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Imagining a New Gender Contract for Democracy

Réjane Sénac

What challenges must be overcome to achieve gender equality in twenty-first century Europe? The answer to this question lies beyond the law, given that equality before the law was achieved in the second half of the twentieth century at both the European and national levels (Jacquot, 2015). To associate the twenty-first century with the next phase is to recognise that significant progress was made in the second half of the twentieth century and that equality is still on the horizon. The enigma of the persistence of inequalities, despite the proclaimed equality before the law, is often solved by contrasting *de jure* equality with *de facto* inequalities. The idea is that supposedly neutral and pure fundamental rights translate as equality before the law. Yet the way in which this is applied to all citizens, especially women, must improve if we are to work towards *de facto* equality. Such a dichotomous reading is limited, because it fails to take into account the exclusions inherent in the declaration of equality before the law. As a result, a proper diagnosis cannot be carried out and

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suitable measures cannot be defined, since deciding “how” to act effectively is based on a discussion of the “who”, “what” and “where” of equality in the past, present and future.

To grasp the complexity of this discussion, we must analyse the legacy around it. It is vital to take into account the origins of women’s historical exclusion from citizenship in the two main political traditions of political liberalism and republicanism. An analysis of the founding philosophies of the social contract has shown that the democratic process was built on a division of social labour, relegating women to creating social mores in the private sphere and men to making laws via the representation of the body politic in the public sphere (Pateman, 1988; Phillips, 1991). The feminist movements associated with the first and second waves primarily sought to denounce and deconstruct the fundamental exclusion of women from the fraternal contract. By fighting for women’s access to civic and civil citizenship, and then unveiling the power relationships between the sexes in all areas of social life, feminist movements advocated and supported the extension of civil, political and social rights to women in the twentieth century. The third and fourth waves of feminism focus on the intersection between gender inequalities and other inequalities, notably through the link between the “sexual contract” and the “racial contract” (Davis, 1981; Pateman & Mills, 2007).

If we look at how gender inequalities appear in political representation, it is often said that the number of women is naturally increasing as a result of a gradual and automatic shift in attitudes. Yet this assertion is contradicted by the number of women in positions of responsibility worldwide. As of 1 January 2023, 11.3% of countries had women heads of state (17 out of 151 countries, monarchy-based systems excluded), and 9.8% had women heads of government (19 out of 193). The average number of women members of parliament (MPs) is 26% globally, compared with 31% for Council of Europe countries and 32.5% for European Union (EU) countries.¹ This state of affairs illustrates the paradoxical coexistence of criticism of the underrepresentation of women in positions of responsibility, particularly in politics, and the endurance of inequalities. This criticism and endurance exist in both national legacies and contexts and in more global movements and attitudes.

¹ Inter-Parliamentary Union figures: <https://www.ipu.org/fr/node/12135>.

The history of the expression “parity democracy” is emblematic of the link between the globalisation of egalitarian demands, particularly the role of Europe, and their national implementation.

The analysis of the transformation of European gender equality policy by the political scientist Sophie Jacquot (2015) explains how policies have evolved throughout Europe’s history. The analysis is based on a comparison of administrative, parliamentary and expert reports, archives, budget data and qualitative surveys (2000–2006, 2012–2013) carried out among political, institutional, third-sector, trade unionist and academic actors from the Treaty of Rome in 1957 to the post-Lisbon period. Jacquot notes a certain overlap between the stages of economic and political integration of the EU and the three types of public action successively implemented in the field of gender equality. The common thread between all the sequences is that they are market driven. For example, equal treatment in the 1970s reflected the dynamics of market making; equal opportunities in the 1980s coincided with market correcting; and gender mainstreaming in the 1990s occurred when economic integration was overtaken by social engineering. Although she describes the sequence from the Treaty of Rome to the Maastricht Treaty (1992) as “the golden age of an exceptional policy”, in the sense that gender equality was pursued and developed for itself *within* the market, she associates the period that begins with the Maastricht Treaty with a sequence where equality is *for* the market in the sense that it is subordinate to the market standard. Lastly, she regards the post-Lisbon Treaty (2007) as a sequence where the cognitive framework of European gender equality policy is destabilised against the backdrop of an economic and budgetary crisis. Equality becomes an objective that is not only subordinate but truly secondary, even ancillary, to the European project. In this new configuration, equality can only exist, therefore, “*despite* the market”, by scaling back ambitions and refocusing on narrow consensus issues.

