



Party penalties for parity: less than meets the eye

Amy G. Mazur¹ · Eléonore Lépinard² · Anja Durovic³ · Catherine Achin⁴ · Sandrine Lévêque⁵

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Abstract

This article assesses the pre-adoption, adoption, implementation and impact of party parity penalties established in 2002 to promote gender equality in the National Assembly. The analysis argues that while the penalties were implemented and increased over the years and had some success in enhancing women’s numerical representation, from 12.3% of all MPs in 2002 to 38.7% in 2017, rather than being “more than meets the eye,” the parity sanctions were actually far less. The limited scope and authority of the parity penalties and the gender-biased norms of key gatekeepers and political elites in the political parties and the high courts have circumscribed the extent of the progress in women’s numerical representation and the quality of that representation; women MPs in the National Assembly still remain marginalized in a variety of ways in comparison with their male counterparts. Thus, the outcome of the party parity sanctions, in GEPP terms, is “gender accommodation” over “transformation.”

Keywords Parity · Women’s representation · Political party sanctions

✉ Amy G. Mazur
mazur@wsu.edu

Extended author information available on the last page of the article



Introduction¹

Parity, the French policy approach to gender inequalities in the upper echelons of a range of social and political spheres, incorporates a comparatively original and wide range of policy tools and instruments.² Progressively put into place since the 1999 constitutional amendments to “promote women’s and men’s equal access (Art. 3)” in elected office, the parity policy package first targeted the gender gap in almost all levels of elected positions—European, national, regional and local. A second constitutional reform in 2008 extended parity to “social and professional positions of responsibility (Art.1)” and launched a series of laws to promote parity on corporate boards in 2011, senior management and supervisory boards in the public sector and administration in 2012 and university and research institutions in 2013.³

For proportional representation elections at the municipal, regional and European levels, lists were required since 2000 to respect strict parity of 50% men and 50% women. At the departmental level, a new way of electing members of departmental councils was introduced in 2013: the “binome paritaire” with one male seat and one female seat for each canton. For the first-past-the-post National Assembly elections, financial penalties given to parties through government funding were adopted in 2000 and increased in 2007 and 2014. Thus, parity policy is a prime example of a policy instrument that was diffused and strengthened over time making France a world leader in gender quotas.⁴

While, to be sure, the parity penalties did contribute to a certain degree to the increase in women’s numerical presence in the National Assembly, as Fig. 1 shows, the more nuanced analysis of the politics and practice of the penalties that follows reveals the limits of the moderately punitive policy instrument and formal rules in the face of informal gender-biased norms and practices within the political parties, a finding that resonates with much scholarship on gender and elections inside and outside of France (e.g., Lovenduski and Norris 1993, 1995; Achin et al. 2007, Murray et al. 2012; Bjarnegard 2013; Bjarnegard and Kenny 2015; Waylen Waylen 2017).

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² Much has been already written on the parity movement and the adoption of the policies that followed. See, for example, Bereni and Lépinard (2004), Bereni and Revillard (2007), Bereni (2015), Dauphin and Praud (2002), Baudino (2005), Scott (2005), Opello (2006), Lépinard (2007, 2013, 2016), Murray (2010), Murray et al. (2012), Achin and Lévêque (2014, 2017), Achin et al. (2007, 2019), Lévêque (2018), Durovic et al. (2017), Mazur (2002), Sineau (2004).

³ For the analysis of the diffusion of parity policy from elected offices to other areas of decision-making inside and outside of the state from 2000 to 2014, see Lépinard (2016). For specific analyses of the implementation of quotas on corporate boards, see Blanchard and Rabier (forthcoming), and in upper administration, see Bereni et al. in this special issue and Marry et al. 2017.

⁴ For more on quotas worldwide, see, for example, Hughes et al. (2019), Krook (2009), Franchescet et al. (2011), Lépinard and Rubio-Marin (2018), and Dahlerup (2006).



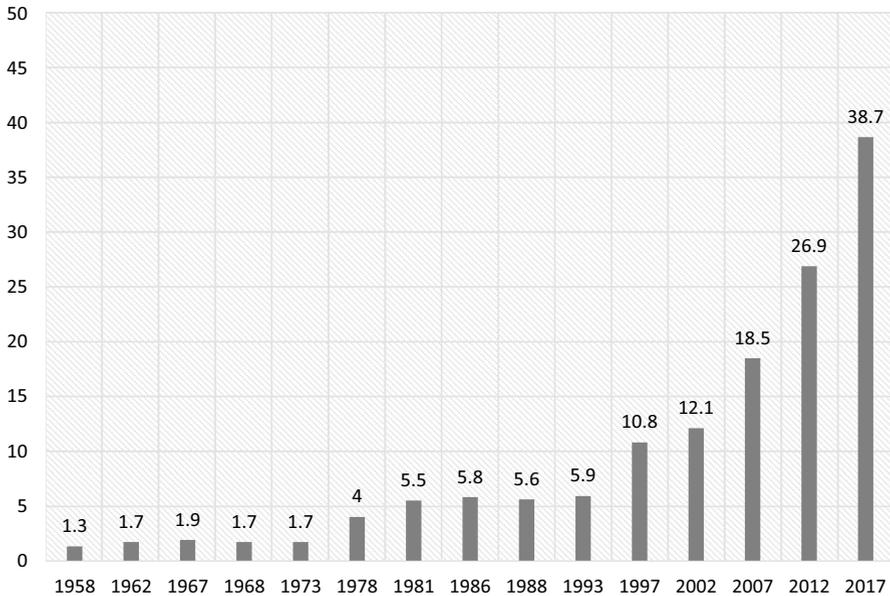


Fig. 1 Women's representation in the French National Assembly in %, 1958–2017. *Data:* HCE—© Observatoire des inégalités

As this article asserts, going “beyond numbers”⁵ of women deputies shows that when women are elected, they are unable to gain access to the same level of influence as their male counterparts. What is more, the large increase in women's presence in the National Assembly in 2017 may have been less a result of the increased parity sanctions in 2014 than a by-product of the seismic shifts in the political party system (Durovic 2017) and the new reform on the *cumul des mandats* of 2014. In terms of the GEPP framework, the party parity sanctions were a case of gender accommodation more than gender transformation. Thus, rather than “more than meets the eye,” as the saying goes, there is actually less when a closer and careful look is taken.

