deputies, actually ranked 86th (Inter-Parliamentary Union, May 31, 2007: 3).

21. *Equal Voice's* website can be viewed at: <http://www.equalvoice.ca/>.

22. Women's presence in the House of Commons was at 18 percent in 1993, 20.6 percent in 1997 and 2000, and 21.1 percent in 2004, and is currently at 20.8 percent (Equal Voice, 2007a: 2).

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ABOUT THE AUTHORS

Born and raised in France, **Jocelyne Praud** holds a doctorate from the University of Toronto. She has taught and written in the areas of women in politics, West European politics and Canadian politics.

Karl A. Henriques holds a doctorate from York University and is an expert on the politics of the European Union and European countries.

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General Inquiries: (306) 585-5777
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