Gender quota debates as discourses on the public sphere

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I. Introduction

Few political phenomena are as universal as women’s political under-representation in parliament. In social and economic terms, women’s position has undergone a dramatic and historically unprecedented change since the 1960s. The promotion of women, the struggle against sex discrimination and for gender equality in all domains of social and political life has become a global goal in the last 30 years (UNO, 1996). In politics, however, progress is very slow: the world average of women in parliament has remained stable since 1960, fluctuating between ten and fifteen percent\(^1\). Rwanda (48.8\%) and the Nordic countries (39.7\%) are currently the only ones where women hold a significant part of the seats in parliament. In all other regions of the world, women occupy less than 20\% of the seats on average\(^2\). Within Europe, the differences among countries are large: the highest proportions of women MPs can be found in Sweden (45.3\%), Denmark (38\%) and Finland (37.5\%); the lowest in Russia (7.6\%), Malta (7.7\%) and Greece (8.7\%)\(^3\).

In recent years, the gap between women’s social and economic advancement and their relative political stagnation has prompted the emergence of campaigns to increase women’s political presence around the world. Special measures for the promotion of women were decided first in Pakistan and the Soviet Union in the 1950s, and in a few other countries in the 1970s and

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\(^1\) It is currently 15.2\%. Figures on women in parliament are available on the website of the Interparliamentary Union: [http://www.ipu.org/wmn-e/world.htm](http://www.ipu.org/wmn-e/world.htm). See also Inter-Parliamentary Union 1997.

\(^2\) 18.2\% in the Americas, 15.5\% in the OSCE member countries excluding the Nordic countries; between 10 and 15\% in the Sub-Saharan African countries, Asia and the Pacific, and 6\% in the Arab countries. See [www.ipu.org](http://www.ipu.org). The figures are for both houses of parliament.

\(^3\) All figures are for the lower house only. [www.ipu.org](http://www.ipu.org) 25.2.04
1980s. It is in the 1990s, however, that the use of such measures grew rapidly. These measures include reserved seats, constitutionally mandated quotas, electoral law quotas, and political party quotas. Over 100 countries in Western and Eastern Europe, Latin America, Asia, Africa and the Middle East have by now experienced the proposal, the adoption, or the repeal of candidate gender quotas to increase the number in parliament. 38 countries currently apply candidate quotas (cf. Krook, 2003; Dahlerup/Freidenvall, 2003), amongst which - in Europe – France and Belgium⁴.

However, gender quotas as a policy instrument remain controversial for various reasons. Practical issues concern for instance the applicability of quota policies, their efficiency under various electoral systems and at various stages of the electoral process, their intended and unintended effects, etc. From a normative point of view, quotas raise questions about the nature of representative democracy, namely the normative relationship between the representatives and the represented; the relationship between equality, difference and social justice; the existence of “women’s interests”, the relationship between the state and society and the role of political parties.

One of the reasons of the controversial nature of gender quotas, I argue, is that quotas challenge the public sphere as a normative space in that privileges men over women, and that subsumes social gender differences under (falsely) universalist standards (Young, 1989). Debates over gender quotas can be understood as attempts to re-negotiate the public sphere in more egalitarian terms.

To make this argument, I will start with a discussion of the concept of the public sphere from the perspective of feminist political theory and show why quotas can be considered a challenge to the public sphere (section II). Then I will elaborate on the notion of discourse that is important for both the theoretical and the empirical perspective of this paper (III). The following section two sections focus on an empirical comparison between quota debates in France and Switzerland. Section IV gives some contextual and background information, whereas section V consists in an illustrative analysis. I will conclude on a few general comments.

⁴ Remarkably, the Scandinavian countries, where the proportion of female MPs at the national level is highest in Europe, do not have any quota laws for national parliamentary elections. Denmark does currently not have any quota regulations at all; in Finland, a 40% quota exists only at the municipal level and for public committees, advisory boards and corresponding bodies, but not for the national parliament; in Sweden, Norway and Iceland, only internal political parties are currently applied.
II. Quotas and the public sphere

Feminist critiques of the public sphere

Political philosophy has debated understandings of the public and the private as part of a discussion about the place of politics, economics and domestic life in society. Since the beginning, liberal theory has opposed the public sphere, i.e. the sphere controlled by the state, to the private sphere, within which the individual’s personal freedom is supposed to be protected against the intrusion of the state (or of other people) (Okin, 1991; Ackelsberg/Shanley, 1996). Modern liberal states have institutionalised the public/private dichotomy through a wide range of laws, practices and rules. Traditionally, the public sphere was seen as the sphere of political freedom, autonomy and (fair) competition among “relative equals”- and as a “male” sphere; whereas the private sphere – women’s sphere - was considered as a sphere of intimacy, love, “natural” inequality, trust and altruism (Arendt, 1998; Dietz, 1992; Rosanvallon, 1992).