To develop these arguments, we first retrace how various policy actors mobilized around parity as a political issue defined the problem of gender equality in politics and how the solution of financial sanctions emerged and was placed on the socialist government's “decision agenda (Kingdon 2011)” in 1999. Next, we focus on the design and adoption of the sanctions in the 2000 law on parity. We then move to a discussion of the practice of implementation and evaluation of the parity sanctions through an analysis of the empowerment, both substantively and descriptively, of the policy actors dedicated to promoting parity. In the last section, the argument for

⁵ The Interparliamentary Union has frequently used this phrase when arguing for the importance of not just counting the number of underrepresented groups in parliament, but also examining how much power and influence they actually hold (<https://www.ipu.org/>).



a nuanced evaluation of the impact of the parity financial sanctions is made through presenting the extent of gender transformation in direct and indirect impacts since the first parity penalty policies were adopted in 1999/2000. In the conclusion, we return to our main contention that the persistence of the “gender order (Lévêque 2018:12)” among many male gatekeepers in the political parties and the constitutional court undermined calls for real parity, in quantity and quality, made by the strong state feminist lobby buttressed by an ever-increasing society-wide acceptance of parity.

Getting parity sanctions on the socialist decision agenda in the 1990s

The Socialist Party (PS) was key to passing the parity constitutional reform in 1999 which opened the door to a slow but increasing use of gender quotas in French politics and policy. In a first phase, during the 1970s, the idea of gender quotas was promoted by feminist socialist activists as a mean to feminize the party’s internal structures and commissions (Bereni 2006). When the party proved reluctant to implement its own, very limited, rules—with internal quotas of 10% adopted in 1973, and subsequently raised to 15% in 1977 and 20% in 1979—feminist socialists activists mobilized to push for a law imposing a 25% quotas on electoral lists of all parties for municipal elections. However, the law was declared unconstitutional in 1982, a move which deeply shaped the emergence and development of the parity movement in the late 1980s and early 1990s. The story of this movement has been told in detail elsewhere (see note 2). We thus focus here on how the idea of using money to penalize political parties emerged, and the place of this idea with regard to the overall objective of achieving parity. Indeed, we argue that the discursive framing for financial penalties laid the groundwork for the limited policy adopted and its circumscribed implementation and outcomes.

In the context of only half-hearted support by the Socialist Party for gender quotas, and of a constitutional blockage, feminist members of the Socialist Party reoriented their fight and their organizing outside the party in the early 1990s in a favorable European and international context supporting the idea that women’s political underrepresentation must be remedied and that gender quotas are a legitimate tool to tackle this issue. In 1989, the Council of Europe organized a seminar on “parity democracy.” In 1992, prominent European women politicians drafted a Charter in Athens during a meeting on “women in power” in favor of gender balance in decision making, framing the 50/50 gender quotas as “gender parity” (Bereni 2006). In the meantime, in France, the dearth of female candidates at the 1992 regional election was also framed as a democratic scandal which put political parties in a position of having to justify their poor record of representation (Bereni 2015). However, at this moment in the agenda-setting process, financial sanctions were not mentioned: The solution proposed for single-district legislative elections was to create a “ticket” of one female and one male candidate for each constituency, and to therefore divide by two the number of constituencies.

By 1995, thanks to efforts to present parity as a non-partisan reform, one that aimed at improving democracy, the issue was clearly on the broader political



agenda—Kingdon’s “organizational agenda (2011),” and the election of Jacques Chirac as President of the Republic marked a new moment in the policy pre-adoption process as he created an Observatory for Parity; a promise he made during the campaign in response to the pressure of parity activists and some, rare, right-wing female politicians like Roselyne Bachelot. In typical cross-partisan spirit, he thus nominated Bachelot to head this new structure, with the help of Gisèle Halimi—a former socialist MP and prominent feminist figure. After public consultations with constitutional experts and political party leaders, Halimi submitted, in the name of the Observatory, the first report on Parity to the government in 1996, with parity placed firmly on the right-wing “government agenda (Ibid.)” but not yet up for decision.

While the organizations lobbying for parity had put forth the idea of a man/woman ticket for legislative elections to ensure 50% of women being elected, this proposal was not considered by political parties and constitutional scholars, as appropriate, as the Halimi report testifies. Indeed in 1996, it was the idea of financial incentives (rather than penalties) which was the preferred solution put forth by experts to promote parity for legislative elections. Constitutional experts argued in favor of such a scheme and presented it as compatible with the constitution, and as a scheme that could replace a proper gender quota scheme (at the time still incompatible with the constitution given the 1982 decision of the Constitutional Council). Other proposals to improve the share of women at the legislative level were also discussed in 1996: the limit to holding several mandates at the same time (a law on *cumul des mandats* finally put in place in 2017), introducing a share of proportional representation in the legislative elections and revalorizing the status of elected representatives to make it easier and more attractive for women.

