



## **OXPO Working paper**

### **Parity and Diversity in Contemporary France.**

**Between Republicanism, Recognition and Neoliberalism, a “Conditional Equality”**

**Réjane Sénac**, CNRS Researcher at the Centre for Political Research at Sciences Po – CEVIPOF  
Visiting Fellowship at Nuffield College – University of Oxford during Trinity term 2014

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#### **Introduction: French Republic puts to the test of parity and diversity**

In the context of equality policies globalization (Brown, 2007) and raise of inequalities (Piketty, 2013), my current research puts the French Republic to the test by looking at its promotion of parity, diversity and the controversial discussion on “gender theory” reactivated by the law of May 2013 on same-sex marriage. Within this framework, the aim of this presentation is to grasp what contemporary uses of parity and diversity say about how topical the equality principle is in 21st Century French society. With this aim in mind, the persistence of inequalities, in particular sexual, racial and social, will not be seen as a mere defect in the implementation of an ideal motto “Liberty, equality, brotherhood” but as an expression of the ambivalence of these principles.

Parity and diversity policies will thus be analyzed as cases studies to understand dilemmas (Bessone, 2013 b: 7-24; Myrdal, 2009) surrounding liberal and republican thought on equality and the challenge of making similar citizens from singular individuals. Do these policies embody the search for biased equality by switching from the political to the ontological, cultural and economic register? Do they substitute equality for identity all the while supposing that certain differences in particular not be a man or white imply singularity?

These questions shed light on the reasons why equality remains unobtainable in the French

Republic (Lépinard, 2007; Rosanvallon, 2011/2013).

Our hypothesis is that the discursive framing of diversity, as it has emerged in France, challenges the compatibility between three competing frames: republican and liberal equality entrenched in a universalistic tradition; the politics of identity in a multicultural context and a neo-liberal approach (Foucault, 2004) embodied by the activist social State and its social investment (Esping-Andersen, 2009; Jenson, Saint-Martin, 2006). The social investment paradigm justifies the politics of equality, in particular between the sexes but also between different cultures, as an investment designed to prevent future social risks such as academic failure, delinquency, urban insecurity and poverty. Similarly to parity<sup>1</sup>, diversity understood as a spur for policy innovation, is not a French exception, but rather a discursive strategy to be understood in the light of challenges posed to European societies by the growing recognition of differences, and of policy transfers from the EU-level used to address multiple inequalities using the same policy paradigm. From this perspective, policy reforms designed to ensure parity and diversity contribute to the establishment of institutional support for ‘conditional equality’, subordinate to the ‘performance’ of difference (Sénac, 2012; Sénac-Slawinski, 2010). Performance is both seen as a *mise en scene* and estimated as an added value. In this perspective, diversity and parity participate to the neoliberal rationality of the “all market” in the convergence of neo-essentialism, culturalism, meritocracy and performance.

In order to test the hypothesis outlined above, we cross-referenced the analysis of academic, economic, institutional and political policy documents on diversity with a qualitative survey carried out at a time when diversity was beginning to show incipient signs that it was being incorporated into institutional thinking (2008-2009). This study consisted in 163 personal interviews with political, institutional, economic, labor-union, religious and NGO leaders, and academics. From a discursive-institutional perspective, we investigated the French republican principle of universalistic equality and the diagnosis of a society divided by multiple types of discrimination. After questioning the link between parity and diversity politics (*Travail, genre et sociétés*, 2009), we analysed whether the accumulation of discrimination criteria could be interpreted as a positive, albeit ambivalent type of intersectionality (Kriszan, Squires, Skjeie, 2012; Crenshaw, 1991; Hancock, 2007). This is because for individuals belonging to groups that are marginalized or discriminated against, it constitutes both an asset to be included in the public or economic arenas, and an obstacle to being fully recognized as a ‘peer’ (Armstrong, Thompson, 2008; Fraser, 2007).

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<sup>1</sup> The French laws on *parité* (1999 constitutional reform and laws drafted in 2000) were the first in the world to stipulate that in an election, all candidate lists must by law achieve gender balance with fifty percent of candidates being male and fifty per cent female.

**From parity to diversity politics, between universalism, fight against discrimination, recognition and performance of differences**

If diversity could so easily and so quickly - in much less than a decade - impose its mark on the discursive framing of French anti-discrimination policies, this is not only due to the convergence of a contingent context (the aftermath of the 2005 suburban riots), and the intervention of external variables in the European field of anti-discrimination, but also to the domestic legacy left by parity politics (Sénac-Slawinski, 2008, 2010).