Contemporary feminist theorists and activists have put considerable energy in showing that a rigid (conceptual and institutional) distinction between the public and the private is problematic from a feminist point of view. Radical feminists argue for instance that the private/public dichotomy is a patriarchal construct designed to keep women out of the public sphere and to subordinate them (Pateman, 1983). The classical definition of gender-sensitive issues such as domestic violence or child-care as “private” for example has clearly contributed to women’s subordination. Liberal theorists such as Anne Phillips (1991) show that gender relations within the public sphere – namely women’s lesser political involvement as politicians - cannot be understood without taking into account the gendered distribution of labour within the private (and social) sphere, which leaves women with less time and energy for a public engagement (see also Burns et al.,1997). More generally, feminists criticise the idea that there is anything like a sphere that is not under state control: they show that the state intervenes in the relationships between men and women even in the private sphere through a wide range of laws and regulations, including taxation, social insurances and benefits, laws on marriage and divorce, maternal/paternal leave, care-work policies, etc. (Sainsbury, 1994; Vogel, 1988). Feminists also criticise attempts to keep certain issues out of the public sphere by labelling them as private. Since the 1970s, feminist activists – sometimes in alliance with gay movements - have successfully challenged the traditional public/private distinction with regard to a wide range of issues: domestic violence, harassment, gay marriage, reproductive
rights, etc. More recently, ecologist, third-world and anti-globalisation movements have substantially contributed to the expansion of the range of issues considered to be “political” and of “public” interest.

Ultimately, feminist research has come to the conclusion that it is “impossible to distinguish clearly and permanently ‘public’ and ‘private’; not only is the meaning of each understood in part by contrast to the other, but each category contains aspects of the other”. The analyses of the “indeterminacy of public and private suggest that the meaning and application of these concepts are the locus of severe political struggle” (Ackelsberg/Shanley, 1996: 219, 220). The political expression of this indeterminacy and interconnectedness of the public and private spheres was the main feminist slogan of the 1970s and 1980s: “the personal is political”. It aimed at connecting the two spheres by claiming women’s right to politicise issues they considered important for themselves disregarding dominant definitions of what was supposed to be a “public” issue. It also drew attention to “private” reasons of women’s under-representation in the “public” sphere (Philipps, 1991; Okin, 1991; Pateman, 1989).

Quotas as a challenge to the public sphere

Social, political and economic inequalities between women and men have become widely thematised as a political “problem” and injustice only in the last decades, mainly under the pressure of feminist movements. This is also true for women’s persistent under-representation in political bodies. The politicisation of gender as a social construction expressing social norms and hierarchies, and as a central element of “category politics” (Bacchi, 1996) dates back only to the 1980s and 1990s; the main body of feminist critique of the public/private dichotomy as a gendered and hierarchical distinction stems from the 1990s. Quotas could not become an object of political struggle until gender had been recognised as a political category expressing and enforcing social power relations (Bacchi, 1996; Jordan/Weedon, 1995). Indeed, quotas assume gender to be a relevant factor for definitions of (and struggles over) equality, democratic representation, social justice, collective identities and recognition (Phillips, 1995; Bacchi, 1996; Young, 1990) rather than being considered a “natural” fact devoid of political and moral relevance.

Gender quotas in politics challenge dominant conceptions of the public sphere at two levels: redistribution and recognition (Fraser, 1997; Young, 1990). At the level of redistribution, quotas aim at changing the existent distribution of political power (in terms of seats); at the level of redistribution, quotas question dominant norms.
The power to rule: re-negotiating seats

The redistributive challenge of quotas consists in the obvious fact that quotas are aimed at a redistribution of seats and power in favour of women. Although the principle of gender equality as such is widely shared and recognised, it rarely manifests itself in a commitment to assuring women half of the seats in important political bodies. The only countries where gender parity in parliament is nearly achieved are currently Rwanda and Sweden (49% and 45% female MPs at the national level). Most quota regulations throughout the world fix quotas at less than 50%, and the majority of all existing quota laws set candidate or list quotas, not result quotas (www.quotaproject.org). Where quotas are set at 50%, they tend to be designed in such a way that women will not end up getting 50% of the seats. The best example is the French parity law that fixes a 50% candidate quota for national elections of the lower house. But the law is designed in such a way as to remain “harmless” (see Genisson, 2002; Observatoire de la parité, 2002): in the 2002 elections with the parity law, women gained no more seats than in the previous elections without the law (i.e. 12%; cf. Sineau, 2002). Finland is currently one of the rare countries to have to deal with women’s over-representation in certain bodies.

The power to define: re-interpreting norms

Gender quotas also challenge the norms of the public sphere in terms of recognition. Indeed, the adoption of electoral quotas implies the discursive reframing of concepts and categories in such a way as to make quotas a legitimate and acceptable “solution” to a commonly recognised “problem”. The process of reframing includes a whole series of issues (Bacchi, 1999). In the first place, quotas can become “thinkable” only once the political under-representation of women has become considered a problem. Politically, this is today the case (see above). At the normative level, gender equality is increasingly discussed as a relevant factor in normative democratic theory (Young, 1990; Phillips, 1995).