The post-Covid-19 period can be linked to a global crisis in the sense that it straddles the economic, political, social and environmental spheres. In this period of uncertainty, which is undermining, even endangering, the application of the principles of liberal democracy, how can we reframe an egalitarian democracy?

To answer this question, we analyse how Europe can participate in the advent of a more egalitarian democracy, in keeping with its role in redefining democracy through the lens of parity. We then examine the current challenges that need to be overcome to address this issue

from two angles: the connection between descriptive and substantive representation, and the overlap between inequalities and demands.

I EUROPE: A POLITICAL, LEGAL AND INSTITUTIONAL FRAMEWORK TOWARDS PARITY DEMOCRACY

The term “parity” refers to the link between the techniques implemented to ensure a more balanced, even egalitarian, gender representation within elites and their effects on the gender system. It refers to both international and European calls for equal power sharing, embodied in particular by the United Nations (UN) Fourth World Conference on Women in Beijing in 1995, and its application in national electoral quotas imposing or promoting an equal gender distribution of candidates or seats (Sénac-Slawinski, 2008).

1.1 *Parity Between Globalisation and Path Dependency*

Before we examine Europe’s role in the historical and contemporary discussion of parity democracy, it must be emphasised that, from a parity perspective, in view of the complexity of modern-day governance, equality policies are both rooted in national political and institutional legacies (path dependency) and influenced by globalisation (Rai & Waylen, 2008) and regional integration, for example, Europeanisation (Lombardo & Forest, 2012). A comparative analysis of the global application of parity standards advocating equal participation of both sexes in decision-making (Sacchet, 2008). The Scandinavian model, cited as an example of an egalitarian, democratic culture, coexists alongside the rapid progress of countries that have adopted legal quotas for candidates or reserved seats (Dahlerup & Freidenvall, 2005). The fact that, since 2003, Rwanda has been the leading country for women’s parliamentary representation²—ahead of Sweden, surprisingly (48.8% compared with 45.3% in 2003, and 61.3% compared with 46.4% in 2023)—is thus interpreted as the advent of a new global trend. Although the Nordic countries (Finland, Norway

² See the Inter-Parliamentary Union website: <https://data.ipu.org/women-ranking?month=3&year=2023>.

and then Sweden) have represented the vanguard of women's parliamentary representation for decades, it only took 15 years for countries as diverse as Argentina, Uganda, South Africa, Bosnia and Herzegovina, France and Costa Rica to rapidly change the historical underrepresentation of women in political institutions through the use of gender quotas (Dahlerup, 2006, 3).

Echoing the work on gender quotas in Africa (Bauer, 2008), those on Latin America (Jones, 2009) and South Asia (Rai et al., 2006) explain the importance of the intersection between path dependency and international parity standards for analysing national differences in terms of the effectiveness of quotas. The need to maintain gender quotas to prevent the proportion of women in spaces historically dominated by men (universities, professional and political elites) from exceeding the proportion of men is also posited (Suk, 2023).

As we see in Sect. 3.1., although the figures are important for objectifying the exclusion, underrepresentation and increase in the proportion of women in power structures, they are not sufficient to measure progress when it comes to power sharing. The quantitative approach and assessment must be accompanied by a qualitative approach and assessment, taking into account national legacies and differences. If we take the case of Rwanda, the parliamentary representation of women sits within the wider context of the use of quotas in African countries and countries emerging from conflict. According to the Inter-Parliamentary Union,³ the world organisation of parliaments of sovereign states, since 2000, countries emerging from conflict have ranked in the top 30 for the number of women in national parliaments, making effective use of quotas and reserved seats in newly formed institutions.

Since 2018, Rwanda's lower house has comprised 61.3% women and the senate 38.5%. This level of representation is all the more striking since Rwandan women only gained the right to vote and to stand for election in 1961, when the country proclaimed its independence from Belgium. Before the civil war in the early 1990s and the 1994 genocide, Rwandan women had never held more than 18% of the seats. During the nine years of rule under the post-genocide transitional government, from 1994 to 2003, women's representation in parliament rose to 25.7% (based on nominations).

³ Established in 1889, this is the oldest of the international political institutions (<http://www.ipu.org/english/home.htm>).

The new constitution, adopted in May 2003, was drafted in a participatory manner by a 12-member constitutional commission that included three women, including Judith Kanakuze, the only representative from civil society. In its preamble, it refers to various internationally adopted human rights instruments and conventions and specifically mentions the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). In Chapter II of Title I, Article 9 states that the Rwandan state commits itself to “building a state governed by the rule of law, a pluralistic democratic government, equality of all Rwandans and between women and men reflected by ensuring that women are granted at least thirty per cent of posts in decision-making organs”. The procedures for reserving seats in parliament and the senate are described in Title IV.