*Parity politics: a breach in french universalism ?*

The breach into constitutional and political culture by the adoption of so-called Parity Acts in 2000, following a critical process which have been prompt to denounce the risk of opening a Pandora's Box of recognition of differences among citizens. The next decade somewhat confirmed their apprehension, as parity debates are clearly considered a starting point for the reframing of equality and anti-discrimination policies. Even if parity is positioned politically and theoretically as an exceptional way to deal with specific disparities that does not call the republican model of equality into question, it puts the French equality in questions. As Anne Phillips points out, a policy transfer from parity politics to diversity politics has actually occurred (2007: 167).

This policy transfer is endorsed by the advocates of other groups who frequently encounter discrimination. The president of the National Council of Black associations (CRAN) thus considers that parity laws have paved the way for other demands for recognition and for other struggles against discrimination, in particular of a racial nature. Similarly, for Malek Boutih, former president of the main anti-racist organization *SOS racism*, gender-based discrimination is structural in France. Therefore an attack on that structural discrimination destabilizes all other types of discrimination also. In contrast, the majority of feminist leaders interviewed were much more reluctant to recognize the link between parity and diversity arguing that precisely, parity aims at preventing the risk of community-based demands for recognition by framing gender equality within (Muller, 2005; Muller, Surel 2000) republican universalism. Both feminist and anti-discrimination leaders also suggest that diversity forces various inequality strands to compete for a place on the public policy agenda.

Taken as a whole, the survey and documents analysed show that the emergence of a policy on diversity became possible because of the discursive turn taken by parity politics. Both parity and diversity policy have contributed to unravelling the complexity of links between equality

and identity policy, republicanism and liberalism, universalism, multiculturalism (Laborde, 2001; Laborde, Maynor, 2008). and essentialism (Bessone, 2013a).

*Diversity politics: a coalition of interests between private and public actors*

This process is tightly connected to the mainstreaming of diversity jointly performed by private organizations – in particular in the area of human resources management (Bereni, 2009), and among public actors. This is evidenced by the genuine promotion of diversity as part of a more general discourse on private and public management, initiated in 2004-2006, when the Secretary of State for Equal Opportunities, Azouz Begag, travelled the length and breadth of the country to promote the charter for diversity, launched as the result of a private initiative.

Policy actors again endorsed private initiatives in the field of anti-discrimination in 2008-2009, when a ‘diversity label’, designed by the National Association of Human Resources Managers (ANDRH), was launched by the public certification organism body (AFNOR), under the patronage of the Ministry of Integration, National Identity and Solidarity. From those two situations, it can be inferred that the legitimization and dissemination by public authorities, of a model for the management of diversity originally negotiated among private businesses, social partners and policy actors, have contributed to shaping the definition of diversity as the underlying norm of equal opportunity and anti-discrimination policies. As such, ‘the state supports the definition and dissemination of a concept developed outside the polity and legitimized *ex post* by policy makers’ (Van de Walle, Mordret, 2008, 46). This has raised questions about the role of the state with respect to private actors, in tackling inequality and discrimination.

French politics of diversity are better understood when the coalition of interests (Sabatier, Jenkins-Smith, 1993) between private and public actors is taken into account (Edelman, Riggs Fuller, Mara-Drita, 2001). Indeed, rather than bringing a management rationale into law, this coalition of interests has led to the economic and political spheres becoming intertwined together. Actors situated on the left have denounced this approach which they see as a subjection of the republican model to neo-liberal rules (Sénac, 2012). From their point of view, this process shows how policy and social actors are engaged in a re-framing of French republican universalism.

**A neoliberal Republic: what it means that equality is good for the business**

By calling for differentiated treatment in the name of equality, parity and diversity are part of a ‘paradoxical citizenship’ (Scott, 1998) that reactivates ‘Wollstonecraft’s dilemma’ (Pateman, 1989). Beyond the dichotomy between redistribution and recognition, or between equality vs. identity, the convergence between the political, economic and cultural components of the public sphere must be grasped.