Secondly, gender quotas are necessarily grounded on the idea that “women” and “men” are in some way different, distinguishable and coherent categories of people, that every adult citizen fits into one (and only one) of these categories, and that these two categories adequately grasp the ways in which people define themselves, their interests and identities. In every-day politics, these assumptions are rarely questioned. However, the recent literature on political representation and social constructionism has convincing arguments why neither of these
assumptions is as at simple and unproblematic as it seems (Dietz, 1992; Phillips, 1995; Pitkin, 1967; Mouffe, 1992). This literature argues that “gender” itself is a political category entailing power relations and that the existence of biological differences between men and women explains neither social conceptions of gender “difference” nor of gender “inequality” (Harrison/Hood-Williams, 2002; Carver, 1996; Bacchi, 1996). This literature therefore thematises the ways in which the gender difference is constructed: in anthropological terms (as an “essential and irreductible” difference, e.g. Agacinski, 2001) or in more sociological (or psycho-sociological) terms, for instance as differences in terms of values, identities, experiences or interests (Phillips, 1995). The literature also draws attention to the fact that gender categories embrace neither the whole diversity among men and among women (Carver, 1996), nor the complexities of intersections of gender with other social variables such as ethnicity, class, sexual orientation or physical and mental ability.

Thirdly, for quotas to become “thinkable”, the presumed difference between men and women must be constructed in such a way that it legitimises the relative benefits women (collectively or individually) will gain thanks to quotas, and the relative losses men (collectively or individually) will suffer. Various strategies are possible to achieve this goal. The concept of difference can for instance be used – as is it often is - to focus on women. Women are then defined as disadvantaged in comparison to men, be it as collective “victims” of social injustice or historical traditions or as social group in need of “special rights”. But women can also be depicted as inherently different but equal to men, which legitimises an extension of universal rights to women (Bereni/Lépinard, 2004). Finally, the presumed difference between men and women could also be framed in terms of discrimination of women by men as the main power holders in society. Attention is thereby drawn to men as the advantaged category in society rather than to women as the disadvantaged category. This latter strategy, however, is hardly ever used (Bacchi, 1999: 93-111).
Quota debates in context

Debates over gender quotas sometimes take place alongside debates on other controversial dimensions or issues of the public sphere. This section aims at drawing attention to the interrelatedness of quota debates with the broader context.

Firstly, quota debates are shaped by the normative context in which they take place. In countries with pluralist models of representation that already have quotas for other groups or categories, quotas for women are sometimes explicitly linked to these other quotas. This link can facilitate the introduction of gender quotas under the condition that gender is accepted as another social category with legitimate claims to representation. This was the case for instance in Belgium where gender quotas were relatively easily accepted as simply one more quota that fitted into the general normative framework of a “politics of presence” (Meier, 2000 and 2001). However, in other cases, the existence of quotas for other groups is of no help for advocates of gender quotas. In Switzerland, for example, the opponents of gender quotas successfully framed the latter as “altogether different” from existing quotas for linguistic and territorial minorities – and therefore illegitimate.

In countries with a universalist tradition where quotas do generally not fit into the logic of the political system, proponents of gender quotas have the difficult task of advocating quotas without giving the impression that they want to jeopardise the universalist logic. In France, the fear of a “fragmentation” and “Americanisation” of the system through quotas was salient in the debates on the parity law passed in 2000. The problem was circumvented by re-labelling gender quotas as gender “parity” and by advocating parity as a realisation of the universalist ideals of the Revolution rather than as an instrument targeting a particular group. The debate was firmly kept within the universalist “repertoire” (Lépinard, 2002b) and disconnected from anything remotely resembling “category politics” (Bereni/Lépinard, 2004). As in Finland – another country with a universalist tradition – quotas were framed as an instrument for the promotion of the “common good” and the cohesion of the nation (Raevara, 2003).

Secondly, gender quotas are sometimes linked to other issues debated at the same time. The French debate on gender parity for example was closely linked to the debate on same-sex marriage (“Pacs”). Whereas the parity debate called into question the dominant norms ruling the public sphere, the debate on same-sex marriage can be considered a challenge to the norm of hetero-normativity of the family, such as institutionalised by the state (see Fassin/Feher, 2001). Many participants in the parity debate explicitly linked their opinions regarding these
two issues: some approved of both, some disapproved of both, and others were either in favour of the parity law and against same-sex marriage, or the reverse (Fassin/Feher, 2001). In this particular case, both the parity project and the same-sex marriage project were related to the gender dimension of the public sphere. It is imaginable that debates over gender quotas could be linked also to even wider processes of “reinvention” and “imagination” of politics, the nation and the state.

Thirdly, debates over quotas for women are sometimes discursively linked to wider projects of democratisation and modernisation. This was the case in various “young” democracies in Latin America that chose a “fast track” to introduce quotas for women, for instance Argentina and Costa Rica. But even in established democracies, quotas have sometimes been framed as a means to prove that the country is living up to international standards of gender equality, as in the case of the Scandinavian countries (Dahlerup, 2003; Peschard, 2002). In France, the parity law has often been referred to as a “pioneering” law and as an exemplary case of French “exceptionalism” (Sénac-Slawinski, 2002). In the former Communist countries, on the contrary, quotas tend to be considered contrary to political modernisation: they bear a negative connotation because they remind people of measures of “forced emancipation” that used to be imposed on them by Soviet rule (Dahlerup/Freidenvall, 2003).

