

*Women, Feminism,
and Femininity in
the 21st Century*

*American and French
Perspectives*

Edited by

BÉATRICE MOUSLI

and

EVE-ALICE

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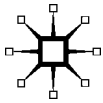


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AMERICAN AND FRENCH PERSPECTIVES

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To Elisenne, Henry, and Milena

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Introduction

BÉATRICE MOUSLI AND
EVE-ALICE ROUSTANG-STOLLER

The essays in this book are the result of a series of lectures held at the Francophone Research and Resource Center at the University of Southern California (USC) in the spring of 2006. The short story is that these lectures happened because we are French women living, working, and raising children in the United States.

The longer story would take us to the benches of the USC campus and its coffee shops where we had never-ending conversations about being French in the United States, being a French employee in an American workplace (and, more specifically, a French professor at an American campus), a French wife to an American husband, and a French mother to American children. As working mothers in the United States, the issues that concern us are by definition those of an American context. Since we moved from France to the United States, our relationship with France has become more theoretical: we don't live there and we make up for it by reading and hearing about it from friends and family. While losing some of our "Frenchness" to become more and more American, it has become a habit for us, anytime we are confronted with a new or perplexing situation, to compare our native country to our adoptive one and to reflect: "So this is how it is for women here, but back there, women do that." To say that we are constantly, consciously and unconsciously, comparing, evaluating policies and cultural traits is to say the least.

We found these comparisons interesting and fruitful not just for understanding our personal and professional lives, but also generally for understanding the way men and women behave toward each other

in the United States and France, and the intellectual, theoretical issues that were thus addressed. So we decided to put some experts to work on these issues. We invited American and French scholars at the USC Francophone Resource Center to discuss some of the following topics: What does the life of a woman look like today in the United States and in France? Since voices demanding more equality between men and women and more opportunities for women were first heard, what's changed? Which milestones have been reached in the professional, private, and political areas? Which areas have realized hopes worded by feminists in the 1960s and 1970s (and even before), and which can still be improved? More generally, in both countries, which part of their lives are women happy about and which would they like to change or improve? And more importantly for us, how can confronting facts about both countries contribute to the reflections taking place in each of them? In doing so, we purposely mixed theory and practice. We wanted a book that presented about current feminist movements and about the actual situations of women as studied by the social sciences, as well as personal reflections on these issues.

Because of the two different, yet related, national traditions addressed in this book, one of the key issues has to do with the involvement of the State: Should the government be involved in regulating relations between men and women and enforcing equality between them? In both countries, to varying degrees, the answer leans toward yes. So, how much and in what ways should the government intervene? Both countries pride themselves on their universal constitution, that is to say, on constitutional texts that do not mention gender, and which do not write gender into the law because the constitution is precisely supposed to be universal. But does it actually succeed in protecting men and women equally? Many feminists believe not. Some of the authors featured here argue that more equality means more acknowledgments of gender differences. But others believe the opposite, that gender must be put aside if more equality is to be reached, and that it is people's personal aspirations that must be taken into account regardless of their gender. Nevertheless, they all argue for more equality and look for various, sometimes differing, ways to achieve this result.

These different points of view are organized in three parts. The first one, "The Battle of the Sexes: From the Bedroom to the Workplace, New Perspectives on Old Issues," deals with issues of family and work with several articles on the United States and others on France. The second, "Parity: A French Interpretation of Affirmative Action," looks at the *parité* (parity) movement in France from both the French and the

American perspective. The last part, "Feminism and Post-Modernism: Looking Toward the Future," addresses issues of feminism in the past and today, as well as sexuality and reproduction from cross-cultural viewpoints.¹

The first part starts with the question of why so many American women should be so envious of the life enjoyed by women in France. Béatrice Mousli's essay answers this question. In France, public policies have favored both women's entrance into the workplace and their opportunities to access quality child care. As a result, France combines a high ratio of female professionals with a relatively (compared to other European countries) high birthrate. In France, the State can certainly be thanked for this situation. One is left hoping that these policies will eventually pay off in the political sphere as well as they have in the professional and private spheres.

The second essay, by Alexandra Migoya, explores, from a different angle, why French women should be the envy of American women. She shows how French women and, more generally, French people are perceived to have a freer sex life. French married women, it is believed, have affairs without jeopardizing their marriage. Migoya turns to history to explain the American perception and demonstrates that, as unsupportive as statistics may be of this opinion, it endures: French women enjoy more freedom in their amorous relationships, and thus have to be happier than American women who, while they engage as much or as little in them as the French, do so with guilt.

But however free French women are, or are supposed to be, they say their situation when it comes to employment is little cause for envy: Jacqueline Laufer explains that there is a strong glass ceiling blocking women's career advancement, despite efforts from the government and from companies. This is true if one looks both at the type of careers chosen by women (they remain in traditionally female fields) and in how well they do (few of them reach the top). To counter this situation, for the past ten years, more and more companies have come up with a number of policies promoting professional equality. But part of the problem is that companies generally design their career management policies with the model of the "ideal worker"² in mind, a man by default. This is to the detriment of women's careers. Companies and management teams must therefore become aware of the prejudices and stereotypes that unconsciously underlie their policies and expectations.

This is also believed by L. Casper and S. Bianchi who, in the fourth essay, look at the evolution of American women's careers and family

time. With J. Pixley's essay they answer the question of what the life of the American woman looks like. Since the 1970s, in the United States, things have greatly improved for women both at work and on the home front. As a result, women born between the early 1950s and late 1960s started working in a labor market very different from the one of their parents: not only is discrimination against women at work now illegal, but also, possibly as a result, professions have become less gender specific, opening many doors for women. Married men can no longer take for granted that *their* career is the only one that counts because it is very possible that their wives will do just as well as them professionally, or even better. At home, they have become more invested in child care and even in the housework. Thus both market (paid) work and housework/child care (unpaid) are less divided along gender lines than they used to be. As a result, the time that both men and women spend with their children (or parents) has increased. One might say that a form of equality has been reached since, if one puts together the total workload, paid and unpaid, men and women work as much. However, in general, men still do more paid work and women more housework and child care. Casper and Bianchi show that the movement towards less gender specialized professional roles seems to have stalled during the past decade. Moreover, in dual-earner couples, spousal income does not predict shares in household tasks: even if the wife has a more successful career than her husband, she is still likely to spend more time than him taking care of their children and home.

Pixley's study of contemporary upstate New York couples corroborates this notion. Examining the balance between the husband's and the wife's careers, she asks whose career gets to advance, whose is discriminated against and why. It turns out that more successful careers for women and greater contribution to the household finances doesn't necessarily mean that the wives' career advancement will be given equal consideration to the husbands'. Women have become professionally and financially more and more equal to men, but the effect this change has had on families has not been proportionate to the change in women's careers. In other words, there might still be a glass ceiling at home.

And what characterizes those less traditional couples who either prioritize their careers equally or favor the wife's career? They are those in which "greater work commitments—and successes—on the part of women do correspond to a higher chance of having an equal or favored career."³ This suggests that if women have better education, they will likely have equal or primary careers since other aspects of the relationship

are already more equal. In developed countries in which equality between spouses has grown and girls and women are going to school and graduating now in higher numbers than boys, there is hope for more equality in the career hierarchy within a couple. In Casper and Bianchi's and Pixley's picture, women and couples have come a long way in term of gender equality within the family, even if there is still room for improvement.

How can such improvements be made? As for recommendations for the future, Casper and Bianchi call for more State and corporate interest and investment in the issue: the stalled revolution cannot be dealt with by individuals alone. There needs to be outside intervention, whether it is individuals putting pressure on corporations or the state imposing rules on them or offering incentives for corporations to offer more flexible work options, or corporations themselves choosing to offer their employees solutions that will make them more productive in the long term. Casper and Bianchi notice that, more and more, a comparison to European countries is invoked in order to show the U.S. delay in labor "family-friendly" policies. The European example is used to describe a world that would be not just fairer to women, but also more pleasant for both men and women. The issue of equality of work (professional and in the home) having been solved, we may dream of a post-equality world where men and women, equal at home and in their professions, work together with the State and private corporations to improve everyone's quality of life, not just women's. Solutions include more flexibility in the work schedule, which would give more freedom and be beneficial to both sexes.

For Pixley, as far as the division between professional and house work goes, women can improve the situation. But whether or not they still do a lot more than their husbands at home, this is not a front on which to fight. Energy should not be spent making husbands perform more household tasks, but, for women, on changing their attitudes toward professional work. It seems that if they become more powerful there, then they will have more power at home and extended chances of balancing career hierarchy within the couple. Pixley's study also points out that a successful woman is one devoted to her career and to having a career; hence, a woman comfortable with assuming a large, or even the larger, part of the breadwinning in the family. If complete equality is to be reached, women as well as men must change their attitudes toward traditional gender roles. In order to make men more like women at home, women will also have to become more like men at work. How many of them desire to do so remains to be seen.

Littleton, who describes the various stages through which sexual harassment laws were accepted, and whose concern is women at work,

would agree that it is men who need to change. She shows that while antidiscrimination laws have been key to allowing women to access equal professional opportunities, these very laws now run the risk of limiting women's freedom because employers now insist that all relations between employees remain strictly professional. Employers, who at first were wary of these laws, understood all the advantages they could derive from them, and have embraced them in possibly an excessive way. In a co-ed workplace, the problem is now to distinguish between mutual relations versus forced ones, instead of banning them all indiscriminately. Littleton believes that regulation should address the latter relations while allowing the former because forbidding all relations is a restriction of freedom. Like Casper and Bianchi, Littleton calls on the law, this time to take up the specific situation of aggressive male behavior.

What comes out of the first part of this book is that progress in gender equality has slowed down or stalled. In order for there to be new progress, the governments of both countries have to make new commitments to gender equality and be proactive in implementing them. Individuals and couples can only do so much on their own. There has to be an atmosphere in which equality is not only materially possible, but also desirable and acceptable by men and women. One is reminded of an important idea formulated by second-wave American Feminists: the personal is political. When it comes to gender equality, there is no separation between private and public spheres because they influence one another.

This idea arguably underlies the parity movement in France. Parity is a concept which refers to equal representation of men and women in political office. It was adopted in France in 1999. France became one of the few countries to codify gender equality in the political sphere in its constitution. Christine Fauré argues that this is justified by France's republican system, whose very birth was an act of excluding women from public representation. The French constitution states France's republican universalism. The French Republic being "one and indivisible," it cannot take into account gender, which divides citizens in two groups. As a result, an unequal sexual order is at the core of French democracy. Hence parity had to go against history.

When the parity law was finally adopted, after many years of debate, Fauré states, it was time to move on from a text written in completely different historical circumstances (the French Revolution) and acknowledge the modern challenge faced by our institutions. In the eighteenth century, a medical discourse had emerged that asserted women's inferiority

and justified their exclusion from the political sphere (the same discourse was used to expel people of color from political representation). Thus the concept of parity “was not aimed at upsetting existing balances by introducing a homeopathic dose of women into the electoral system, but rather at correcting an anachronistic conception of national representation.”²⁴ In the United States, the same type of unfairness was to be corrected thanks to affirmative action.

Réjane Sénac-Slawinski specifies that the challenge for the concept of parity is to articulate differences (gender differences) within equality. This idea is valuable because it denounces the naturalization of gendered power relationships. And this is why it has been so successful: parity has become instrumental in understanding the importance of sexual order as opposed to other orders (natural, social, economic, etc.). We can now ask how the concept of democratic equality takes into account gender differences and revealed that some of these differences, usually gender ones, are illegitimate and amount to gender inequalities. Moreover, parity doesn’t just ask for more political equality, it also questions equality in other spheres: public, professional, and private.

But while the concept of parity was being theoretically so fruitful, what happened was not an acceptance of differences within equality, but equalization through differences, as Sénac-Slawinski demonstrates. The fact that there are far fewer women elected than men has become a topic both of studies and of public policies, but it doesn’t mean that the question of equal legitimacy of both genders to exert power has been solved. In other words, consciously or unconsciously, men are still considered more apt, and better equipped than women to be politicians. Such is their “nature.” Therein lies the difficulty of the concept of parity: It is both a political principle (theoretical aspect) and its legal and electoral translation (practical aspect).

In particular, parity failed to bring women into the French political sphere as men’s equals. They were brought in all right, but because they were supposed to bring something else to politics, such as a concern for “care” issues. Sénac-Slawinski shows that the equality brought about by parity was conditional, for it failed to question women’s relegation to the private sphere, and to upset the gender of power. And indeed, parity was avoided by political parties in several ways, whether men kept the high-power, strategic positions or chose female candidates not according to their experience, but according their ability to resemble the people they were to represent.

The successes and shortcomings of parity are exposed when one considers American feminists' outlook as shown in Amy Mazur's essay. Feminists in the country of affirmative action were certainly most interested in seeing the emergence of the parity movement and eagerly waiting for the law's application. Parity could have been another reason why American women were jealous of French women. Mazur's essay presents the three viewpoints (that of reform-oriented, empirical, and cultural feminism) on parity in order to explore links between French and U.S. feminism, to better understand parity's repercussions for feminists in the United States and to assess what lessons can be drawn from it.

The most positive viewpoint comes from reform-oriented feminism, which holds parity in high opinion because it brought diverse actors and groups together. Moreover, these actors and groups were able to overcome divisions, thus showing that feminists of all types can work together to achieve specific ends. More negative, empirical feminism sees the derisory actual results of the parity law and deplores that it did not translate into concrete reforms. While reform-oriented feminists see parity as an important symbol, what's important for empirical feminists is precisely that the reform is just a symbol with little actual bearings on reality. Finally, cultural feminism holds a completely negative view of parity because it did not concern itself with bringing issues of race and ethnicity into the public discussions of women's political representation. As a result, the strategies of the movement effectively codified and institutionalized a culturally blind approach into French policy that systematically closed out any future treatment of race/ethnic-based discrimination in political representation. In the end, the gender-biased republican model remains unchanged and unchallenged. The great success of the parity movement according to some is also, for others, its main shortcoming: The fact that the movement was able to unify individuals of otherwise diverging opinions, an amazing achievement for reform-oriented feminists, means for cultural feminists that the debate is close in the long run to bringing issues of race within the debate about gender equality.

The parity movement, arguably the most organized feminist movement of the past twenty years in France, while demonstrating that a large and diverse group can achieve a common objective notwithstanding their other disagreements, also reveals, by default, the absence of great feminist causes in France. As if French women were happy enough about gender equality in the private sphere that the only remaining

focus for them would be the public one, or as if they had decided that in order to achieve more progress in the private and the professional spheres, more had to be done in the political one.

With parity's mixed results in France and American families still somewhat stuck in traditional gender roles, how are both countries to renew feminism in the wide sense of the movement promoting equality and opportunities for women? The third part of this book tackles this question. For Roustang-Stoller, French feminists would be well inspired to cast their eyes on the United States. Because many American women (self-described feminists and others) believe that there are so many elements in their lives that need change and improvement, the literary production on the subject is rich. Roustang-Stoller's critical review of these books shows the diversity of their nature and their interests. The genre of creative nonfiction, which does not exist in France to the extent it does in the United States, is one women favor to reflect on of feminine and, more broadly, social concerns. The abundance of nonacademic books about women and families (to put it in very general words) is proof of the dynamism of these topics and of their ability to interest and mobilize not only academics and experts. On the contrary, it seems that French feminism has lately put all its hopes in the hands of the French government and lawmakers. This is important, but what Creative nonfiction by American women suggests is that in order to federate enthusiasm, issues need to involve people personally so that they feel empowered about being able to change or improve things themselves. While Roustang-Stoller's essay points out what many Americans believe to be shortcomings of their government, it is a tribute to the dynamism of American (women's) ability to reflect on specific problems in order to come up with solutions that can be acted on by civil society.

Marcela Iacub's essay is also a tribute to the United States, this time to American judges' inventiveness and ability to take action on new situations created by new technologies. She analyses the legal status of offspring in France showing that to be a mother there, a woman needs to have given birth. The surrogate mother is illegal, and the French family does not "revolve around marriage, but the fertile woman's womb."⁵ As a result, when it comes to having children, many inequalities exist, not just between men and women (and in this case, it is women who are favored), but also between fertile and sterile women, heterosexuals and homosexuals. Describing a couple of concrete cases in which technology made it hard to decide who the "biological" parents were, Iacub

explains how American judges used the poetic role of the law to invent a new way of becoming a parent. In this sense, law can create new definitions and new realities. She calls for a world in which biological relationships would be founded on choices, not on biology. The consequence would be equality between all types of parents and couples. This would also create more equality between biological and adopted children, by suppressing the implicit hierarchy between them.

What Iacub calls for may become reality in the future. For her it is the condition of complete equality between sexes. In the distance of her vision is the artificial womb, which would radically alter gender roles in parenting. Iacub's essay as well as Maniglier's evokes a futuristic world, because according to them, only radical changes will lead to real gender equality.

For Maniglier, this would be realized in the utopia of the postsexopolis. Contrary to Littleton, Maniglier believes that in order to achieve sexual equality and freedom, it is not more, but fewer rules that are needed. Instead of regulating which sexual behaviors and practices are allowed and which are illegal (prostitution, sodomy, etc.), the State should not concern itself with anything sexual, or be involved in any sexual encounters (as long as they are mutually agreed to). The law and institutions should keep out of sex because they are reductive of what the definition of sex is. Maniglier argues that one cannot define what a sexual act is, because there might be as many definitions as individuals giving them. It is, therefore, better to let everyone have their own definitions, and to allow for a plethora of definitions. This is the way to have truly free sexuality. In the postsexopolis, sexuality is simply not an issue; men and women can have sex with whomever, whenever, and wherever they want. For Maniglier as for Iacub, complete freedom (of one's sexual activities, of the nature of one's offsprings) is the condition that leads to complete equality.

This somewhat radical position is not embraced by the essay closing the book. Douglas Kellner and Rhonda Hammer's essay's first virtue is to remind us of the wealth of ideas, positions, and debates within feminisms and among feminists. Thus they pay tribute to feminists, gays, and lesbians, who have had an essential role in raising issues and sparking debates on topics such as sexuality, family life, procreation, and gender and sexual equality. While Hammer and Kellner do not embrace the complete sexual freedom pictured by Maniglier, they remind the reader that such a utopia was made possible by a first-, and then second-wave feminism. Hammer and Kellner refuse, however, to speak of a third-wave feminism, because

they see this movement as a backlash from conservative women and groups, which doesn't deserve the name of feminism. They point out that sexuality is still a terrain of pleasure and danger and question the possibility of Maniglier's utopia: that a place without law regarding sexuality would be a place with many victims and predators. But according to them, traditional gender roles are still too marked to allow for a postsexual city. They believe that, despite all the progress made thanks to feminism, we still live in a macho culture in which male aggressiveness is valued, and which will need tremendous work to tame it.

Of course, Maniglier is not so naïve as to believe that the Postsexopolis is actually possible. But as he invents it, he forces us to question our beliefs about the relationship between sexuality and the law. Do we live in a permissive society or in a repressed one? Maniglier and Iacub, on a different, yet related topic, show that the answer is not as obvious as it seems. Hammer and Kellner call for a de-machoing of our Western culture, and they also point out that Maniglier's postsexopolis may not be the solution to this problem. If sexuality is so intertwined with pleasure and danger, as Hammer and Kellner and common sense suggest, the Postsexopolis is not only impossible, it may not be desirable: Is the Postsexopolis possible without men becoming like women and women becoming like men, without blurring the two genders? Doesn't this utopia imply a desire for an androgynous state? Even if one, like Littleton, Hammer and Kellner, wishes for men to give up what currently defines them as men (simply put, their aggressiveness or machismo), would a sexuality in which men and women are interchangeable be attractive?

The essays in this book show the many challenges that the very notion of equality presents. For the parity movement, equality means a political (and social) revolution. For others, it requires the intervention of the government to impose and of private corporations to invent new ways of creating professional equality. And still for others, equality means a technological and legal revolution that will allow all individuals, regardless of their gender or sexual orientation, to decide whether or not to become parents because individuals should be equal whether they have children or not and regardless of their ability to procreate. It is the purpose of grouping these different points of views to show the complexity of the gender equality issue. Far from fearing they will discourage the reader from tackling this question, the authors of this book hope to move him or her to creative action or thought in order to contribute to making it happen.

Notes

1. Here, we will use Amy Mazur's broad and precise definition of feminism (p. 59). For her it implies three elements:
 1. A certain understanding of women as a group within the context of the social, economic, and cultural diversity of women.
 2. The advancement of women's rights, status, or condition as a group in both the public and private spheres.
 3. The reduction or elimination of gender-based hierarchy or patriarchy that underpins basic inequalities between men and women in the public and private spheres.
2. A term defined by Joan Williams in *Unbending Gender. Why Family and Work Conflict and What to Do About it* (Oxford, New York: Oxford University Press, 2000).
3. See p. 02 of this book.
4. See p. 27 of this book.
5. See p. 192 of this book.

P A R T I

*The Battle of the Sexes:
From the Bedroom to the Workplace,
New Perspectives on Old Issues*

CHAPTER 1

France in 2009: A Glimpse into Women's Lives

BÉATRICE MOUSLI

In the United States, French women have an aura that refuses to go away. They incarnate both sensuality and intelligence; they have a reputation for being experts in the art of living, for knowing how to manage the office and the kitchen, children and friends; they do the impossible, balancing family and professional lives while remaining slim, caring, and sexy.¹ “In the French version, women weren’t expected to forgo high heels and chivalry in exchange for equality. So it’s not surprising here when successful women retain their charms. In the United States, the two can seem mutually exclusive”: Pamela Druckerman (2008) takes up what appears to American journalists as one of France’s many paradoxes.² But beyond this anecdotal, glossy magazine image, what is the position of women in French society today?

Equality between the sexes regularly makes front-page news in France; indeed, at the time of this writing, “Institutions: la parité professionnelle inscrite dans la constitution” (Institutions: Professional Parity Inscribed in the Constitution; AFP 2008) and “Séparer filles et garçons à l’école: ‘cela n’arrangera en rien la cohabitation homme-femme!’” (Separating Girls and Boys in School: “That Will Only Make Matters Worse for Male–Female Cohabitation”; *Le Monde* 2008) are two headlines on the front page of the daily *Le Monde*. A few weeks ago, the same newspaper ran a story on the necessity of increasing the

number of places in day-care centers in and around Paris³ and another commenting on the implementation of the salary equality law.⁴ This tiny and nonrepresentative sampling of what is published each week on these questions in all the newspapers and magazines of the Hexagon is but the reflection of a well-provided program of laws. For thirty years, the country has tried to put into place the tools that, from birth until retirement, will guarantee equality between the sexes, in both the public and private spheres.

School Days

At the 2008 Cannes Film Festival, the Palme d'Or was awarded to *Entre les murs*,⁵ a film that shows the day-to-day life of a middle-school teacher and his class in a working-class Paris neighborhood and poses anew the question of academic equality between the sexes. Some have gone so far as to propose a return to single-sex middle and high schools, studies having shown that the two sexes benefit greatly (academically) from this solution. The worry is not new in France and has for years sparked propositions and even laws intended to promote the equality of chances for girls and boys in the context of the schools. Thus, article 121-1 of the education code insists on the notions of equality and human rights:

Elementary, middle, and high schools and establishments of higher education are responsible for transmitting to students and helping them to acquire knowledge and work methods. They promote diversity and equality between men and women, notably in the matter of orientation. They contribute to an education in civic responsibility and participate in the prevention of delinquency. They assure an education in the knowledge of and respect for human rights as well as an understanding of the concrete situations affecting them. They dispense an education adapted in its contents and its methods to the economic, social, and cultural evolutions of the country and its European and international environment.

In Europe and the countries of the OECD in general, it has been demonstrated that girls succeed better than boys. In France,

In 2005, 82.3 percent of girls obtained a diploma whereas only 75.6 percent of boys did. Girls are 8.8 percent more likely than

boys to be orientated toward the best streams: the general and technological second class.⁶ They pass the *baccalauréat* at a rate of almost 82 percent versus boys at 77.7 percent. 68.4 percent of a generation of girls are today the holders of this diploma, almost 11.5 percent more than the boys of the same generation. (Ministère de l'Education Nationale 2008)

But girls are less audacious in their academic and professional orientations and remain prisoners by and large to the stereotypes of their sex. They are therefore found in greater numbers in the service and social streams than in the scientific ones. They are more likely to transmit knowledge than to seek it, to provide care rather than cures. Girls are also a majority in the literary fields, where they are usually oriented toward teaching. The question posed by the education specialists is the following one: How can girls be brought to overcome the stereotypes and “dare” to study the sciences as early as elementary school? In effect, the French academic structure obliges children very early on to make choices that will condition their future professional orientation and limit their possibilities of ulterior reorientations. In 2006, the government took numerous measures intended to restore equilibrium. On the one hand, a “common foundation”⁷ intended to put all students on the same footing was established by the ministry: “The common foundation of knowledge and competencies instituted by the decree of July 11, 2006, precisely identifies respect for the opposite sex and the rejection of stereotypes among the social and civil competencies that each student must acquire and develop over the course of his mandatory schooling. The establishments are urged to inscribe this preoccupation in their internal rules” (Ministère de l'Education Nationale 2008). In addition to this “foundation,” that same year, eight ministers signed a “Convention pour la promotion de l'égalité des chances entre les filles et les garçons, les femmes et les hommes dans le système éducatif” (Convention to promote equality of opportunities between girls and boys, women and men within the educational system), whose premises are the following:

Girls succeed better than boys on the scholarly level, in terms of the average length of their studies, the average level of their diplomas, and their exam success rates. Despite this, they remain less present in the most prestigious fields and the most promising jobs. In higher education, girls are thus overrepresented in the literary fields, the professional fields of service, the Instituts de formation

des maîtres (IUFM, K-12 teacher training colleges), and the paramedical and social schools. Boys are overrepresented in the scientific and industrial fields, notably in the *Instituts universitaire de technologie* (IUT, technology colleges) and the engineering schools. Thus, it is a matter of allowing girls and boys to escape from all sexed determinism for their orientations so that their aspirations and competencies may prevail.⁸

Until the generations formed in a system governed by these new laws reach working age, let us meanwhile consider how things stand today for women in professional life.

In the Office

The advances in the right of women to work correspond to the periods in which the country was forced to rely upon women in order to produce and to survive: periods of war and economic expansion. It is no coincidence that a number of these rights followed on the heels of World War I or that one of the great victories of World War II was the right to vote accorded to women by General de Gaulle in 1944. On the other hand, when jobs have been scarcer, married women have found it difficult to gain acceptance in the workplace. Thus, in 1919, women were sent back to their homes with a clear mission: to have children. In 1930, they were discouraged from working, the state going so far as to block female candidates from access to certain civil service exams. Women would have to wait until 1982 to gain equal access to the civil service and until 1988 for it to be completely implemented.

Today, we are again in a period of “prosperous times” for women: the retiring baby-boomers must be replaced, and it seems that France has, over the last forty years, put into place a legislative arsenal that attempts to best guarantee professional equality.

First of all, the reform of the matrimonial regime in 1965 has had a decisive influence on the lives of working women. Up till then, the girl and then the wife had no legal capacity: considered a minor, she passed directly from the guardianship of her parents to that of her husband. Now, she can freely control her own assets, practice a profession without the authorization of her husband, and receive unemployment benefits, a right previously refused to her because she had been considered the responsibility of her husband (another way for the state to

demonstrate that this income is only secondary?). With this advance, it became a matter of putting women on equal footing with men.