Following the 1994 genocide, the government’s decision to make the political representation of women a fundamental principle of the Rwandan state was undoubtedly due to pressure from international institutions and donors, as well as the mobilisation of Rwandan women and Uganda’s influence on the Rwandan Patriotic Front (RPF). Indeed, a significant number of RPF members lived in exile there for years (Burnet, 2019; Tremblay, 2005). In 1995, Uganda introduced a quota system into its constitution to guarantee women’s participation by reserving a seat for them in each district. RPF members were aware of this system and the success of women members of the African National Congress (ANC) in South Africa. Uganda’s quota system is due in large part to the significant role of female combatants in the National Resistance Army (NRA) in the 1980s. In each area captured by the rebels, local councils were set up with a female secretary in charge of women’s affairs. When the NRA came to power in 1986, it introduced this system on the national political scene. In 1994, the government of President Yoweri Museveni appointed Wandira Kazibwe as Vice President, making her one of the first women to hold one of the top positions in African politics. Rwanda was thus inspired by Uganda in adopting constitutional provisions to reserve seats for women in the national parliament. Other African countries, such as Sudan and Niger, also have provisions in national law. In Niger, the law passed in 2000 and in force since 2004 introduced a quota system, granting women first 10% and then 25% of elected posts (25% and 30% of nominations).

1.2 *The Council of Europe: The Father of “Parity Democracy”*

The gradual legitimisation of positive action measures and the priority given to equality in decision-making were developed by the UN and the Council of Europe, at the level of the European Communities (EC) and later the EU (Hubert, 2022). Since 1979, gender equality has been one of the principles that the Council of Europe has been intent on safeguarding and promoting through the rule of law and political guidelines, such as the Istanbul Convention (2011) on preventing and combating violence against women and domestic violence. It is worth noting that this principle was already enshrined in the Council of Europe’s two main legal instruments: the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950) and the European Social Charter (1961). Aside from the guarantee of formal rights and protection of the individual, the Council makes the concrete achievement of equality, particularly gender equality, a legitimate objective converging with UN initiatives. Its reports and resolutions reveal a gap between *de jure* equality and *de facto* inequalities, highlighting in particular the link between inequalities in the private sphere (the burden of cultural stereotypes, the gendered dimension of education and family commitments) and inequalities in the public sphere (whether in the professional world or in politics). Objective 1.4 of the Council of Europe’s second medium-term plan (1981–1986) states that the promotion of women’s participation in political life is one of the Council’s aims, confirming the particular interest in achieving equality in the field of social and political rights.

A seminar on “parity democracy” was held in Strasbourg on 6 and 7 November 1989, coinciding with the Council of Europe’s 40th anniversary. This marked the official recognition of this concept in the international arena. It also confirmed the central role of the Council of Europe in developing a new normative framework, in which the participation of women in decision-making was posited as a condition of democracy. The seminar concluded that the effective exercise by women of the right of citizenship, and in particular the need for women to be involved in lawmaking and civic administration, could alone give concrete meaning to equal rights, a fundamental principle of democracy.⁴

⁴ Council of Europe seminar on “La démocratie paritaire. Quarante années d’activité du Conseil de l’Europe”. Conclusion, doc. e.g. Sem (89) rev. 5, Strasbourg, 1989, p. 1.

Claudette Apprill, then secretary to the Council of Europe Steering Committee for Equality between Women and Men, called for the introduction of the concepts of gender parity and parity democracy in gender equality issues by proposing them as a new working hypothesis to Council of Europe experts in April 1989. Parity was presented as the gateway to a “new age of democracy”. In 1995, the Parliamentary Assembly of the Council of Europe adopted Recommendation 1269, Article 3 of which states that “de jure and de facto equality between men and women is crucial” and “parity democracy is especially important”, while Article 6–2 establishes specific policies and action programmes.

To give effect to those commitments by implementing public policy instruments at the local level, it would be interesting to see the Council of Europe work with the European Committee of the Regions and the Council of European Municipalities and Regions on the European charter for equality of women and men in local life. A joint seminar could be held on the progress and challenges of parity democracy 30 years after the 1995 recommendation. The seminar could be entitled “Parity democracy 1995–2025: 30 years on, where do we stand?” The aim would be to take stock of the forms of parity democracy almost 30 years after the Council of Europe’s recommendation and the challenges to overcome for it to become a reality at the EU, national and local levels. The idea would be to map the implementation of the principle of parity democracy by examining the core criteria. By reviewing the level of progress and the resistance encountered over the last 30 years, a new recommendation could be drawn up to provide fresh guidance on how parity democracy may be achieved, taking into account national and regional differences.