III. Re-negotiating norms: the role of discourse

At the level of recognition, debates over gender quotas are struggles over meanings of words, categories, conceptual boundaries and connections or de-connections. Such processes can usefully be analysed with discourse-analytical approaches, which are becoming increasingly influential within the social sciences. Although the analysis of text, speech and images has a long tradition within the social and human sciences and the Arts, discourse analysis as a specific field of theory and research has emerged only recently within political science, under the joint influence of theoretical and political developments. On the theoretical level, contemporary discourse analysis has its roots in the “linguistic turn” in philosophy, post-structuralism, hermeneutics, linguistics and – for some strands - Marxism (cf. Howarth, 2000; Keller et al., 2001). To these various influences, discourse analysis owns a problematisation of language as being the medium through which the (physical and social) world is “made”. Language is not considered as a neutral medium that mirrors the world anymore, but as

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5 Such as they have been analysed for instance for France: on the cultural dimension of the public sphere, cf. Birnbaum (2001). In a larger perspective, see Milner/Parsons (2003).
socially developed medium that constitutes the world. The under-lying assumption is that with the “end of God” (Nietzsche) and the “end of grand narratives” (Lyotard, 1979), we can no longer assume that meanings are “there” and can simply be “transcribed” through language. Rather, language is seen as a means to *inscribe* meaning into physical and social realities, and texts are considered as having a constructive function in forming up and shaping human identities and actions. Discourse theory is based on the assumption that there is “nothing outside discourse”, i.e. that the only access we can have to the physical and social realities of the world is through language, and that language therefore conditions our perception and evaluation of “reality”, including our perception of ourselves (Taylor, 1977). These processes take place at the individual level (definition of our selves), the level of social interaction and the level of cultural and social relations (Whetherell et al., 2001). Crucially, discourse analysis emphasises the power inherent in discourse: the power to define conceptual distinctions (moral categories, identity categories, etc.) is not equally distributed among social groups and among individuals in society. Getting hold of the power to “name” and to set authoritative definitions about the world is therefore one of the most fundamental issues of social conflict (Jordan/Weedon, 1995).

At the empirical level, discourse analysis has been influenced by political practice. Traditional political identities have been destabilised by processes of economic and political restructuration and globalisation, and by supra-, trans- and infra-national political pressures. New identities, such as ethnic, regional, sexual and gender identities have become strongly politicised. Discourse analysis offers tools for the analysis of such political transformations in national and transnational politics (Mottier, 2002).

**Discourse**

Somewhat confusingly, the terms discourse and discourse analysis are used in many different ways in literature. A first meaning given to the term discourse is that of “text and talk”, and in this sense, discourse analysis is a loose synonym for text analysis or content analysis. This understanding of discourse is common in the Francophone literature, which remains grounded in linguistics more than in the social sciences (Mainguenaux, 1991; Charaudeau/Mainguenaux, 2002) and is also widely used in the field of conversation analysis. Socio- and psycholinguistic approaches also focus on the level of interaction, but tend to pay more attention to the socio-cultural conversational/interactional context (Goffman, 1987, Bourdieu, 2001). Critical discourse analysis expands further the analytical focus: it considers discourse as a
means of (re)production and challenge of dominance, i.e. the exercise of social power by elites, institutions or groups that results in social inequality (Van Dijk, 2001). The main focus is therefore on the broader power relationships within which text and talk are situated.

Other strands of contemporary discourse analysts have an even wider understanding of the concept of discourse that goes beyond the textual level of analysis and beyond contextual elements of speech to include a wider set of social practices and phenomena. They stress the inter-textual nature of discourse; the interconnection between speech and talk and the practices of their production, dissemination and reception; and the constructive dimension of discourse (Phillips/Hardy, 2002). The analytical focus is not on speech and text any more, but on the practices that make them possible and shape them. Discourse is not seen just as a means of conversation and interaction, but as an indispensable social practice that gives meanings to the world and bring objects into existence. Hajer (1995: 44) for instance helpfully defines discourse as “a specific ensemble of ideas, concepts, and categorizations that are produced, reproduced, and transformed in a particular set of practices and through which meaning is given to physical and social realities”. This definition draws on Michel Foucault’s works that stress the “creative” function of discourses, their historicity and the interdependence between discourse and material and institutional practices (see Foucault, 1971). Foucault emphasises the fact that there is always a gap between what could have been said at a given historical moment and what has effectively been said. His interests goes towards the limits of what is “sayable” (les limites du dicible) and towards the rules that make that “sayable” possible: the inclusion and exclusion or, more generally, the rules of formation that provide the demarcation between what can be said and what cannot (Foucault, 1968). Foucauldian discourse analyses operate at three analytical levels: the intra-discursive, the inter-discursive and the extra-discursive level (Foucault, 1968). Discourses are historically specific systems of meaning and concrete systems of social relations and practices which form the objects and subjects of speech (Howarth, 2000: 9).

The discourse theory of Ernesto Laclau and Chantal Mouffe (Laclau/Mouffe, 1982), finally, definitely blurs the distinction between speech/text and other social practices: in their understanding, the concept of discourse extends to non-discursive practices and elements. Based on a post-Marxist conception of discourse, they argue that there is no ontological difference between the linguistic and the behavioural aspects of social practice (Laclau/Mouffe, 1985: 107), since meaning and action are woven together in complex language games. For them, discourse is a result of “hegemonic articulations”, which involve
the construction of social “antagonisms”. When a hegemonic discourse becomes unable to integrate new elements, a discourse is “dislocated” and new articulations have to be formed.