In 1972, the first law proclaiming equal pay for equal work between men and women was promulgated by the Pompidou government. In 1983, Yvette Roudy proposed a bill, which was passed into law, on professional equality and against sexist discrimination (République française [RF] 1983), and, in 2001, the Génisson law (RF 2001)—named after its initiator, Catherine Génisson—made it a requirement that the situation of men and women in businesses be evaluated each year. Finally, on March 23, 2006, all these efforts culminated in the “law relating to salary equality between women and men” (RF 2006a), which promotes the notion of professional parity. In the Senate file, it is introduced thus:

On the matter of professional parity, the Parliament has adopted only two laws in more than twenty years: the Roudy law in 1983 and the Génisson law in 2001. Today, the demand for parity has become an economic issue, justifying a new bill. Indeed, the job market is beginning to experience strong demographic tensions: beginning in 2006, 100,000 active workers⁹ will retire each year. It is therefore necessary to mobilize supplementary resources in the workforce. Next, the salary gap between men and women is again close to 25 percent because, for the first time since the 1990s, the rhythm of salary catch-up is slowing down. The objective elements justifying this inequality have disappeared now that women are more qualified than men. Once the effects of age, education, profession, and career development have been corrected for, a difference of 15 percent remains. In addition, an elevated female unemployment persists and 82 percent of part-time work is taken by women, often in spite of themselves. More broadly, 78 percent of unskilled jobs are filled by women, in general without any real hope of advancement. This precariousness has profound consequences for their standard of living, especially when they are isolated with children in their charge. Of the 8.4 million active workers who receive a salary inferior to the minimum wage, 80 percent are women. This proportion is greater by about ten points than the one recorded in the early 1990s. (Sénat 2006)

Alongside these reflections on and advances toward equality between the sexes in the working world, many safeguards have been put into

place in order to minimize discrimination and harassment. In late 1992, the law on sexual harassment (RF 1992), which defines it as “the abuse of authority in sexual matters in work relationships,” was passed. This law protects both the employee who is abused and the employee who reports the abuse. The interdiction against the termination of a woman during her pregnancy and the twelve weeks following the birth of her child(ren) dates from 1966 (RF 1966) and was reinforced by the law of March 23, 2006, in which the possible derailment of her career is taken into consideration. From now on, therefore, in regards to salary equality between men and women, there is a guarantee of “salary catch-up” for the benefit of employees, male and female, on maternity, paternity, or adoption leave.

Although the rate of unemployment for women has traditionally been higher, it is today considerably closer to the men’s rate: 8.8 versus 7.8 percent (INSEE 2007). The gap is slightly greater (8.6 versus 7 percent) for twenty-five–forty-nine year olds, the period when women are most put upon by their familial obligations and when it is often difficult to find a balance between their careers and personal lives. By contrast, the gap is minimal in the other age groups under consideration, the younger than twenty-five-year-olds and the older than forty-nine-year-olds. Over time, there is a continuous reduction in the gap between unemployment rates for men and women, but the specificities of the demand for female work remain fairly marked: more women than men take up temporary contract work for a first job or for a return to working activity; the duration of their unemployment is, on average, longer; they are looking more for part-time work and are in more limited occupations (L’Observatoire de l’ANPE 2006).

The question of the reconciliation of professional and family life has been at the heart of the political debate for years, with two major issues at stake: to guarantee the permanence of the female workforce and a sufficient birthrate. Today, 81 percent of women work while at the same time devoting twice the time to domestic tasks and to the care of their children and spouses. Equality in the couple is far from entrenched: only cases where the woman’s salary is clearly superior to the man’s tip the balance somewhat; without these exceptions, the gap is truly significant (Ponthieux and Schreiber 2006).¹⁰ Women are becoming more and more equal to men at work, but domestic equality is far from established, for it involves an element that is difficult to control with laws: that of habit and mindset.

In the Home

As a result of the lengthening of the duration of studies, and of the evolution of female ambitions, the average age at the time of the first marriage is much later than in the past: 29 years for women and 31 for men, whereas between 1972 and 1974 the figures were 22.5 for women and 24.5 for men. And since the late 1960s, women have been aided by the laws legalizing contraception (Neuwirth law, RF 1967), authorizing its reimbursement by the state (RF 1974), and legalizing abortion (Veil law, RF 1975): in authorizing women to exert greater control over their bodies, these laws have put them in better control of their destinies.

As a country without children is the promise of economic death, the French state knew it had to adapt to this new female opportunity. The aim: to restore to couples, and to women in particular, the desire to have children, while at the same time guaranteeing their professional futures. The successive governments have therefore actively pursued policies aimed at increasing the birthrate, policies that have borne fruits. In order to allow a woman who works to have children while maintaining her professional trajectory, it was necessary to reinforce the protection of the mother at work, to extend and vary the different types of leaves possible for the birth of children, and to augment the number of child-care systems.

Maternity leave in France is now sixteen weeks for the first and second children, and then twenty-six weeks for any additional children, and it is compensated at a rate of 90 percent of the salary.¹¹ There are, as a matter of course, special provisions for multiple births, as well as for cases of adoption. In addition, the job of a woman on maternity leave is protected by law: when she returns, she must recover her position and her salary. She or her spouse may also choose to take, following the maternity leave, a parental leave of one year, twice renewable, the limit being the child's third birthday. Here again, the position in the company is guaranteed by law.

When the mother returns to work, her options for child care are multiple and most often the fees are based on the family's income: day-care centers (maternal or parental) and maternal assistants¹² are available until the child is three years old. At three years, the child enters nursery school (where he or she may be welcomed—for public schools—from 8:00 a.m. until 6:00 p.m. four days a week, the hours of instruction typically being from 8:30 a.m. until 4:30 p.m.). An enormous effort

was made by the public services to increase the number of available places in day-care centers and that of maternal assistants, and to adapt financial aid to the needs of the parents, favoring the putting into place of child-care systems in phase with the professional necessities of the parents. Thus were created associations offering child-care solutions for parents on unconventional work schedules (at night, early in the morning, late in the evening),¹³ and the state supports companies and public services that create daycare centers for little ones (Panafieu, Brin, and Machard 2003). These initiatives are supported overwhelmingly by parents, who see numerous advantages in them, not the least of which is the close proximity to their children during the day and the schedules most adapted to the needs of the employees.¹⁴ To summarize and calculate the effort made by the state, France devotes 3 percent of its GDP to family policy, of which €30 billion is in the form of direct aid and €15 billion is in the form of fiscal aid.

The result is striking: on the one hand, in 2007, France had a fertility rate of 2 children per woman, the highest in Europe, the European average being 1.5 with, for comparison sake, 1.4 for Italy and Spain and 1.3 for Germany (knowing that the rate required to assure generation renewal is 2.1), while the rate of working activity for woman between twenty-five and forty-nine years was 83 percent, also the highest rate in Europe.

If via its family policy the French state attempts to facilitate the transition between private space (family life) and public space (professional life), it finds it difficult to involve itself in what happens in the home, and particularly in the intimate and quotidian relationships between men and women. And it is in this domain that there remains a great deal of work to be done.

Conjugality

On July 27, 2003, in the dog days of summer, the French learned upon waking that a dispute between the actress Marie Trintignant and her companion Bertrand Cantat had taken a nasty turn: she was in a coma and he was being interrogated by the Lithuanian authorities. What should have been but one news item among many rapidly became the only thing anyone talked about in the crushing heat. Why? Trintignant was not a leading actress, but her parents were two giants of French cinema, and the man was a popular singer and member of the fashionable group *Noir Désir*. The affair would doubtlessly not have blown up as much as

it did if, in the hours following the announcement of the drama, certain newspapers had not run headlines such as “Dans l’entourage du chanteur, on ne désespère pas de voir triompher la thèse de l’accident” (In the Singer’s Circle, No One Despairs to See the Theory of the Accident Triumph; *La dernière heure* 2003) and if Cantat had not waited until the next morning to call for help. Very quickly, however, the debate moved on from the celebrity to the facts: domestic violence, a dispute that had turned ugly, with ingredients such as alcohol, jealousy, and infinitely reconstituted families and their management. Feminist organizations were the first to react. This slogan found on the website for *Encore Féministe* a feminist group founded by the historian Florence Montreynaud, sums up the state of mind: “Marie Trintignant died yesterday./Let her not have died in vain.” Following this news item, several campaigns sought to raise public awareness of the number and regularity of these violent acts. The figures are extremely alarming: for European women between sixteen and forty-four years of age, brutality in the home is the number one cause of disablement and death (Henrion 2001). Every month, six women die in France, the victims of domestic violence, twenty-five in Germany, eight in Spain, and ten in the United Kingdom. The phenomenon knows no social or cultural limits, as is demonstrated by the example of Cantat/Trintignant. According to a Council of Europe report, “the incidence of domestic violence seems even to increase with the level of income and education.” The report highlights the fact that in the Netherlands “almost half the authors of acts of violence against women are the holders of university degrees” (Keltosova 2002). In France, according to statistics, the aggressors in the majority of cases are men benefiting, by way of their professional functions, from a certain power. Among them figures a very large proportion of management personnel (67 percent) and health professionals (25 percent) as well as police and army officers (Henrion 2001).

These figures contradict the social explanations behind which many take refuge in order to keep at a distance even the idea of this violence and, still worse, the idea of intervening in affairs “that do not concern us.” There still persists a “tradition of social and juridical tolerance for acts of domestic violence exercised by the ‘head of the family’” (Sénac-Slawinski 2005, 88), which hinders the penalization of these crimes considerably. But this is changing, and several laws have been promulgated since the reform of the penal code of 1992, which introduced the notion of aggravating circumstances for crimes committed between spouses or common law spouses and made prison sentences incurred harder.

The law of April 4, 2006, reinforces the prevention and repression of violence within the couple or committed against minors. It raised the legal age of marriage for a woman from fifteen to eighteen (the same as for men) and redefined rape in the context of the conjugal relationship: "Rape and other sexual aggressions are constituted when they are imposed on the victim, no matter the nature of the relationship existing between the aggressor and his victim, even if they are united by the bonds of marriage. In this case, the presumption of the spouse's consent to the sexual act has no value unless proven otherwise" (RF 2006b).

While on the symbolic level there has existed since November 25, 1999, an international day for the elimination of violence against women, marked in France by more and more numerous protests, in 2000, the secretary of state charged with the rights of women launched a "national inquest into violence against women in France," the aim of which was to measure the extent and gravity of the phenomenon. This inquest was followed by a report prepared in March 2006 by the doctor Roland Coutanceau, "Auteurs de violences au sein du couple: prise en charge et prévention" (Authors of Violence in the Couple: Care and Prevention) then by an "evaluation of the economic repercussions of violence in the couple in France" in 2007. In the conclusion to a 2005 article, Réjane Sénac-Slawinski speaks of an "evolution of the 'collective sensibility'" (85), insisting on the fact that the punishment of these acts of violence not only leads to their being better understood but also fundamentally transforms the relationship between the private and public spheres, going so far as to call into question the very notion of gender (*genre*):

Long associated with interpersonal violence tied to the private sphere and therefore not subject to public judgment, the recognition of the political dimension of domestic violence bears witness to the evolution of the boundaries separating the public and the private. These boundaries are not only spatial but also and especially identity-based since they determine what a man should be, what a woman should be, and what the gender of their relationships should be. (96)

The preamble to the Constitution ratified on October 27, 1946, is a reminder that the country still adheres to the principles put into place in 1789:

In the morrow of the victory achieved by the free peoples over the regimes that had sought to enslave and degrade humanity, the

people of France proclaim anew that each human being, without distinction of race, religion or creed, possesses sacred and inalienable rights. They solemnly reaffirm the rights and freedoms of man and the citizen enshrined in the Declaration of Rights of 1789 and the fundamental principles acknowledged in the laws of the Republic.

And among the grand political, social, and economic principles, it proclaims that “The law guarantees women equal rights to those of men in all spheres” (French Fourth Republic 1946). The Constitution of 1958 reaffirms these principles. Equality between men and women has therefore been inscribed in the French Constitution for more than fifty years, but the putting into action of this equality still clashes with numerous obstacles, the principles being linked to the evolution of mindsets. The European Union may be a useful instrument in this struggle for equality, especially if it succeeds in harmonizing the legislations of the countries composing it. And the institution of political parity¹⁵ is a major asset that will eventually manifest itself in a decisive step forward for equality of the sexes.

Much progress has been made in the last fifty years, but more still needs to be done. The experts contributing to this volume make a strong case toward real and total gender equality.

Notes

Translated by Mindy Menjou.

1. The success of a book such as Mireille Guiliano’s *French Women Don’t Get Fat* (2004) attests to this.
2. This question is also addressed in this volume by Alexandra Migoya in chapter two.
3. “Bertrand Delanoë confronted with a social conflict in the daycare centers” (Jérôme 2008).
4. “After ten years, the salary gap between women and men is not narrowing” (Périvier 2008).
5. *Entre les murs* is a 2008 film directed by Laurent Cantet and based on François Bégaudeau’s 2007 book of the same title.
6. The *seconde générale et technologique* (general and technological tenth grade) is the first year of Lycée d’enseignement général et technologique (LEGT, French high school for general and technological education), after which students spend the next two years preparing to sit either for the general or the technological *baccalauréat*, the national school leaving and university entrance exam.
7. The seven points of the common foundation are: (1) the mastery of the French language; (2) the practice of a living foreign language; (3) the principle elements of mathematics and scientific and technological culture; (4) the mastery of frequently used techniques of information and communication; (5) humanist culture; (6) social and civic competencies; and (7) autonomy and the spirit of initiative (Ministère de l’Education Nationale 2007).

8. This convention was signed on June 29, 2006, by the ministers of the following ministries: the Ministry of Employment, Social Cohesion and Housing; the Ministry of National Education, Higher Education and Research; the Ministry of Justice; the Ministry of Transportation, Equipment, Tourism and of the Sea; the Ministry of Agriculture and Fishing; the Ministry of Culture and of Communication; the Department for Social Cohesion and Parity; and the Department for Higher Education and Research.
9. The figure given here by the Sénat is subject to caution. Indeed, in 2006, just on the general retirement plan (*régime général*), there were 710,000 retirements. As the population counts 770,000 people sixty-five years of age, the total number is somewhere between the two.
10. See also Joy Pixley's study on what is happening in this regard in the United States (chapter five), as well as Lynne Casper and Suzanne M. Bianchi's essay (chapter four), both in this book.
11. This level of compensation was instituted in 1970, replacing the 50 percent decreed in 1945. In addition, it is clear in all the texts that maternity leave can in no case be assimilated to sick leave. It was a change that had its beginnings in 1909 when women were given the option of taking a maternity leave without pay but where the work contract would be maintained. Then, in 1928, the government established maternity insurance for all (RF 1928), with payment of 50 percent of the salary during the leave, which was then twelve weeks. The same year, female employees in public functions were given the right to two months of leave at full pay.
12. Certified by the state, day-care centers, and maternal assistants are placed directly under the control of the services of *Protection maternelle et infantile* (PMI, Mother and Child Protection).
13. One such association is the national network GEPETTO (*Garde d'Enfant pour l'Equilibre du Temps professionnel, du Temps familial et son Organisation*, Child Care for Balancing work time and family time and their organization) whose mission is to help parents to "articulate family and professional life, promote equality of chances in employment, and find solutions for looking after our children until the age of 13 by means of formulas that are flexible, qualitative, and accessible to all" (Réseau Gepetto 2006).
14. The oldest examples of this are, of course, the day-care centers in hospitals, the hours of which are adapted to those of their nursing staff, as well as the day-care center of the newspaper *Libération* in Paris, which responds to the needs of journalists working late into the evening.
15. I do not address this question in this essay as it is largely dealt with in the second part of this work.

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CHAPTER 2

Liberté, Egalité . . . Infidélité? Musings on French and American Sexual Behavior

ALEXANDRA MIGOYA

My first encounter with adultery was when I was twenty-one. A thunderous bolt of licentiousness morally electrocuted my family. Nothing was left but a singed home surrounded by a white picket fence. I felt betrayed and an overwhelming moral outrage toward my father, the irreverent Zeus. My second encounter with adultery was with the managing partner of the law firm I went to work for straight out of law school at twenty-five. There, from a comfortable distance, I began to see adultery outside of the painful, personal confines of my own family. I saw it in the outside world and it didn't hurt my feelings or evoke moral outrage of mythic proportions. One evening around Christmas time, I ran into the managing partner of my law firm canoodling with the corporate night secretary at Bloomingdale's. I had a different attitude this second time around; this was not my life and I was not going to judge it: I had no standing in the love life of my boss. I did not condone his actions nor did I give him any support in justifying them. But neither did I judge him. I had learned from my own parents' marriage that no one is sacrosanct, not even fathers or mothers, or, in the case of the night secretary, women five months pregnant by their husbands.

"You know, in France," the partner said to me during a client dinner he invited me to with a museum-famous French sculptor he represented, "my relationship with Allison would be totally un-interesting." The sculptor laughed, "The French have long understood what Americans cannot. Love affairs are a part of life."

We ate and drank and discussed the fineries of the world: art, wine, and extramarital affairs. The French, we agreed, have a culture that embraces the extramarital affair. The French too, being less morally stringent, have higher rates of infidelity than the more puritanical Americans. It seemed a perfectly reasonable conclusion at the time and one I have heard echoed repeatedly. Yet ten years later, I meet this convenient theory with circumspection. Given the fact that infidelity is tolerated, to varying degrees, in every culture and civilization around the world, how can it be said that the French have some kind of masterful hold on it? Adultery is the subject of movies, literature, television shows, music, and poetry all over the world. It cannot be that infidelity is as unique to the French as is a bottle of Bordeaux.

Rob Long of the *National Review* was shocked to discover in a May 2001 study conducted by the *Journal of Sex Research* comparing the sexual habits and attitudes of the United States and France that the two countries were more alike than he had believed: “[I]n the areas of infidelity and total number of sexual partners, let’s be honest, that you’d expect the French to really excel in it—turns out we’re remarkably similar. C’est incroyable!” This French stereotype of moral informality has persisted in American culture. A newspaper article of a few years ago, for example, related how a group of retired men in Texas were discussing the moral decline in the United States. One of them declared: “Before you know it, we’ll be like France” (Rosenthal 1999). It seems we already are like France, at least when it comes to sexual behavior.

Surveys and polls over the last twenty years indicate that while the French do indeed have extramarital affairs, they have not taken the World Cup in this department. American and French infidelity rates track right alongside one another.¹ This fact is stunning to many Americans who are shocked to find that the religious pluralism of the United States and the secularism of France seem to lead to the same moral place, at least when it comes to sex and married life. Thanks to hundreds of years of tourism, obsession with the feminine side of French culture, and the modern media, Americans have delivered consistently misguided stereotypes, which have saturated American popular culture. *Sex and the City* would have missed out on the Carrie and Mr. Big rendezvous had Paris not set the stage. Blair Waldorf of the CW’s *Gossip Girl* would not have been so tempted to escape scandal by running away to France if it wasn’t so, well, tempting to hop on the heliport and reinvent herself in the land of the morally imperfect.

The American media, cognizant of America’s appetite for the seduction of all things French, only furthers the stereotypes of the French as

being sexually free and lacking of morals. The unsexy side of French life is uninteresting to Americans. Headlines such as “French Women Now the Sexual Aggressors” (Samuel 2008) or books such as *Why French Women Don't Get Fat* (Guiliano 2005) enter the media stream regularly. How else are Americans to imagine French women when there is such limited evidence to the contrary—and who in the end would read the contrary since it is far less interesting? So how then did Americans' sexual behavior end up mirroring that of the French? Americans might reconsider their obsession with French culture. After all, American sex would be far less tempting without *lingerie*, a *ménage à trois*, or the occasional *liaison dangereuse*. Is French underwear to American morality as McDonalds is to French culture? Americans and the French have loathed and loved each other for many centuries. Each culture is quick to criticize the social customs of the other but also desirous to sample it. Each country seems far more interested in the scandal and stereotypes than with the banal truth: they are more alike than they seem.

Pamela Druckerman tackled the issue of infidelity around the world in her bestseller *Lust in Translation*. When it came down to the United States and France, she quickly drew the conclusion that what was most different about the two countries' sexual cultures was not the rates of infidelity (statistically, they were right about the same) but rather the way in which infidelity was treated by society. French secularism and talk of cultural pluralism is also evolving, a discourse that goes well beyond headscarves. How each culture reacts to adultery and how each culture handles adultery within society is influenced by factors that are beyond the obvious links to religion and moral judgment. For example, in the United States, Generation X, knee-deep in its child bearing years, is less likely than its parents' generation to have affairs and more likely to be monogamous even outside marriage (Montague and Harlow 2007). This shift has less to do with American conservatism, contrary to what many would believe, and is more a response to the sexual behavior of the prior generation. The emergence of AIDS and the divorce boom gave Generation Xers insecure emotions and more restricted sex lives. There was a backlash against their parents' attitudes and sexual behaviors. Americans getting married and having children today want something different than their parents' generation and are pursuing the ideal of monogamy within marriage. As I calculate my age and my first hard encounter with adultery, I realize that I fall right in the middle of this large statistic. As I watched the ease with which my European father ate a sandwich while I expressed my outrage over his affair, I was stunned that he gave no explanation and, moreover, no

apology. In fact, he seemed stunned that I had expected one. I knew from that moment on that I wanted something else for my own future family.

Sociologists believe that with the perceived threat of AIDS waning in the West and the rise of the Internet, the next generation (Y) has rediscovered the sexual adventure shunned by many Xers.² As a result, there is likely to be a downward tick in marriage, and monogamy may or may not stay the same. What remains to be seen, in cases where Generation Yers choose to pursue marriage, is whether they will pursue it with the same expectations of Americans today and whether infidelity in a marriage will cause the same kind of catastrophic reaction we see in Americans today (Montague and Harlow 2007). How Americans handle adultery is continuously shifting (Druckerman 2007), and American idealism often battles with the realities of adultery. Druckerman's book *Lust in Translation* is filled with anecdotes of American couples who have literally allowed extramarital affairs to control their lives and define who they are not only in their individual relationships five, ten, and twenty years later but also as members of society. An industry of therapy and self-help has even cropped up to deal with the tragedy that is adultery to many Americans (Druckerman 2007). One man's calamity is another man's coping mechanism, or so Druckerman would suggest. She explains a phenomenon she describes as "the marriage-industrial complex." That is, an entire industry of conferences, websites, videos, self-help books, therapy methods, men's groups, church meetings—anything to help Americans through the trauma of adultery. Druckerman relays the story of Julia, whose urban, liberal background does not meet the profile of most marriage-industrial complex supporters, but who has nonetheless managed to absorb the values and even the narrative of the marriage-industrial complex:

Julia went to a spy shop and got equipment to bug her husband's home office. At two every morning, while her kids were asleep upstairs and her husband was asleep on the spare bed in the basement, she snuck into the office and checked his emails and instant messages, then she spent another few hours listening to all the phone conversations he'd had that day... Eventually she hit the mother lode. The file was under the woman's maiden name. She had been drunk during their first sexual encounter and couldn't remember it, so over instant messages Julia's husband recounted the entire episode in details. (109–110)

The level of detail and transparency desired and insisted upon by many spurned American spouses is unmatched in France. A recent article in *Le Monde* holds that Americans have an obsession with transparency and “fidelity at all costs,” a result that comes from the youth of the United States and its social contract (Bruckner 2008).

Although the fact that U.S. society approaches the institution of marriage in a moralistic manner is certainly influenced by religion, it may have more to do with idealism and societal trends than with self-righteousness or an ingrained belief in achieving fidelity at all costs. America’s “social contract” does not bind it to blind religious regulation, but it does promote the well-being of society as a whole. In fact, the U.S. Constitution was constructed in a period of secularism in America, so this particular social contract would not be defined principally by religion:

The U.S. Constitution was by a historical accident not drawn up in 1887 where it would have likely contained provisions acknowledging the strong spirit of religious belief and practice, it was actually drawn up at the high tide of the eighteenth century secularism, which was as yet unpolluted by the fanatical atheism and bloody excess of its culminating storm, the French Revolution . . . in 1787, the new religious impulses, which were to make the nineteenth century into one of the great ages of religious activity and commitment were not yet felt. (Johnson 1997, 205)

The social contract defining the United States prioritized freedom far before fidelity. Alexis de Tocqueville in 1835 described the freedoms young women enjoyed as a result of American democracy. He explained that reason rather than religion controlled the actions of American girls: “[L]ong before an American girl arrives at the age of marriage, her emancipation from maternal control begins” (2003, 728). He described the education of young American women as one that equipped them with reason, enabling them to face the challenges of the social and domestic world, while French women of the time were more protected innocents. American democracy did not breed ignorant women afraid of conjugal love; rather, it raised strong women of character who relied upon their reason and judgment to confront society and control their actions using free will and judgment. Tocqueville stated that “[Americans] do not call in the aid of religion until they have reached the utmost limits of human strength” (730).

Certainly within this American freedom was a social construct guided by religion, and the individual received the burden of behaving morally as dictated by society—valuing the marital home as the foundation of a good Christian society. Tocqueville mentions briefly the downside to this freedom—a more earnest and less whimsical woman who is less inclined to be coquettish. Historically, Americans have long been judgmental of French coquettishness and have linked attitudes and social behaviors of the French to morality, questioning the honor of the French and the perceived mockery the French made of marriage. Thomas Jefferson, arguably America’s first Francophile, studied France carefully and spent many of his days studying all that he thought relevant for constructing an American society back home (Levenstein 2004). He considered French architecture to be among the best in the world; he studied horticulture, manufacturing, political thought, and economic theory, all with the goal of taking what was best and most useful to his work back home. In the evenings, Jefferson enjoyed the French nightlife, attending the opera frequently, going to plays and concerts. Even Jefferson, who had a number of French women friends, was quick to judge what he perceived as the moral inferiority of French women, describing the contrast of French and American women as that of “Amazons and Angels” (5).

During this time, wealthy American women also traveled as tourists to France. Abigail Adams, wife of John, agreed with this contrast. Mrs. Adams was disturbed by the ostentation of Catholicism, the royal courts, and wealth and finery. She was notably unimpressed with what she perceived as a lack of morality in France:

She was shocked by the French disregard for the Sabbath, and was disgusted to see the Bois de Boulogne and other parks full of Sunday pleasure-seekers munching on cakes, drinking wine, and crowding various entertainments. A good Congregationalist, she did not like their ornate Catholic churches and found their rituals depressing. She was most put-off, however, by how the French seemed to flaunt their sexuality. (9)

Even what eventually became France’s most important contribution to the performing arts—classical ballet—was met with shock by Mrs. Adams, as she commented on the dancers, their lack of proper clothing, and the fact that they were jumping on the stage in a less than ladylike fashion. In France at this time, such dancers were not the daughters of the noble class and were excommunicated from the Church. This gave little

comfort to Mrs. Adams, who was particularly repelled by how supposedly respectable women behaved: "She was disgusted at seeing Madame Helvetius, a woman in her late fifties with whom the septuagenarian Benjamin Franklin was trying to physically consummate an affair, kiss Franklin on both cheeks and the forehead upon greeting him" (10).

The complex attitudes and gross perceptions made by the wealthy Protestant American tourists became the social stereotypes that persist to this day; these perceptions were formed by largely male, wealthy Protestants whose contact with France and in particular French women was based upon the political elite and the tourist attractions they frequented together. Such began the quintessential French stereotype, which perhaps for a brief period in the turn of the century did exist. What Abigail Adams found so troubling was the perceived mockery the French made of marriage. Marriage, to Mrs. Adams and her contemporaries, was the foundation of this budding, Protestant-driven American society. However, marriage, to the French, was also a foundation of society and persisted even throughout the most difficult periods in French history. The elite couples who accommodated affairs did so because marriage was in fact the bedrock, more of a societal necessity than a moral declaration.

Americans today continue to judge the French based upon the stereotypes passed down from their founding fathers. Even Mark Twain cast his vote: "There is but one love which a Frenchman places above his country, and that is his love for another man's wife." However, American visitors to France today, like those of the late 1800s, are not so troubled by their moralistic strictures as to ignore the *savoir-vivre* of the French. In 1895, Henry James noted in a letter to a friend that "[t]he people [of Paris] have lost their old taste, of course, and never had much morals to lose; but as far as I can see they are still a long way at the head of the world in all matters connected to the art of living" (Levenstein 1998, 208).