Reforming the electoral system to put in place a man/woman ticket was at the time not an option: among the experts auditioned by Gisèle Halimi for her report, only Eliane Viennot, representing a pro-parity organization, *Parité-Info*, suggested this scheme. Hence in 1996, the framing of parity for legislative elections changed to the idea that public financing of political parties should be used to encourage them to nominate women. This shift in frames was clearly linked to the integration of the parity issue within the state bureaucracy. As parity moved to the “decision agenda (Kingdon 2011)” as an object of public policy discussion with constitutional experts, the most radical solutions (such as a man/woman ticket leading automatically to a 50% presence of women at the National Assembly) were left out of the picture, in favor of “promotion” measures such as financial incentives. As a consequence, parity activists did not recognize their original claim when reframed in this manner as financial sanctions. They reacted to this government proposal by saying that it was a “vexing” measure and an injury to their dignity.⁶

In 1997, the socialists came back to power, and Prime Minister Lionel Jospin declared himself favorable to a constitutional reform to lift the obstacle to gender quotas set forth by the Constitutional Council in 1982; thus in 1999, parity appears

⁶ Régine Saint-Criq cited in *L’Humanité*, March 8th 1997, <https://www.humanite.fr/node/153054>. Many thanks to Laure Bereni for tracking down this quote.



for the second time on a government's decision agenda. That year, Dominique Gillot, a member of the Socialist Party and the new head of the Observatory nominated by Lionel Jospin, submitted the report "Towards Parity in Politics" to the government. Confirming the earlier consensus on the impracticability of a gender quota for legislative elections, she reasoned that "Finally, only rules for financing political parties offer reasonable opportunities for measures towards parity (Gillot 1999: 34)." She argued in favor of financial *sanctions* rather than incentives, as the most efficient tool in favor of parity, which would not raise too many objections from political parties and from the Constitutional Council. Hence in a context of constitutional blockage and sharp political debates, within the left- and with right-wing deputies, on the principle of implementing parity, Gillot proposed financial sanctions as a policy tool susceptible to be adopted and to be efficient. While she was right about the acceptability of this proposal, she was less optimistic about its efficiency. It would take more than 15 years of incremental increases in financial sanctions to reach the goal they were assigned, that is, to increase the number of elected women at the National Assembly.

The politics of diluted legislation under cohabitation, 1999–2000

As the debates to reform the constitution started in 1999, they rapidly focused on the degree of constraint the amendment should contain. While some female socialist, communist and green deputies argued for an authoritative approach in the constitutional amendment and pushed for the word "guaranteed" to be used, a majority of MPs watered down the proposal arguing that guaranteeing parity was too obstructive and coercive. Parity activists had lobbied hard for equality of outcomes. However, the final wording adopted for article 3 neither guaranteed parity nor targeted election outcomes, rather it "encouraged" the equal access of women and men to "political" office alone.⁷ The word "encourage," moreover, left a margin of interpretation which opened the door to possible challenges through the Constitutional Council: Had the law encouraged too much or not enough? Left-wing MPs sought to make sure that the legislators would decide the degree of constraint necessary to reach parity, not the Council, historically opposed to gender quotas. This risk was also clearly identified by constitutional scholars heard by the Law Commission of the National Assembly (Lépinard 2007).

However, staunch opposition emanated from the Senate ranks: The, mostly right-wing, senators proposed to transfer the amendment to article 3 to article 4—which concerned only political parties rather than principles of the Republic—and to add an amendment to article 4 stating "rules relating to the public financing of political parties can contribute to the principle stated above." The joint conference between the National Assembly and the Senate suggested that the tool of financial sanctions was thought of, first and foremost, as a *substitute* to a true gender quota, rather than a measure to enforce the implementation of a gender quota. Finally, Chirac's

⁷ This formal limit was used by the Constitutional Council several years later to ban gender quotas for corporate boards.



pressure on the Senate made it compromise, agreeing to the government proposal and supported by a large majority of the MPs.

After the long and heated constitutional debates on the principle of parity, the electoral law of 2000 opened a new policy cycle, marked by pragmatism (Achin et al. 2007). Parity promoters continued to lobby within state institutions and the parliament to implement their agenda, focusing on the issue of efficiency, rather than on principle (Lépinard 2007). The electoral law that came out of the constitutional reforms followed a similar power dynamic between right- and left-wing MPs, and between a majority of male MPs and a minority of women and feminist MPs. Using the compromise reached for the constitutional amendment on parity, senate members opposed all the initiatives coming from the left-wing National Assembly on the grounds that they proposed too much constraint and therefore went beyond the mere encouragement enshrined now in the constitution. During the parliamentary debates on parity reform in 1990–2000, the rationale for financial penalties was two-fold (Bereni 2015: 266). The first argument, a technical one, was that the two-round SMDP system to elect deputies made it difficult to apply quotas, which were more suited for a list-based proportional representation system (Lépinard 2007: 221).⁸ The second argument was feminist and asserted that political parties needed to be held financially accountable for the dominance of men in the National Assembly. As a result of this political struggle, the 2000 law established quite limited parameters for the implementation of the new constitutional clause, which had already formally put political parties in charge of parity. It introduced limited financial sanctions for legislative elections, arguing that the SMDP system used for the National Assembly was inimical to implementing parity.

The mix of implementation and evaluation instruments

Setting the stage: the politics of political party funding

Like in many other European countries, French political parties are largely financed by the state. A 1990 law established state funding for parties as a result of a series of campaign finance scandals with the primary goal of cleaning-up electoral politics (Achin et al. 2019). A 1995 law forbids any type of financing from businesses and limits personal financial contributions to 7500 euros per year. Typically, campaigns in legislative elections are funded by individual candidates through their own funds or loans. Candidates who receive more than 5% of votes may submit their campaign costs to be reimbursed by the government, if they are eligible (Ibid.). Parties tend to provide only minor assistance and advice to individual candidates. Each party receives state funding based on the number of votes their candidates receive in the first round of the elections and, in the second round, based on the proportion of seats their candidates win in the National Assembly. Thus, the more votes and more representatives a party receives, the higher its government grant.

⁸ Interestingly, this argument did not hold in 2015; a new law applied parity to departmental council elections with the SMDP system and introduced men's and women's seats in each constituency.