IV. The context of gender quota debates in France and Switzerland

To illustrate my theoretical argument on gender quotas and the public sphere, I will now turn to an empirical illustration. A discourse analytical approach will be applied to two cases in a comparative perspective: the quota debates that took place almost simultaneously in France and Switzerland in the years 1998-2000. The present analysis has a purely illustrative (and exploratory) nature. It is based on a small portion of the parliamentary debates in of 1998-1999 in France and Switzerland.

The normative context

These two countries offer a good ground for a comparative discourse analysis. Their political systems (and their underlying normative logics) contrast in almost every aspect: France is characterised by a strong, centralised, interventionist and universalist state grown out of monarchy, revolution and resistance against the Catholic Church. As a nation, modern France is the result of a long process of cultural homogenisation that started under absolutism and continued in the 19th century with its “contradictory dreams of unification” (Birnbaum, 2001). Citizenship in France was established in the context of the Revolution and on radically individualist grounds. No mediation between the state and the citizen is tolerated, and social identities are considered irrelevant to political representation (Rosanvallon, 1992; Offerlé, 1993). Quotas of any kind are fundamentally alien to the logic of the French state.

Switzerland is in many respects the opposite of France. The Swiss state is a particularly weak and decentralised state that resulted from a gradual and conflict-laden process of “conglomeration” of entities of different geographic and demographic size, economic power, with different languages, confessions and political traditions. All important political institutions (direct democracy, federalism, corporatism, Konkordanz) are designed to accommodate internal tensions and neutralise conflicts that could break up the federalist consensus (Kriesi, 1994; Linder 1999; Papadopoulos, 1997). Switzerland has always remained fragmented, both politically and culturally. The Swiss model of citizenship is based on pluralism: citizenship is defined in terms of social (territorial and linguistic) identities. No political bargaining can do without complex negotiations to make sure that the federalist power relationships (among cantons, interest groups, linguistic regions) remain balanced...
Quotas for territorial entities and linguistic groups are central to the functioning of the Swiss state at all levels.

**Women’s political representation**

The French and Swiss women had in common that they had to wait longer than women in other countries to be included in political citizenship: in France, women’s suffrage was introduced only in 1944, and in Switzerland only in 1971 (at the national level). Women’s presence in politics today differs strongly in these two countries. In France, women remain very strongly under-represented at most levels of the political system. They represent currently only 12% of the MPs in the National Assembly, 11% in the Senate, and 10% at the level of the départements. At the local and European level, they are better represented: in localities with more than 3500 inhabitants, 47% of the local councillors are women (thanks to the parity law, applied in the 2001 elections), and in the French delegation to the European parliament, 40% of the seats are held by women. Only 8% of the mayors and 3% of the prefects are women (Genisson, 2002; Bataille/Gaspard, 1999). In the second government Raffarin (2002-March 04), we found 11 women (out of 39 members), of which two are full ministers, four delegate ministers and four secretaries of state.

In Switzerland, women are all in all better represented in politics than in France. They currently hold 25.5% of the seats in the National Council (lower house) and 20% in the Council of States (www.statistik.admin.ch). In the federal government, only one member out of seven is currently a woman. At the cantonal level, women occupy globally 24% of the seats in the cantonal parliaments and 22% of the seats in the cantonal governments in 2003 (OFS, 2003). At the local level, women represent 28% of the members of the communal parliaments and 22% of the communal governments in localities with more than 10’000 inhabitants (OFS, 2001).

**Gender quota debates in France and Switzerland**

In the late 1990s, both the French and the Swiss parliament were debating over the introduction of gender quotas. In France, the debate concerned a constitutional amendment on gender parity and the corresponding revision of the electoral law. The idea to introduce quotas had been launched in 1992 by feminist activists and taken up in 1997 by the government

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6 An earlier attempt to introduce quotas in the early 1980s had been invalidated by the constitutional court in 1982.
Jospin. In 1999, the constitutional amendment passed the French parliament, followed by the parity law in June 2000\(^7\). The parity law sets a 50% candidate or list quota for women for the national, regional, local and European elections (cf. Sineau, 2002). At the local elections, only localities with more than 3500 inhabitants are concerned by the law. The law has been in force since the 2001 local elections. At the local level, it has been efficient, whereas it has had no effect\(^8\) on the national level.

In Switzerland, the adoption of quotas at the national level had been suggested by a popular initiative, launched by a group of female politicians in 1993\(^9\). The initiative claimed a 50% result quota for women for elections of the national parliament, a 40% quota for the government and the Federal Tribunal, and a non-specified “balanced representation” for women in the federal administration. In the years 1998-99, the federal parliament debated over this initiative as well as over a counter-project launched by a group of MPs. The counter-project suggested a 30% list quota for national elections.

V. Quota debates as discourses about political representation

The parity debate in France: gendering universalism?

The parliamentary debates on gender parity in France in the years 1998-2000 were controversial, and they mobilised the attention of the wider public, the media and the French “intellectuals”. The parliamentary debates took place in two phases: the first debate led to constitutional amendment (December 1998-June 1999), the second phase to the adoption of a parity law (December 1999-June 2000).