1.3 The EU Legal Framework: From Equal Treatment to “Positive Action”

Article 119 of the Treaty of Rome (now Article 141), establishing the European Community in 1957, was the only EU legislative basis on gender equality until the directives of 10 February 1975 and 9 February 1976 were adopted. Note that this article, introduced at France’s request, expresses the principle of free and fair competition, and is not an explicit feminist demand. While Article 119 and the 1975 directive promote “the application of the principle of equal pay for male and female workers for equal work” (Article 119), the directive of 9 February 1976 on

equal treatment legalises measures to remedy inequalities affecting equal opportunities between women and men.

The normative framework for these measures is set out in a recommendation “on the promotion of positive action for women” (84/635/EEC), adopted by the European Council of Ministers on 13 December 1984. However, the reports drawn up by the European Commission in 1988 and 1995 lament the fact that, unless it is binding, positive action is, at best, a public policy instrument and not a legal pillar of equal opportunities.

The case law of the European Court of Justice clarified the rules for implementing positive action in national legislation with the *Kalanke* judgement in 1995 and the *Marschall* judgement in 1997. The Marschall judgement removed any ambiguity over the legality of positive action and reignited a trend in Europe for such measures to eliminate discrimination in employment (Sénac, 2006). This development was supported by Article 141 (formerly Article 119 of the Treaty of Rome) of the Treaty of Amsterdam of 2 October 1997, paragraph 4 of which states that: “with a view to ensuring full equality in practice between men and women in working life, the principle of equal treatment shall not prevent any member state from maintaining or adopting measures providing for specific advantages in order to make it easier for the under-represented sex to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers”. This paragraph is repeated in Article 3 (“Positive action”) of the Directive of the European Parliament and of the Council of 5 July 2006, recasting the EU’s gender equality laws.

As for political representation, the arguments for adopting gender quotas, whether legal or partisan, raised by political and third-sector actors, call for the application of the principle of equality to coexist alongside the social investment framework in the name of the qualitative improvement of representation that might follow (Lovenduski & Norris, 2003, 87–89). Four main arguments are put forward (Dahlerup, 2006). Firstly, the principle of non-discrimination applies, according to which women are entitled to half of the seats of elected representatives, since they make up half of the population. At the same time, their presence is justified on account of the experience they bring and their specific interests, whether biological or socially constructed. The importance of setting an example is also cited to legitimise measures promoting the representation of women in power, in view of the changing standards and collective and individual projections on the place of women in society as

a whole (Mansbridge, 2005). Lastly, there is the argument for increasing the legitimacy of the democratic system and the fact that sharing democratic speech (voice argument) is a source of confidence (trust argument) in its institutions (Araujo & Garcia, 2006; Williams, 1998).

1.4 The EU's Institutional Framework: From Employment to Decision-Making

Although the sphere of competence of the EC and later the EU is limited to employment, since 1975—designated as International Women's Year—the EC institutions have played a part in legitimising positive action to achieve gender equality in general, and political participation in particular. In November 1976, the Office for Women's Employment was set up within the Directorate-General for Employment. In 1992, it became the Equal Opportunities Unit, a sign that it was open to dealing with matters other than employment. In 1984, a women's rights committee attached to the European Parliament succeeded the ad hoc committee for women's rights set up in 1979 by Yvette Roudy, then a member of the European Parliament (MEP). Despite a relative erosion of interest in positive action in the first half of the 1990s, the Commission's third programme on equal opportunities (1991–1995) echoed the work of the Council of Europe by affirming that the active participation of women in the decision-making process could be one of the most effective ways of achieving equal opportunities for men and women and fostering lasting changes in attitudes. The programme was committed to taking measures and notably established a network of experts, "Women in decision-making", coordinated by Sabine de Béthune. Within this network, Françoise Gaspard represented France and Éliane Vogel-Polsky represented Belgium. Along with Agnès Hubert, head of the European Commission's Equal Opportunities Unit, the network's members adopted the central argument developed under the aegis of the Council of Europe that the absence of women in elected assemblies is a sign of democratic deficit.