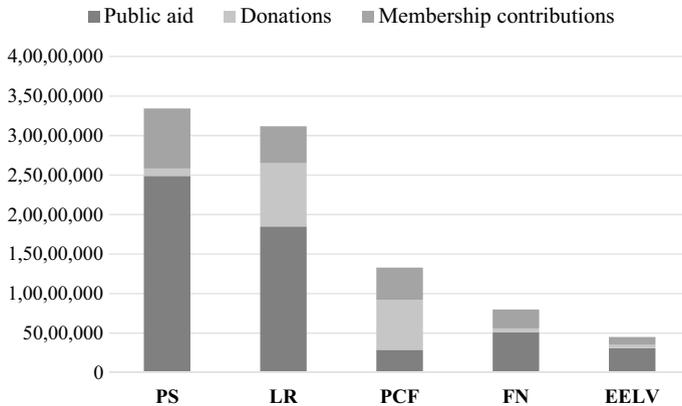


Fig. 2 Sources of party financing in 2015 (in euros), *Data*: «Les Décodeurs du Monde», lemonde.fr/les-decodeurs/visuel/2017/02/22/partis-associations-de-soutien-micropartis-qui-se-cache-derriere-les-338-mouvements-politiques-francais_5083576_4355770.html, last accessed 07/01/2019

As Fig. 2 shows, there are other sources of party funding outside of the state-based financing, but these government funds constitute by far the largest portion of a political party's budget. The share of state funding in budgets varies by party, depending on the party's history, organization and ability to raise money. While state-based financing for the governing majority parties—Socialist Party (PS) or Les Républicains (LR)—is an important source among others, it can be the largest source for smaller parties. For example, in 2015, it made up more than half of the National Front's funding. Reducing the amount of money given to political parties through the parity penalties has the potential, therefore, to have a significant impact on political party financing, particularly for the smaller parties.

Mapping implementation and evaluation

The French twist on quotas for legislative elections uses two types of state-driven instruments: one in the constitution that is an “authority” instrument, granted, not highly authoritative, given the absence of any requirement of the parties to promote gender equality in election outcomes, and the other, a “negative incentive instrument” in the sanctions that target government grants for political parties.⁹ The political party financing and parity sanction process is carried out by the National Commission on Campaign Funding and Grants to Political Parties (National Commission), created by the 1990 campaign financing law. The parity penalty is

⁹ According to Ingram and Schneider (1990), there are four general categories of policy instruments, authority, incentive (negative and positive), capacity and learning and communication. For a discussion of these four different types in gender equality policy, see Engeli and Mazur (2018) and their article in this special issue.



calculated and allocated to parties after the first round of elections, and the official number of male and female candidates is calculated by the National Commission. Each party's government grant is reduced by a certain proportion of the difference between the numbers of male and female candidates. In the 2002 elections, that proportion was 50%; in the 2007 and 2012 elections, it was 75%; and in the 2017 elections, it was 150% (Achin et al. 2019). To illustrate, in the 2017 elections if a party presented 60% men candidates and 40% women, this 20-point difference was translated into a 30% reduction in their public subsidies, a quite significant reduction to the budget of a political party.

On the one hand, the new parity policy was quite comprehensive and “coercive” in that it stipulated that all parties lose a proportion of their state grant in function of how far away they are from fielding equal numbers women and men candidates across all of the constituencies in parliamentary elections. On the other hand, there were clear limits to new penalties. These limits included: the initially low level of these penalties, the calculation of the sanction only in the first round of elections, the absence of requirements to place women candidates in winnable districts, the variation in financial need of political parties by their size, and the independence of campaign financing from party funds means that the sanctions, originally, were quite narrow in scope and only minimally “coercive.”¹⁰

Moreover, the new legal stipulations on parity penalties did not require the political parties to monitor or report their efforts to select women candidates, or detail the formal process for establishing the sex breakdown of candidates in the first round of elections and the ensuing deductions to party funding. The National Commission's responsibility over the parity penalty process came only from its formal remit over campaign financing and party grants, defined by the 1990 law well before parity entered the political scene. Although the Parity Observatory since 1997 had had the formal authority to evaluate parity policies in general in its reports and to assess “(...) the gendered consequences of bills and making proposals to parliament” (Baudino 2005: 102), the Observatory was never mentioned in any of the official policy documents on the sanctions and none of the other women's policy offices were given formal responsibility to implement, monitor or evaluate the parity sanctions process. What was mentioned in the original 2000 law was that an evaluation report was to be made in 2002 and then every three years after was to be handed to the governing majority. The Observatory, and after 2013, the new agency that replaced it, did take on this task.

¹⁰ The GEPP framework presents three different dimensions on which to categorize policy authority: regulatory approach, comprehensiveness and coerciveness (GEPP Guidelines 2018).



Table 1 Parity party penalties (PPP) and percentage of women candidates and women in parliament

Political party	2002		2007		2012		2017	
	Candidates	Deputies	Candidates	Deputies	Candidates	Deputies	Candidates	Deputies
PCF/FG	44	23.8	46.5	20	48.2	20	47	20
FI	NA		NA		NA		47	38.9
PS	36.3	16.4	45.2	25.8	43	37.5	44	41.4
EELV	49.8	No MPs	50.4	25	49.4	52.9	46	No MPs
LREM	NA		NA		NA		50	47.5
MODEM	19.6	6.8	36.9	0	28.5	0	49	44
UMP/LR	20.6	10.1	26	14.4	25.6	13.9	39	21.2
FN	48.4	0	48.8	0	49	50	49	25
Total of women candidates	38.9		41.6		40.1		42.4	
Total of elected women	12.3		18.5		26.9		38.8	

Data: From Achin et al. (2019) and *Observatoire de la parité entre les femmes et les hommes*, http://www.haut-conseil-egalite.gouv.fr/IMG/pdf/opfh_eleleg_raprt1-250712.pdf, last accessed 21/12/2018, and data from 2017 from the French Ministry of Interior