A wide range of arguments for and against gender parity was debated in the course of these parliamentary debates. They can be clustered around two main discourses, or “story-lines”. The story-line of the advocates of a parity regulation was set at the very beginning of the parliamentary debates in December 1998: Justice Minister Elisabeth Guigou opened the debate in the National Assembly by a speech which summarised the main arguments in favour of the parity principle. In this story-line, the parity principle is framed as an “accomplishment” of the universalist revolutionary ideal of equality. In Guigou’s words, the

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\(^7\) loi constitutionnelle n° 99-569 du 8 juillet 1999 ; loi du 6 juin 2000 relative à l'égal accès des femmes et des hommes aux mandats électoraux et fonctions électives, n° 2000-493

\(^8\) Given that non-compliance with the law was sanctioned only monetarily, which turned out to be insufficient. Most parties preferred loosing money rather than setting 50% female candidates (see Genisson 2002).

\(^9\) Initiative populaire « Pour une représentation équitable des femmes dans les autorités fédérales » (dite initiative du 3 mars)
goal of the parity article is “not to destroy the achievements of the French Revolution”, on the contrary “we seek to accomplish them!” 10. In this perspective, the gender parity principle is seen – somewhat anachronistically11 - as the realisation of a 200-year old ideal and as the logical follow-up of the abolishment of slavery in 1848. For Guigou and many others pro-paritarians, the adoption of a parity principle is justified by the fact that women are ”one half of mankind”, and not a minority, a category or a ”group”12. They make a distinction between a ”good” universalism that will realise gender parity, and a ”bad” universalism which recognises only ”individuals” (universalisme d’exclusion) and which, they believe, comes down to a patriarchal and exclusive republicanism. In Guigou’s words: “By defending universalism, one erases history and reality. Women have been excluded from citizenship because they were women [...] Neutrality has supported male domination…” The adoption of a gender parity principle would, then, be a ”modernisation of democratic life”13, a “decision of considerable symbolic importance” after which “the sovereign Nation will no longer be an abstract entity and as such the foundation of the legal order, but an embodied representation of men and women living in their century”14. Thanks to the parity principle, sovereignty will ”be embodied by both genders”15. As a deputy puts it, France has to choose between ”an unfinished democracy and a restored democracy”16. Beyond the modernisation of French politics, the gender parity principle is seen by some deputies as a motor for modernisation more generally. Women’s absence from politics, they claim, has put a brake on the evolution of the French society17.

The competing ”story-line” of the opponents of the gender parity principle, on the contrary, frames gender parity as a fundamental, and unacceptable, ”violation of the republican rule stating that all citizens are equal (...) without any distinction other than their virtues and talents”18. They defend an abstract conception of representation according to which the elected represent the nation as such, not any particular group. They believe that the parity principle would ”give women the imperative mandate to represent women’s interests, while men would only be able to speak in men’s name” which, in their eyes, is a ”disfiguration of

10 AN 15.12.98, 10499
11 See Rosanvallon (1992) for a sophisticated analysis of the ideological shifts that were needed before women's citizenship could become a legitimate issue.
12 AN 15.12.98, 10496
13 AN 15.12.98 10501
14 AN 15.12.98, 10496
15 AN 15.12.98 10501
16 AN 15.12.98 10517
17 See for example 15.12.98 10516.
18 AN 15.12.98 10543
the parliamentary function”\textsuperscript{19}, and a violation of the principle that the Republic is \textit{une et indivisible}. For them, unlike for the advocates of the parity principle, women \textit{are} a group, and the parity principle is likely to be the first step on the famous ”slippery slope”, as expressed by a deputy: ”After gender quotas, other quotas will have to be adopted, for civil servants, employees of the private sector and the liberal professions; for the poor, the Muslims, the people living in the suburbs”\textsuperscript{20}. In other words, France will take the road of a dangerous ”Americanisation”, i.e. ”communitarisation”\textsuperscript{21}.

\textbf{The quota debate in Switzerland: gendering pluralism?}

Unlike the French parity debate, the Swiss gender quota debate of 1998-2000 was a rather impassionate, short and shallow one. The media paid little attention to the issue and the parliamentary debate was much shorter than the French debate. A more passionate discussion on women’s place in politics had taken place in 1993, when the quota initiative was launched. As in the French case, the various arguments debated about in Switzerland can be summarised in two broad competing discourses. The first ”story-line” was to say that gender quotas would be nothing but an extension of the already existing wide-ranging quota regulations. The advocates of gender quotas pointed to the fact that quotas are a central element of the Swiss political system, at all levels and for all important functions: ”Switzerland is a quota country” and gender quotas would simply be a ”refinement of the proportional system”\textsuperscript{22}. For the advocates of gender quotas, the existing pluralist logic of representation should simply have been extended to women who, according to them, can be considered a minority because of their lack of power in society. So, the advocates of the quota initiatives pleaded for an explicit gendering of the existing pluralist model of representation.