The French art of living has shaped American perceptions of France and its royalty and, more currently, its politicians. Perhaps no greater embodiment of French and American stereotypes can be found than in the public lives of both French and American political leaders. One can become dizzy just naming the politicians, the affairs, the scandals, and the controversies. Franco-American foreign affairs and sex join hands like reticent lovers of different worlds. In the 1940s, when France was liberated from German occupation, the first American GIs to reach Paris were greeted by a tumultuous welcome. What could have been an opportunity for friendly diplomatic ties instead became a severe clash of

culture powered by sex and the flawed stereotypes that had always persisted in both cultures. The night of that welcoming, it is reported that the “Parisians swept the GIs into their arms, dancing, drinking, singing, and often making love with them.” The lovemaking that night was so widespread that a Catholic group hastily ran off pamphlets addressed to Paris’s young women saying, “[i]n the gaiety of the Liberation do not throw away your innocence. Think of your future family.” While the reverberations of the “greatest night” would be felt for years to come, the troops who followed would be disappointed to find that most Frenchwomen were not at all cut from this cloth. From January to November 1945, disgust and resentment toward the American GIs exploded, their lewd and violent behavior only worsened as the French frustration with the GIs matched their own frustrations at not going home (Levenstein 1998). In an effort to ease such tensions the U.S. War Department (now the Department of Defense) published a manual for young GIs abroad, which was filled with well-intentioned advice that explained not only why the French eat revolting cheese and have inadequate plumbing but also why their women were immoral. The pamphlet, *112 Grips about the French*, was published in Paris in 1945 by the “Information & Education Division” of the U.S. Occupation Forces and in many ways memorialized the inadequate understanding of France by the United States. It sought to ease tensions but failed in its attempts to provide a complete understanding of French culture, explaining, for example, that while most French women were Catholic and not immoral the French women the GIs were likely to come in contact with were indeed immoral.

There is not a civilization in the world that does not tolerate adultery to some degree. Whether one society condones or condemns it depends upon societal needs and cultural influences, but what remains the same is that everywhere there is marriage there is also some level of infidelity that is tolerated. Even the Puritans, the scapegoat of modern American moralism, tolerated adultery. The common misperception is that Puritans were squeamish about sex and regularly punished adultery by death. But Puritans in the New World were in survival mode, and their strict religious rules laid the foundation for their survival. They would never have threatened their colony by executing every adulterer. Many of the men recently come from England had not yet brought their families, and conjugal love was a well-established part of the Puritan marital union (Morgan 1942). Marriage was encouraged as young as possible, and both husband and wife were expected to have sex—and not solely for procreation but also as a pleasure of life.

Such pleasure, as with any other in Puritan times, was limited only to the extent that it interfered with religious obligations: "Many of the first settlers had wives in England. Although these men left their wives behind, they brought their sexual appetites with them. Although cases of adultery occurred every year, the death penalty is not known to have been applied more than three times" (596). Thus, "rape, adultery, and fornication [were] regarded as pardonable human weakness, all the more likely to appear in a religious community, where the normal course of sin was stopped by wholesome laws" (602).

Puritans, not unlike the Protestant sects that followed, tolerated adultery as a part of society. They believed that adultery was bad and pursued valuing marriage and mutual respect; however, in matters of sex the "Puritans showed none of the blind zeal or narrow minded bigotry which is too often supposed to be characteristic of them" (Morgan 1942).

What was characteristic of the Puritans was the ardent goal of forming a model society. The Puritan quest for moral perfection is a principle that defines Americans today. The Puritans may not have been as controlled in their actions as they were desirous of achieving a perfect moral state, but their idealism is arguably what most consistently defines American morality. American rates of infidelity show Americans set far higher moral goals than they are capable of delivering; almost all Americans believe that extramarital affairs are morally unacceptable.³ It is not enough that many Americans, in particular women, have an idealistic view on marriage; they also insist upon judging others by the same moral code they strive to achieve. John Gagnon, a professor of sociology at the State University of New York at Stony Brook and one of the authors of the survey conducted by the National Opinion Research Center at the University of Chicago, supports this view. He found that people in the United States almost universally think adultery is wrong even while they are doing it. American's public judgment of adultery makes it more difficult to handle, whereby an individual's feeling of pain and moral failure is ignited when she judges herself and is also judged by others. The devastation becomes more fully realized as a failure of the self is further felt as a failure of part of society.

The French, by contrast, are not compelled to make a private affair a matter relevant for public commentary. Moral outrage is a reaction more appropriate for a spurned spouse than for a person outside the marriage. Infidelity as a tolerated aspect of life is neither embraced nor lauded by the French, but it is accepted, much as it is in other cultures. The French, despite popular belief, are not cavalier about adultery, but neither do their attitudes evoke the moral flame and judgment

produced by many Americans. The majority of French (and American) spouses, in fact, do not cheat. Marriage is therefore valued in both cultures, as is monogamy. It is remarkable to think that brazen stereotypes or the allure of myths and escapism have endured for so long that an entire country's moral repute is affected. The French, without the burden of American idealism, are able to take a more pronounced, realistic view on adultery. It is, after all, a question of attitude. Whether or not you judge, whether or not you are enraged, adultery will constantly evoke heartache and betrayal and devastate marriages. Attitude is everything. American outspoken condemnation of infidelity does not make Americans more moral—their actions persist irrespective of their words.

I am reminded of my second run-in with adultery. Unlike many Americans today, I believe my personal thoughts on adultery are irrelevant to another person's life, work, or play. Whether I judge a colleague or any other non-spousal adulterer, the reality of the adulterous relationship does not change nor is it in any way diminished. Americans perhaps are too close to the core because we project our own views and feelings onto others. Many Americans strive for both individual and societal goals, which are characteristic of the United States and its democratic beginnings. In comparing American and French perspectives on adultery today, I see Americans as being akin to the wounded child, the French as the more distant third party. In some ways, my second run-in with adultery was more individualistic, less personal, more French. I found the ability to stay outside the personal life of others and acknowledge the reality in front of me without inappropriate conclusions or moral judgment.

The United States' history of social idealism and the notion that individual freedoms are closely tied to the good of society as a whole make us vocal critics, swift to judge not only ourselves as individuals but also others as part of society, indelibly linked and held accountable to each individual. Where the United States and France are headed in the way of attitudes on marital monogamy will depend on each society and how they continue to evolve. Some French people suggest that the moral judgment Americans pass is absurd and in fact a dangerous pastime as real world problems of far greater significance threaten U.S. stability and security (Bruckner 2008). But perhaps American idealism is a healthy check—marriage is good for society, after all. Can Americans be moral without being judgmental? It is more possible that not. And can the French maintain their moral valor in the wake of societal changes and the rise of cohabitation versus marriage and survive the changes in

French familial life? Perhaps in all this the French can no more be like Americans than Americans can be like the French. It is a useless game of judgment exercised by both countries. Americans are quick to criticize French morality—to what end? Do Americans actually believe that the French should or could change and take up religious zealotry and absorb a culture of American style democracy and idealism? Where would it take them in any case, as their sexual recklessness is far greater in reputation than in reality? Or do the French imagine that Americans could approach adultery without the moral outrage and in fact accept it for what it is—an affair? Both cultures would do well to look past the media and the stereotypes and take a closer look at the underpinnings of each culture's social stability. Instead of focusing on adultery, the focal point may be best moved to monogamy and to why monogamy is such an important value and goal in marriage and cohabitation both in the United States and in France. As sociologists continue to examine sexual behavior, it will also be important to understand how the different social customs and attitudes of today may affect the sexual behaviors of the future, asking whether behavior dictate attitudes or attitudes dictate behavior and examining, in issues of adultery and morality, whether or not attitude really is everything.

Notes

1. Statistics on the percentage of women who have had extramarital affairs are varied. They range anywhere from 3 to 45 percent for Americans. Sociologist Edward O. Laumann of the University of Chicago believes that the number of American women who have had an extramarital affair is just under 20 percent. The difficulty in obtaining accurate statistics is formidable; women are not as likely as men to admit to an extramarital affair. It is important to note that in statistics comparing French and American extramarital affairs both among men and women what is consistent is the fact that the French and Americans cheat at about the same rate.
2. Their habits are being studied by Paula England, professor of sociology at Stanford University, who is tracking the sex lives of four thousand young people through an Internet survey.
3. A May 2007 Gallup Poll reported that 91.45 percent of American men and women found having an extramarital affair to be morally wrong.

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CHAPTER 3

Women in Management and the Glass Ceiling: The French Situation

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While the sheer number of women entering higher education has brought about a change in women's occupation of senior management and executive positions within firms, it has not eliminated gender inequalities in terms of the accessibility of women to the highest ranks in business and organizational hierarchies. To this extent, it would appear that in France as elsewhere the final chapter of women's achievement of equality has not yet been written (Laufer 2001, 2002).

In the English-speaking world, research on the status of women in the professional sphere has for some time led to an emphasis on the "glass ceiling," which blocked women's ascent to the top of organizations (Kanter 1977). In France, women's and gender studies were initially focused on the situation of the least qualified female workers (manual workers and clerks), and subsequent research on gender developed more into the study of the gender of professional groups¹ than of organizational gender, though the two questions are obviously connected. Rather, it was the debate, and then the law, on "parity" (Mossuz-Lavau 2005)² that brought greater attention in France to the small numbers of women holding positions of power in the political sphere and, more generally, to the difficulties related to "women's access to decision-making" in the worlds of politics, economics, civil service, and trade unions (Colmou 1999; Conseil économique et social 2000, 2007; Gaspard 1997; Laufer and Fouquet 1997; Le Pors and Milewski 2003). Although the horizontal and vertical segregation

that is characteristic of women's experiences in professions and organizations was highlighted, less attention was paid to the organizational processes, particularly within firms, that could account for the "reproduction of rarity" of women at the top of organizational hierarchies, in contrast with those researches on "gender and organization," which developed in the Anglo-Saxon world (Angeloff and Laufer 2007).³ Indeed, in France, most empirical analyses of the obstacles encountered by women within organizations preventing them from reaching positions of power in greater numbers are relatively recent.⁴

In parallel to advances in research on the glass ceiling, the question is raised of what measures should be taken, in organizations in general and business organizations in particular, in order to bring about greater gender equality in positions of power. The scarcity of women with formal power in organizations, and in decision-making positions, is nothing new, but the situation is looking increasingly unjustifiable in Europe, as in the United States, given the growing proportion of women graduates and women managers. The publicly adopted stances of international and European Union organizations (ILO 2005; Commission Européenne DGV 1995)⁵ have moved the debate on the issue forward, together with the development of legislation on gender equality at work and a growing corporate concern for integrating gender equality and diversity policies into business strategic objectives. This development of a "business case" for gender equality and diversity has been largely driven by the realization that the recruitment, hiring, and development of managerial women is increasingly seen as a bottom-line issue related to corporate success (Davidson and Burke 2004; Landrieux-Katorchian 2005; Meda and Wierinck 2005).

This essay reports on the glass ceiling in the French context, presenting (1) some figures illustrating the proportion of women in management and executive teams and (2) some of the principal conclusions of research in France on the topic of the glass ceiling in business organizations, then (3) considering the remedial policies implemented, and finally (4) highlighting some areas for adjustment in the action strategies designed to break the glass ceiling.

The Glass Ceiling in French Firms: Some Figures

In France, women now account for 54 percent of teaching and scientific professionals, 42.3 percent of executives and senior managers in the public sector, 41.2 percent of firms' business administration and

sales executives, and 18.2 percent of engineers and technical executives in business firms (INSEE 2006).

And yet, in 2005, only 17.2 percent of CEOs were women, with variations between different sectors (13.1 percent in industry, 21.2 in commerce, and 20.3 in services) and firm sizes (18.9 percent for firms with less than 10 employees, 15.1 for firms with between 10 and 249 employees, and 8.6 for firms with 250 or more employees)⁶ (INSEE 2008). In companies belonging to France's CAC 40 stock index, 7.6 percent of CEOs, 8.5 percent of members on the board of directors, and 6 percent of executive committee members are women (CapitalCom 2008). According to a recent study by the European Professional Women's Network (2008), women occupy only 9.7 percent (8.5 percent in 2006) of the seats on the boards of directors of Europe's three hundred largest companies. France lies in twelfth place, with only 7.6 percent of directors being women (from 6.5 percent in 2004).

In addition to this vertical segregation, horizontal segregation is also observed. Women are concentrated in a much smaller number of occupational families: health, education, and social services (INSEE 2004). A study of the Eurolist⁷ firms found that women general managers were distributed in the various sectors as follows: 12.3 percent in services, 11.1 in technology, 16 in health, 3.7 in industry, 4.3 in consumer goods, and 9 in real estate. Further, women in executive positions are more often found in administrative communication and human resources functions⁸ (Laufer and Fouquet 1997). In contrast, they remain underrepresented in operational functions and management of large teams. All these statistics are reflected in the significant differences in compensation for men and women in the upper echelons of business: female CEOs earn an average of one-third less than their male counterparts, and the difference in earnings remains at the level of 20 percent even when sector, firm size, legal structure, and age of the manager are comparable (Brouillet 2004).

Explanatory Factors for the Existence of the Glass Ceiling

There are several root causes for the glass ceiling. The complexity of the issue relates not only to the cross-disciplinary approach required for its interpretation but also to the fact that it involves several levels of analysis: society, organizations (firms, civil service, universities, unions, etc.), and the strategies of the actors themselves, both male and female (Belghiti-Mahut 2004; Guillaume and Pochic 2007; Laufer 2003).

At the level of society, the issue of women's access to official power has always been problematic in societies marked by male domination, gender divisions of labor, and the hierarchy between the male and the female (Laufer 2005; Wajcman 2003). In France, in particular, several authors (EPHESIA 1995)⁹ have documented that women were long kept out of and considered non-legitimate in the spheres of political power, as well as in firms (Laufer 1982). It is therefore impossible to separate the assessment of the way power is wielded in society and organizations from the gender-determined aspects of power, though in French sociology of organizations gender is all too rarely taken into account, not to say neglected, in analyses of power relations (Angeloff and Laufer 2007).

It is also well-known that, while girls' educational success has been decisive for gender equality, in many countries, the educational choices of girls and boys are marked by a traditional representation of male and female roles, particularly traditionally male representations of technical disciplines. This process is all the more important in France, where formal qualifications and diplomas are determinants for career development.¹⁰

Finally, analysis of the glass ceiling must take into consideration the influence of the stereotypical representation of social roles, which still subject women at any level of responsibility to an unequal division of household and family work. In France since the 1970s and then under the influence of the European Union, family policies have seen a range of measures designed to help women combine work and family responsibility more satisfactorily (Laufer 1998). Despite this, women executives are faced with more tensions between work and family roles than their spouses or partners¹¹ and with working in environments that are not very conducive to the restoration of the work-family gender balance, particularly in the rules and practices associated with long working hours, which put women executives at a serious disadvantage (Conseil économique et social 2006–2007).

Although companies are meritocracies where increasingly highly trained women are entering highly skilled jobs in ever greater numbers, they are also places where power relationships are structured, and informal—and often inegalitarian—processes determine access to positions of power. They can therefore be seen as strategic places for the observation of both the advances and the limits of women's access to formal power. The role of organizational cultures and norms and career development policies in constructing gender inequalities¹² can be highlighted (Guillaume and Pochic 2007; Laufer 2005; Laufer and

Fouquet 2001). Organizational rules and career development policies that claim to be neutral are in fact “male” rules, historically based on masculine models—for example, the male model of self-investment in work or long working hours—and consequently detrimental to women in practice, contributing to the ongoing scarcity of women in positions at the top of organizations. These “neutral,” “impersonal” rules, which define the requirements for hiring, promotion, and appointment to top positions, such as age, seniority, or “merit,” do not have the same significance for men and women and may in practice be discriminatory against women who do not “match” the model (Laufer and Fouquet 2001; Pigeyre 2001).

For a long time, women executives had “women’s careers” in more routine jobs or administrative positions, or as expert advisors; these positions, peripheral to decision-making and power, were supposedly better suited to the constraints and aspirations of women, while men were expected to occupy more mobile positions with more decision-making power and more access to genuine management positions (Laufer 1982). Career management policies partly remain “generators of difference,” as women continue to work more frequently in specialized and expertise functions such as communication or human resources. The status of these positions is ambiguous compared to more operational, hierarchical management jobs that are mostly occupied by men.

The fact that women are reaching higher education in increasing numbers now justifies the integration of new female graduates into career development policies similar to those aimed at men. The shifting gender balance in education is also changing the attitudes and expectations of women graduates, who now aspire more to leadership positions.

Career development policies are thus becoming more “gender-neutral” and more likely to foster equal opportunities for men and women by providing more objective bases for decisions on compensation and promotion. However, the principle of gender-neutrality in career management at the initial stage is not sufficient to eliminate the influence of male organizational norms, which continue to lead to the scarcity of women in the upper echelons of organizations (Laufer and Fouquet 2001).

Analysis of the causes of the glass ceiling thus raise the questions of women’s career profiles, the necessary alternation between functional and operational positions in order to move up through the hierarchy, and also the development of team leadership capacities.¹³ Practices in respect to mobility and promotion are also central. There is also the

question of the pace of career advancement and of the “total availability” model, which do not have the same impact on men and women, as well as the role networks and mentors play in career development. Finally, another factor to consider is the way in which women executives’ attitudes and behaviors develop in response to these organizational environments, and the diversity of those responses, taking into consideration the trade-offs women have to make in connection with the gender division of labor at home. The situation of dual-career couples, conjugal negotiations and men’s and women’s strategies to balance family and work clearly appear to be essential factors in this context.

Corporate Policies in Response to the Glass Ceiling

The measures taken by firms to support women’s careers and access to top executive jobs are part of the overall policies for equality and diversity in the workplace now being elaborated in an increasing number of French firms, particularly in large firms (Laufer 2008).

The French laws on gender equality in the workplace, enacted on July 13, 1983, and on May 9, 2001, place a threefold obligation on businesses:

1. They must implement equal treatment between men and women, and take the necessary steps to eliminate direct and indirect discrimination against women.
2. They must carry out a diagnosis of the comparative employment situation of women and men (based on a comparative report required by the 1983 law) in order to better identify professional inequalities.
3. They must open up negotiation with the social partners and eventually set up measures to implement equality in the workplace in order to rectify the observed inequalities. Such negotiation was optional in the 1983 law but became mandatory under the 2001 law.

Firms are thus being required to take action to correct their possibly discriminatory human resource management practices, and have to display their ability to implement corrective action for equality in the workplace (Laufer 2008).¹⁴

The measures set forth in company agreements negotiated in application of the 1983 law mainly concerned training for low-skilled female workers and clerks (Laufer 1992). The new agreements negotiated

under the 2001 law concern all human resource management policies: hiring, career opportunities, training, compensation, and work-life balance; they also place greater emphasis on the question of career development and access for women to top positions (Laufer and Silvera 2005, 2006).

The introduction of qualitative and quantitative diagnostics for a better analysis of inequalities, better understanding of the impact of existing human resource policies, measures to “neutralize” the effect of maternity leave¹⁵ on both promotion and compensation,¹⁶ raising management awareness of stereotypes, and setting up career development policies with special emphasis on women and actions to “help female candidates overcome any personal blocks” are all initiatives that are likely to raise general awareness of the glass ceiling among all actors in the firm¹⁷ (Laufer 2008).

Similarly, the “diversity” policies set up by several international and French firms, which focus particularly on the question of women’s place in management, include several measures designed to better assess merits and skills, raise management consciousness of stereotypes and discriminations, review the age criteria in management of “high-potential” executives that put women at a disadvantage, review the criteria for identifying “potential” and “merit,” which in practice are often coded in male terms, consider the impact of mobility policies and possibly question them if they are detrimental to women, and develop action and services intended not only for mothers but for both parents, deliberately encompassing men, with a view to enhancing “work-life balance” (ANVIE 2002; Bender 2004).

The Glass Ceiling in Firms: What Next?

Although accurate measurement of the impact of the corporate measures taken toward removing the glass ceiling is difficult, since they are not systematically assessed, significant developments are visible in the consideration given by all actors to addressing the question; however, the limitations of the policies adopted can also be observed.

First, the development of a large number of agreements on equality in the workplace¹⁸ and the number of firms having initiated diversity policies indicate that a greater number of firms now want to develop commitments to professional equality and to gender diversity. Several of them also support initiatives (prizes, raising young women’s awareness of scientific careers, forums, support for existing networks, help

for women with low qualifications, programs to keep girls in school in developing countries, etc.) or release statements on their own in-house initiatives. However, there may be some legitimate concern that some firms are better at making declarations of intent than actually taking action.¹⁹

Another well-known phenomenon is the development of a large number of intra-firm and inter-firm women's networks, reflecting female executives' determination to break out of the "era of invisibility" that characterized the past. Although some concerns have been voiced over the development of women-only networks, the initiatives, debates, studies, and reports produced by these networks are now a force to be reckoned with.

Finally, analysis of corporate policies dealing with the glass ceiling leads to debate over the strategies that should be deployed. There is a general consensus that it is necessary to apply an equal treatment principle in hiring, training, and promotion, which means that managements must change their attitudes and behaviors, and be made more conscious of the existence of stereotypes. There is also growing awareness of the need to identify and remedy "indirect discrimination"²⁰: that is, the neutral practices that have negative consequences for women, such as career development policies that are in fact based on male models.

However, setting numerical targets for the promotion of women in top level jobs is not a widely adopted strategy. Such targets are generally considered as imposed "quotas" and are therefore rejected as non-legitimate; even women are not very keen on such measures.²¹ At the same time, many actors argue that this type of "positive action" based on numerical targets may be the only solution able to overcome resistance to a more balanced gender mix in management.²²



In France as in most countries, women executives in private and public companies must overcome a range of obstacles and difficulties in order to reach the highest positions. Both in France and the United States, two apparently contradictory phenomena coexist: women's progress in higher education and qualified professions and their increasingly unbroken career paths; and the continuing inequalities in careers and access to positions of formal power reflected in, among other things, women's minority position in organizational hierarchies. The factors determining access to the upper echelons of organizational power do not appear to be the same as the factors that positively influenced the

rise in the proportion of women in business and among managers. In particular, it is no longer enough simply to reward objective criteria of merit such as those conferred by the same qualifications that have brought more women into the workplace (Powell 1999).

In the case of France, several directions could be taken in making more decisive progress toward breaking the glass ceiling. The increase of female students in the top engineering schools (where only 22 percent of students are girls), the development of (more) proactive policies within firms to increase the share of women executives on the basis of numerical targets, the development of family friendly policies for all to answer fathers' expectations and to change organizational cultures in this respect, and the development of child-care structures for very young children are among the changes that are necessary.

Notes

Translated by Ann Gallon.

1. See, e.g., Le Feuvre (1999), Lapeyre (2006), Marry (2004), Cacouault-Bitaud (2001), and Boigeol (2003).
2. See part two of this book.
3. Also "Women bosses," either the founders of or heirs to their businesses, have formed a category of working women that has long been overlooked in women's and business history. This is particularly true in France, whereas in the United States women in the business field of research have gained scientific legitimacy in the last twenty years. See *Travail, genre et société*, 13, 2005, dossier *Les patronnes*, coordinated by Laura Lee Downs and Jacqueline Laufer.
4. See Laufer (1982, 2005), Laufer and Fouquet (1997), Pigeyre (2001), Fortino (2002), Belghiti-Mahut (2004), Guillaume and Pochic (2007), Landrieux-Katorchian (2004), Bertin-Mourout, Laval, and Bauer (2005), and Dambrin and Lambert (2008).
5. The "roadmap" to equality between women and men, 2006–2010 (European Commission, March 1, 2006) includes women's participation in politics, senior levels of public administration, and economic decision-making among its stated key actions.
6. The situation is similar in French public administration: although women make up the majority of the workforce in this sector (57 percent), they account for only a small proportion of management and leadership staff. In 2005, 16 percent of the forty-two hundred heads of central administration and in the decentralized departments were women. Slowly but steadily, this percentage is rising. It was 12 percent in 2001 and 14 percent in 2003 (INSEE 2008).
7. The Eurolist is composed of 722 French firms and 118 foreign firms quoted in the Paris stock exchange. The firms of the CAC 40 are included in the Eurolist (Conseil économique et social 2007).
8. A 1997 analysis of the *Camet du Nouvel Economiste* (1996) reporting on the top management teams of France's "5,000 leading companies" showed that women executives were most often to be found in communication and advertising (15 percent—in firms with over five hundred employees, one female executive in four was director of communication), human resources (13 percent), general administration (13 percent), and finance, control, and

accounting (12 percent). Very few women were directors of research (2 percent) or information technology (2 percent), and almost none headed strategy or international affairs (Laufer and Fouquet 2001).

The 136 female CEOs of Eurolist firms (772 French firms and 118 foreign firms listed in Paris) were distributed as follows: 27 percent in general management; 20 percent in communication and marketing, 13 percent in human resources, ten percent in finance, eight percent in legal affairs, five percent in information systems, and five percent in sales (*Conseil économique et social* 2007). Of the 6 percent of female executive committee members in CAC 40 firms, only 14 percent have line managerial responsibilities at the division or regional level (CapitalCom 2008).

9. In particular, see the collected contributions presented in Chapter 8 *Politique, Pouvoir et Domination* (Politics, Power and Domination) EPHESIA, 1995, *La place des femmes*. La Découverte.
10. Of students in French universities, 56.7 percent are women, as are 55 percent of students in *classes préparatoires* (intensive two-year courses preparing candidates for competitive entrance exams to France's most prestigious higher education establishments) majoring in economics; but in the *classes préparatoires* majoring in scientific subjects only 29.5 percent of students are women (Service des Droits des Femmes 2007).
11. Dambrin and Lambert (2008), analyzing the relationship between the glass ceiling and motherhood in France in public accounting firms, stress the contradiction in the French case between a broad social acceptance of women returning to work shortly after childbirth and the lack of child-care structures for mothers with children under three.
12. According to the GEF Accenture survey (2003) of the top three hundred French companies, 93 percent of managers acknowledge that "there are obstacles to women's careers in the world of the enterprise!"
13. The *Cadroscope* report published by the French executive employment association APEC (*Association pour l'emploi des Cadres*) observed that women are less likely than men of the same status to be team managers. It reported that in 2003 twice as many women as men had no one under their orders, and 36 percent of women managers (compared to 29 percent of men) were in charge of only one–four people. However, the proportion of women leading teams of ten or more people rose sharply between 1995 and 2003, from 10 to 18 percent.
14. Equal opportunity and work-life balance in French law:
 - The law of July 13, 1983, on professional equality required firms to review their gender equality situation, and authorizes remedial measures to reduce inequalities.
 - The law of May 9, 2001, introduced the obligation to negotiate over equality in the workplace.
 - The law of March 23, 2006, required firms to negotiate measures to eliminate differences in compensation by the end of 2010, using an indicator-based diagnosis.
 - The law of March 23, 2006, on equal compensation for men and women supported reconciliation of work and parenthood by introducing a mechanism to offset the effect of maternity on employee pay. The law grants employees on maternity or adoption leave pay rises equal to the general rise plus the average individual pay rise awarded during the leave period to employees in the same professional category, or if this is not possible the average of all individual pay rises awarded.
 - The French financial security law of 2006 introduced a new type of parental leave, to be "shorter" (one year) but better compensated, open to working parents after the birth of a third (or subsequent) child. To qualify for this leave, the parent must have worked for at least two years in the five years preceding the birth.
 - The law of December 21, 2001, introduced paternity leave of eleven successive days (eighteen for multiple births), open to fathers (working or unemployed, whether employees or self-employed) in the four months following the birth or adoption of a child.