Parity party penalties in action, 2002–2017

The practice of a limited policy

With a policy that lacked comprehensiveness and concrete repercussions for non-compliance, the practice of parity through financial sanctions necessarily was limited from the start, particularly in the first elections when the penalties were at the lowest level and, in 2012, when parity party penalties (PPP) were still quite low. As Table 1 shows in the first three elections, while the smaller parties, complied, mostly for financial need,¹¹ others actively “bent the rules (Achin et al. 2019).” Women’s candidacies for the National Assembly stagnated over a decade, with only about 40% of candidates being women in 2012 (column 3). While the share of women deputies rose from 10% in 1997 to 12% in 2002 (column 1), and to 27%, this last increase in 2012 was more a side effect of the victory of left-wing parties in previously right-wing constituencies, where left-wing parties tended to place their female candidates, since a positive result there was not certain (Baudino 2005; Achin et al. 2019). In 2012, all the parties continued to place female candidates in constituencies that were difficult to win, as shown by the discrepancy between the proportion of female candidates and the proportion of women elected in the main parties. LR lost 6 million euros of public funding between 2012 and 2017, against 700 000 euros for the Socialist Party, this difference reflecting the fact that the socialist both fielded more women in general and won unexpected seats where female candidates had been placed.

The financial penalties for which the law provided had not, therefore, really challenged political parties practices of candidate selection and endorsement which privileged male politicians. While the right-wing Les Républicains adhered to the rhetoric of parity (the party did not oppose the law or the sanctions), the party did not even claim to recruit new female candidates, presenting only half the number of female candidates required by law. Paying the fine seemed, in 2012, a better strategy as the party was convinced that female candidates stood less of a chance to be elected than their male incumbent counterparts. The Socialist Party adhered to the parity stipulation in theory, but not really in practice, as it fielded women mostly in non-winnable seats, thereby clearly bending the rules rather than reforming its own practices. Smaller parties complied to avoid sanctions, a strategy which proved quite profitable and which did not challenge their previous practices since they mainly fielded women also in non-winnable seats.

The National Front, for example, has complied with the parity penalties since they were first put on the books, but in 2017 had six men and two women elected to office. The Green party, EELV, is an exception, but only in 2012, when it fielded in women also in winnable seats. Overall, by fielding women in non-winnable

¹¹ Since 2002, these parties have fielded between 48 and 49% of female candidates because most of their public funding comes from the first part of public funding calculated on the number of votes received on the first-round elections rather than the second round based on the share of seats won.



constituencies the parties were respecting the letter of the law but undermining the intent of the parity reforms, which was to get more women elected (Sineau and Tiberj 2007).

The state feminist lobby enhances elite women's representation

While there was no formal responsibility over monitoring and evaluating the parity sanctions in formal policy statements, the Parity Observatory had, since its inception taken a major role in leading the lobbying for parity. A “state feminist support structure,” as Lépinard (2016) asserts.

Once the parity laws were passed [in 2000], the Observatory became the official monitoring body for the implementation of the laws, compiling data and producing expertise after each round of elections on how to improve the laws and their implementation (6).

Led by the Observatory and its heads, this state feminist lobby included the Women's Rights Service—a permanent administrative agency established in the late 1980s usually housed in the Ministry of Social Affairs—the Parliamentary Delegations of Women's Rights—in the Senate, the National Assembly and the Social and Economic Council and any ministerial level offices for gender equality, which have come and gone since the parity sanctions began to be implemented.¹² Key experts of gender equality issues in France have also been important policy actors in this network in providing gender expertise for policy evaluations. Geneviève Fraisse, for example, a leading feminist scholar and advocate of parity, was appointed Interministerial Delegate on Women's Rights from 1997 to 1998 under a left-wing cabinet. There were very few feminist NGOs actively involved in the state feminist network after the initial parity movement in the 1990s, with the exception of *Elles Aussi* (Lépinard 2016). In addition, unlike the early campaigns for parity and also the state feminist network for equal employment policy where French feminist leaders used the European Union as policy leverage in their demands for reform, through the “boomerang effect” (Keck and Sikkink 1998), the parity feminist network was largely “Franco-Français” (Ibid. and Mazur 1995a, b).

Marie Jo Zimmerman, as both the head of the Observatory from 2002 to 2009 and the Parliamentary Delegation on Women's Rights, was a particularly active voice on the Right—she was a member of the UMP (former Les Républicains). Through her leadership, the state feminist lobby was able to protect the gains on parity from detractors on the right from 2002 to 2012, to spearhead the campaign to constitutionally extend parity to other spheres in 2008 with a law on corporate boards with Zimmerman's name, the pinnacle of policy success for a French politician (Lépinard 2016). Following a highly critical report from the Observatory, Zimmerman as Director of the agency also proposed and was able get passed an increase in the parity financial sanctions in 2007 under a right-wing government and

¹² For more on women's policy machineries in France under the Fifth Republic, see Mazur (1995a, b) and Lépinard and Mazur (2009).



President. The cohabitation of a left-wing government and a right-wing president had ended in 2002 with Nicolas Sarkozy's election to the presidency. Leaving the highly restricted scope and content of parity policy untouched, the 2007 increase in parity penalties was, however, still an accomplishment for the state feminist lobby to get a parity reform adopted under a right-wing government, given the historical lack of right-wing support for parity in the past.

Once the socialist majority returned to power in 2012, parity became a higher priority for the left-wing governments and the parliamentary majority, at least nominally. Above all, the feminist activist minister Najat Vallaud-Belkacem undertook a series of reforms for women's rights that culminated in the 2014 Vallaud-Belkacem law on gender equality. The sweeping reforms across a range of areas were based on the studies and evaluations of the High Council on Equality Between Men and Women (HCE), which replaced the Observatory in 2013 and the Women's Rights Service now under the authority of the minister. Vallaud-Belkacem's Ministry also moved forward significantly the parity agenda, introducing the reserved seat system for departmental elections and increasing the parity party penalty to a more punitive reduction in party grants for parties who did not comply to the 50% quota of women candidates in parliamentary elections.