The opponents of gender quotas firmly rejected this ”story-line”. In fact, they never engaged with this argument. Only the federal government, in a report that was elaborated in the pre-parliamentary phase and submitted to the parliament as a consultative document, mentioned this argument explicitly. According to the Federal Council the existing formal quotas are mainly designed to protect the cantons. These quotas have “historical origins rooted in federalism” and “they guarantee the equilibrium of the federal state”. Consequently, the Federal Council considers that “their justification is not comparable to the one of the quota

\textsuperscript{19} AN 15.12.98 10507  
\textsuperscript{20} AN 15.12.98 10500. See also 10543.  
\textsuperscript{21} AN 15.12.989, 10543  
\textsuperscript{22} ”La Suisse est un pays des quotas” (N 21.4.99 725), ”Verfeinerung des Proporzsystems” (N 21.4.99, 715). See also N 21.4.99 726, 727.
initiative”. The existing informal (linguistic, political, regional) quotas are simply ruled out with the argument that they have “no juridical validity” since they are not mentioned in the Constitution (FF 426, p. 531-32). Given the history of Switzerland as a federal state constantly threatened by a break-up of the fragile federal consensus, women and other non-territorialised minorities (like non-territorialised linguistic minorities, or the Jenisch) have traditionally not been considered important as a political force. Although the issue of women’s under-representation has become increasingly debated from the 1990s onwards, the principle of territoriality remains strong enough in Switzerland to make the opponents accuse gender quotas to be “arbitrary”, “pervasive”, “rigid and absurd”, a “heresy”, a way of creating a “gap between men and women” and even a “step backward to pre-democratic times”\textsuperscript{23}. Some opponents referred to the well-know argument of the ”slippery slope” with an undertone of indignation, and expressed the fear of an endless fragmentation of the political system. As one deputy puts it: ”After gender quotas, we will have to introduce quotas for elderly people, young people, singles, disabled or any other group of citizens that experience a particular situation in their everyday life”, and this will ”lead to a confrontation of particular interests”\textsuperscript{24}. Another deputy finds the gender quotas as ”arbitrary” as the idea of quotas for age groups\textsuperscript{25}.

To sum up, the Swiss debate on gender quotas opposed a minority of women and men who believed that time had come to modify the territorial logic of representation in Switzerland by including the non-territorial gender criterion. The majority, however, opposed this idea by sticking to the principal of territoriality and rejecting gender quotas as being totally ”out of place”.

VI. Quota debates as discourses on political categories

France: from anthropological to political categories

In the French parity debate, gender as a conceptual category was constructed in various ways. Firstly, it was presented as a biological category, both by the advocates and the opponents of the parity principle. The opponents accused the constitutional gender parity article to ”make

\textsuperscript{23} N 21.4.99, 715, 716, 720, 722, 724, 715.
\textsuperscript{24} N 21.4.99 721
\textsuperscript{25} N 21.4.99, 715
possible a form of favouritism based on physical difference\textsuperscript{26}. The advocates, on the other hand, claimed the legitimacy of the parity article on the basis that "sexual difference is the founding difference, all other differences are contingent or transitory"\textsuperscript{27}. As "there are 50% men and 50% women on earth, such a categorisation [of the citizens in terms of sexual difference] can be made"\textsuperscript{28}. 

But purely biological formulation of sexual difference were the exception in the parliamentary debates. More common was an abstract formulation that did not say clearly whether the supposed difference between women and men was to be understood in biological and/or sociological terms. Many proponents of the parity principle based their arguments on the "essential (sexual) mixity of humankind"\textsuperscript{29}. In the words of a deputy: "Women constitute half of humankind, they are indissociable form the notion of human being. They are not a category, by definition they are part of all categories"\textsuperscript{30}. Another deputy expressed the same idea a bit differently, without making it clearer whether he was referring to biological and/or sociological differences: "The collectivity of the nation is composed of men and women who are not identical human beings, but who work together and complementarily to assure the perennity of the human species"\textsuperscript{31}. The secretary of state in charge of women’s affairs who intervened at the National Assembly to defend the parity article pointed out that "women are as talented and intelligent as men, but their under-representation does not allow for the expression of different ideas or values"\textsuperscript{32}.

It is noteworthy that this argument of the "inherent mixity of humankind", which has at least an essentialist under-tone, was also used by the opponents of the parity article. A few deputies conferred an ontological status to this "mixity" argument. For one of them "the institutionalisation of sexual differences [by the parity article] means rejecting a common dimension of republicanism, a common dimension of humanity"\textsuperscript{33}.

A purely and clearly sociological understanding of gender or gender difference was, astonishingly, absent from the parity debate. Many deputies referred time and again to statistical figures of women’s under-representation and discrimination in politics and other areas of society, and to historical moments of exclusion. But when it came to justifying or

\textsuperscript{26} AN 15.12.8 10506
\textsuperscript{27} AN 15.12.98 ,10528.
\textsuperscript{28} AN 15.12.98, 10538
\textsuperscript{29} This argument was theorised philosophically namely by Agacinski (2001), a supporter of the parity project.
\textsuperscript{30} AN 15.12.98 10516, see also 10518.
\textsuperscript{31} AN 15.12.98, 10531
\textsuperscript{32} AN 15.12.99 10502.
rejecting the parity article, these figures were never invoked. They were used only to legitimise the global idea that gender parity in politics was an important political issue. The concrete justifications around the parity article itself, however, remained at a quite abstract level where the boundaries between sociological and biological categories were blurred.

This may have to do with the fact that in France, the (real and perceived) distance between the state and society is relatively big, compared with Switzerland. The French state is has more autonomy with regard to society than weak and states such as Switzerland (see Badie/Birnbaum 1982), where political action tends to be very reactive: the Swiss state has neither the power nor the means to impose political change against the will of the people, nor to prevent a social change from penetrating the state at least to some degree. The French state, on the contrary, is more autonomous in his action that can be initiated rapidly and efficiently.