- Since March 7, 2007, maternity leave has been considered as a total leave period of sixteen weeks to be taken as the mother wishes around the birth, subject to medical approval. However, a period of at least three weeks must be taken before the birth.
15. The GEF Accenture survey reports that 41 percent of women consider that having children is an objective obstacle to career development, and 55 percent believe it is perceived as a handicap by employers (GEF, June 2003).
 16. In addition to the laws on working conditions for pregnant women, many workplace equality agreements set forth measures intended to “neutralize” maternity leave effects on compensation and careers, in order to make treatment of female employees more equitable notwithstanding the fact that they have children, and particularly that they take maternity leave. These measures may take the form of supportive interviews and training for the women concerned when they take, or return from, maternity leave. Another approach is to consider the maternity leave as time effectively worked, and include it when calculating seniority. General pay rise is granted, equal to the average for the employee’s category plus a variable performance-related portion. Other special measures may also address the issue of career advancement and promotion for women on maternity leave (Laufer and Silvera 2005).
 17. The “Label *Egalité professionnelle*” (workplace equality label) introduced in 2004 by the French Ministry of Parity and Gender Equality in the Workplace, awarded to some thirty firms (up to 2007), expresses official recognition of the implementation of a policy for gender equality in the workplace, and also provides an incentive to take action on the glass ceiling issue.
 18. A survey carried out in 2004 by the French Senate’s Delegation for Women’s Rights nevertheless revealed that 72 percent of firms had not yet begun negotiations on the subject (Laufer and Silvera 2005).
 19. A study of corporate communication by CAC 40 firms in 2007 on the subject of equality in the workplace (including the documents available to the public: balance sheet, website, and management report) showed that only a minority of firms give any detailed information on their policy for equality in the workplace, and only four firms stated that they have set up a body dedicated to the question (equality officers or an equality commission). The vast majority of firms simply report the percentage of women in the workforce, and 60 percent compare this indicator with the percentage of women in management. Only 38 percent of firms state the proportion of women hired and in top management, and 25 percent report an indicator of the pay differential between men and women in the group (CapitalCom 2008). Regarding equality and diversity, France’s equality and antidiscrimination authority *Haute Autorité de lutte contre les discriminations et pour la promotion de l’égalité* (HALDE) presented a report on a survey of 173 firms. Three-quarters of respondent firms said they were actively engaged in the promotion of nondiscrimination and diversity, including gender diversity but also ethnic, age, and sexual orientation diversity, according to the November 17, 2001, law that states all the cases of forbidden discrimination in employment. However, only 72 of them had signed specific agreements (e.g., for equality in the workplace between the genders and for the disabled); only 55 had set up concrete implementation measures: appointment of liaison officers, monitoring committees, working parties dedicated to these issues, and so on; 87 firms had carried out quantitative and qualitative diagnoses and run a “neutrality” audit of their human resources policy, particularly for hiring and promotion; 91 had organized consciousness-raising and training campaigns aimed at management executives and heads of human resources, covering the issues of diversity, the legal framework, and stereotypes. Of the firms 80 percent had taken action to limit subjectivity in their procedures for hiring and evaluations for promotion and have begun moves to diversify their sources and methods for hiring (e.g., recruitment through simulation and role play tests, with relatively little use of the anonymous resume traditionally used in France). These firms also sought to revise the career management procedures, and to verify the equality of

- opportunities in access to training. Managers are evaluated on these questions in 47 firms whereas 35 had carried out internal surveys on employee adherence to their policy. Finally, firms are developing many local partnership programs with local authorities and associations and employment intermediaries (Halde, Annual Report, 2006).
20. Indirect discrimination exists when an apparently neutral measure, criterion, or practice affects a greater proportion of either gender, unless this measure, criterion, or practice is appropriate and necessary and can be justified by factors independent of the gender of the people concerned (Lanquetin 2003).
 21. Only one agreement negotiated under the 2001 law states that in respect to access to leadership, target figures will be set for each function and division. Very few firms set targets for hiring or training, or for the proportion of women in management; application of a “proportionality principle” is more common. In other words more firms seek to ensure that the proportion of women promoted is the same as the proportion of men promoted, or that the list of candidates put forward for promotion include equal numbers of men and women (Laufer and Silvera 2006).
 22. In France, since the law of 1983, labor law has allowed “temporary measures taken solely for the benefit of women, intended to establish equal opportunities for men and women, particularly by remedying observed inequalities affecting women’s opportunities.” The ruling of the *Conseil Constitutionnel* of March 16, 2006, on equal access for men and women in applications for posts on labor relations boards or boards of directors (law of March 23, 2006), declared the proposed measures (setting an 80 percent limit on the portion of board members of one gender in five years, and reducing the gaps between numbers of male and female candidates on the lists for election to labor relations boards) contrary to the French Constitution, because these measures place gender above any other criterion of merit and talent. This ruling clearly shows how far removed the French lawmaker’s position is from that of the European Court of Justice and many European countries (on this subject, see Lanquetin 2006).

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CHAPTER 4

The Stalled Revolution: Gender and Time Allocation in the United States

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Families have long faced a “work and family” time allocation: who will earn money to support the family financially and who will provide the caregiving children require and the support that the family earner(s) need? In mid-20th-century America, providing economically for a family largely took place within a two-parent context and macroeconomic conditions were such that (white) men could usually provide sufficient income from their one job alone to support a wife and children. Material aspirations were also lower, following a decade and a half of the lowered consumption during the Great Depression of the 1930s and the war years of the early 1940s. In addition, discrimination against women in the workplace was legal and widespread and hence, opportunities for women outside the home were limited (Casper and Bianchi 2002).

Hence, in the 1950s and early 1960s, many families in the United States had a wife full-time in the home because a husband could secure a steady, reasonably well-remunerated full-time job and the family was content with the standard of living that could be achieved on one income. Before the 1950s, it may have been an “ideal” for many to have a wife full-time in the home but relatively few families were affluent enough to realize this goal in the United States. After the 1950s, a work and family revolution unfolded over the second half of

the 20th century. The mid-20th-century highly gender-differentiated division of labor within families gave way to a more egalitarian ideal (Casper and Bianchi 2002; Sayer, Cohen, and Casper 2004).

As the 1960s unfolded, the conditions that supported the highly gender-specialized division of labor of the 1950s eroded. Women gained opportunities, thanks to Civil Rights protections that became law in the mid-1960s and early 1970s and the renewed Women's Movement of the 1970s. Women (and men) increasingly questioned the desirability of highly specialized gender roles as economic opportunities broadened for women allowing them greater access to good jobs in the labor market. Men and women alike became more accepting of women working for pay and men working in the home as norms supporting the gendered division of labor began to erode.

At the same time, the economic underpinnings of men's market roles that had allowed specialization of men in the world of work also changed. After the oil price shocks of the early 1970s, less-educated men in the United States became less able to secure the type of employment that would support a family on their own income alone. Their job opportunities increasingly lagged those of better skilled, more highly educated men and the restructuring of the economy lowered demand for semi-skilled labor and eroded labor union strength.

Despite the labor force difficulties of unskilled workers, rising affluence continued in the United States—per capita income and family income rose even as men's wages stagnated because women contributed to earnings in a growing number of families (Casper and Bianchi 2002; Sayer, Cohen, and Casper 2004). Hence, demand for consumer goods continued to increase despite labor force difficulties that many less-educated workers faced. Expectations of “minimal standards of living” continued to rise and were substantially higher than at mid-20th century. This created additional pressures for more market work on the part of women to meet families' consumption goals.

In sum, a mix of “push and pull” factors, operating both on women and men, altered the context of family caregiving and breadwinning in families in the United States as in many other countries. The high degree of specialization along gender lines that solved the work/family time allocation problem at mid-twentieth century became less universal, less desirable, and perhaps less attainable as a solution to the need to have sufficient paid work to support a family financially but also sufficient time in the home to cover child-rearing demands and support paid work activity.

One question that increasingly preoccupies work and family researchers is: What was gained and what was lost in the “revolution” in labor force roles of women? Are families better off today with more gender-similar adult roles or was the feminist revolution merely one in which women ended up with more work, less leisure, and greater stress than they encountered at mid-20th century? Although few would advocate a return to the past with its highly discriminatory practices toward women in the workplace, there is increased discussion of the perceived lag in “family-friendly” policies in the United States as compared with European countries and increased concern about stress and other negative health outcomes that may result from conflict between work and family demands (Casper, Bianchi, and King 2005).

In this essay, we take stock of the changes that have occurred in the market and nonmarket activities of U.S. adult women and men in the prime work and family ages, twenty-five–fifty-four. We are motivated by a number of questions:

- How pervasive was the shift of women into the workplace in the United States and do women’s labor force rates continue to rise?
- What compensating shifts in nonmarket work, among women and men, accompanied the increase in market work of women?
- How gender similar in their work and family lives have U.S. women and men become? How did the burdens of work, paid in the market and unpaid in the home, get redistributed over time?
- Did the “gender revolution” increase or decrease total workloads and gender equality in the United States?

We use a mix of data to shed light on these questions. We assess trends in market work with census data and with data from the U.S. monthly employment survey, the Current Population Survey. In addition, we present evidence on both market and nonmarket activities from time use surveys because they are the only vehicle for assessing “total workloads.” They allow us to combine estimates of time spent in paid work with those for unpaid housework and family caregiving.

We begin with an assessment of how market and nonmarket work has changed across birth cohorts in the United States in order to examine the pace and persistence of change. In so doing, one must examine not only market and nonmarket work but also assess trends in marriage, childbearing, and educational attainment—the backdrop for the work and family lives of individuals (see Sayer, Cohen, and Casper [2004]

for a more extensive discussion of these trends). Finally, although we appreciate that work and family pressures exist throughout life, they are especially manifest among those with children. Hence, in later sections of this chapter we shift our focus away from cohorts of men and women to changes over time in the paid and unpaid activities—and total workloads—of those who parent.

Women, Men, and Market Work

Figure 4.1 shows the underlying trend that best captures what we label a “regime change” in market work. In 1950 in the United States, less than 40 percent of women in the age group of twenty-five–fifty-four were in the labor force compared with nearly 100 percent of men of the same ages—a gender gap of more than 60 percentage points. Today in the United States, as men’s participation has dipped somewhat and women’s has risen to 76 percent, only 15 percentage points separate the labor force rates of men and women in the prime work and family ages.



Figure 4.1 Trends in labor force participation of women and men, age twenty-five–fifty-four, 1950–2006 and projected to 2016.

Source: Data for 1950–1990 are from authors’ tabulations of the Current Population Survey. Data for 1996, 2006, and 2016 are from the Bureau of Labor Statistics accessed online at <http://www.bls.gov/emplab05.htm> on June 6, 2008.

Cohort Change

Figure 4.1 shows that the period of greatest change was between 1970 and 1990. After 1990, change in women's labor force rates is much less pronounced. We can think about the 1970–1990 period as one in which a number of birth cohorts aged into adulthood and then proceeded to move through their work and family life course. To aid conceptually in this, table 4.1 provides a schematic in which we present birth cohorts, beginning with people born between 1926 and 1935, labeled “parents of the baby boom,” who made the transition to adulthood after World War II and into the 1950s. These were the individuals who came of age during a period of extreme gender role specialization. When captured in the 1980 census, they were forty-five–fifty-four years of age and nearing the end of their most intense child-rearing and labor force years. By contrast, those we label the “early baby boom” cohort, born 1946–1954, began entering adulthood just as opportunities for women

Table 4.1 Birth cohorts, by period of adult transitions and age in 1980, 1990, and 2000

Birth cohort	Description	Transition to adulthood	Work and family societal context	Age at U.S. census		
				1980	1990	2000
1926–1935	Parents of baby boom	Mid-1940s through mid-1950s	Idealization of separate spheres; sustained economic expansion	45–54	55–64	65–74
1936–1945	World War II	Mid-1950s through mid-1960s	Beginning of questioning of gender specialization; continued economic expansion	35–44	45–54	55–64
1946–1955	Early baby boom	Mid-1960s through mid-1970s	Passage of Civil Rights Act; sexual freedom; economic faultlines appear	25–34	35–44	45–54
1956–1965	Late baby boom	Mid-1970s through mid-1980s	Demise of male breadwinner family; economic restructuring	15–24	25–34	35–44
1966–1975	Generation X	Mid-1980s through mid-1990s	Shared breadwinning and caregiving; fatherhood rights movement; economic turbulence; welfare reform	5–14	15–24	25–34

and men in the labor force changed rather dramatically with the Civil Rights movement, the Women's Movement, and the oil price shocks of the early 1970s. We follow this cohort throughout their work and family years in the 1980, 1990, and 2000 censuses. Finally, by the time of the 2000 census, we get a picture of the lives of those born between 1966 and 1975, labeled "Generation X," who were just moving into the work and family ages of twenty-five–thirty-four.

If we examine full-time, year-round employment rates across cohorts captured in the last three censuses in the United States (1980, 1990, and 2000), as in table 4.2, we see that the early baby boom cohort of women not only had much higher rates of labor force participation at midlife than the cohort that preceded them (43 percent full-time, year-round workers at ages thirty-five–forty-four compared with 32 percent among the World War II birth cohort) but their labor force participation also increased considerably across their work and family years (32 percent

Table 4.2 Percentage of women and men who are full-time, year-round workers by age and birth cohort

<i>Birth cohort</i>	<i>Age</i>		
	<i>25–34</i>	<i>35–44</i>	<i>45–54</i>
<i>Women</i>			
1966–1975 Generation X	44		
1956–1965 Late baby boom	42	46	
1946–1955 Early baby boom	32	43	47
1936–1945 World War II		32	41
1926–1935 Parents of baby boom			31
<i>Men</i>			
1966–1975 Generation X	64		
1956–1965 Late baby boom	65	70	
1946–1955 Early baby boom	66	71	69
1936–1945 World War II		73	70
1926–1935 Parents of baby boom			71
<i>Ratio women/men (per 100)</i>			
1966–1975 Generation X	68		
1956–1965 Late baby boom	64	65	
1946–1955 Early baby boom	49	60	69
1936–1945 World War II		43	59
1926–1935 Parents of baby boom			44

Source: Authors' tabulations of the Integrated Public Use Microdata Series (IPUMS) 1980, 1990, 2000.

were full-time, year-round workers at ages twenty-five–thirty-four and this increased to 47 percent at ages forty-five–fifty-four).

Although these data are arrayed by cohort, they highlight the importance of time period, particularly the much greater change that occurred during the 1980s than the 1990s. Generation X women, who moved into the labor force ages of twenty-five–thirty-four over the 1990s, did not have appreciably higher full-time attachment to the labor force than the cohort that preceded them, the late baby boomers who moved into the twenty-five–thirty-four age range during the 1980s. However, the late baby boom cohort of women, ages twenty-five–thirty-four in 1990, had substantially higher full-time labor force rates than the early baby boom cohort that was twenty-five–thirty-four in 1980.

The 1980s, and the 1970s before them, were periods of much greater change in women's labor force attachment in the United States than were the 1990s. Change affected all cohorts but it was the baby boom women, especially the early baby boom cohort that was situated to be maximally affected by the great social and economic changes of the 1970s and 1980s. They came of age and moved from roughly age twenty to age forty between 1970 and 1990. They entered a labor market radically changed for women—one with legal protections and antidiscrimination laws in place. They were the first cohort to encounter dramatically different circumstances than their mothers. Perhaps it is not surprising that they rewrote the book, so to speak, on gender equality and women's changing work and family lives. Yet, with the view offered by the 2000 census, it looks like the book was largely rewritten in the United States by 1990 when the early baby boomers were thirty-five–forty-four and the late baby boomers were twenty-five–thirty-four. With the baby boom cohorts came the most dramatic narrowing of gender gaps in full-time, year-round attachment to the labor force—where women's rates of attachment went from less than half what men's were to 60–69 percent of men's. But in the last decade, there seems to be a quieting of change—a stall in the gender revolution of market work. Instead of moving to a situation in which men's and women's attachment to the labor force is equally strong, U.S. women seem to be stopping considerably short of this endpoint.

Women, Men, and Nonmarket Work

With time diary data, one can examine a further aspect of gender equality, gender differences in housework. The pattern across cohorts (using data collected through the 1965–1999 period) is shown in

table 4.3. Across time, there is evidence of continued movement toward gender similarity but twenty-five- to thirty-four-year-old Generation X women continue to do twice as much housework, on average, as Generation X men. Interestingly, there is more equality at the older ages of thirty-five–forty-four and forty-five–fifty-four (not yet reached by Gen Xers) when women’s housework hours are 20–40 percent higher than men’s hours. The narrowing of this gap occurs because women reduce housework later in their adulthood as the need for child-generated housework, such as daily laundry and frequent tidying, drops as children age. It also occurs because men increase housework over their life course. Fewer men are married and raising children at ages twenty-five–thirty-four compared with older ages, and those who are married are becoming established in their careers at these ages. Empirical research suggests that some couples integrate

Table 4.3 Average weekly hours of housework by age, sex, and birth cohort

<i>Birth cohort</i>	<i>Age</i>		
	<i>25–34</i>	<i>35–44</i>	<i>45–54</i>
<i>Women</i>			
Generation X	16.9		
Late baby boom	17.3	18.3	
Early baby boom	20.7	20.3	14.9
World War II	30.2	23.2	20.3
Parents of baby boom		31.2	26.1
<i>Men</i>			
Generation X	8.4		
Late baby boom	7.2	13.1	
Early baby boom	4.3	10.3	12.1
World War II	3.7	5.0	10.1
Parents of baby boom		4.5	7.2
<i>Ratio women’s/men’s hours</i>			
Generation X	2.0		
Late baby boom	2.4	1.4	
Early baby boom	4.8	2.0	1.2
World War II	8.1	4.6	2.0
Parents of baby boom		6.9	3.6

Note: Birth cohort ranges are five years later than those shown in table 4.2.

Source: Authors’ tabulations of the 1965, 1975, 1985, and 1999 U.S. Time Use Studies.

work and family responsibilities when their children are young by adopting a more traditional division of labor, but once children enter school, specialization decreases (Becker and Moen 1998).

Women shed housework hours dramatically over the 1965–1985 period. As with full-time employment for women, one gets the sense that early baby boom women were particularly well-situated to be affected by and affect changing gender norms. Early baby boom women did dramatically less housework at young ages than the cohort before them and they shed hours as they aged. Much less change has occurred for women of more recent generations; change for women had stalled by the 1990s. Women may have reached the point where they had shed about as much housework as was feasible.

Men's change seems to lag women's by about a decade. They have been increasing their housework time more recently, with negligible changes between 1965 and 1975 but then a much larger increase between 1975 and 1985, followed by continued increases in the 1990s among those over age thirty-five. Hence, men's biggest change (increase) shows up between the early and late baby boom cohorts at ages twenty-five–thirty-four whereas for women at these ages, the big change (decrease) came between the World War II and the early baby boom cohorts, with much more modest change for the late baby boom and Generation X cohorts. Nonetheless, the picture is definitely one of increased gender equality, first propelled by women's dramatic shedding of housework and later further bolstered by men's assumption of housework tasks.

Family Status and Time Allocation

Change across cohorts in allocation of time to nonmarket tasks and market activities is connected to change in family responsibilities that have shifted dramatically across cohorts. Marriage can make things easier because theoretically there are two people available to do the two types of work that need to be done. However, because of gender role specialization, marriage can increase women's unpaid labor because they have a new husband to care for and it can increase men's paid labor because they have a new wife to provide for. Children require regular care, translating into more unpaid work, and also more paid work, to meet the financial needs of a bigger family. Because of gender role specialization, children tend to increase women's unpaid work and increase men's paid work. Both women and men have been delaying marriage and childbearing in more recent cohorts (Casper and Bianchi 2002).

Table 4.4 shows the results of these changes in family formation behaviors. At ages twenty-five–thirty-four, cohorts have been shifting from the “married with children” category to the “single” categories. Whereas 55 percent of early baby boom women were married mothers at ages twenty-five–thirty-four, a smaller 43 percent of Generation X women are in this status. On the other hand, more Generation X women are single without children (26 percent compared with 18 percent of early baby boom women at the same age) or are single parents (16 percent compared with 12 percent of early baby boom women). The shifts are similar for men, although at ages twenty-five–thirty-four many more men than women are single and not living with children (42 percent) and fewer are married with children (34 percent) and single with children (6 percent). Thus, on average, young Generation X women and men have fewer family responsibilities than preceding cohorts.

However, the gender *gap* in parenting responsibilities has actually increased from the early baby boom to the Generation X cohort. Women were about a third more likely to be parents (married or single) than men in the early baby boom cohort, but this gap increased to 50 percent for the Generation X cohort. The gender gap in parenting increased the most between the early and late baby boom cohorts but it was still increasing between the late baby boom and Generation X cohorts, albeit at a much slower pace. Thus, on balance, if all that mattered were generational shifts in the proportion of young adults with children, we would expect the gender gap between women and men in market and nonmarket work to increase across cohorts.

But, education levels have also changed across cohorts. American women in the Generation X cohort have become more likely than men to be college graduates, as shown in figure 4.2. Improvements in the educational attainment of women and the relative stability in men’s educational attainment across generations means that Generation X women have achieved something no other generation before them has; for the first time, a greater proportion of women (30 percent) than men (25 percent) have college degrees. If anything, this dimension of human capital suggests women should have become “more fit” for full-time, year-round labor force attachment relative to men in the United States. Yet women continue to be less likely to be as involved in market work as men are. The key to this gender difference appears to be children, the continued differential responsibility for their care between men and women.

Table 4.4 Percentage of women and men ages 25–34 in different family statuses, by birth cohort

Birth cohort	Family status			
	Married with children*	Married without children	Single with children*	Single without children
<i>Women</i>				
1966–1975 Generation X	43	15	16	26
1956–1965 Late baby boom	47	15	15	23
1946–1955 Early baby boom	55	14	12	18
<i>Men</i>				
1966–1975 Generation X	34	18	6	42
1956–1965 Late baby boom	39	17	4	41
1946–1955 Early baby boom	49	17	2	32

* Living with at least one child under age 18.

Source: Authors' tabulations of the Integrated Public Use Microdata Series (IPUMS) 1980, 1990, and 2000.

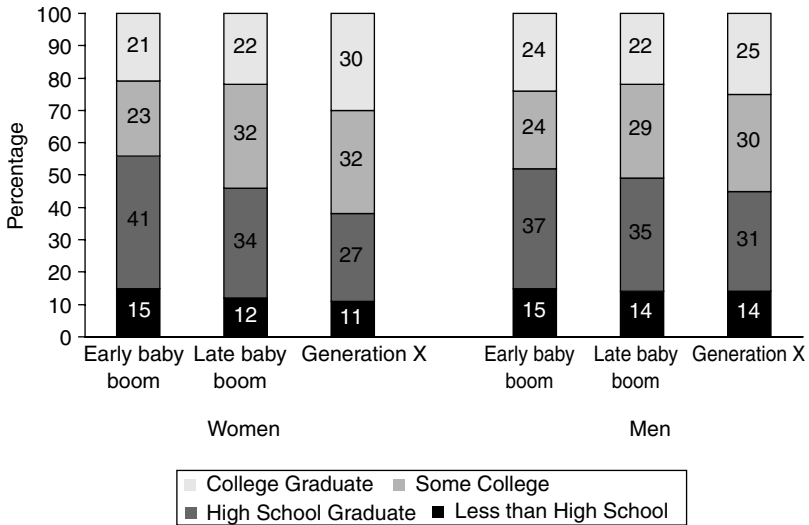


Figure 4.2 Changes in education level for women and men aged twenty-five–twenty-nine, by cohort.

Mothers' and Fathers' Time Allocation

What most curtails the move to gender equality in market work in the United States? First, as we discussed in the previous section, the gender gap in parental responsibilities actually increased across generations; a relatively higher proportion of women than men are living with children than in the past. Second, as shown in table 4.5, women's employment remains much more responsive to children than does men's. Whereas fathers' likelihood of employment in the previous year hovers around 90 percent no matter what the ages of their children or how many are in the home, mother's likelihood of employment drops dramatically from over 70 percent when all children are school age to less than 50 percent when there is a child under age one in the home. (We realize that to some whose countries have generous maternity leave policies, a rate of 46 percent participation for mothers of infants may actually seem high.) However, in the United States, the vast majority of workers do not have access to paid maternity/paternity benefits. In addition, the U.S. Department of Labor estimates that only 47 percent of private sector employees are covered by the Family and Medical Leave Act, allowing for a maximum of twelve weeks of unpaid leave to care for an infant or to adopt a child.

Clearly the fact that women curtail employment to rear children means that adult time allocation remains gender specialized once children enter

Table 4.5 Percentage of mothers and fathers, ages 25–54, with any week worked in 1999 by presence and age of children

	<i>Mothers</i>	<i>Fathers</i>
<i>Ages of children</i>		
All over age 6	73	89
At least one under age 6	58	91
At least one under age 4	56	91
At least one under age 1	46	91
<i>Number of children</i>		
One	72	89
Two	68	91
Three	60	90
Four+	47	86

Source: Authors' tabulations of the March 2000 Current Population Survey.

the picture. However, as we document in the next section, father involvement with children is changing over time in the United States.

Time with Children

One of the biggest questions about the increase in maternal employment outside the home is what happens to parental time and supervision of children as more hours are committed to market work. Time diary data allow for three measures of mother's and father's participation in child-rearing activities¹: the time parents spend primarily engaged in a direct child-care activity, the time they spend either directly focusing on child care or doing a child-care activity in conjunction with something else, and finally, the overall time they spend with their children whether engaged in child care or not (the most inclusive category).

Table 4.6 shows estimates of married fathers', married mothers', and single mothers' hours per day spent with children and the ratio of married fathers' and single mothers' time with children to that of married mothers in 1975 and 2000. These are the three groups for whom sample sizes are sufficient to show estimates. There are too few single fathers in the data to estimate their time with children and the time of nonresident parents, most of whom are fathers, are not captured in the

Table 4.6 Change in parents' weekly hours of child care and time with children

	<i>Ratio to married mothers' hours</i>			
	<i>1975</i>	<i>2000</i>	<i>1975</i>	<i>2000</i>
<i>Primary child-care activities</i>				
Married fathers	2.7	6.5	0.31	0.51
Married mothers	8.8	12.9	1.00	1.00
Single mothers	8.0	11.8	0.91	0.92
<i>Primary or secondary activities</i>				
Married fathers	4.8	8.6	0.35	0.46
Married mothers	13.9	18.9	1.00	1.00
Single mothers	13.4	16.7	0.96	0.88
<i>Any time with children</i>				
Married fathers	21	33	0.45	0.55
Married mothers	47	51	1.00	1.00
Single mothers	50	44	1.06	0.86

Source: Authors' tabulations of the 1975 and 2000 U.S. Time Use Studies.

diaries. With these caveats in mind, trends for the three groups suggest an increase in time parents spend in child-care activities and an increase in time with children among married parents.

Married fathers significantly increased the time they spent in child-care activities, either as a primary activity or as a secondary activity while doing something else. In 1975, married fathers averaged 2.7 hours per week in child care (4.8 when primary and secondary time is combined) and this more than doubled to 6.5 hours per week in 2000 (8.6 hours when primary and secondary time is combined). In 1975, fathers did 30–35 percent as much child care as married mothers. This increased to about half as much child-care time as married mothers in 2000. In terms of estimates of any time spent with children, married fathers significantly increased their time with children from an average of 21 to 28 hours per week, or about 55 percent as many hours as married mothers spent with children. American children's diaries show parallel findings of increased father time with children, at least among married fathers, and no substantial decline in mothers' time with children, on average (Sandberg and Hofferth 2001). One caveat is that some of this time with children is "double-counted" in that both mother and father can be present. Fathers remain much more likely to have their spouse present when with their children whereas mothers spend more "solo" time with children.