Thanks to the network, the European Commission's first "Women in Power" summit was held in Athens in November 1992, attended by senior European politicians. This culminated in the adoption of a charter, which clearly stated the need for joint responsibility of both sexes in political decision-making. The charter launched a public debate by affirming that democracy required parity in the representation and administration of nations. It called for national and European women's associations to

pursue their efforts to encourage women to exercise their rights fully as citizens through awareness-raising campaigns, training programmes and other appropriate measures. In 1994, the network published its report *Strategies to promote women's participation in political decision-making*. Its recommendations were included in the Charter of Rome, signed on 18 May 1996 at the conference organised by the European Commission following the Athens summit.

The question of balance in decision-making was a theme of the fourth action programme (1996–2000), although the network of experts was disbanded. Based on this programme, priority was given to gender mainstreaming, an “integrated approach to equality”, rather than previous equality policies, such as specific actions in favour of women. Thus, the Council Recommendation of 2 December 1996 on the balanced participation of women and men in the decision-making process (96/694/EC) recommended that member states “adopt a comprehensive, integrated strategy designed to promote the balanced participation of women and men in the decision-making process, and to develop or introduce to this end the appropriate legislative, regulatory or incentive measures”.

The measures adopted at the national level form part of these EU and international norms, which were an opportunity to legitimise the discussion—particularly in the political arena and in the media—of the underrepresentation of women in politics. The various actors committed to these issues, whether third-sector, institutional, political or academic, were able to draw on EU and international positions and texts. The importance of the European and international framework should not be underestimated, but neither should it be overestimated, given that it has no binding effect. In addition, since 1996 there have been fewer debates and measures put in place to achieve parity at the international level. Moreover, the link between actions at the EU level and those at the national level is not always recognised or highlighted. Nevertheless, the reference to the EU was used in France to legitimise the amendment to the French Constitution in 1999 and the adoption of “parity laws” from 2000 onwards (Bereni, 2015).

We now examine the current challenges that must be faced to ensure that the phrase “parity democracy” is not overused, or even forgotten, but remains a fundamental and core principle of European citizenship.

2 CHALLENGES FOR AN EGALITARIAN DEMOCRACY IN THE TWENTY-FIRST CENTURY

Examining the conditions for true democracy through the prism of parity raises the question: what does the term “parity democracy” actually mean? Specifically, how does the goal of equal power sharing between men and women intersect with the universal enforcement of fundamental rights and the prospect of an egalitarian society? Questioning the exclusion of women from power is thus part of the wider debate on the meaning of democracy, its paradoxes and its limitations. This forces us to consider democracy as a political project linking representative democracy based on pluralism and liberal democracy guaranteeing fundamental rights and political citizenship with civil, social and economic citizenship.

The analysis of the theoretical and practical issues raised by the right to abortion highlights the complexity of the links between these different types of citizenship (Marques-Pereira, 2023). Changes to national laws, such as the legalisation of civil marriage for same-sex couples, are part of a broader context of the emergence of a discourse on both the universality of rights and freedom of choice as a concrete expression of equality (Tremblay et al., 2011). The international discourse in favour of the legalisation of civil marriage for same-sex couples thus points to a transformative interpretation of the law that includes human rights advocacy (Sanders, 1994; Waites, 2009).

In view of the political participation crisis, most visible in the disaffection of citizens with elections and their mistrust of elected representatives, coupled with the rise of populism, Europe has a role to play in reviving the political debate and in the defence and enforcement of fundamental rights.

2.1 Descriptive and Substantive Representation

Debates on the legitimacy of adopting measures, including gender quotas, to increase the number of women in politics, challenge the interrelationship between descriptive, substantive and symbolic representation and the link between corrective and transformative measures (Fraser, 2009). The proportion of women is increasing within the various nation states, as evidenced by the number of women who are MPs or ministers. At the EU level, the growing number of women in positions of responsibility is striking, particularly in the European Parliament. Women made

up only 16% of the Chamber in 1979, compared with 41% of elected representatives during the period 2019–2024 (38.9% after the exit of the United Kingdom). For the first time, parity has been achieved among European Commissioners (2019–2024). The same progress is seen in the most prestigious posts of the EU institutions. The glass ceiling has been shattered, insofar as women hold the presidencies of the European Commission (Ursula von der Leyen), the European Central Bank (Christine Lagarde) and the European Parliament (Roberta Metsola). Yet it is worth examining the links between the increase in the descriptive representation of women at the EU level and the revival of European gender equality policies after decades of obstruction (Irigoiien, 2018). There is no simple answer to this question, since the accession of women to positions of responsibility can also foster discourse and policies that roll back women’s rights, and human rights in general, contrary to liberal democracy. By way of example, we need only look at politicians such as Giorgia Meloni, Italian prime minister and president of the European Conservatives and Reformists Party, or Marine Le Pen, member of the French parliament and former president of the National Rally in France.