Emmanuelle Latour, an active "femocrat"¹³ interviewed for this study, stated that the National Commission on Party Grants and Campaigns was the one institution publishing the number of women and men candidates in the first round of elections and calculating from that the amount of reductions in party finances.¹⁴ The Observatory, and after 2013, the HCE, was given the excel spread sheets with the results. Once the penalties were determined, the Observatory was allowed to officially announce them in a press release and conference. The state feminist lobby, according to Latour, would spread the information around through their feminist media and political contacts as well, in order to "blame and shame" the political parties. She pointed out that given the limited nature of the penalties, this mediatizing of the results of the sanctions at each election was the most effective means of compelling the political parties to take the promotion of women as parliamentary candidates seriously. Indeed, as Latour and other observers have argued this state feminist lobby and support structure was instrumental in contributing to the progressive acceptance of quotas as a tool for promoting gender equality not only at all levels of elected office in France, but also in other key decision-making positions in the public and private sector by 2018.

Not dissimilar to other Western democracies, the state feminist policy actors did not speak for a diverse set of women's interests, that is, women of color, women of different religions or women from lower socioeconomic backgrounds. The parity reforms themselves were based on the notion that the population was made up of

¹³ Although sometimes used to mean any feminist-oriented bureaucrat, students of state feminism use the term "femocrat" to refer to any upper-level civil servant who works for a women's policy agency (McBride and Mazur 2013).

¹⁴ She called the state feminist network a "lobby" in the specific process of the implementation and evaluation of the party parity penalties (Interview, May 25th 2018). Latour was in the women's rights administration since 2002 and since 2015 and has been assistant to the head of the Women's Rights Service.



50% men and women and that elected and public office needed to reflect that. Any discussions with an “intersectional” approach, where inequality is defined in terms of sex-based discrimination in relation to other vectors of inequality based on class, age, gender identify, sexual orientation, disability, race, religion, ethnicity, etc., were seldom forwarded by any of the actors advocating parity reform from the first time parity was placed on the policy agenda in the early 1990s (Bird 2001; Lépinard 2007). According to Latour, some femocrats claimed that women candidates of color, with less experiences than some of their white upper middle-class counterparts, had been put forward by the primarily men party leaders on the left as a means to control the seat if elected. This accusation of “tokenism” illustrates the obstacles to promoting women from different ethnic and religious backgrounds in France. This of course is no surprise given the strong influence of the republican universal model in French political discourse and political culture where equality is defined predominantly outside any notion of group identity difference, an approach seen to undermine the “one and indivisible republic.” While the gender-biased aspect of this model has largely been put into question in recent years, primarily due to the work of the state feminist network and lobby, it remains nearly impossible, even among femocrats, to talk about representing interests by ethnicity and religion.¹⁵

In terms of representing the full range of women’s interests in France, both descriptively and substantively, the state feminist policy network intimately involved with policy adoption, implementation and evaluation of parity from the 1990s to the present has for the most part only spoken for upper-class white women. Thus, from a broader perspective, women’s policy empowerment in the policy process of the parity sanctions has been quite significant from the beginning since parity first appeared on the social and political agenda, with a high-level state feminist advocacy throughout. However, only a handful of elite white women actually participated in the process and the substantive representation of women’s interests did not specifically include, or even attempt to include, women of color, non-heterosexual women, or women from lower socioeconomic groups.

Gender accommodation over transformation, 2000–2018

Following the GEPP framework, two different areas of policy outcomes and impacts are assessed to determine the extent of gender transformation: the direct impacts of the parity policy to see whether the goals of the original parity reforms were achieved and the indirect impacts of the parity policy in terms of the potential change in the gatekeepers approach and frame to pursuing parity in legislative elections. As the following analysis shows, the outcome of the parity party penalties did achieve gender accommodation but not complete transformation.

¹⁵ For more on the low salience of intersectionality and diversity in French feminist politics, see Lépinard (2013).



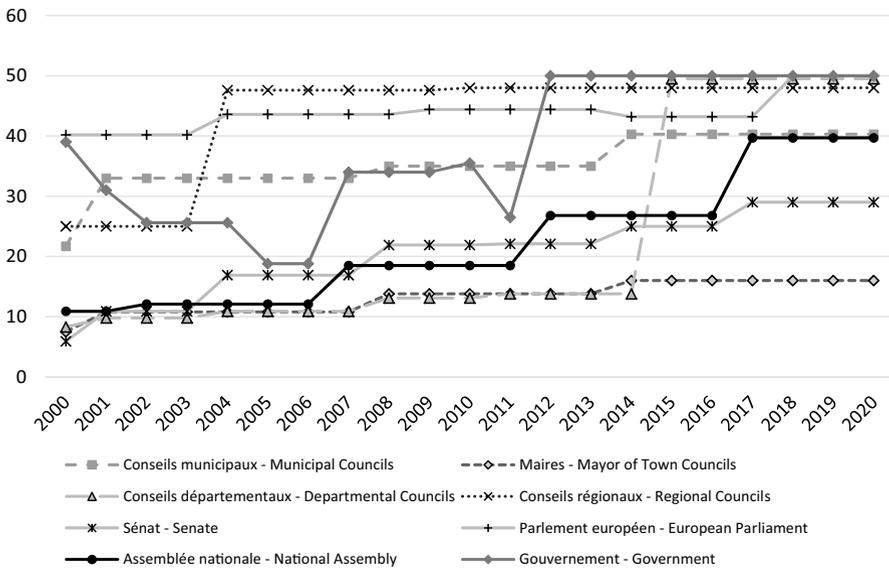


Fig. 3 Women's representation in % at different political levels in France (2000–2020) Sources: Observatoire des inégalités

Was real parity in legislative elections achieved?