Although employed mothers spend less time with their children than nonemployed mothers, the differences may be minimized because working mothers curtail employment when children are young, try to synchronize employment hours with children's school schedules, "tag-team" work hours with a spouse so as to maximize parental availability to children, and curtail time spent in other activities such as housework outside of child care, volunteer work, personal care, and free-time pursuits (Bianchi 2000). The data in table 4.6 suggest that despite the increase in maternal employment, married and single mothers spent more hours in child care (either as a primary activity or combined with another activity) in 2000 than in 1975. Single mothers averaged about 90 percent the primary child-care time of married mothers. Total time with children also increased slightly for married mothers but decreased for single mothers. In 1975, single mothers actually spent slightly more hours per week with their children than married mothers whereas their hours with their children declined to about 86 percent those of married mothers by 2000. This suggests that trends in parental time have not been as salutary for children with single mothers as for those who live with two parents, both of whom are increasingly devoting more hours

to child care. Inequality between children in one- and two-parent situations may be rising, in part because of changes made in U.S. welfare policies requiring single mothers to work (Casper and Bianchi 2002).

With respect to fathers, one large gap in knowledge is the involvement of nonresidential fathers in their children's lives. There is evidence that stepfathers spend less time with children than biological fathers. "Fathers" who cohabit with a partner and her children spend more time with those children than stepfathers, on average, but still less than biological fathers (Hofferth et al. 2002).

A shift in the way U.S. mothers and fathers spend time with their children is a trend toward multitasking. Bianchi, Robinson, and Milkie (2006) report that in 1975, child care was the sole activity about 49 percent of the time a child-care activity was reported by married mothers whereas only 27 percent of mother's child-care time in 2000 is focused solely on providing care to her children. Similar trends characterize married men's child-care time—37 percent reported child care as their sole activity in 1975 compared with only 24 percent in 2000. Only a small proportion of this decrease for women and men is attributed doing nonmarket work while also caring for children, most is in having children with them while they engage in "free time" (Bianchi, Robinson, and Milkie 2006). This trend may raise questions about the quality of time spent with children, given that parents increasingly have other things on their mind during the time they devote to child care. It also raises questions about how "refreshing" leisure activities are for parents who spend more of it dealing with the demands of young children.

Subjective Feelings about Time with Children

Despite increases in actual time with children, U.S. parents express strong feelings that they do not spend enough time with their children. Figure 4.3 illustrates American parents' subjective feelings about their time with family members. Evidence of a "felt" time crunch is apparent given the large proportion of mothers and fathers reporting that they have too little time with their children and spouse and not enough time for themselves. Not surprisingly, more mothers than fathers report they have less than the ideal amount of time for themselves and their spouses. However, fathers more than mothers report they would like more time with their children. This gender difference is explained by the fact that mothers spend more time with their children whereas longer work hours limit fathers' time with children. Indeed, these

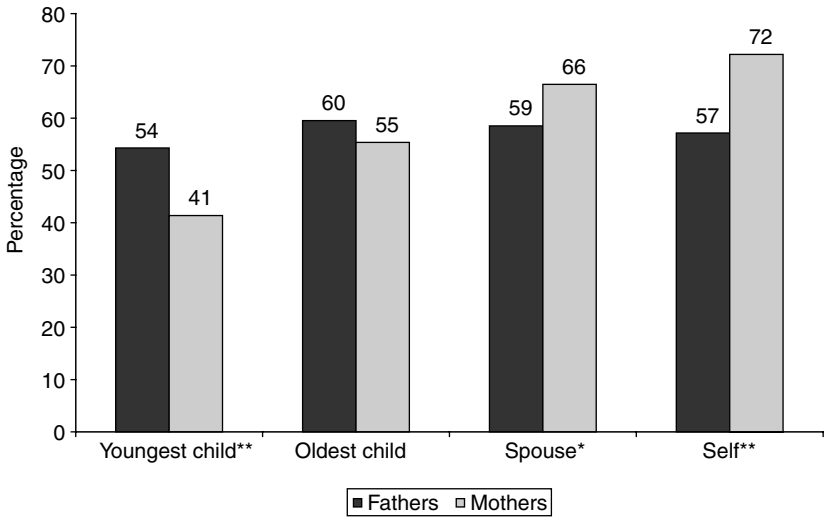


Figure 4.3 Percentage of parents reporting “too little” time with youngest child, oldest child, spouse, and for self (1999–2000).

* Gender difference is significant ($p < 0.05$); ** ($p < 0.01$).

Source: Authors’ tabulations of the 1999 U.S. Time Use Studies.

subjective perceptions are highly correlated with parental work hours (Nomaguchi, Milkie, and Bianchi 2005). But they may also signify the changing ideals of fatherhood. Today, familial expectations of fathers are changing. More and more men and women want fathers to be equally involved in child care yet the division of labor is typically such that mothers shoulder a disproportionate amount of the day-to-day child-care responsibilities (Milkie et al. 2004)

Another indicator of the heightened sense of time pressure among adults in the United States today is captured by a question on the frequency of feeling rushed, asked in 1975 and repeated in a 1998 time diary collection, funded by the National Science Foundation. Mattingly and Sayer (2006) report that in 1998, 39 percent of women reported always feeling rushed, a significant increase over the 29 percent who felt this way in 1975. The comparable percentages for men were 31 percent in 1998, up (though not significantly) from 26 percent in 1975. In both years, the vast majority of Americans reported either sometimes or always feeling rushed but the proportion of men and women reporting that they never felt rushed was cut nearly in

half between the two years (from 18 to 10 percent). The decline in those who reported never feeling rushed was much greater for women (from 18 to 8 percent), perhaps not surprisingly given that it was women who dramatically increased their rates of paid work during this period but also continued to be more likely than men to combine paid work with substantial amounts of unpaid family work and caregiving.

Total Work Loads and Gender Equality

Work-family stress, feeling rushed, feeling “too little time” for children, spouse, or self reflect the “double burden” of unpaid family caregiving on top of paid work hours, the “second shift” popularized by Arlie Hochschild’s (1989) book of that same title. There is a persistent claim that mothers’ work hours are far longer than fathers’, an argument bolstered by statistics on women’s greater hours of housework (Bianchi et al. 2000). Yet most of the housework studies consider housework in isolation of paid work. Although women do far more child care and housework than men, they do less market work and relatively few studies compare the total workload, paid and unpaid, of men and women. Both unpaid, nonmarket work and paid, market work are necessary to support families.

Table 4.7 presents trends in total work hours per week, including market and nonmarket activities of housework and child care. Total times are shown for all men and women and for those who are parents living with children under age eighteen. For all women, the total workweek in 1998/1999 averaged fifty-nine hours per week. This was up sharply from 1975, up a little from 1965. Men’s average workday in 1998/1999 was about a half-hour shorter per day than women’s, on average at fifty-six hours per week (we divide by seven days per week to get the average workday figure).

At all points in time, women did more nonmarket work whereas men did more market work but women’s to men’s ratio of market work increased from only 30 percent of men’s, on average, in 1965 to 80 percent of men’s in 1998/1999. Women’s nonmarket time was more than three-and-one-half times that of men in 1965 but decreased to about one-and-half times that of men by the end of the 1990s. If we restrict the universe, mothers and fathers work about an additional hour per day compared with all women and men. When all work is considered, paid and unpaid, the ratio of women’s to men’s workloads is near unity

Table 4.7 Hours per week of work (market and nonmarket/paid and unpaid)

	<i>Total adults</i>					<i>Parents</i>					
	1965	1975	1985	1995	1998/ 1999	1965	1975	1985	1995	1998/ 1999	2000
<i>Market work</i>											
Women/mothers	15	19	20	24	30	9	16	21	25	25	25
Men/fathers	46	40	33	33	38	46	45	39	38	40	42
Ratio (women/ men)	0.3	0.5	0.6	0.7	0.8	0.2	0.4	0.5	0.7	0.6	0.6
<i>Nonmarket work</i>											
Women/mothers	41	32	30	29	29	50	38	36	36	38	40
Men/fathers	11	11	16	17	18	12	12	18	19	24	21
Ratio (women/ men)	3.7	2.8	1.9	1.7	1.6	4.1	3.1	2.0	1.9	1.6	1.9
<i>Total work</i>											
Women/mothers	56	50	50	53	59	59	54	57	61	64	65
Men/fathers	57	51	50	50	56	58	58	57	58	63	63
Ratio (women/ men)	1.0	1.0	1.0	1.1	1.1	1.0	0.9	1.0	1.1	1.0	1.0

Source: Authors' tabulations of the 1965, 1975, 1985, and 1999 U.S. Time Use Studies.

at all points. Gender specialization exists, with women doing more nonmarket, unpaid work than men. But this is counterbalanced by the greater amount of market work that men do.

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In this essay, we document changes in time allocation of men and women in the United States and show movement over the latter half of the 20th century away from the highly gender specialized roles that characterized U.S. families at mid-twentieth century. Gender differences in both market and nonmarket activities have diminished although gender specialization has certainly not disappeared, particularly once children arrive.

We first showed that the most dramatic movement toward labor market equality of women and men occurred during the time period from 1970 to 1990. The cohort most affected—most changed from previous cohorts—was the early baby boom cohort, born 1946–1955, a cohort that entered the labor force at a time when opportunities for women were expanding; economic conditions for less-educated workers were contracting, especially for men; and norms supporting gender

specialized roles in work and family were receding. Both women's expanded opportunities and men's labor force difficulties contributed to greater gender similarity in paid work and labor force attachment of men and women of this cohort as they aged through their most intense work and family years. There has not been retrenchment among younger cohorts but the movement to less gender-specialized market roles appears to have stalled during the past decade. The most recent cohort to age into the work and family years, the cohort born in 1966–1975, shows a continued pattern of later marriage and childbearing but does not exhibit greater attachment to the labor force in their late twenties and early thirties than the cohort that came before them. This is surprising because this cohort of women is the first to exceed men in terms of educational attainment, with more women than men of this cohort graduating from college.

We suspect the answer to the puzzle of why women's labor market attachment has not continued to approach men's among those in the work and family years has to do with children. In the United States, most women (and men) want children and very high percentages of women (over 85 percent) become mothers. Yet, the gender gap in the proportions of women and men actually *raising* children has continued to increase in recent cohorts. What do we know about combining parenthood and paid work in the United States? Labor force rates by age of child show that mothers but not fathers diminish market participation when there are young children in the home. In addition, when marriages do not form or disrupt, mothers not fathers most often are the single parent rearing children and attempting to combine paid work with day-to-day family caregiving.

One might expect, given increases in market work among women, especially mothers, that there might be dramatically less time allocated to childrearing in the United States today than in the past. In one sense there is—fertility is lower than at mid-20th-century America (Casper and Bianchi 2002). Women wait longer to have children, on average, and do not have as many children as in the past. Yet fertility in the United States remains high relative to many countries in Europe—even among non-Hispanic, white women. And on average, women who have children do not seem to be spending less time with children than in the past, despite the greater use of out-of-home child care. Other adjustments appear to be made by mothers: they do less housework than in the past, for example. But they also curtail paid work hours and many are not working full-time, year-round when children are young. This occurs because American parents do not seem to want

to place children in long hours of child care. They also seem willing to accept the financial cost of less market work on the part of women in exchange for more “mother care” of young children. It is mothers, not fathers, who adjust their work schedules to provide parental care of children, thus retarding the movement toward gender equality in market work roles. In the United States, this adjustment of maternal work schedules is accomplished in an economy that is perhaps more flexible, in terms of the availability of part-time work opportunities, than many European economies. Still, the best jobs, especially for the highly educated, require more than full-time commitment and hence are not easy to combine with childrearing. Public and private support of parental leaves is also much less generous in the United States than in Europe. Individual families, particularly women, bear the financial cost in terms of foregone wages and work experience to rear children, a fact that has been documented in a number of scholarly empirical studies of the “motherhood” wage penalty (Budig and England 2001; Waldfogel 1997) and, in a more popular book, by Ann Crittenden, *The Price of Motherhood* (2001).

Although men’s hours of employment are not responsive to children, married fathers have increased their involvement both in housework and child care. The timing of change for men in the domestic sphere is more recent than for women. Change in men’s involvement in the home may be slowing, but does not show quite the “stall” that characterizes women’s market work trends. It seems to us that what happened in the United States is that women changed first. They increased their market work and decreased housework as much as they could. But women may have reached a limit on the amount of domestic work that could be shed and still maintain some semblance of a reasonable home life. Similarly mothers made adjustments to include more market work in their lives but also may have reached a limit on how much paid work could be added and still care for their children—unless they wanted to dramatically sacrifice time with children (either by not having children in the first place, spending little time with them, or granting physical custody to the nonresidential father). Hence, women’s market participation has stalled far short of full market equality with men. Unless conditions change—such as less maternal value placed on time with children, fewer women having sole responsibility for raising children, more help from men, or worklife policies that make it easier to combine both childrearing and market work—the trend toward greater gender similarity in market work may have reached a new “equilibrium” in the United States. There is considerably less gender-specialization

in the home and the market than at mid-20th-century America but specialization of mothers in family care and fathers in breadwinning continues.

Might the solution to the work and family time crunch be more involvement of men in housework and child care? Our examination of overall workloads suggests that there are limits to this solution. Fathers face long work weeks already. Certainly among married couples, fathers are not doing half of the work in the home but they work many hours in the market such that their total workloads look very similar to those of mothers. Married fathers express even greater feelings of inadequate time with their children than mothers in the United States, largely because work hours are so long. How much ability men have to curtail those long work hours is not clear but one suspects this is unlikely to happen in an economy where job tenure is uncertain and interesting and well-remunerated work often comes with the price of long hours. American fathers still feel strong pressures to provide adequately for their family, and couples manage work and family demands with one partner, usually the mother, scaling back market work hours thereby placing greater pressure on the other partner to work long hours.

Americans also have fairly high expectations for consumption and scaling back work hours has implications for their ability to realize those expectations. Owning a home is highly valued. Multiple vehicles are common in families for the commute to work and other activities. As more adults work outside the home, more market substitutes for work in the home are needed, desired, and afforded. For parents, an important aspect of rising expectations is greater emphasis placed on the need for children to attend and complete postsecondary education and for parents to finance the education of children. Public education is universally provided in the United States through secondary school but not thereafter: even a college education at a public institution in the United States is an expensive proposition. Hence, parental investment in their children's education promotes market work.

The United States has also been very resistant to the high taxation that funds generous family-friendly policies in many countries in Europe. For public or private provision of such support to be successfully implemented in the United States, a case must be made that the lack of work and family policy is costly to employers or to governments, either in terms of lack of adequate nurturance of children, lack of necessary investment in the "productivity" of future workers, or in terms of absenteeism and health costs of current workers that result from work and family stress.

Making the case for greater private sector and government involvement in the work and family arena is in its infancy in the United States, although the National Institutes of Health has recently launched a new initiative to examine how work/family conflict affects the health of workers and their families. The challenge is to implement policy that fits the needs of workers at all levels of the socioeconomic spectrum—some of whom need adequate wages and more and better work hours whereas others need reduction in work hours, and most of them need greater flexibility in meeting family demands. Policies must be mindful of employers' need to remain competitive in an increasingly global marketplace. And, most importantly from our perspective, work and family policy in the United States must build upon the progress that has been made toward gender equality and not erode it.

Note

This is a revised draft of a paper originally prepared for the International Conference on Work and Family, CRFR, University of Edinburgh, Edinburgh, Scotland, June 30–July 2, 2004. In this chapter, we draw on the collaboration of Lynne Casper with colleagues Philip Cohen and Liana Sayer in the analysis of cohort trends and the collaboration of Suzanne Bianchi with Sara Raley on the analysis of paid and unpaid work efforts in families with children. The interpretations are our own and do not necessarily represent those of our colleagues.

1. Child care is captured by a set of eight codes that allow us to include daily child-care time (baby care, child care of children five and over, medical care of children, other child care, and travel associated with child-care activities) as well as time in teaching and playing activities (helping or teaching, talking or reading, indoor and outdoor playing).

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CHAPTER 5

Career Prioritizing in Dual-Earner Couples

JOY E. PIXLEY

Women's prominence in the public sphere has always depended, at least in part, on their roles in the private sphere. Despite great advances in recent decades, women are still lagging far behind men in their success in public roles, both as political and community leaders specifically, and more broadly in terms of occupational attainment. To better understand gender inequality in the public arena, we need to delve deeper into what is happening in the home, and look not only at what women themselves are doing, but how women and their male partners are negotiating their lives together.

Much attention has been paid, and rightly so, to the difficulties women face in balancing work with their caretaking responsibilities at home (Budig and England 2001) and to how couples divide housework tasks (Greenstein 2000; McFarlane, Beaujot, and Haddad 2000). However, relatively little research has focused on the balance between the woman's career and the career of her (usually) male partner—that is, on discrimination within heterosexual couples favoring the man's career advancement at the expense of the woman's career. Married women can find that their career choices are constrained because their husbands' careers are considered more important than their own, creating a type of “glass ceiling” at home (Philliber and Vannoy-Hiller 1990). These constraints may be especially problematic for women with high-profile jobs in business, professional occupations, or politics. Not only do these women face unusually high work demands, but they must manage them without the support of the home-oriented wives

that many of their male peers have, and are instead likely to have husbands who are also in demanding, high-status occupations (Jacobs and Winslow 2004; Sobecks et al. 1999).

Although almost all research comparing partners' two careers has focused on married couples, all couples should face the same challenges in balancing their two careers, including same-sex couples and cohabiting heterosexual couples (and though I focus on the American perspective here, similar dynamics are found in other developed countries).

The term career hierarchy describes the overall comparison between spouses' two work careers. Career hierarchy has many aspects, including spouses' attitudes about their two careers, their decision-making behaviors (Pixley and Moen 2003), and their relative occupational outcomes, which are affected by whose career was favored in past decisions and which set the stage for future decisions (Winkler and Rose 2000). Although these aspects are usually related, career hierarchy can favor one spouse in some aspects and not in others. For example, which spouse is considered the "breadwinner" may not correspond to how much each spouse earns, which may in turn not match spouses' attitudes about who should ideally be the main provider (Potuchek 1997).

Career hierarchy has traditionally favored husbands' careers, and the social norm that the husband's career comes first is as persistent as the norm that housework is primarily the wife's responsibility. Does that mean that today's women, even those who are successful in their careers, must choose between playing second fiddle and staying single? Not necessarily. Modern couples differ from their parents and grandparents on many dimensions, and at least some couples think of both spouses' careers as equally important, or even favor the wife's career. This leads us to a question that could have great impact on our understanding of gender inequality: Which couples are still favoring the husband's career and which are branching into more egalitarian career hierarchy patterns? And, just as important, do husbands and wives agree on whose career is favored, or should we add "disagreeing about career hierarchy" under "disagreeing about who is doing enough housework" on our list of challenges faced by modern couples?

In this chapter, I focus on one very important aspect of career hierarchy: career priority, or the extent to which couples give more priority to one spouse's career when making major decisions. I examine how often spouses agree on whose career was prioritized, which individual characteristics (such as education, occupational status, or gender role attitudes) are related to having the primary or secondary career, and whether the same factors help explain men's and women's perceptions

of whose career has been prioritized. To do this, I use two large studies of couples—a sample of dual-earner couples who are fairly typical of others of their generation in the United States, and another of “vanguard” dual-career couples who are generally more invested at work and more egalitarian in their beliefs. Comparing the more cutting-edge dual-career couples to the more traditional dual-earner ones may offer important insights into what the future holds for successful women and the men they marry.

Theory and Research on Career Priority

In this section I describe three theories—human capital, family power, and gender roles—that suggest which individual characteristics are likely to be most important for understanding whose career is prioritized, and then briefly summarize what we already know about this topic.

According to *human capital* theory, couples make decisions about their two jobs based on net family gains or losses, especially in terms of income (Mincer 1978; Sandell 1977). Couples maximize the total family income with their choices, even if it means an income loss for one of the spouses. These decisions are assumed to be gender-neutral: it shouldn't matter which spouse's income increases or decreases, as long as the total income increases (Becker 1981). However, if men tend to have more human capital (e.g., education, training, and work experience) than their wives, while women limit their work to focus on family responsibilities, options that maximize the household income in a gender-neutral manner will more often be better for the husband's career than for the wife.

In theories based on *family power* (Blood and Wolfe 1960; Scanzoni 1972) or *bargaining* (Lundberg and Pollak 1996; Manser and Brown 1980), the spouse who has greater relative resources (such as who earns more or has a higher education) also has more power to influence the couples' joint decisions to fit his or her own preferences. Unlike the human capital approach, which assumes that households act like a single decision-making unit, these theories hold that two individuals' interests are almost never identical, and household decisions are affected by which spouse controls more of the “shared” resources (Lundberg, Pollak, and Wales 1997; Phipps and Burton 1998).

While the theories described so far offer different mechanisms, they predict the same relationship between career priority and spouses' relative resources: The career of the spouse with greater resources—usually

the man, but not necessarily—should be more often favored in household decisions.

By contrast, in the *gender roles* approach, attitudes about men's and women's family and work roles are central to couples' decisions: More traditional couples are expected to prioritize the husband's career, net of other factors (Bielby and Bielby 1992; Cooke 2003), while egalitarian couples may try to balance the outcomes for their two careers, even if this does not result in the highest total income. Couples may favor the husband's career because of personal preference for more traditional roles (McHale and Crouter 1992). However, given strong cultural norms to put the husband's career first, even couples with less traditional attitudes may still favor the husband's career to avoid sanctions from others for exhibiting sex-atypical behaviors (Costrich et al. 1975). Research shows that couples in which the wife earns more do not necessarily exhibit gender-reversed or even equal roles at home, suggesting that they are bowing to cultural pressure to enact traditionally gendered family roles (Bittman et al. 2003; Tichenor 1999).

Four decades ago, when married women started entering the labor force in larger numbers, these theories all led to the same prediction: husbands' careers should be favored. Not only did cultural norms clearly prioritize husbands' work careers over those of their wives, but husbands were typically also older and better educated than their wives, worked longer hours over a longer period of their lives, and earned a higher wage. To an almost universal extent, husband's careers did come first.

But things change. In the United States, deindustrialization and globalization reduced men's real wages at the same time that women's labor force opportunities were improving, reducing the difference between men's and women's wages (Bernhardt, Morris, and Handcock 1995; Meyer 2003). Compared to the generation that came of age in the 1960s and 1970s, substantially more women are working full-time or longer for most of their adult lives, even when they have children (Goldin 1990; Thistle 2006). Married women's income has increased too, so that now wives earn at least half the household income in a substantial minority of married couples (Raley, Mattingly, and Bianchi 2006; Winkler, McBride, and Andrews 2005).

Attitudes toward gendered family roles have generally become more progressive, with more acceptance of married women and mothers working, and less agreement that the wife should support her husband's career instead of having one herself (Brewster and Padavic 2000; Ciabattari 2001). However, the survey questions used for such studies

focus on the acceptability of women having their own careers rather than focusing on family, but do not address attitudes about career hierarchy for those couples in which the wife works. Asking whether it is acceptable for a wife to work is a different matter entirely than asking whether it is acceptable for the husband's career to take a backseat to his wife's career. In general, both husbands and wives (and especially husbands) still think the man should be the "family provider" and only half the men with working partners think that women have a "duty to provide economically for the family" (Loscocco and Spitze 2007). Still, the trend is toward greater acceptance of wives' careers. Even if only a minority of couples thinks of the wife as the family provider or breadwinner, this marks a substantial shift from past generations.

Given these changes, does career hierarchy in modern couples still overwhelmingly favor the husband's career? One way to study this is to focus on decisions couples face that require one spouse to make career sacrifices in order to advance the other's career. The choices made during these major decisions can reveal underlying career hierarchy dynamics that operate in less noticeable ways on an everyday basis. Possibly the most important of these decisions involve moving for one spouse's job opportunity. Not surprisingly, patterns of family moves in the 1960s and 1970s show that wives' work characteristics mattered little in predicting whether couples would move (Lichter 1982) and that wives usually did not have a job lined up yet before the couple moved (Spitze 1986), which are both signs of male-dominated career hierarchy in action.

More recent research suggests that wives' careers matter more than they used to in couples' decisions about moving (Smits, Mulder, and Hooimeijer 2003). However, there is only mixed evidence about whether wives' education (an indicator both of career investment and of earning potential) affects whether couples move (Compton and Pollak 2007; Costa and Kahn 2000). Husbands' education and work characteristics are still much more important than wives' characteristics when understanding who moves and what the outcomes of those moves are (Shauman and Noonan 2007). Furthermore, in important decisions, couples tend to choose options in which the husband remains the primary breadwinner and the option that the husband prefers (Zvonkovic et al. 1996).

In other words, although wives have been increasing their work investments and contributions to the household finances over recent decades, we do not have strong evidence yet that these changes increase the importance of their careers compared to their husbands' careers.

Research Questions

To address the issue of career hierarchy within contemporary couples, I examine data from two large studies of dual-earner couples. These surveys provide an important measure of career hierarchy: *career priority*, or whose career was given more priority in major decisions the couple has made together. I first ask how often respondents tell us that the husband's career was prioritized, compared to how often careers were given equal priority and how often the wife's career was prioritized. Because the same question about career priority was asked of each spouse independently, I can also compare how often men and women in the same couples agree on career priority.

Next, I test the ways in which spouses' assessments of career priority are related to five individual characteristics of the husband and wife: education, work hours, occupational status, income, and gender role attitudes. Ideally, I would be able to look at each spouse's characteristics directly before the major decision was made, some time in the past. Unfortunately, that information is not available, and would be extremely difficult to estimate using only retrospective reports, as respondents can't accurately remember details such as income or attitudes for specific time points in the past. Making it more complicated, some couples have faced many career-prioritizing decisions at different times over the course of their relationship (Pixley 2008). As a reasonable compromise, I compare respondents' current characteristics to their reports of past career prioritizing, recognizing that the two may be related to each other in both directions. Current education and gender role attitudes should be the same as (or at least very similar to) education and attitudes at earlier points in their current relationship. Also, while it is true that current work hours, occupational status, and income may have been affected by past career prioritizing, they are likely to be more similar over time than not. For example, women who are working long hours in professional or managerial occupations are more likely to have been strongly work-committed prior to any past career-prioritizing decisions, compared with women currently working part-time in lower-status occupations. Furthermore, current characteristics may affect "past" career priority, because respondents' reports of whose career was prioritized in past decisions may be influenced by the comparison between the spouses' two careers now. As such, I treat the characteristics as though they are (probably) true of the couple at the time of the past decision(s) and interpret any results as indicating that the characteristics are *related* to career priority rather than one *causing* the other.

Gender role theory would predict that career priority should be strongly related to gender role attitudes. Furthermore, the relationship should be stronger for men's gender role attitudes than for women's. Since the cultural default position is to favor the man's career, the wife's egalitarian attitudes may not matter much unless the man's attitudes encourage him to give her career more weight.

The human capital and family power theories would predict that individuals with higher education, occupational status, work hours, and income would be more likely to be favored, and that career priority should be especially related to which spouse has greater resources.

A related question is whether the man's characteristics matter as much as the woman's to their perceptions of career priority. Again, given the cultural default of favoring the man's career, the man's characteristics may have little impact on career priority. That is, husbands may be likely to be favored regardless of their work characteristics, while wives' careers may have little chance of being favored unless they have unusually high work commitments or incomes.

In addition, I would expect to see two gender differences in how characteristics are related to career priority. First, individuals' own characteristics should be more salient to them than to their spouses, and thus affect their own perceptions of career priority more strongly. Second, research shows that women who contribute financially to the family are more willing to take on the breadwinning role than men are willing to give it up (e.g., Loscocco and Spitze 2007). Given this, I expect that women's career priority perceptions will be more responsive to their own education and work outcomes (and to how their resources compare to that of their husbands) than men's will be. Put another way, if men are more resistant to seeing their wives' careers as equally or more highly prioritized, then factors such as which spouse has more education or whether the wife is a professional should be less likely to sway their perceptions of career priority, and thus not as strongly related to career priority reports for men as for women.