Echoing the arguments legitimising the use of gender quotas by the specific contribution that women make to politics, policy and polity, the question arises of whether representing a group in the descriptive sense of *standing for* is sufficient to ensure that “its” interests are represented in the substantive sense of *acting for* (Pitkin, 1967; Voet, 1992). The symbolic one-third threshold is traditionally used, particularly by European and international bodies, to designate the “critical mass” from which a minority acquires the necessary autonomy to influence the organisation’s culture and to forge alliances (Dahlerup, 1988). Research into the implementation of gender quotas has shown that, even below that threshold, women MPs make a specific contribution to public policy, and not just in areas related to “women’s interests” (Waring et al., 2000). The existence of a common interest within the women’s group and its ideological dimension should be examined in more depth. In other words, we should explore the link between the representation of women’s interests and its feminist character.

Although no consensus has been reached, the link between descriptive and substantive representation has been analysed, showing that representatives can factor in the existence of differences and inequalities in their deliberations without espousing them and vice versa (Goodin, 2004). The assertion that the functional representation of women ensures the

representation of their common specific interests and the advent of women-friendly politics (Sapiro, 1981) is undermined by an approach that highlights the need to question the gender codes that are an integral part of the public sphere (Diamond & Hartsock, 1998 [1981]) and individual subjectivity at the intersection of potentially conflicting social positions (sex, class, race, educational background, etc.) (Pringle & Watson, 1998).

Drawing on research into gendered institutions that reveals the importance of the institutional framework in making the link between *standing for* and *acting for* (Lovenduski, 1997), Manda Green analyses the fact that, behind the apparent neutrality, some of the structural aspects of parliamentary institutions influence the room for manoeuvre available to women. These are not overtly discriminatory practices, but often mechanisms or traditions that value characteristics not acquired by women (Ross, 2002) or that inhibit the expression of dissent (Green, 2004, 100).

2.2 *Gendered Approach to the Political Agenda and Essentialist Risk*

We must examine the conditions required so that the increase in the number of women in politics allows a gendered approach to the political debate and agenda. This underlines the importance of resisting the temptation to essentialise differences, particularly gender differences, in political activity both for the justification of compensatory measures (Murray, 2014) and the gender-based division of political work. This essentialist temptation reflects and contributes to women politicians being assigned, or even confined to, limited legitimacy in terms of their sphere of activity and modes of action. The “feminine” (i.e., nurturing) qualities associated with women are applied both to the areas in which they are considered “naturally” competent (family, social life, healthcare, culture, etc.) and to how they are expected to act as politicians (required to listen and support the consensus). As a result, they have to prove themselves on “masculine” subjects, or even risk being discredited if they are considered “non-conformist” in their private or public life. For example, after a video was released in August 2022 showing her dancing at a private party, Sanna Marin, then Finnish prime minister, came under attack and had to agree to a drugs test to prove that she had not taken drugs. Such criticism is gendered, insofar as it questions her ability to hold public office on the basis that how she behaves in her private life is not deemed to be sensible, or indeed virtuous, enough. Following this criticism, she received widespread support denouncing the unjustified

misogynistic attacks on her privacy and her right to a private life. The hashtag #solidaritywithsanna, launched by Finnish women who filmed themselves dancing and partying, thus became the symbol of international solidarity with women discredited in positions of responsibility. In February 2023, two leaders resigned, citing the pressures of the role. New Zealand Prime Minister Jacinda Ardern described feeling exhausted, while Nicola Sturgeon, First Minister of Scotland, was weakened after the adoption of the controversial Gender Recognition Reform Bill, allowing gender reassignment from the age of 16 without medical advice. The scale of cyberviolence and psychological violence is a factor in the distancing, or even exclusion, of women from the public space (Radičević, 2022). The analysis of discourse and practices within the European Parliament also explains the resistance to equality policies linked to sexist behaviour and violence (Berthet, 2023).

An evaluation of the introduction of gender quotas reveals that, apart from a statistical approach to the proportion of women elected, it is crucial to examine how they redistribute not only seats but power (Meier, 2008). The issue is to determine how and to what extent they are a driving force for democracy and equality, particularly in terms of deconstructing gender inequalities (Bauer, 2008). This process underscores the need to examine how this public policy instrument is a lever for democratisation or, on the contrary, a strategy for avoiding it.