What was the original goal of the parity party penalties? From the wording of the 1999 constitutional amendment, it was to promote equal access to men and women to electoral office and to put political parties in charge of the implementation of parity. In the 2000 law, the same way of framing the penalties in terms of promoting access to elected office and actual equality of men and women in office was followed. Thus, from a strictly legal point of view the goals of parity were narrow. At the same time, the state feminist parity network led by the Observatory and then the High Commission on Equality (HCE) was clear that the goal of the parity sanctions was much more than promoting equal access to elected office. As a recent impact, evaluation report on parity in the municipal elections by the HCE stated clearly:

Parity is just as much of a tool as an end-goal which targets the equal sharing of decision-making and representative power between women and men. It is a requirement of justice and democracy (2016: 7)

For state feminist actors, the principle has always been nothing less than complete equality between men and women at the upper echelons of all decision-making bodies inside and outside of government and not limited to “access to elected office.” In its most recent guide to parity, the HCE asserted that there is a need to go from the goal of quantitative representation—the goal of 50/50 men and women in all representative assemblies and public bodies—to qualitative representation fundamentally changing established gendered distribution of leadership and decision-making roles between men and women, which was seated on gender



Table 2 Percentage of women in the 8 permanent parliamentary commissions

	2012		2017		Change In percentage points
	Men %	Women %	Men %	Women %	
Defense	80	20	76	24	+4
Cultural affairs	62.5	37.5	47	53	+15.5
Social affairs	63	37	46	54	+17
Economic affairs	71	29	66	34	+5
Finance and budget	85	15	65	35	+20
Constitutional law	73	27	61	39	+12
Foreign affairs	81	19	63	37	+18
Sustainable development	76	24	62	38	+14

Data: French National Assembly: <http://www.assemblee-nationale.fr/13/commissions/commissions-index.asp>. Percentages have been rounded

norms and stereotypes (cf. HCE 2016: 29). To be sure, as Fig. 3 shows, there has been a significant increase in women deputies (about 26%) in the National Assembly from 2000 to 2018. Yet, the sex composition is still 12 points from numerical parity. Moreover, the increase in party penalty for non-compliance in 2014 did not significantly increase the share of women candidates in 2017, which increased a mere 2.1%, from 40.1% in 2012 to only 42.4% in 2017 across all parties.

Furthermore, a recent multi-level analysis of candidate selection and campaigning in the 2017 elections at the national and district level shows that the increase in women deputies was not only the result of the increase in the parity penalty to parties (Achin et al. 2019). Rather, the new reform in the *cumul des mandats* forced turnover in many constituencies of seats formerly held by men incumbents and thus increased the number of open seats. Also, when compared to the progress of numerical sex equality in other elected assemblies in France during the same time period, the National Assembly continues to lag behind, as indicated in Fig. 3, except for the Senate and women's presence in cabinets, clearly showing that the higher in the institutional hierarchy, the less likely full 50/50 parity is achieved.

A host of indicators have been presented by state feminist structures and by scholars who work on parity to show the limits on qualitative parity across all elected and appointed offices and leadership positions. As the HCE clearly states, “sharing stops when power starts (cited in Lévêque Lévêque 2018:12).” Established gender norms about men holding public power at the highest levels with women being in “soft” positions more oriented toward the more “feminine” and less powerful social sphere still prevail in 2018.

The feminization of assemblies made possible by parity laws has not overturned the gender order. Women still run up against a glass ceiling and over the course of their career rarely meet the conditions that might enable them to crack through it (Ibid).



In the National Assembly, the glass ceiling is still in place (Murray and Sénac 2018). As Table 2 indicates, the composition of parliamentary committees in the past two Assemblies in 2012 and 2015 is still dictated by gender stereotypes with the more powerful committees—Defense, Economic Affairs, Finance and Budget and Constitutional Law—having a minority of women deputies, around 1/3 of the members, and the “softer” and less powerful committees—Cultural and Social Affairs—achieving parity or beyond. In 2017, while all of the committees increased their share of women members, Defense and Economics only experienced a slight increase, although the number of women presidents of the 8 commission went from four to five.

A study of women parliamentarians in the 2017 Assembly shows that women deputies have much less political experience than their male counterparts; 39% of women had no experience prior to their election with 21% of men (Boelaert et al. 2018). While this newcomer phenomenon in 2017 can be attributed to the Macron’s *En Marche* movement selecting outsiders as candidates, this reflects broader trends identified in research that compares the careers of men and women deputies. Women deputies tend to have less political capital, hold fewer offices and have held less powerful positions than men deputies (Achin and Lévêque 2014; Behr and Michon 2014), which then creates a vicious circle that prevents them from advancing as much as their male counterparts who have had much more experience. Similarly, recent study of the speaking time of French MPs (Alke et al. 2020) shows that while women and men spoke at the same frequency, junior women MPs tended to speak for shorter periods of time than their male counterparts. When MPs were more senior, at least two terms in office, however, this sex-based difference disappeared. This finding suggests that women MPs with less experience may have less impact than their male counterparts and suggests the importance of incumbency, which, as studies have shown, favors men over women who tend to have much higher rates of being reelected than women (Achin and Lévêque 2014).