Finally, for all the comparisons within and across couples that I describe earlier, I also compare results across the two studies. I expect that the dual-career couples in the Careers Study will not only give more egalitarian reports of career priority than the more typical dual-earner couples in the Community Study, but that these reports will be more responsive to the characteristics of each spouse's work career. That is, in the more dual-career couples of the Careers Study, I expect that they are basing their career prioritization more on the actual features of each person's work career, rather than defaulting automatically to favoring the husband's career.

Two Studies of Working Couples

The two studies of dual-earner couples I use here both draw from the same region in upstate New York.¹ The Cornell Couples and Careers Study (Careers Study), conducted in 1998–1999, used an organization-based sample to identify employees who were members of dual-earner couples. To find “middle-class” couples, the researchers asked for employees who were exempt from work-hour restrictions (who are usually in technical, professional, and managerial jobs) and who had working partners. As the Careers Study couples were selected to represent the more progressive “dual-career” couples of their generation, a second sample was designed to represent more typical dual-earner couples. Respondents for the Cornell Community Study (Community Study) were randomly sampled from the same neighborhoods where the Careers Study respondents lived (or technically, the same Census tracts), and interviewed in 1999–2000.

The two studies collected data from both partners in separate telephone interviews, and used almost identical questionnaires.² I limit the current analyses to heterosexual married or cohabiting couples who have been living together for at least five years (to allow the process of career hierarchy to develop) and in which both partners are currently working. Eight couples from the Careers Study are missing data on the career priority question, and are removed from this analysis. This results in 729 Careers Study couples and 379 Community Study couples.

A great deal of information was collected about respondents’ education and work situations. For the analyses used here, self-reported work hours are divided into part-time (less than thirty-five hours), full-time (thirty-five–forty-five hours), and overtime hours (more than forty-five hours). Highest degree attained is collapsed into less than a college degree, a bachelor’s degree or a master’s degree, or a professional or other advanced degree (including MBA).³ Occupational status (professional or managerial, versus any other category) is based on descriptions of the current main job. Self-reported earnings income is collapsed into two categories: lower than or equal to the median income for all workers in New York state or higher. Relative measures at the couple level indicate whether the man and woman are in the same category (e.g., work hour category), or if one spouse is in a higher category. The exception is for income, where couples are categorized as either the man or woman earning more

(more than \$10,000 higher than the other) or as having the same income (within \$10,000 of each other).

Gender role attitudes are measured as the average score for four questions: "It is usually better for everyone if the man is the main provider and the woman takes care of the home and family"; "It is more important for a wife to help her husband's career than to have one herself"; "A preschool child is likely to suffer if his or her mother works"; and "A working mother can establish just as good a relationship with her children as a mother who does not work" (reversed). The five possible responses for these questions range from strongly agree to strongly disagree. Higher scores indicate less traditional attitudes.

Describing the Respondents

Community Study and Careers Study respondents are similar in many ways. Ages range from twenty-four to seventy-two, with most of the respondents in their thirties and forties. Almost all couples are married (98 percent) and the rest are cohabiting. (I do not find any differences for the small number of cohabiting couples, and for ease of expression I use the terms "husband" and "wife" for all respondents.) Community Study respondents are slightly more likely to have had children (94 versus 91 percent), and have slightly more children on average (2.4 versus 2.1). Consistent with the racial/ethnic distribution in upstate New York, almost all respondents are white non-Hispanics.

As found in past research, women express more nontraditional gender role attitudes than men in both studies. Furthermore, Careers Study men and women are less traditional than their counterparts in the Community Study, and there is as much difference across studies within gender as between men and women within each study.

Even more stark differences are seen when comparing the two studies on career-related measures, especially for the women. Men have higher education than women in both studies, although the gap is smaller in the Careers Study. The difference across studies in who has earned a college degree is substantially larger than either study's gender gap: In the Community Study, 51 percent of women and 60 percent of men have college degrees, compared to 71 percent of women and 76 percent of men in the Careers Study. Similarly, the gender gap in who has a professional occupation within each study is much smaller than the gap across studies: In the Community Study, women are unexpectedly somewhat more likely to be professionals than men (58 versus 54 percent), while

in the Careers Study the gap is in the expected direction but also small (66 versus 69 percent).

There is a large and expected gender gap in work hours for both studies, with women much more likely to work part-time hours and men more likely to work overtime hours. Women in the Careers Study work somewhat longer hours than those in the Community Study, but the difference is small, and there is no difference for men.

Finally, the gender gap in income is very high in both studies, but men and women both earn more in the Careers Study than in the Community Study. Specifically, in the Community Study, median annual incomes are \$28,000 for women and \$55,000 for men, with the average proportion of household income earned by the wife at 34 percent. By contrast, in the Careers Study, median annual incomes are \$35,000 for women and \$65,000 for men, and wives earn an average of 37 percent of the household income.

Since the Career Study respondents were chosen for being middle-class and the Community Study respondents live in the same neighborhoods, it is no accident that these men and women earn more than average. The men in both studies earn substantially more than the median income for full-time, year-round male workers in the state of New York for 2000, which was \$40,301 (U.S. Bureau of the Census 2001). Even though over one-quarter of these women work part-time, Careers Study women earn more than the state median for full-time working women (\$31,299), while Community Study women earn less. Finally, although they presumably face similar housing costs as their Careers Study neighbors, the Community Study couples have slightly lower household incomes.

Given these distinctions, we can think of the Community Study as including more typical dual-earner couples and the Careers Study couples as being more “dual-career” on average. To their credit, dual-earner couples of any type are generally more progressive in their attitudes and behaviors than male-breadwinner couples of past generations. But I suggest that Careers Study couples represent a new wave of truly dual-career couples, in which both partners are highly invested in long-term work careers, and face serious challenges in balancing the needs of those two careers. Although the Community Study was conducted second, I present the results for those couples first, with the idea that they embody the dual-earner couples of today. By comparison, the vanguard Careers Study couples can give us insights into how career hierarchy patterns may develop in future generations if current trends continue.

Career Priority

Whose Career was Given More Priority in Major Decisions?

The Community Study and the Careers Study include the same *career priority* question: “Think about all the major decisions that you and your (spouse/partner) have made since you have been together, such as changing jobs, having children, going back to school or moving. Overall, whose career was given more priority in these decisions, yours or your (spouse’s/partner’s)?” Respondents could also report that neither career was prioritized or that partners took turns prioritizing their careers.

In the Community Study, men and women seem to be giving us very similar answers for career priority (see table 5.1). Almost two-thirds of men and women say that the husband’s career was prioritized, about one-quarter say that the two careers are equally prioritized, and a minority report prioritizing the wife’s career. In the Careers Study, men and women both report less traditional career priority than in the Community Study, but again there are no gender differences in reporting.

The similarity of men’s and women’s reports may lead us to believe that there is generally agreement across the sexes about whose career has been prioritized, but comparing husbands and wives within the same couples—who are talking about the same relationship—disabuses us of this notion. In fact, fewer than two out of three spouses agree with each other about whose career has been prioritized in major decisions!

These disagreements make it difficult to say for certain whose career has “really” been prioritized. Each spouse has a valid perspective, and it would be inappropriate to privilege one spouse’s report over the other. Instead, I analyze the results in two ways. First, I examine men’s and women’s reports individually. Second, I look at couple-level agreement on career priority, with the idea that when spouses corroborate

Table 5.1 Reports of which partner’s career was prioritized in major decisions

	<i>Community Study</i>		<i>Careers Study</i>	
	<i>Men</i>	<i>Women</i>	<i>Men</i>	<i>Women</i>
His career had priority	64%	61%	57%	55%
Neither/took turns	26%	23%	29%	27%
Her career had priority	10%	16%	14%	17%
<i>N</i>	379	379	729	729

each other's reports, this gives us more confidence about whose career was prioritized. I divide the couples into five categories. In the first three categories the spouses agree on whose career was given more priority—the husband's career, the wife's career, or neither. As shown in figures 5.1 and 5.2, there are far fewer couples who agree that the wife's career was prioritized than there are individual husbands or wives who believe that to be true. On the other hand, there are also fewer couples who agree that the husband's career was prioritized than there are individual spouses who gave that answer.

The spouses who give different answers for career priority are divided into two groups. In the first, the report of each spouse favors himself or herself more than the report of the other spouse does: for example, the wife says that both careers were treated equally while the husband says that his career came first. I refer to these couples as disagreeing

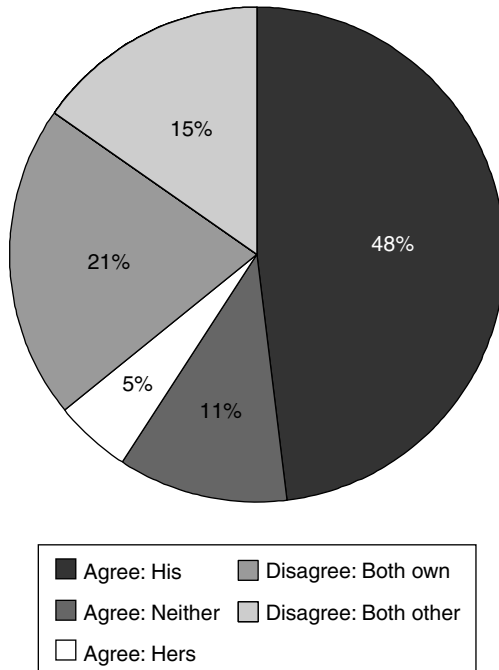


Figure 5.1 Couple-level agreement (or not) about career priority in major decisions in the Community Study.

in the “both own” pattern. In other words, spouses in these couples each think they received more favoring than their spouses believe they gave. In the other group, the report of each spouse favors the other spouse more than that spouse’s report does: for example, the wife says that the husband’s career had priority while he says that their careers were equal. I refer to these couples as disagreeing in the “both other” pattern. In other words, spouses in these couples each think they gave more favoring than their spouses believe they received. These couples may be under more strain than other types, because the two spouses seem to have conflicting notions of which spouse is currently indebted to the other for past sacrifices. Somewhat surprisingly, there is no clear indication of self-serving bias in how people answered the career priority question, as the both other disagreement pattern is no more likely than the both own pattern. In the Careers Study, disagreeing couples are evenly split between both own and both other categories and in the

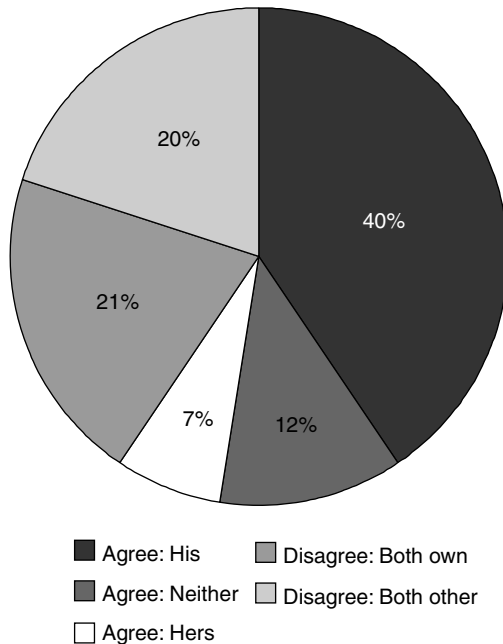


Figure 5.2 Couple-level agreement (or not) about career priority in major decisions in the Careers Study.

Community Study there are more couples in the both own than in the both other category.

Linking Career Priority to Spouses' Individual Characteristics

Next, I test whether career priority is related to certain characteristics of each spouse, specifically, to education, work hours, occupational status, income, and gender role attitudes. Figure 5.3 shows how couple-level career priority (here limited to couples who agree on whose career was prioritized) differs depending on husbands' and wives' individual characteristics in the Community Study. Happily, there are no big surprises: All the statistically significant relationships between career priority and the individual characteristics are in the direction we would expect them to be. For example, the more hours the wife works, the less likely the couple is to agree that the husband's career was prioritized, and the more likely they are to agree that her career was prioritized. Similarly, when wives have higher incomes, couples are more likely to agree that the wife's career was prioritized, and less likely to agree that the husband's career was prioritized. However, some results are not statistically significant, meaning that career priority is not related to that individual characteristic. A summary of which relationships between spouses' characteristics and career priority reports are statistically significant is shown in table 5.2.

To be more specific, in the Community Study, couple-level career priority is related as expected to husband's and wife's work hours, to husband's and wife's income, to wife's gender role attitudes, and to husband's education and occupational status. The relationship between husband's gender role attitudes and couple-level career priority is only weakly significant.⁴

Contrary to the prediction that the wife's education and work characteristics should matter more for career prioritization than the husband's characteristics, wife's education and wife's occupational status are the only two characteristics that are not related to couple-level career priority in the Community Study. As seen in figure 5.3, professional women are almost as likely to be in a couple that prioritizes the husband's career as nonprofessional women. College-educated women are slightly more likely to be in couples that favor the husband's career than women without a college degree, which also does not fit the expected pattern. Although women with advanced degrees do appear to be prioritized more often, there are so few of them in the Community Study (only eleven) that this result is not statistically significant and may not be trustworthy.

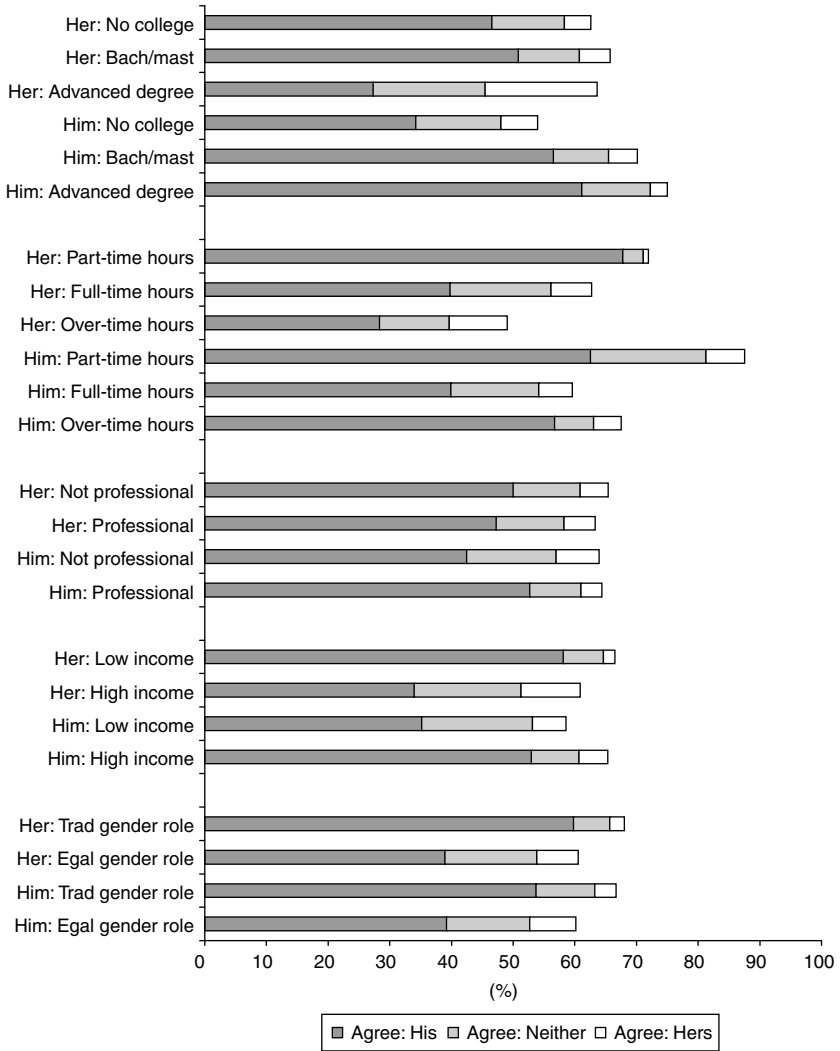


Figure 5.3 Couple-level agreement on whose career was prioritized in major decisions, by spouses' individual characteristics, in the Community Study.

For the Careers Study couples, the findings are similar, but generally much stronger (see figure 5.4). Couple-level career priority is significantly related to every individual characteristic except husband's work hours, which nonetheless shows the expected pattern. Again, all

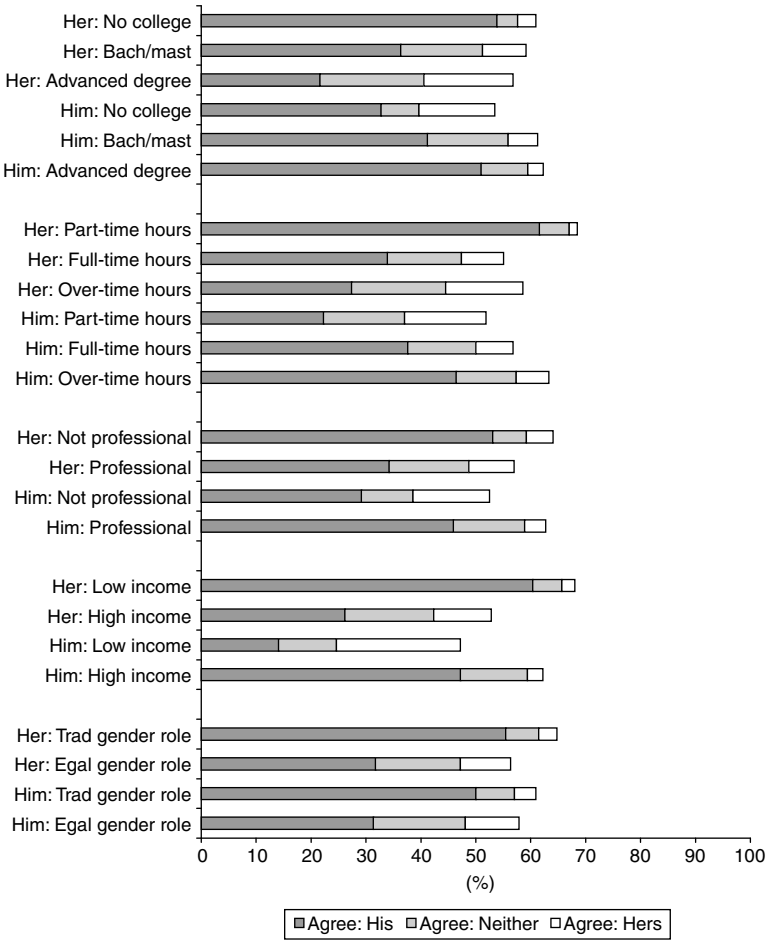


Figure 5.4 Couple-level agreement on whose career was prioritized in major decisions, by spouses' individual characteristics, in the Careers Study.

the relationships are in the expected direction. For instance, couples are more likely to agree that the husband's career was prioritized if the wife works part-time or if either spouse has traditional gender role attitudes, and they are more likely to agree that the wife's career was prioritized if she has an advanced degree or if the husband has a low income.

Linking Career Priority to Spouses' Relative Characteristics

So far, the results indicate that in general, women who have higher education, work more hours, have professional careers, and earn higher incomes will indeed be more likely to have equal or favored careers. But the same is true for men, and women tend to marry “up” in occupational terms—that is, women often marry men who have higher education, occupational status, and income than they do. According to both human capital and family power theories, the question of whether a wife’s characteristics result in her enjoying equal or greater career priority should depend upon how her husband’s attainment compares to her own. In this section I compare couple-level career priority to spouses’ relative resources: specifically, which spouse has more education, works more hours, or earns more, and whether neither, only one, or both have a professional occupation or egalitarian gender role attitudes. The differences in couple-level career priority by spouses’ relative characteristics are shown in figure 5.5 for the Community Study and figure 5.6 for the Careers Study. A summary of which of these relationships are statistically significant is included in table 5.2.

In all but one case, relative resources do matter as expected for career priority. Furthermore, they generally matter more in the Careers Study than in the Community Study. For example, in the Careers Study, couples in which only the wife has a professional or managerial occupation are much more likely than usual to agree that her career has priority and least likely to agree that the husband’s career has priority, while this is reversed when only the husband is a professional. By contrast, in the Community Study, career priority does not differ by relative occupational status. All the other relative resources matter in both studies: career priority is more likely to favor the spouse who earns more, has the higher education, or works more hours than the other spouse. Couples are also most likely to prioritize the husband’s career (and least likely to prioritize the wife’s career) when both spouses have traditional gender role attitudes, and this is reversed when both spouses are nontraditional.

The relationship between career priority and relative resources is even more pronounced in the Careers Study than in the Community Study. Take, for example, the stark difference in career priority for couples in which the husband earns more compared to those in which the wife earns more. When the husband earns at least \$10,000 per year more than the wife, the couple is especially likely to prioritize the

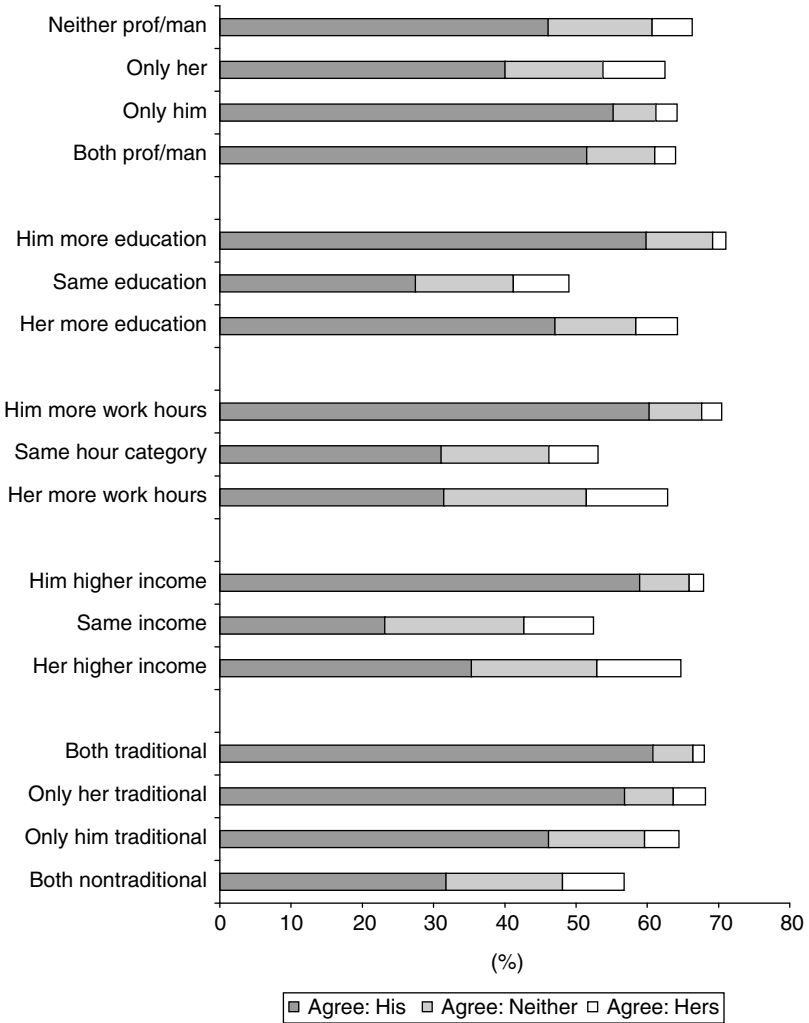


Figure 5.5 Couple-level agreement on whose career was prioritized in major decisions, by spouses' relative characteristics, in the Community Study.

husband's career, while almost none prioritize the wife's career. This pattern is almost exactly the same in both studies. However, when wives earn more than their husbands, only 16 percent of couples in the Careers Study prioritize the husband's career and 27 percent prioritize the wife's career, whereas in the Community Study, a full 35 percent

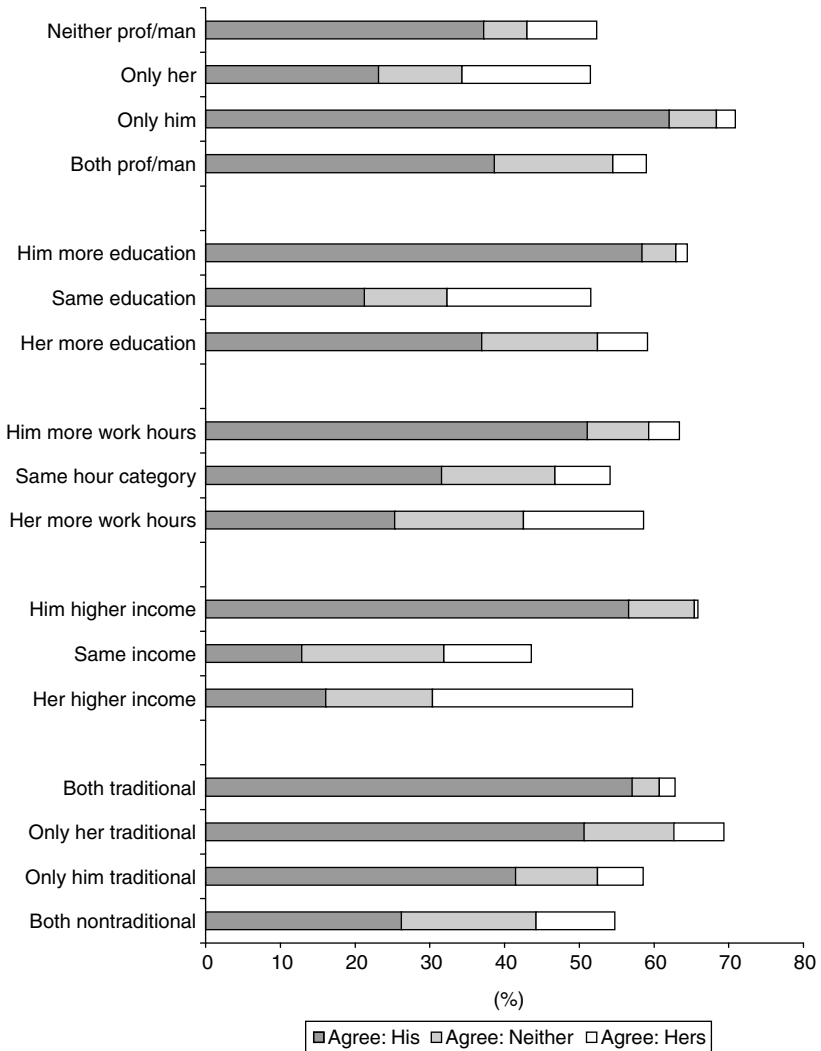


Figure 5.6 Couple-level agreement on whose career was prioritized in major decisions, by spouses' relative characteristics, in the Careers Study.

still prioritize the husband's career and only 12 percent prioritize the wife's career. In other words, there is a much larger difference in career priority linked to which spouse earns more money in the Careers Study than there is in the Community Study. A similarly larger effect for

Table 5.2 Summary of significance of bivariate relationships between men’s and women’s characteristics to her, his, and couple-level reports of whose career was prioritized in major decisions

	<i>Relative resources</i>			
	<i>Couple-level</i>	<i>(Couple-level)</i>	<i>Her report</i>	<i>His report</i>
Communication Study				
<i>Education</i>				
F	—	***	—	—
M	***	—	—	***
<i>Work hours</i>				
F	***	***	***	***
M	*	—	*	*
<i>Professional</i>				
F	—	—	—	—
M	*	—	—	**
<i>Income</i>				
F	***	***	***	***
M	***	—	*	***
<i>Gender role attitudes</i>				
F	***	***	**	***
M	+	—	*	*
Careers Study				
<i>Education</i>				
F	***	***	***	***
M	***	—	***	**
<i>Work hours</i>				
F	***	***	***	***
M	—	—	—	*
<i>Professional</i>				
F	***	***	***	***
M	***	—	***	***
<i>Income</i>				
F	***	***	***	***
M	***	—	***	***
<i>Gender role attitudes</i>				
F	***	***	***	***
M	***	—	***	***

*** $p < .001$; ** $p < .01$; * $p < .05$; + $p < .10$; — not significant.
 Note that all significant relationships are consistent with predicted direction of effect (e.g., a man with higher income is more likely to be prioritized).

the Careers Study is found for which spouse has higher education and occupational status, and to a lesser extent, for which spouse works more hours. This suggests that couples in the Careers Study are more responsive in their career prioritizing to actual differences in the spouses’

work characteristics, whereas the Community Study couples seem more resistant to favoring the wife's career, even when she has greater income and work commitments.