We must therefore analyse to what extent the policies put in place to increase the number of women in politics are “critical acts” (Lovensduski, 2001), in the sense of being an event that significantly changes the position of a minority and leads to other changes (Dahlerup, 1988, 26). Representative democracy comes under scrutiny here in the tension between its deliberative dimension (Mouffe, 1999; Phillips, 1995) and the participatory imperative. It is largely a case of examining the coherence between the principle of equality and the implementation of procedures for dealing with pluralism (Young, 1990) by including the gender dimension in the debate on the intersection between forms of discrimination.

To measure the impact of legal developments on the gendered construction of societies in Europe, it is essential to distinguish between policies aimed at erasing disadvantages before reintroducing a policy of indifference to difference, and the policy of recognition, which is concerned not with differences to be eliminated but, on the contrary, with differences to be valued (Policar, 2015, 98). If we want to achieve gender equality rather than the modernisation of gender complementarity, the

justification for equality policies must be taken seriously. Justifying such policies by the benefits offered by diversity has both an ideological and practical impact, insofar as it allows, at best, a shift towards a society that values the inclusion of women only where this is profitable. This does not lead to a deracialised and degendered society, but one in which racism and sexism is benevolent in the sense that they are inclusive. This type of argument allays the fear of non-differentiation and intermingling by a model of coexistence rather than co-construction, which would require a deconstruction of the boundary between the norm and the singular, brothers and “non-brothers” (Sénac, 2016). Identifying who is a “brother” and who is a “non-brother” disrupts a narrative that associates France with an exemplary, even hallowed universalism, when in truth it is problematic. The peculiar barbarity of the term “non-brother” means that categories of individuals are associated with a fundamental negative based on an opinion of what they are, or rather what they cannot be: autonomous citizens. Whether they are singled out by their identification with a sex—women and non-binary people—or skin colour, what non-brothers have in common is that they are excluded from the universal, owing to one or more particular traits being deemed incompatible with the neutrality that supposedly underpins the political community. The term “non-brother” suggests that it is on account of the negation, absence and opposition between active citizen and passive subject, between rationality and emotions, that certain groups of individuals have been excluded from a purportedly neutral universalism and social contract.

Therefore, although specific measures must be taken to prevent the inegalitarian order from surviving, this must be in the name of combating forms of differentiation considered unlawful, and not in recognition of differences and the benefits they bring, to avoid restoring social and political hierarchies.

It would be interesting to commission a report from EIGE to review equality policies on the basis of the “most favoured European woman clause”, the brainchild of French lawyer and MP Gisèle Halimi and an initiative of the non-governmental organisation (NGO) *Choisir la cause des femmes* (“Choose the women’s cause”) in 2005. The underlying principle is to apply harmonised laws to all European women, enabling them to benefit from the most advantageous legislation in existence in EU member states. To ensure that this commitment does not become newspeak and cannot be weaponised by conservatives, an explanation would be needed of how it is possible to determine what is most

favourable to women in different sectors of public policy. In dialogue with *Choisir la cause des femmes*, which carried out a comparative analysis of women's rights in EU member states, this would have to be mapped from an intersectional perspective, extending it to issues related to LGBTQIA + discrimination. The report would have to be drafted in partnership with the European Parliament's Committee on Women's Rights and Gender Equality. Once the report is published, a discussion would have to take place on how it might be transcribed into a guide and/or recommendation by the various EU institutions. By working in partnership with NGO networks, such as the European Women's Lobby, acting as a link between the EU and national levels, the report could then be replicated at the member state level.

3 TOWARDS A REAPPROPRIATION OF PARITY DEMOCRACY AT A TIME OF CONVERGING STRUGGLES

From the early 2010s, echoing the public protests that took place across the Maghreb region and the Middle East (Tunisia, Jordan, Egypt, Yemen, Libya, Bahrain, Morocco, Syria) under the name "Arab Spring", the occupation of public places was seen as a new generation of movements based more on cultural pragmatism and personal experience than on an organisation that would give them a collective identity (Pleyers & Glasius, 2013). These public demonstrations in places symbolising political and/or economic power, appropriating them as spaces for anger (Combes et al., 2016), build consensus around a common cause rather than political affiliation (Source, 2017, 141). A community of anger and resistance in the face of individually suffered but collectively denounced injustices is formed through meetings, discussions and debates in a public place reappropriated as a shared communal space. However, despite the commonalities between street demonstrations, the protest movements are fighting for different causes and use different methods of dissent (Guichoux, 2016), whether to overthrow autocratic regimes, as in Egypt with the occupation of Tahrir Square or in Ukraine with the occupation of Independence Square, or to denounce the oligarchic excesses of democratic regimes, as in Spain with the *Indignados* 15-M, in New York with Occupy Wall Street or in France with *Nuit Debout*.