The limits of the “Routinization” of parity

On one hand, there has been a certain acceptance of parity quotas since the 1990s on the part of the male-dominated political elite within the political parties to the extent that all parties respect the parity requirement in the first round of elections, although not all place women candidates necessarily in winnable seats (Lévêque 2018). On other hand, there remains a reticence on the part of the more conservative Constitutional Council to support parity principles; see, for instance, its 2015 ruling with regard to parity in other areas, like higher education which suggests a “continuing resistance” on the part of “administrative and constitutional courts” to the parity “project” (Lépinard 2018: 91). In the same vein, the male gatekeepers within most of the political parties have clearly not moved to the stage of “qualitative parity” and real gender transformation, given the extent to which established gender stereotypes are used to maintain men in and keep women away from positions of power. As Durovic et al. (2017) show, the events and outcomes of the 2017 elections did



not put into question the general pattern of gender accommodation of parity within the party leadership of most parties, “important path-dependent patterns of gendered treatment of candidates” still operated within the leaderships of at least five out of seven major parties in 2017.

The power of state feminist structures to challenge the traditional gender order is also limited, especially since it has recently lost its power position within the Macron government. Since 2017, the Women’s Rights Ministry now called the Deputy Ministry of Women’ Rights and Fight Against Discrimination has been under the aegis of Marlène Schiappa, a controversial feminist figure who is better known for her blogging and grand public books, although in 2014 she was elected a municipal councilor on a “rassemblement de la gauche” list. She has not been involved with established state feminist networks but was put in charge of the equality portfolio as deputy mayor in 2014 “de l’égalité, de la lutte contre les discriminations et de la charte LGBT.” For many established feminists, she represents the typical “Macron woman,” young, oriented toward the media and social networking, with little meaningful political or policy experience in gender equality. Since 2017, the Women’s Rights Service has not had a presence on the web, either on the Deputy Secretary’s Web site or anywhere on official government webpages (<https://www.egalite-femmes-hommes.gouv.fr/category/droits-des-femmes/>). Prior to that, the Service’s Web site was a major gateway into the work of the women’s rights territorial administrations in each of the regions as well as a rich source of studies, news and other relevant policy on gender equality in general. The Higher Commission on Equality has been less vocal under the Macron government as well. Thus, strong feminist voices for qualitative parity from within the state bureaucracy have been absent since the 2017 legislative elections, which is ironic given the increase in women’s numbers in the National Assembly; enhanced descriptive representation of women has led to reduced substantive representation in the treatment of gender equality policy.

Conclusion

To be sure, it is uncontested that France has become a world leader for quotas and political equality à la française through parity. The steady adoption and implementation of parity quotas across all areas where power is held in French society and politics have been a distinctive hallmark of French political life. The legal arguments that were made in the early 1980s against quotas are no longer tenable and men at the top in a range of organizations within and outside the state publicly accept and tolerate quotas. Indicators of societal attitudes about women’s and roles in politics have been in many ways leading the way ahead of the political elite. An active and vocal group of well-placed feminist politicians, femocrats and gender experts have been the motor behind getting reluctant male decision-makers, on the right and on the left, to support, parity in its adoption and implementation. Given the real change in the numbers of women deputies, as well as women in other elected assemblies, corporate boards, trade unions and university committees, French parity appears to be a feminist success story. Indeed, in the 18-year time period that the parity penalty



has been implemented, France moved from 52nd place to 14th place in the IPU rankings of women's presence in national parliaments.

But the applause for the feminist success in French parity must be tempered given that our nuanced analysis showed that there is less, rather than more, that meets the eye. Entrenched gender-biased norms and resistance to complete parity clearly displayed in the pre-adoption and adoption phases of the reforms over 20 years ago continue to prevent the goals of the state feminist network from being fully achieved “equal sharing of decision-making and representative power between women and men (HCE 2016: 7).” Indeed, the findings of quantitative and qualitative fine-grained studies in the case of the 2017 elections indicate that the real state of affairs is quite far from this goal (Achin et al. 2019; Durovic et al. 2017). Despite a certain level of women's empowerment in the practice of parity through the femocrat led network, gender accommodation is the rule—the limited parity financial penalty polices have not broken the gender order where women are still seen by male gatekeepers in the dominant parties as being unable to hold power; among all right-wing parties, and even some left-wing parties, the majority of women candidates are still not fielded in winnable seats and the percentage of women candidates for one of France's most established political parties is still 11% below the required 50% in 2017. When women are elected to parliament, they are still not on an equal footing with men with regard to the more powerful committees (finance and budget, economic affairs or constitutional law) and have less of a voice than their male counterparts, at least for junior MPs.

Reflecting the disappointing absence of any significant movement in French society toward a more ethnically diverse makeup and openness to rainbow families more generally, the formal approach of parity remains highly white and heterosexual. At the same time, the clear progress in the past 18 years of the parity wave in France may make the outmoded gender norms of the party gatekeepers untenable in future elections; only time will tell whether parity democracy actually becomes a reality in France. In the final analysis, the case of financial parity party penalties in France indicates more generally that real gender transformation may only actually occur with generational change, after gender equality policies are put into place and implemented over the long haul.

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Affiliations

Amy G. Mazur¹ · Eléonore Lépinard² · Anja Durovic³ · Catherine Achin⁴ · Sandrine Lévêque⁵

Eléonore Lépinard
eleonore.lepinard@unil.ch

Anja Durovic
anja.durovic@sciencespo.fr



Catherine Achin
achincat@yahoo.com

Sandrine Lévêque
sandrine.leveque882@orange.fr

- ¹ School of Politics, Philosophy and Public Affairs, Washington State University, PO BOX 4880, Pullman, WA 99163, USA
- ² Institute des Sciences Sociales, Université de Lausanne, Quartier UNIL- Mouline, Batiment Géopolis, Bureau 5149, 1015 Lausanne, Switzerland
- ³ LIEPP, Centre d'études européennes et de politique comparée (CEE), Sciences Po, 27 rue Saint-Guillaume, 75337 Paris Cedex 07, France
- ⁴ IRISSO, Université Paris-Dauphine, Place du Maréchal de Lattre de Tassigny, 75885 Paris Cedex 16, France
- ⁵ TRIANGLE- University of Lyon 2, ENS, 15 parvis René Descartes, 69342 Lyon Cedex 07, France