Gender Differences

My final research question is whether individual characteristics are related in the same way to husbands' and wives' assessments of career priority. Even without comparing the exact size of the differences by gender, it is useful to establish which factors are significant for only men or only women. The last two columns of table 5.2 summarize whether husbands' and wives' individual career priority reports are significantly related to each characteristic.

For the most part, characteristics tend to be significantly related to career priority for both men and women at the individual level and also at the couple level, or not significantly related at all. However, there are two differences of note in the Community Study. The relationship between the husband's education and couple-level career priority is driven entirely by its strong effect on the husband's own rating of career priority—the husband's education is completely unrelated to the wife's career priority report. The same is true for whether the husband has a professional or managerial occupation, which matters for husbands' reports of whose career was prioritized, but not for wives' reports. This runs counter to the prediction that the wife's characteristics would be more important in understanding career priority. It is consistent with the idea that each spouse should find their own work and education to be more salient when thinking about whose career has been prioritized, but that doesn't explain why the wife's education and occupational status would matter for her husband as well as for her while the husband's education and occupational status matter only to him.

In the Careers Study, all the factors are significant for both husbands' and wives' career priority reports except one: Husbands' work hours are related to their own career priority reports, but are unrelated to their wife's reports (or to the couple-level measure). A closer look shows that men who work part-time are substantially less likely to say their own careers are prioritized compared to all other men, but there is no difference between men who work full-time versus over-time hours. This distinction thus applies to a relatively small group of men. Still, it is interesting that their wives did not similarly differ on their views on career priority.

Discussion

The main questions addressed here are whether couples still overwhelmingly prioritize husbands in major decisions, and what characterizes those couples who do buck tradition and either prioritize their careers equally or favor the wife's career. In both the Careers Study and the Community Study, husbands are more often favored by career priority than wives. However, a substantial minority of couples favors their careers equally, and a small but still meaningful group favors the wife's career. As predicted, wives' careers are treated more equally among the "vanguard" dual-career couples in the Careers Study than in the more traditional dual-earner couples in the Community Study.

In both studies, men's and women's reports seem to mirror each other—there is no gender difference in the tendency to say that the husband's career or the wife's career was prioritized in major decisions. However, there are many disagreements within couples: spouses have the same idea about whose career has been prioritized in only two out of three couples. This is troubling for two main reasons. First, it indicates that studies that interview only one member of each couple could produce misleading findings about career priority in those respondents' households. Second, it suggests potential problems for those couples who disagree. Prior research suggests that marital quality is more strongly related to how fair the division of household labor is perceived to be, especially from the wife's perspective, than to the specific allocation of housework to each spouse (Frisco and Williams 2003; Greenstein 1996). The same could be true for how spouses allocate career priority. Spouses with contradictory perceptions about who has made more career sacrifices to support the other's career may disagree on what the fair course of action is the next time a decision must be made about their two careers.

Which wives are likely to have equal or favored careers? Consistent with gender role theory, more egalitarian men and women were least likely to say that the husband's career had priority in major decisions. Consistent with both human capital and family power theories, higher work hours and income were related to being favored, both individually and when comparing resources across spouses. That is, women who work more hours and earn higher incomes are most likely to have favored careers, and this is especially the case when their work hours and income are at least as high as or higher than those of their husbands. For couples in the Careers Study, education and occupational status also make a difference. Couples are less likely to prioritize the

husband's career and more likely to prioritize the wife's career when the wife has a college degree, especially an advanced degree, and if she has a professional or managerial occupation. Again, the comparison between spouses matters: The wife's career is less likely to be favored if the husband also has high education and a professional or managerial occupation. For couples in the Community Study, results are more mixed: The husband's education and occupational status relate to whether he reports his career as prioritized, but not to what his wife reports, and the wife's education and occupational status are not relevant for either spouse.

Comparing the more progressive dual-career couples in the Careers Study and the more typical dual-earner couples in the Community Study, career priority is more responsive to spouses' work-related characteristics in the Careers Study. For Careers Study couples, all but one of the spouses' characteristics examined here shows a strong relationship to whose career was prioritized in major decisions. By contrast, in the Community Study, wives' education and occupational status have no effect at all, and husbands' education and occupational status only affect husbands' career priority reports. Some characteristics that are significantly related to career priority in both studies are not as strongly significant in the Community Study, meaning we cannot be as confident about the results. Furthermore, the effects of spouses' relative resources on career priority are more pronounced in the Careers Study than in the Community Study.

Put another way, in the Careers Study, which spouse's career is prioritized is more strongly connected to spouses' actual work characteristics and to how they compare, such as whether the wife is a professional or which spouse earns more. This suggests that Careers Study couples are treating their careers more equally overall than Community Study couples, prioritizing the career of the spouse with greater work investments or ability to contribute to the household income (who will often be the husband, but not always), rather than simply defaulting to favoring the husband's career regardless of how it compares to the wife's career. Although further research is warranted to examine these relationships more closely, the implication is that certain investments in human capital may only help women to have equal or primary careers when other aspects of the relationship are already more equal.

Finally, the effects of each spouse's characteristics on their reports of career priority generally do not differ by gender as expected. Most characteristics show no gender differences in either study—for both the wife's and the husband's characteristics, they are significantly related to

career priority either for both spouses' reports or for neither. However, there are three exceptions: Husband's education and occupational status in the Community Study and husband's work hours in the Careers Study are related to career priority reports for husbands, but not for wives. This is consistent with the prediction that individuals' own characteristics would matter more for their career priority reports than their spouse's characteristics, but there is no indication of why the wife's characteristics would matter more to the husband than the husband's characteristics would matter to the wife. Since wives are more willing to accept breadwinning responsibilities than husbands are to give them up, I had expected that wives' views on career priority should be more responsive to actual work characteristics than husbands' views, that is, that husbands would resist giving up their favored role in the career hierarchy even in the face of their wives' greater work involvement. This finding contradicts that idea. Instead it appears that men may be more sensitive to differences in the two spouses' careers than expected.

In conclusion, this examination shows that greater work commitments—and successes—on the part of women do correspond to a higher chance of having an equal or favored career. Furthermore, it is encouraging to see the differences between the fairly typical dual-earner couples in the Community Study and the vanguard dual-career couples in the Careers Study, who give us insight into future trends in two-earner couples. Not only do the Careers Study couples treat the two spouses' careers more equally in major decisions, but their career prioritizing is more closely related to actual work-related characteristics, such as education, work hours, occupational status, and income. Gender role attitudes are strongly related to career prioritizing in both studies, but it's important to remember that this works in both directions: yes, traditional couples are more likely to prioritize husbands' careers regardless of the wife's occupational potential, but egalitarian couples are more likely to strive to give both spouses' careers an equal chance of success.

As the next generation of women further increase their educational attainment and advance in the labor market, they have good prospects for gaining a more equal footing when balancing the demands of their careers and their husbands' careers. However, the importance of comparing the husband's and wife's characteristics cannot be ignored: the more women marry up in terms of education, income, and status, the more difficult it will be for them to negotiate for equal treatment of their careers. And as long as women's work choices are constrained

because their careers are secondary in the private sphere, they will continue to face greater challenges to advancement in the public sphere.

Notes

1. For readers unfamiliar with this area, upstate New York is the northwest part of the state. Most of the respondents studied here live at least two hundred miles from New York City, although many live in or within commuting distance of large cities such as Rochester or Syracuse. Compared to other parts of the United States, this region has lower population growth, an older population, substantially less ethnic and racial diversity, slightly lower education and income, and higher home ownership rates (Moen, Sweet, and Townsend 2001). On a personal note, I can add that the region is known for its natural beauty, cold winters, and friendly, down-to-earth people.
2. For more details, see Moen (2003).
3. The original question combined MBAs with advanced degrees, and assessed other master's degrees (MA, MSW) separately. No significant income differences were found for bachelor's degrees versus non-MBA master's degrees among either men or women, so these are grouped with bachelor's degrees to simplify the education categories.
4. Technically, this finding does not meet the standard cutoff point for significance tests of $p < .05$, because in this case, $p = .0536$. I report it here because many researchers consider a p value of less than .10 to suggest a weaker, "trend-level" significance. Still, we should have less confidence in such results.

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CHAPTER 6

Sexual Harassment: Crime, Discrimination, or Just Bad Business?

CHRISTINE A. LITTLETON

The title of this anthology—and the conference that sparked it—*Women in the Public Sphere*, covers a lot of ground. Indeed, it could itself generate an entire volume just on the question of whether there is such a thing as a “public sphere” cleanly demarcated from a corresponding “private” sphere. This essay concentrates on one area of women’s lives that inevitably implicates that question—the area of work. More specifically, it focuses on sex at work. For many years, sex at work was viewed by U.S. law as a private matter between the parties involved, rather than as a “public” issue subject to legal regulation. Beginning in the 1970s, however, some forms of sex at work—those that are “unwelcome” to one of those parties—have been increasingly regulated by law, most notably federal civil rights law. American courts began to interpret Title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment on such bases as race, religion, and sex, as reaching a particular kind of sex discrimination in employment called “sexual harassment.”

The term sexual harassment was actually coined by feminists to describe a set of practices that run the gamut from double entendres to sexually derogatory comments; from grabbing a quick feel to sexual assault and even forcible rape; from suggestions that the way to get ahead was to date the boss to threats of demotion or firing if the recipient did not “put out.” What tied these practices together was not sex per se, but the use of sex to, in the words of one of the pioneers

of sexual harassment law, “keep women out and down” (MacKinnon 1979). Economic vulnerability (“I really need this job”), social shame (“They’ll think I led him on”), and self-doubt (“Did I lead him on?”) kept women silent for decades. Employers were not sympathetic to those few who did complain. After all, women were considered marginal workers, while the men they complained about were usually their supervisors or even the boss himself.

By the mid-1970s, however, women made up an increasing percentage of the workforce in the United States, including the skilled and professional classes. Employee productivity could no longer be considered the exclusive province of men. As female productivity became an equal part of the bottom line, the choice to sacrifice it to male workers’ comfort level became increasingly expensive. Unacknowledged by the feminist lawyers who pursued claims of sexual harassment through frustrating courtroom losses, the logic of late American capitalism was already laying the groundwork for their eventual success. Feminist and capitalism were pushing change in the same direction.

This is not to discount the enormous contribution of the feminist movement or the equally significant contribution of feminist lawyers such as Catharine MacKinnon, whose book *Sexual Harassment of Working Women* (1979) laid out the civil rights approach to sexual harassment, the approach eventually adopted by the courts. It is rather to point to an important part of the story of sexual harassment regulation in the United States, one that helps explain not only the notable—and unusual—success of feminism in this area but also how some of that regulation has evolved.

Springtime in Paris?

In their essays, Marcela Iacub and Patrice Maniglier argue for an increased arena for sexual expression, including sexual activity in public (see chapters 11 and 12 of this book). While Maniglier describes the utopia that could result from the deregulation of sex, Iacub suggests that eliminating all government concern with gender would be a necessary step toward that goal. Sexual harassment law could be seen as the antithesis of this position, since it explicitly uses the coercive power of the state to try to restrict some forms of sexual activity. Nonetheless, I have described such law as a feminist victory, albeit one whose form owes much to the particular topology of the U.S. legal and economic landscape.

I share with Iacub a concern for assuring a wide range of freedom of sexual expression, as well as an appreciation for the ways in which law often works to narrow, rather than expand, the range of that expression. As law professor Katherine Franke notes in her essay on the contours of feminism, "Theorizing Yes: An Essay on Feminism, Law and Desire" (2001), law tends to cater to the concerns of dependency and danger (I might suggest rather selectively and almost always inadequately) but refuses to foster conditions that make a wider range of sexual expression possible. As an extreme example, in the United States the federal government allows individuals to take certain deductions for expenses related to children and for some of the costs of health care but does not allow individuals to deduct for membership in an S&M club or the necessary equipment for such sexual expression, even though such expenses may contribute not only to expanding the possible range of sexual expression but also to the well-being of individuals who do, or would like to, engage in S&M sex as safely as possible.

However, I remain unpersuaded that "more" sex is ipso facto likely to lead to an increase in either liberty or equality for all, and especially that ignoring differences in the social positions of women and men would contribute to lessening the disadvantages women face in the public sphere. We thus differ substantially in how, and even whether, law should take account of sex. They suggest that law should eliminate all official recognition of sex (including not only of male/female distinctions, but also of sexual activity and its differential consequences); I suggest that the law should distinguish between mutual pleasure and sexual harm, difficult as that may sometimes be, ignoring or even encouraging the former and reducing or even eliminating the latter.

Women as a class are often positioned similarly to men. However, it is in precisely those areas in which they are not similarly positioned, socially, economically, or physically, that a supposedly sex-neutral approach to law is likely to work to the disadvantage of women. In child custody determinations, for example, ignoring different parenting contributions of mothers and fathers tends to undervalue women's private labor (Littleton 1987). In domestic violence, ignoring the physical differences between men and women tends to discount the seriousness of women's injuries when both parties have engaged in some level of violence. Family leave legislation setting equal durations for male and female employees ignores the physical disability that only women experience during pregnancy and childbirth.

Sexual harassment law is sex neutral to the extent that it protects both men and women from sexual coercion on the job, but it is far

from neutral about sex. It does exactly what I suggest the law should do; it tries, however clumsily, to distinguish between mutual pleasure and sexual harm. The way it goes about this task in the United States is, however, quite different from how it does so in France.

Quel Crime?

Sexual harassment is by definition coercive (MacKinnon 1979). It involves the use (or rather the abuse) of power to extort sex or acquiescence to the harasser's impositions. This intersection of sex and power is the crux of sexual harassment's peculiar harms as well as the Anglo-French divide in addressing those harms.

In *What is Sexual Harassment: From Capitol Hill to the Sorbonne*, an extensive study of the differences between American and French regulation of sexual harassment, sociologist Abigail Saguy (2003) traces the differing social and political forces that led to different legal "solutions" in the two countries. She draws particular attention to French desires to avoid the sensationalism of American exposes of sexual harassment, and the latent Puritanism that lends such revelations their air of titillation. In the French parliamentary process, feminist proposals that drew on United States and European Union sources that stressed sexual harassment as one of several forms of sex discrimination were rejected in favor of a different frame—one that fit within then-current penal reform efforts, invoking the cultural, political, and economic prominence of socialism and labor in France as it focused on the individual harasser. The resulting crime of sexual harassment requires the abuse of hierarchical authority as a necessary element of the offense.

In the United States, with its cultural emphasis on social mobility, hierarchy is rarely faced head on. In the employment setting, stratification is more readily acknowledged, but is still relatively impersonal. It is the "employer," not the individual harasser, who is held liable for sexual harassment, and the actual perpetrators may even be coworkers rather than supervisors.

As part of French penal law, sexual harassment is conceptualized as a subset of "moral harassment," a crime of interpersonal violence. The highly influential work of Marie-France Hirigoyen (1998) exposes one of the particular harms of harassment, that is, "an attack on identity . . . a real process of moral destruction . . ." Hirigoyen's work on moral harassment demonstrates that emotional or psychological violence can be just as destructive as physical violence (Saguy 2003, 145–148). In the United States, sexual harassment only coincidentally implicates the penal system,

when it takes the form of a separate crime, such as sexual assault, battery, or rape. In general, it is an “unlawful employment practice,” allowing for compensatory remedies (such as back pay or job reinstatement) to the victim, rather than punishment of the perpetrator.

While the French penal law views sexual harassment as a violation of the community, punishable by the state, U.S. law has maintained a paradoxically private model of employer versus employee. (Even when extended to the educational forum, liability rests with the school, not the harasser.) The paradox is that sexual harassment has become increasingly public, with widespread coverage of accusations against a sitting president and even a Supreme Court nominee.

Is It Sex or Discrimination?

In 1979, Catherine MacKinnon published *Sexual Harassment of Working Women*. It codified both the method and the content of how to use equal employment opportunity law to address a harm faced primarily by women, from the perspective of those women. In adopting at least part of her legal theory, courts and agencies adopted what can justly be called a revolution in U.S. law. For the first time, the experience of women was the underpinning of law, and the perspective of women was its legitimate interpretative tool (25–27).

It is hard to overestimate the significance of this phenomenon. The U.S. Constitution, which created the nation in 1781, excluded women (along with Native Americans and slaves) entirely (Bell 1992, 26–30). In 1865, in the aftermath of a Civil War that reestablished a unitary nation, redistributed power from the states to the federal government, and guaranteed individuals “equal protection of the laws,” the Civil Rights Amendments likewise excluded women, both explicitly and implicitly. And the fourteenth amendment was held not to extend such rights to women in *Minor v. Happersett*. It was not until 1971 in *Reed v. Reed* that the Supreme Court struck down a single law on the basis that it discriminated against women.

Little wonder then that Title VII of the Civil Rights Act of 1964, which prohibited large employers from discriminating on the basis of race, religion, national origin, and sex, was originally interpreted not to cover unwelcome and coercive sexual conduct, because such acts could not be conceptualized from a male perspective as harm. From a male perspective, it is sex, and how can sex be a violation of anyone’s civil rights?

Conceptualizing harm from the perspective of women became a central and important aspect in addressing the application of Title VII. The method used by feminists in the United States in the 1960s and 1970s to develop political and legal concepts that could not be formulated in masculine terms was “consciousness-raising.” Through the recounting of individual stories by individual women, systematic injury was uncovered—jobs lost, work performance sabotaged, promotions denied, confidence undermined. One group of students and teachers coined the term sexual harassment for this injury (Farley 1978). The first cases brought were readily dismissed (MacKinnon 1979, 59).

And yet, by the 1980s, sexual harassment had been recognized by federal and state courts as a form of sex discrimination and codified as such in regulations issued by the Equal Employment Opportunity Commission, the federal agency charged with interpreting Title VII. Unlike French sexual harassment law in which deterrence depends upon the fear of criminal prosecution of individuals, sexual harassment law in the United States focuses on employer liability. Employers were held liable for this discrimination, and employees were granted reinstatement, back pay, promotions, and even injunctions requiring internal grievance and prevention procedures. Successful plaintiffs saw their lawyers’ fees paid by losing employers as well. If, as I assert, U.S. law was so inimical to women’s perspective, how did sexual harassment become as quickly and widely accepted as a harm that required a remedy?

As suggested in the introduction to this volume, a clue to the answer lies in a slogan formulated by James Carville for former president Bill Clinton’s campaign—“It’s the economy, stupid!” Capitalism in the United States has always relied on women’s labor, but the labor of middle-class white women was either unpaid or viewed as marginal. As law professor Joan Williams (2000) notes in her discussion of the ideal worker, the vaunted productivity of the American workforce was seen as the productivity of men, often in ways that obscured or minimized the contributions of women in the workforce. Betty Friedan’s (1963) suggestion that housewives give up the “feminine mystique” for paid employment challenged that view, and women responded in droves. Employers hired women as a permanent part of the workforce, and began to see female dispatchers, secretaries, technicians, and professionals not as attractive perks for productive managers but rather as potentially productive in their own right. At the same time, the wives and daughters of U.S. politicians, judges, and business owners started to see what their sisters of color in the working classes had been dealing

with in exchange for the economic security of a paid job. "It's the economy, stupid!" When feminism and capitalism pursue similar ends, change occurs rapidly.

But similar ends are not the same end. Indeed, feminism and capitalism may well have been following parallel tracks, but have not been aiming for the same station. At some point, then, the tracks must diverge. The Supreme Court issued a warning light of sorts as early as 1986 in its first sexual harassment case, *Meritor Savings Bank v. Vinson*. While finding that Michelle Vinson's allegations could, if proved, give rise to a claim under Title VII, former Justice Rehnquist's opinion considered what evidence could be used to establish whether her supervisor's advances were unwelcome. Her clothing and discussion of sexual fantasies were "obviously relevant," despite the fact that the former was seen by everyone at work and the discussion was not with her supervisor. Apparently the Court believed that women could be available or unavailable, but not selective.

Bad Business?

In U.S. businesses, sexual harassment law was first resisted, then accepted, then exploited. No doubt concern with avoiding legal liability (as well as bad publicity) encouraged many employers to adopt policies prohibiting harassment, and to take advantage of the services of a growing cadre of human resource professionals and sexual harassment trainers (e.g., Carey [1998]). Potential liability did not only consist of equitable remedies; many state laws allowed damages and juries were quick to reach verdicts in the millions in egregious cases. In 1994, in *Weeks v. Baker & McKenzie*, a jury awarded \$50,000 in compensatory damages and \$6.9 million in punitive damages to a law firm secretary who suffered from sexual harassment at the hands of her boss, an important partner and "rainmaker" at the firm. Then in 1995, in *Kimzey v. Wal-Mart Stores, Inc.* a jury awarded a plaintiff \$35,000 in pain and suffering, \$1 dollar in lost wages, and \$50 million dollars in punitive damages for her claim of sexual harassment. Personal injury lawyers, working for a percentage of the damages award, rather than civil rights attorneys hoping to have their fees paid, made it possible for many more claimants to get to those juries. In 1991, substantial amendments to Title VII placed sexual harassment explicitly within the statute and added compensatory and punitive damages to the remedial options, although these were limited according to the size of the company.

But legal liability neither was nor is the only economic force operating on employers. How much more productivity could be extracted from the workforce if not only coercive relationships, but sex itself could be banished from the office? Is the personal freedom of employees more restricted today by the legal recognition of sexual harassment, or by the increasingly complex written and unwritten codes of behavior and dress that pertain in the workplace? Is the “obvious” relevance of women’s clothing more likely to be used as a legal excuse or as a site of increasing scrutiny by employers and internalized oppression by female professionals?

It is, of course, far easier for employers to adopt a “non-fraternization” policy than to take on the sometimes daunting task of distinguishing between mutual relationships that have soured and sexual conduct used coercively. But to the extent that human beings do crave association—friendly, romantic, and sexual—such policies are more likely to produce concealment than compliance. Abolishing regulation, as Iacub and Maniglier suggest, could solve that problem, but so long as inequality persists, only at the cost of a return to the discrimination, exploitation, and damage women suffered through sexual harassment before it had a name.



Attempts to harness the power of law to coerce changes in behavior must take account not only of the legal topology but also of the social, cultural, and—most importantly—economic forces that inevitably press legal reform toward other agendas. Feminists must resist efforts by employers and others to regulate women’s sexual expression and insist that they address sexual coercion—the harder challenge, and therefore the more necessary.

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PART II

*Parity: A French Interpretation of
Affirmative Action?*

CHAPTER 7

Parity versus History

CHRISTINE FAURÉ

Adding yet another essay to the already abundant production on the topic of parity between men and women is a perilous undertaking.

My aim is not to express my opinion in the manner of the pro-parity associations.¹ I want to show how opposition to parity, during successive phases of the political integration of women in France, has been linked to a theory of national representation that remains fundamentally hostile. Its arguments should not be taken lightly. They repeatedly betray an ideological debt to the French Revolution, to a century when the inclusion of women in political institutions was not felt by the majority of people to be a necessity, and indeed when it was only supported by a minority (Fauré 2006).

Feminist struggles, heroic in their way, did not sit well with the Republic (Rochefort 2002). Despite their doggedness, these struggles failed to bring about institutional renewal until the end of the 20th century. The emergence of a European polity, however gradual, would change the debate by calling states to task on the inconsistencies between their discriminatory workings and the democratic principles they claimed as their legitimizing principles.

The tools used by Europe in its various organs—statistical comparisons, recommendations, obligatory conventions—were applied in highly ingenious ways so that decisions taken at a national level would respond to the reality of the situation. In France, a strategy of “exceptionality” had to be developed: that is, the so-called Parity Law of 2000. It remains to be seen, however, whether this legislation will

succeed in getting enough women elected to the National Assembly (House of Representatives in American terms) and Senate to make equality a reality in the political realm.

In order to explain the nature of the obstacles to female access to elected office, I will discuss in turn the following three questions: (1) The circumstances surrounding women's suffrage; (2) The constitutional reform that excluded the use of quotas in political representation; and (3) The so-called Parity Law and its deficiencies.

Women between Eligibility and Election

The decree of April 21, 1944, Title IV, Article 17 conferred upon women the right to vote and be elected. The decree was signed in Algiers by General de Gaulle and seventeen commissioners on behalf of the French Committee for National Liberation.

The context of the decree's promulgation remains obscure due to a lack of archives and the terseness of the minutes and other accounts. De Gaulle spoke very little on the topic. In his War Memoirs, he merely notes: "In the vastness of its reform, the decree of April 21st, 1944, put to rest 50 years of controversy" (1994, 429). This was an allusion to the 1920s and 1930s when the National Assembly and the Senate played political ping-pong with the topic,² to bills that were never voted on, and to the procrastinations of the Socialists at the time of the Popular Front (Fauré 1991, 5–6).

Beyond merely recounting how it came to pass, I would like to explore the place of women's suffrage in the preparatory work carried out by the General Studies Committee, the theoretical body charged with reforming France after the war. In the August 1943 number of the clandestine publication *Cahiers politiques*, Michel Debré elaborated a progressive scenario: female suffrage would be a progressive affair, beginning with the municipal elections (Debré 1943, 9). It is clear that the vote for women was not one of the constitutional preoccupations at that time, but merely one of a bundle of measures that it was considered opportune to adopt (Debré 1944, 17). Even after the war ended in 1945, Michel Debré and Emmanuel Monick, writing under the pseudonyms Jacquier and Bruère, proposed a voting system based on the family unit, thus replacing the concept of "one person, one vote" with a form of suffrage that would recognize the importance of demography in the reconstruction of the country: "Naturally, the lower chamber will be elected by universal suffrage, which in this day and age should be

that of the men, women, and children represented by the family vote” (Debré and Monick 1945, 149).

This reticence about establishing equality between men and women was not unique to the General Studies Committee. The debates in the Provisional Consultative Assembly³ that began meeting on September 17, 1943, in Algiers reflect a similar mindset. For more than four months, the issue of female suffrage created confusion and divided its members.

On December 22, 1943 (fourth session): “on the women’s vote,” the public law scholar Maurice Hauriou “[...] expressed his apprehensions regarding the first election. [...] The chairman [Paul Giacobbi] considered that it would be better to leave this structural reform to the Constituent Assembly, whatever form it might take; Mister Laurent insisted on the pressing need for immediate reform in this area. The Commission, in majority vote, agreed with this view.”

On December 27, 1943 (fifth session),⁴ Giacobbi made the following objection: “Do you think that it is wise to throw ourselves into an adventure like women’s suffrage as we prepare to enter what promises to be a period of upheaval.” On the same day, the position of the government was set out in the minutes of a meeting held in the afternoon: “Summing up the discussion, the question of women’s suffrage that the French Committee for National Liberation considered as a palliative to the absence of a large number of voters is not indispensable to the designation of this first assembly.”

January 1944 brought with it fresh expressions of uncertainty. On January 3, Robert Prigent, a Christian union representative, was minded “to give the vote to women, who have shown themselves worthy of it.” However, Paul Giacobbi reports “a divergence of opinions regarding the vote for women, prisoners, and deportees.”