*Promoting diversity: a “Trojan horse” conceals fight against discrimination (Junter, Sénac-Slawinski, 2010)?*

The malleability of the term ‘diversity’ has led to it becoming widespread in the French context. Nevertheless, the fundamental ambiguity of the term is also recognized by those who have contributed to it becoming mainstream in the public arena. Indeed, interviews carried out with policy makers (including ministers and state secretaries), senior policy advisors, NGO representatives and academics, show that diversity is overwhelmingly perceived as a portmanteau word, if not as a ‘Trojan horse’ enveloping less positive categories such as inequality and discrimination, while primarily addressing ethnicity or origins.

Policy actors usually establish a link between the promotion of diversity and the fight against discrimination. Fadela Amara, former president of the NGO ‘*Ni putes ni soumises*’, interviewed when she became Secretary of State for urban policy, considered that promoting diversity consisted in “making the republic inclusive for Mohamed as much as for Benoît”. An explicit political objective was therefore ascribed to diversity politics: producing social and national cohesion. Using himself as an example, Eric Besson, a former socialist who was born in Morocco and who served as Minister for ‘Immigration, Integration, National Identity and Fair Development’ from 2007 to 2010 under Nicolas Sarkozy, underlined that although ‘the French republic is not about uniformity, France is a melting-pot’...which is ‘more than just the mere sum of multiple identities’. Along the same lines, after mentioning her Italian origins, Nadine Morano, then Secretary of State for Family, explained that in France, characterized as it is today by multiple waves of immigration, ‘diversity is part and parcel of the republican dynamic’. This French framing of the notion of diversity is better illustrated by Henri Guaino, former special adviser to President Sarkozy, who qualified diversity as ‘ethnic secularism’ (*laïcité ethnique*) which helps to guarantee national cohesion through ‘a new social contract that recognizes individual talents and merits’.

While diversity was being mainstreamed by the centre right governments in office from 2001 to 2012 as a modernization of the republican and equalitarian imperative, representatives of NGOs and left-wing parties were prone to denouncing it as a ‘*cache-sexe* (gender mask)’<sup>2</sup>, an euphemism which tends to validate both a liberal framing of exemplarity, and a division between good and bad migrants (Hachimi Alaoui, 2012)<sup>3</sup>. Houria Bouteldja, founding president of a NGO called ‘*Les Indigènes de la République*’ (Natives of the Republic), denounced the promotion of diversity as ‘a *condom* for the Republic’ (using the term as a metaphor, in that diversity protects from the risk of social unrest, keeping outside post-colonial elements from entering the inner circles of French republican elites). In her view, French-style diversity is nothing but a safe means to address the frustrations and anger of those who feel discriminated against, without truly challenging inequality. According to her, because of its ambiguity and unspecified content, diversity can be used to mean one thing and its opposite and also encourages competition among different inequality strands such as those recognized in the 2001 Law<sup>4</sup>. For another activist, vice-president of *SOS Racism*, diversity can be considered to be an effective means to generate divisions among social movements, representing different struggles against discrimination. From this perspective, for Yvette Roudy, who was the first person to be appointed Minister for Women’s Rights (1981-83), diversity is thus similar to a process of *substitution*: ‘when you erase the word equality, you also erase the notion itself, diversity is not the same as equality’. These usages of diversity find their more resolute opponents among feminist groups and femocrats, prone to denouncing the dilution of gender equality policies into diversity mainstreaming, in a context where traditionally, the former have not received much institutional support and have been subject to political change.

*The French contemporary uses of diversity as an ambivalent positive intersectionality*

If simultaneously framed as a value, an objective and a right, how can the republican and politically liberal notion of equality (Fabre, 2007) still be distinguished from this neo-liberal approach in terms of social investment? Our analysis provides evidence of the link between the promotion of diversity and institutional support for a principle of equality subordinated to how difference performs, both in terms of profitability and representation (standing for/acting for) (Pitkin, 1967; Francesch et *et al.*, 2012). From this perspective, and even through

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<sup>2</sup> Literally, a conceptual device hiding something that cannot be named.

<sup>3</sup> As underlined by Sandrine Mazetier, national secretary for immigration of the Socialist Party.

<sup>4</sup> Law enacted on November 16, 2001,.

competing frames, French diversity politics has challenged the very core of the social contract and contributed to reframing the issue of national identity.