As we have seen above, the inherent mixity of humankind was the main argument in favour of the parity article, i.e. of an explicit institutionalisation of gender as a political criterion for representation, whereas the fear of an ”Americanisation” of French politics was an important argument against. In France, the legitimacy of the state to intervene in electoral politics via a modification of the constitution and of the electoral laws was never fundamentally put into question, and political action ”from above” was implicitly accepted. The idea that the state is authorised to intervene actively in order to orient societal change and to push towards an evolution of the mentalities, was not at all contested, rather the opposite: several deputies insisted on the active role of the state and on the importance of political will ("The legislator sometimes needs to stimulate democracy"34). In their eyes, the parity principle was to be understood as ”an instrument, a motor, not only in the field of politics, but also in social and professional fields”35.

**Switzerland: from sociological categories to … sociological categories.**

In the Swiss parliamentary debates, gender was clearly and consistently defined in socio-economic terms: being a woman was depicted as having a ”lower probability of being elected”36, having ”fewer resources”, less ”prestige”, ”less power, influence, money”, less ”access to networks”, having more difficulties (than men) acquiring ”professional qualifications” and ”combining parenting and a career”, doing ”more house-work” and being

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33 AN 15.12.98 10508  
34 AN 15.12.99, ..  
35 Guigou, AN 15.12.99, 10497 and 10523. See also 10496, 10517 and 10523.  
36 N 24.9.98 1817, 1820.
"less present in the media", being excluded politically, culturally and economically. Only very rarely was gender considered in biological terms, for instance by a deputy who was obviously irritated about the fact that "physical characteristics are now becoming relevant" for political representation.

Gender was rejected as a political category by a majority of deputies, gender as a non-territorial criterion being framed as wholly "arbitrary" and illegitimate to ground political categorisations. In the words of one deputy, "defining different categories of citizens (...) is a manipulation of democracy which lays the ground for other exclusions or segregations". The introduction of gender quotas was also considered to be a step into the direction of a wholly illegitimate "state interventionism". This argument is to be put in the context of the Swiss tradition of decentralisation and subsidiarity which engendered a widely shared sense of suspicion against decision-making "from above". The opposition against gender quotas can therefore be understood not only as a resistance against the empowering of women, but also as a resistance against the central state.

The advocates of the gender quota initiatives argued that gender should become a political category precisely because of the social causes of women’s under-representation. In other words, both the opponents and the proponents of gender quotas agreed on the fact that gender is to be understood as a social positioning, not as a biological fact. However, there were disagreements on how to evaluate inequalities between women and men in politics. For some deputies, the political under-representation of women simply wasn’t a "problem" since "a maximum of individuals from all social backgrounds can express their claims" within the political system. For others, women’s under-representation is a problem, but one that is not due to the political system or to social barriers, but to the women themselves who, supposedly, do not want to be candidates, or who resign too easily. As one deputy expressed it: "Set up competent women who are willing to engage in political work. I can guarantee that they will be elected. Experience shows that they will."

The political system was not considered as having some kind of autonomous effect that would disadvantage women candidates (in terms of networks, recruitment strategies, political careers). Even the advocates of gender quotas who suggested to make gender become an explicit political category for representation considered gender only as a social reality.
Implicitly, most deputies did not want to make a difference between the social world and the political system. This is consistent with the overall logic of the Swiss political system which is characterised by a low degree of autonomy and differentiation with regard to society (Badie/Birnbaum, 1982). However, the strong opposition against gender quotas in Switzerland shows that quota regulations problematise the sensitive question of the political-institutional use of a given categorisation. As the French case shows, social change can very well be initiated from above. Introducing a political category top-down is certainly harder in a decentralised state than in a centralised one, but the underlying issue remains nevertheless the same: it is about power and with the willingness of the political actors to consider gender inequalities worth of action and engagement.

VII. Conclusion

My argument in this paper was that electoral gender quotas are controversial because they call into question dominant norms of the public sphere, by aiming not only at a reallocation of power, but also at a discursive re-categorisation of the world. To become “thinkable” and acceptable as a policy instrument, they require a series of re-framings. The nature of these re-framings depends both on the general political context in which they take place, and on situational opportunities. The general context and its normative “logic” set constraints on the range of issues that can be problematised and the ways in which conceptual de-/re-connections can be operated.

To gain a better understanding of the context-specific dynamics and nature of gender quota debates, it would certainly be desirable to extend qualitative comparisons to more cases. Further research is also needed to understand how quota debates relate to other gender issues. By comparing gender quota debates with debates on, for instance, gender-specific legislation at work or gay rights, we could get a clearer picture of the importance of the gender dimension in social and political life. Alternatively, and complementarily, gender quotas debates could also be analysed in conjunction with debates over quotas for other groups. This would allow us to identify gender-specific resistances to quotas and discursive dynamics across political fields (cf. Meier, 2002).

Debates over gender quotas both express a certain categorisation of the world, and help creating it: they are “politics”, if politics is understood not only as a struggle for the reallocation of power, but also for the reinterpretation of the world, i.e. as “the locus where
society defines itself in a permanent attempt to invent the future by disentangling the old and the new” (Rosanvallon, 1992: 20, my transl.).

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