The freedom of speech and freedom of listening on topics such as gendered violence, sexual violence, police brutality and climate change

through the #MeToo or #Onveutrespirer movements challenge the relationship with democracy at all levels, including the European level, from an intersectional perspective (Krizsan et al., 2012). Indeed, individual experiences of injustice have become a platform for denouncing power relationships and structural inequalities. A growing awareness of the overlap between social and environmental emergencies, accentuated by the pandemic, fosters recognition of the interdependence of sexist, racist and environmental inequalities and how they can be overcome through shared emancipation. The right to petition the European Citizens' Initiative (ECI) and the organisation of citizens' conventions at national and EU levels will help translate these overlapping demands.

The transnational and national resurgence of protest is dismantling the relationship with political divisions and classes. At the same time, a democratic aspiration is emerging that is wary of established forms of mediation and of trade union or partisan affiliation, taking the form of a general protest movement against the ruling classes in the name of the people (Hayat, 2018). The criticism of representative democracy and elites should not be reduced to the negative side of an opposition that is simply *against* injustices and inequalities. Indeed, it promotes a positive side, a *for*, through the reappropriation of legacy collective action and the invention of alternatives to protest (Sénac, 2021). The use of the petition as a means of lodging a collective request compiled from individual initiatives and/or complaints is symptomatic of the process of formulating shared demands based not on an ideological framework, but on lived experience. The politician Jean-Gabriel Contamin stresses the importance of not equating modern-day petitions with “lazy” political participation—associated with “clicktivism” or “slacktivism”—but of seeing them as the embodiment of a “relational rationality” between available forms of collective action and appropriation by actors.

In Europe, one approach might be to consider applying the right to petition and the ECI to the fight against discrimination and for equality by introducing citizens' conventions for gender equality at the national and EU levels, randomly selecting citizens from each country and then grouping them together at the European level. European citizens and experts could be invited to form groups, first by country, and then across national borders, to formulate shared demands. These citizens' conventions for equality could be coordinated by EIGE in association with the European Economic and Social Committee and national Economic, Social and Environmental Councils. The principle of the most favoured

European woman clause could serve as a basis for the discussion in all countries and at the EU level. It would be a question of implementing the fundamental principles of liberal democracy in the interrelationship between representative and participatory democracy (Morel, 2022). These European conventions for equality will supplement the proposals of the Conference of the Future of Europe, criticised by feminists for failing to adopt a gender-sensitive approach from a substantive point of view, despite achieving parity from a descriptive point of view (Kantola & Lombardo, 2022; Olczak, 2022).

In the manifesto for a *Feminism for the 99%* (2019: 57), Cinzia Arruzza, Tithi Bhattacharya and Nancy Fraser, three of the organisers of the International Women’s Strike on 8 March 2017, argued that the separation from neoliberal feminism is a condition of emancipatory feminism, insofar as it is limited to securing equal opportunity domination for women while the planet burns. Faced with a social and environmental emergency, the current challenge for feminists is, they argue, to assert their demands in synergy with anti-capitalist and anti-imperialist rallies by aligning themselves with anti-racists, environmentalists and activists for the rights of workers and migrants (ibid.: 16). In this manifesto, “anti-capitalist” feminism, particularly in the form of the strikes by women activists that paralysed Spain on 8 March 2018, is taken as an example of a movement that can rise to those challenges.

Questioning how Europe, as a political and institutional entity, can help address those challenges, suggests that the shift towards neoliberal feminism is not a foregone conclusion.

Beyond the horizon of parity democracy, we need to focus more broadly on how to implement the principle of equality at the EU and national levels without being trapped by the commodification of equality. As Sophie Jacquot points out in her analysis and as mentioned in the introduction, the EU’s equality policies need to be studied in relation to market power, its methods and its repercussions. The various approaches and actions we have outlined to achieve parity democracy were developed by taking into account an ambivalent legacy. The European legacy is inegalitarian due to the historical exclusion of women from the democratic contract. Yet it is also egalitarian, owing to the role played by Europe—particularly through its body of laws (treaties, directives) and its institutions—in promoting gender equality and parity democracy. In view of the crisis of political participation, most apparent in the disaffection of citizens with elections and their mistrust of elected representatives,

coupled with the rise of populism, Europe has a fundamental role to play in reviving the political debate and in the defence and enforcement of fundamental rights.

The challenge is to ensure coherence between support for the principle of equality and the implementation of procedures for dealing with pluralism by including the gender dimension in the debate on the intersection between forms of discrimination.

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