Thus the empirical data used to support our analysis show that the promotion of diversity can be understood as an ‘ambivalent positive intersectionality’ (Sénac, 2012; Sénac-Slawinski, 2010) as it brings together a neo-liberal conception of republican merit and the reactivation of post-colonial framing. From this perspective, French-style diversity combines community-based recognition and the virtues of the self-made individual. The contemporary use of diversity is then analysed as questioning the coherence of the social and national contract showing that ‘Marianne needs to see a psychoanalyst to figure out who she is’<sup>5</sup>. Thus, in our survey, the word diversity is thought by left-wing party representatives, to have the same political function as the word ‘integration’ did back in the 1980s. Therefore, for the sociologist El Yamine Soum (2008), the promotion of diversity does nothing more than assign identities in the opposition between a ‘them vs. us’ (Geisser, Soum, 2008). The president of the French Human Rights League, Jean-Pierre Dubois, qualifies the French-style diversity as a euphemism to ‘cover our colonial racism with a secular hat’.

Left-leaning political and NGO leaders have linked the appointment of female ministers, Fadela Amara, Rachida Dati and Rama Yade, to a post-colonial Sabine’s rapt syndrome. For former minister Azzouz Begag, this embodies ‘the colonial idea according to which “we shall vanquish them by taking their women”’. As the historian Pap Ndiaye said (2009): ‘the conjunction of sexual and racial criteria is in keeping with the political aim to decrease the visibility of ethnic minorities and women in the public sphere’. Similarly, sociologist Nacira Guénif-Soulaimas (2006) says that ‘indigenous women’ who are appointed to positions of power in fact find themselves in a weakened position given that they are chosen precisely because of their gender and race. This creates a subordinate relationship between them in a context where the norm is non-white women being chosen by white-skinned men. This also creates a situation where the power balance between men and women is weakened in spite of the existence of laws on parity.

In a European context marked by global anti-discriminatory policies and the crisis of multiculturalism, the use of *diversité* in contemporary France was designed by members of right-wing governments as a neo-republican answer to the crisis of the integration model and by economic actors as a kind of ‘virtuous liberalism’ (Wilkinson, Pickett, 2013) answer to the economic crisis. As a result of the fear that French society might become segmented, the political function of *diversité* was thus presented as a means to ensure that social and national

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<sup>5</sup> As put by Aziz Senni, businessman, founding president of Business Angels of the Cities. Marianne symbolizes France.

cohesion is maintained through a new republican melting pot characterized by the frame of difference as an asset. Our survey underlines that left-wing political and NGO leaders and academics denounce the discursive shift as a political shift moving from republican equality to a ‘new capitalist spirit’ (Boltanski, Chiapello, 1999).

### **Conclusions: A “Conditional Equality” from a new capitalist spirit perspective?**

By taking the political dimension of diversity seriously, our analysis has shown that far from being neutral, French-style diversity reveals diverging ideological framings along a left/right-wing cleavage and different conceptions of justice.

Our survey indicates in particular that diversity politics have generated attempts to conciliate republican equality with the recognition of differences, thus creating confusion and leading to the meaning of both being stretched (Mc Bride, 2009). As a consequence, our analysis also highlights the shift from the collective responsibility to fight against inequality to the individual responsibility to ensure that criteria for discrimination become criteria for success. Framing difference as an asset resonates from a neo-liberal perspective by which public policies in general, and equality policies in particular, can only be legitimated in the name of social investment for the enrichment of our common future. The differential (affirmative) treatment of individuals is thus justified both in the name of recognizing individual merits and talents, and of representing a community which has suffered discrimination. For this reason, diversity can function as a justification of tokenism (King, Hebl, George, Matusik, 2010). Moreover, one could argue that French diversity is merely instrumental, since it does not constitute a legally opposable principle, but rather an ethical approach thwarting the increase of anti-discriminatory law (Huët, 2012). So, French-style diversity can be analysed as a ruse of neo-liberal history in a republican context (Fraser, 2009)

So, our research shows that contemporary French uses of diversity have a ‘political thickness’ (Walzer, 1994) both in terms of actors involved, partisan and ideological cleavages and principles of justice. This analysis goes beyond the dilemma resulting from the hierarchy between sexual and racial inequalities which are considered ‘cultural’ versus those, of a more explicit social or economic nature, which are considered to be fundamental and political (Michaels, 2006). It underlines that the exclusion and the inclusion of those who are qualified as ‘stemming from diversity’ make sense with regard to the definition of a ‘society of equals’

(Rosanvallon) and questions the position of equality as the first principle in ‘the lexical republican order’ (Rawls, 1971) in a neoliberal rationality.

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