On January 8, 1944 (seventh session), the Commission decided, with only one dissenting voice, to adopt the principle of women’s suffrage, but with the following caveat: “it has decided unanimously that the first exercising of this right would not be in order to elect the first assembly due a) to the absence of an [electoral] list, and b) to the absence of a large number of men, which would result in too great an imbalance in the electoral pool.”

By January 28, 1944 (sixteenth session), the conflict was out in the open:

Two opposing views have emerged regarding the organization of the Paris council and the increase in size of the Consultative Provisional Assembly: a) The first involves awaiting the return of

a large proportion (80 percent, for example) of the male electorate, which would allow for female participation and the establishment of town councils; b) the second holding of elections immediately, without a large return rate, but without the women's vote, in order to create a provisional council with a 1-year term maximum.

During the eighteenth session on March 2, 1944, Paul Giacobbi, Vincent Auriol, and René Cassin (who would later be one of the writers of the Universal Declaration of Human Rights) underscored the "positive aspects of the decision to allow women to be elected in the first provisional elections even though the right to vote had not yet been granted to them." Among the reasons given were the risks of mishaps, of coercion, and of the discrediting of the female vote if things went awry.

It was via the magic of two amendments, one proposed by Robert Prigent, the other by the communist Fernand Grenier, that female suffrage was achieved. Prigent proposed the following amendment to Article II: "The Assembly will be elected by direct suffrage in a secret ballot of all adult Frenchmen and Frenchwomen." This amendment came with the following justification: "There are psychological reasons for this to which we are committed [...] speaking finally of the crucial point of our amendment, which expresses our desire to give to the Frenchwomen of tomorrow the right to participate in the civic responsibilities of the nation" (*Assemblée consultative provisoire* 1944, 29). Fernand Grenier went even further: "We would be gratified if the vote were given to all Frenchmen and -women over eighteen years-of-age," a proposal that was rejected.

During the discussion of Article 16, Fernand Grenier (1970, 279–282) proposed the following amendment: "Women are electors and eligible to be elected on the same basis as men." Paul Giacobbi countered one final time with the technical argument that electoral rolls would be hard to draw up in such a short period of time. Despite this, Fernand Grenier's amendment was passed by fifty-one to sixteen (out of a possible sixty-seven votes).

The Commission for Legislation and State Reform did not show much boldness on the question of female suffrage: from the offensive stance of the moderate Republican party, a.k.a. the Radicals,⁵ anxious above all to rule out the possibility, to the indecision of François de Menthon, who saw the female vote as a palliative to the lack of men (held prisoner or absent for other reasons), the debate was ill-focused

and lacked structure. It revealed the broad range of opinion on the issue among legal experts in the interwar period. In spite of the English and American precedents, Adhémar Eismein (1848–1913) wrote unequivocally and without hesitation: “However, I believe women’s political suffrage is neither required by principle nor is it useful to society” (Esmein 1914). Maurice Hauriou (1856–1929) detected in the idea a “repugnance for the Latin instinct,” but regretted that they were not asked for their assent and an expression of their confidence in the course of public affairs, without going as far, however, as to give them a place in government (Hauriou 1929, 561–564). Certainly the most progressive, Léon Duguit (1859–1928), admitted “that there is no logical reason why women should be incapable of political participation,” which he reconciles with the theory of national sovereignty: “It does not follow on logically and inevitably from the principle of national sovereignty that the members of the nation, taken individually, have any right to participate in public affairs [...] Hence the lack of certainly, the hesitations of our positive law, and of the French and foreign doctrines relating to the make-up of the electorate” (Duguit 1923, 442, 454).

The spectacular turnaround performed by the Assembly has prompted me to suspect an outside influence linked to the international context of the time. The Americans and the English had long before settled this question: in the United States, the right to vote had been acquired by women in 1920; in Britain it was in 1918. And General de Gaulle, while not pro-women’s suffrage out of conviction—he would continue to make fun of the issue—was not inclined to allow it to weaken his legitimacy in the eyes of the Allies. It was difficult, for tactical reasons, to allow the French to get bogged down in political infighting and to refuse this symbol of modernity. The Radicals had wished to grant women the right to be elected without granting them the right to vote, but the likelihood of women being elected was socially improbable as illustrated by the statistics on female representation in the two chambers. After a brief period of enthusiasm during the 1945–1946 elections, the percentage of women in the two houses of parliament crashed.⁶

The constitutional renewal ushered in by the declaration of the Fifth republic in 1958 changed nothing. The low number of women in politics posed no constitutional problem, as Michel Debré’s 1959 article on the new constitution witnesses:

As for the assemblies, we have remained true to republican tradition: the electoral laws for both remain outside of the scope of the

Constitution. Of course, it is understood that representatives are elected by direct universal suffrage and that the Senate ensures representation for territorial entities. The fundamental rules of French democracy thus remain unchanged. (25)

Sociology justified this state of underrepresentation: women's lifestyles, their lack of interest in politics, their low level of informed knowledge, their attachment to religion, and so on, were just so many alibis (Dogan and Narbonne 1955; Duverger 1955) obviating the need to question the workings of the political parties. According to the research carried out by Janine Mossuz-Lavau and Mariette Sineau (1980; Mossuz-Lavau 1994), it was in the 1970s that an autonomous women's vote emerged. Women were voting in the same numbers as men, and were freely expressing their opinions regarding the choice of candidates. However, despite this "take off" of the female electorate, female candidates were few-and-far-between. In this context, something occurred, an event that is often overlooked because it involved a left-wing government that had made women's rights a rallying cry.

The Snub of 1982

In January 1979, Monique Pelletier, minister for the family and women's affairs, proposed that candidate lists for municipal elections in towns of over twenty-five hundred inhabitants include at least 20 percent women. In November 1980, a few months before the presidential elections, Prime Minister Raymond Barre put before parliament a bill obliging the presence of "at least 20 percent of either sex [...] on the candidate lists for the municipal elections. (Vedel, a senior member of the parliament, but not yet a member of the Constitutional Council, had pointed out in an article in *Le Monde* on February 3, 1979, that this would be a way of avoiding the risk of unconstitutionality.) The bill was passed with a large majority (439 to 3) by the Assembly on first reading, but could not be reviewed by the Senate because the parliamentary session was at an end. In the course of the summer of 1982, the bill for the reform of the municipal elections, prepared by the minister of the interior, did not adopt the proposal for the creation of quotas; Gaston Defferre judged that it was up to the political parties to ensure that the lists included a sufficient proportion of women. An amendment authored by the socialist representative Gisèle Halimi proposing a 30 percent quota (reduced to 25 percent by a sub-amendment made by

the socialist government) was passed by the Assembly (476 to 4, with 3 abstentions) and adopted on third reading.⁷

The Constitutional Council, acting on its own initiative, would examine the constitutionality of this amendment and declare unconstitutional the adding of the word “sex” to Article L. 262 of the electoral code. Torn between their need to appeal to the female vote and their desire to distribute seats as they saw fit, the indifference, nay relief, on the left and right of the party political spectrum at this decision was palpable.

In the context of this essay, it is important to understand the basis on which the amendment was judged to be anti-constitutional:

In consideration of the terms of article three of the Constitution:

“National sovereignty belongs to the people who exercise it through their representatives and by referendum.

No section of the public, nor any individual, can take over its exercise.

Suffrage may be direct or indirect under the conditions provided by the Constitution. It is always universal, equal, and secret.

As defined by the law, all adult French nationals of either sex, possessed of their civil and political rights, may vote.”

And in consideration of the terms of article 6 of the Declaration of the Rights of Man and of the Citizen:

“All citizens being equal” in the eyes of the law “they are equally eligible for all public dignities, posts, and functions, according to their abilities and without any distinction save that based on their virtues and talents.” (Conseil constitutionnel 1982, 68)

This decision against quotas is one of the major decisions of the Constitutional Council. What is at stake is the interpretation of the indivisibility of sovereignty, the logical correlates of which are the interchangeability of citizens and the homogeneity of the body politic.

Female socialists—such as Yvette Roudy, who wrote in *Le Monde* on November 24, 1982, “As a member of the government, I am obliged to accept the decision, but as a woman I can’t help but wonder,” or Gisèle Halimi, who denounced the “old misogynistic impulse”—seemed at a loss faced with the starkness of a decision over which loomed the

specter of Abbot Sieyès. The snub of 1982 excluded the application of quotas in the national electoral process. In order to tackle the bad faith (Loschak 1983) of politicians and legal experts, another strategy had to be found. With the revision of Articles 3 and 4 of the Constitution, the so-called Parity Law allowed the obstacle to be overcome.

The Law on Parity

This law was adopted on June 28, 1999, by parliamentary congress, that is, a combined sitting of Assembly and Senate, with the formality of the occasion being vaunted as a sign of parliamentary consensus on the topic. Thus to Article 3 was added the sentence: “The law is to facilitate the equal access of women and men to elective office”; and to Article 4: “They [the parties] shall ensure the application of the principle set forth in the final paragraph of article three in the conditions determined by the law” (Congrès du Parlement 1999).

The debates in the National Assembly and in the Senate were stormy. Unable to point to legal precedent, in an unusual move, legitimacy for the bill was sought in women’s history (Fauré 2003, 41) and its heroines, which had emerged from what was in essence a protest movement. For those involved, this was an experience that revived the enthusiasm of the early days of the struggle. After the declaration of the unconstitutionality of the 1982 law, the goal had essentially been the modification of Article 3’s definition of national sovereignty, which provoked countless theoretical and practical reservations from various points of the political compass.⁸

In the institutional realm, Robert Badinter was the self-appointed guardian of the republican tradition. A member of the socialist majority, the senator and ex-minister of justice (attorney general) responsible for the abolition of the death penalty did all within his power to scupper the government’s bill. In the Senate on January 26, 1999, he invoked human rights and national sovereignty in the following terms:

As we know, the philosophical debate divides feminists among others. It is the concept of humanity that is at issue. Does the fact that humanity is made up physically of men and women mean that we should consider it as essentially dualistic? Let me say this clearly, I don’t think so any more than Elisabeth Badinter does. Humanity is one and the same in all those who make it up. It is what is common to all human beings, beyond all distinctions.

That is why, unless we wish to limit the scope of human rights, we must understand that universality [...] is of their essence. Human rights belong to all humans without consideration of sex, race or any other consideration [...]. Sovereignty, like the Republic [he goes on to say] is one and indivisible. So you see, when I hear, as I did this morning, that sovereignty should be represented by both halves of humanity, men and women, I have to admit that I cannot go along with this line of argument. (Sénat 1999)

By his words, Robert Badinter was conjuring up the shades of the first French Revolution. In the Constitution of September 3, 1791, sovereignty is defined thus: "Sovereignty is one, indivisible, unalienable, and unprescribable. It belongs to the nation; no section of the people, nor any individual can take over its exercise" (Section III, Article 1). This constitution was written at a time when France was still a kingdom governed by Salic Law,⁹ where neither the right of all men, not to mention the right of women, to vote was an issue. There certainly were some occasional expressions of political ambition by a few women here and there. Olympe de Gouge's Declaration of the Rights of Women (1791), which only emerged from the obscurity to which it had been relegated after two centuries, was an exception and even if we are charmed today by the author's extravagance, it must be admitted that she did not find an audience at the time, and in no way influenced legislators.¹⁰ In 1999, the concept of parity, European in provenance,¹¹ was not aimed at upsetting existing balances by introducing a homeopathic dose of women into the electoral system, but rather at correcting an anachronistic conception of national representation.

Humanity is made up of men and women with equal rights, and the political structure of the country had to take this into account. However, the most outlandish notions were bandied about in an attempt to block real female access to this unisex world.

The electoral law of June 6, 2000 (n° 2000-493), deals with elections with lists by mandating the alternation of men and women, but also provides for financial penalties against political parties that do not observe parity requirements in single-candidate polls.¹² It has led to spectacular results in elections with lists, in municipal elections, and in constituencies of thirty-five hundred inhabitants or more in regional elections, with comparable results: percentages of women elected were as follows—47.5 percent in the municipal elections of 2001 (communes of thirty-five hundred inhabitants or more); 48.5 percent in 2008 (Premier ministre 2008); 47.6 percent in the regional elections of 2004.

The parity law was applied for the first time in the European elections in 2004 but the qualitative leap was lesser than in other elections: from 40.2 percent in 1999 to 43.6 percent in 2004 (Premier ministre 2004a).

The hybrid circumstances of the senatorial elections¹³ produced limited progress: 16.9 percent in 2004.

The two-round, majority cantonal elections were not affected by the law and changes were minimal: 9.8 percent of those elected in 2001 were women; 10.9 percent in 2004; 13.1 percent in 2008.

On the other hand, the parliamentary elections where each party proposes a single candidate have shown no sign of gaining impetus: the Assembly has gone from 63 female representatives in 1997 to 71 in 2002, that is, from 10.9 to 12.3 percent; 18.5 percent in 2007. It would appear that the financial penalties do not have the intended dissuasive effects in terms of the choice of candidates. In the face of this obvious inadequacy, it is time to stop beating about the bush.¹⁴ The proposal made by Guy Carcassonne at a colloquium held on June 6, 2005, at the National Assembly, is worthy of consideration:

The method is simple. Rather than merely penalizing the parties who do not propose enough female candidates, the resulting moneys should go to the parties who have attempted to obey the parity law. At present, the parties do a cost-benefit analysis and conclude that it is more advantageous to choose fewer candidates because it is easier to calibrate a budget based on the expected incomes. As long as it is only a matter of doing without the money, this state of affairs remains tolerable for the parties. On the other hand, if it were decided that this money would go to the competing parties, the costs would become intolerable. (Assemblée nationale 2005, 52–53)

At three successive crossroads, the political integration of women has come up against the inability of our institutions, acting in the name of an outmoded revolutionary identity, to ratify the sharing of powers and obligations between men and women. As Danièle Loschak pointed out in the article on the law of 1982 already mentioned, by depending too much on two-hundred-year-old texts written in a social and political context unrelated to today's, one is liable to get into a tangle such as the present, rather ironical one: "Thus a measure designed to ensure a greater balance in municipal councils is predicated upon an arrangement that dates from a period that never even imagined that women

could vote. Is it reasonable to fixate upon the letter of the texts, thus completely ignoring the spirit in which they were written?” (Loschak 1983, 136). The author of the 1789 Declaration of Human Rights was concerned with ending the feudal system and the need to find a principle, whether monarchical or republican, that could unite the country. By counting on interparty rivalry, Guy Carcassonne has opted for a liberal solution that has shown its effectiveness in the area of women’s rights, whether at the time when women got the vote or the passing of the law on parity, which benefited from political cohabitation with everyone, on the left and the right, trying to appear more modern than the other, and neutralizing in the process their opponents within their own parties.

Notes

Translated by Colin Keaveney.

1. In “Les stratégies de légitimation de la parité en France,” Laure Béréni and Éléonore Lépinard (2004) compile an exhaustive list of these publications.
2. May 1919: Clemenceau remains silent on the reform bill proposing to give women the vote in certain elections. May 1922: Senate refuses to pass full voting rights. The year 1932: Rejection of a proposal that had already passed the lower chamber in 1924 and 1928. See Rudelle (1994, 57ff.).
3. L’Assemblée consultative provisoire: Commission de législation et de réforme de l’Etat. Records are in the *Archives de l’Assemblée nationale*.
4. See Guéraiche (1995, 170)
5. A moderate republican party that participated in the numerous governments of the Third and Fourth Republics.
6. Assemblée Nationale: 6 /1946: 5.1 percent of women; 11/1958: 1.5 percent; 3/1993: 6.4 percent. Sénat: 12/1946: 6.7 percent of women; 6/1958: 1.9 percent; 9/1992: 5 percent (Union Interparlementaire 1995, 128).
7. This story is taken from Louis Favoreu and Loïc Phillip’s *Les grandes décisions du Conseil constitutionnel* (1999, 556).
8. “A certain number of feminists expressed their unease at the idea of quotas, which they considered humiliating and pernicious. The notion of parity was thus substituted for that of quota...” (Pisier 2001, 720).
9. Chapter 2, Article 1 : “La royauté est indivisible et déléguée héréditairement à la race régnaute de mâle en mâle, par ordre de primogéniture à l’exclusion perpétuelle des femmes et de leur descendance.”
10. See Blanc (2003). In her work, *La citoyenne paradoxale*, it would appear that Joan W. Scott (1998) is very optimistic about how *La Déclaration des droits de la femme* was received and that she is projecting 20th-century readings onto the text.
11. “Equal-access democracy or the birth of a concept: [...] The European Parliament Committee on Women’s Rights and Gender Equality is organizing a seminar from September 6–9, 1999 in Strasbourg whose English title is ‘The Democratic principle of Equal Representation’ [...]. As we know, the French title finally agreed upon was equal-access democracy (*démocratie paritaire*) [...] This explains in part why most Northern-European countries were opposed

- to parité and most of the Southern-European nations supported it, considering it was a new way of dealing with equality between the sexes” (Sineau 2004, 29).
12. On December 16, 2000, senators lodged an appeal against the law on grounds of unconstitutionality, arguing that some of its provisions merely set a goal, and this was incompatible with constraining and penalty measures. The Council rejected this appeal: the financial penalty was not a sanction, it argued, but part of the mechanism of public financing of the political parties. See Favoreu and Phillip (2001, 543–544).
 13. The electoral law of July 10, 2000, had modernized senatorial elections by introducing proportional representation with a formal obligation that parity be observed in departments electing three senators or more. The law of July 30, 2003, established elections with voting on a majority basis and without a parity provision in these departments electing three senators. As one might have expected, the result of the 2004 elections show progress when compared to 1995—at that time, there was no parity obligation and proportionality only existed in departments with at least five senators.

In the departments with majority voting but no parity, 2 out of the 45 elected were women, that is, 4.4 percent. In the departments using proportional representation and parity, for senators and up, 29 out of 83 were women, that is, 34.9 percent (Premier ministre 2004b).
 14. See Catherine Achin (2001), especially the chapter titled “La confusion des arguments: parité, un concept faux en théorie, efficace en politique” (248–254). In this chapter heading, Achin echoes Geneviève Fraisse, ex-interministerial delegate for women’s rights, who on many occasions used the following inversion of the Kantian phrase: “Parity is a concept that is fair in practice, and false in theory.”

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CHAPTER 8

Parity and the Sexual Order

RÉJANE SÉNAC-SLAWINSKI

Has the time for women arrived? This question appears between the lines of media, governmental, and even academic accounts of women who have reached the political sphere's highest ranks. In fact, the recent elections of several women politicians were depicted as nothing less than a feminization both of the institution and practice of politics, as seen in the elections of Argentina's President Cristina Fernandez de Kirchner, Chile's President Michelle Bachelet, Liberia's President Ellen Johnson-Sirleaf, and Germany's Chancellor Angela Merkel, as well as in the respective presidential campaigns of Ségolène Royal and Senator Hillary Clinton in 2007 and 2008. But the spectacularization of equal power-sharing between women and men is, at the very least, premature. Indeed, in October 2008, out of two hundred and thirty-one countries and territories, only seven chiefs of state are female, seven prime ministers and four governor generals (Mossuz-Lavau 2007).¹ These statistics stand in stark contrast to the recent spectacular depictions of women's empowerment. Paradoxically, while women's underrepresentation in politics exists as both a public policy issue and a subject of study, we are still far from resolving the more basic issue of women's and men's equal legitimacy to exercise power.

Thus, since the late 1980s, broader theoretical questions about "the regulating principle in male and female social relations" (Mill 1975, 57) have been tied to many practical debates, both national and transnational, concerning the power-sharing strategies needed to attain democratic parity. These debates are inflected by interactions between

international movements—from the UN and the European Union in particular—and their translation in a national context. In this regard, France’s “parity law,”² or more precisely, the 1999, 2000, and 2007 laws, “relative to the equal access of women and men to electoral mandates and public office” represents an application of basic democratic and transnational principles. Yet simultaneously, on the national scale, parity law also looks like an ambiguous governmental tool.

Our purpose in this chapter, therefore, is to understand if and how the old and polysemous term “parity” has transformed France into a model of political power-sharing—at least in terms of the principles it espouses—despite its being historically stigmatized as an exclusive, if not exclusionary, democracy (Fraisie 2000). Indeed, this transformation is all the more astonishing given that France’s exemplary status is belied by its transposition of parity law, particularly in its weak application at the parliamentary level. Thus, after the legislative elections of 2007, France’s proportion of women to men in the lower house of Parliament was 18.5 percent. This statistic ranked France in eighteenth place in the European Union, and fifty-ninth place in the world. However, before the vote on parity law, after the legislative elections of 1997, the proportion of women deputies in the lower chamber was 10.9 percent, ranking France forty-second in the world. What these numbers mean is that on a parliamentary level, parity law has certainly led to some advances, but to a lesser extent than in countries that adopted strategic legal and partisan quotas.

To understand the stakes of this “paradoxical parity,”³ we will not dwell on quantitative analyses of parity law and its genesis, already treated in several governmental studies (Conseil Economique et Social 2007; Ministère de la parité et de l’égalité professionnelle 2005),⁴ as well as in scholarly ones (Lépinard, 2007; Mossuz-Lavau 2002, 2007; *Politix* 2002; *Pouvoirs locaux* 2005, 10–28; Scott 2005a; Sineau 2004; *Territoires* 2006). Instead, we will attempt to illuminate some of the ambiguities associated with the word parity itself. Parity, as a word, denotes an abstract principle that has been translated into legal and electoral contexts. Given this double definition, we will approach parity as a “concept–method” (Fraisie 2001, 311–324).⁵ This dual reflection on parity leads us to question more deeply the meaning of democracy itself, both in theory and in practice. Moreover, parity gives us a fresh approach to theoretical questions about social harmony based on equality and difference. On a pragmatic level, parity implements juridical measures that move past the formal and legalistic definitions of equal rights in order to achieve an equality of “fact,” or so-called real equality.

Our hypothesis is that the success of parity law indirectly questions the centrality of the sexual order in our society (Sénac-Slawinski 2007), as compared to other kinds of overlapping “legitimate orders” (Weber 1995, 64–68)—sexual, natural, social, economic, political, familial, and intimate (Habermas 1998). The sexual order, understood as a hierarchical and normative authority, assigns each sex a place in the social and political order, which in turn corresponds to a presumed natural order. The ways in which these orders interlock lead us to a question about the distribution of power, or even about the dominant position of sex over gender (Bourdieu 1998). The notion of “differential values of the sexes” (“valence différentielle des sexes”; Héritier 1996, 24), reflecting the constant valuation of male over female, underscores both the universal and social dimensions of the imposed, dissymmetrical sexual order. In both theory and practice, parity questions equality as a democratic principle by judging differences legitimate and illegitimate (Perelman 1963), with the latter understood as inequality. In what ways does the juridical formulation of parity reveal a desire to move past certain oppositions: between equality *de jure* and equality *de facto* (Vogel-Polsky 1996), and between universal republicanism and “affirmative action”⁶ in the American sense of the term (Calvès 2005; Conseil d’analyse de la société 2005; Sabbagh 2003; Tsujimura and Lochak 2006)?

Without attempting to address these issues’ implications in their entirety, we will concentrate instead on some of the slippages of meaning associated with the parity principle. Building from studies on the birth of parity law and its evaluation, we will examine how the parity principle started as a movement that aimed to reconsider difference in equality, but reshaped through its transposition into legal and electoral practice, now aims to equalize in and through difference, by creating conditional equality.

Implications of the Parity Principle: Contemplating Difference in Equality

Following Thérèse Locoh and Monique Meron on the subject of the French translation of gender mainstreaming (Commission de terminologie et de néologie 2005), we agree that the order of language and the social order should be viewed side by side. “Taking issue with words is not neutral, it means having to discuss the potentials and newness of concepts that words denote and help to create” (Locoh and Meron 2006, 120). To avoid ceding to the temptation of semantic slippage, we

should start by examining some of the implications of parity's definitions. In fact, during France's legal transposition of parity, the various meanings of the term parity was at the root of polemical debates over the recourse to affirmative action, a measure thought to threaten republican universalism, and to derogate equal rights and opportunity by tending toward a communitarian democracy. Since the transposition of parity into law, however, there appears to be a consensus on the word's meaning, even serving as a slogan for the demand to equalize women and men. However, before we can understand the link between parity and the sexual order, we need to look more closely at the ambiguities surrounding this term.

These debates over the meaning of parity show the degree to which gender is invisible not only in political and social practice but also in political theory. For parity criticizes the chronic underrepresentation of women in the political world not as a conjectural injustice, but as a symptom of a democracy conceived without women (Fauré 1985; Fraisse 1989). Theorizing sexual inequality within these debates can be considered a foundational act, rather than a contradiction of democratic equality, insofar as "considered in terms of indivisibility, 'communality' implies a suppression of heterogeneity, of the non-assimilated, of everything that distinguishes and defies the political body's pretense of unity" (Collin, Pisier, and Varikas 2000, 324). Thus at the heart of the social and political order in French democracy, there lies an unequal sexual order (Sénac-Slawinski 2007).

Dis-parity: Analysis of a Polysemous Concept

Etymologically, parity derives (1345) from the Latin *paritas*; *par* being "equal" or "same." It denotes similitude between two objects. In French, this term is used in domains as diverse as mathematics, physics, obstetrics,⁷ economics, sociology, or labor law. In economics, for example, *parité* is used to denote the equivalence of value between two currencies. In labor law, an organization (a board, committee, or assembly) is defined as *paritaire* if various types of persons, in particular employers and employees, include an equal number of representatives. Thus parity is neither a new nor univocal term. It seems paradoxical, then, that in the context of debates over the relevance of parity law, it was presented as a novel term denoting a modern republican universalism and democracy "à la française" (Viennot 1996). And all this in France, moreover, where women did not become "electors, and eligible for political office in the same conditions as men" until 1944,

through Article 17 of the ordinance on state and local powers after the Liberation—in France, where the National Assembly still counts over 80 percent of male deputies after the legislative elections of 2007. France's nationalization of parity is all the more disconcerting because the term itself is legally defined as “quantitative equality guaranteed for access to certain elected positions” (Demichel 1996, 95), but does not appear in the legal texts regulating parity reform. Nor does this definition appear in the constitutional law on equality of the sexes of July 8, 1999 (Articles 3 and 4), nor in any of the laws on men and women's equal access to elected terms and duties (the laws of June 6, 2000, July 4, 2000, and January 31, 2007). In fact, parity is mentioned only in the preambles of these bills, to denote a principle central to the overall renewal of political life and its functions. Moreover, since its first application in the municipal and regional elections of 2001, parity seems to have lost its specific meaning. Parity is used widely in France to denote a procedure based on the legal comparison of women and men,⁸ and, by extension, parity also refers to the public policies that promote sexual equality.

To understand the equivocal aspects of this notion, we must pay close attention to the implicit ideologies (Baudino 2006; Hofmann, 2006) behind the devaluation of the word parity and its various definitions. One illustration of these implicit ideologies is found in the official recommendation on French equivalents for the English word “gender.” Concerning the issue of non-translated foreign words in international treaties, the Prime Minister's General Commission (Commission on Neologisms and Terminology 2005) criticized the excessive use of gender and recommended that a French translation be implemented. However, Commission's line of argumentation reveals a slippage between language and politics, insofar as “beginning with a question or a problem of translation, presented to all translators (it is true the English word ‘gender’ cannot be translated systematically by the French word *genre*), we end by questioning a concept's semantics after it has already been instituted in administrative, activist, and academic practice for a period of time” (Bozon 2006, 144). Similarly, in an opinion of March 4, 2006, the same General Commission defined the notion of parity regulation (*paritarisme*) as “actions favoring equality between women and men.” *Paritarisme* was thus defined as the French equivalent of the English term “gender mainstreaming.” By creating a false equivalent, this translation negates the meaning of both terms, “*parité*” and “gender mainstreaming” (Dauphin and Sénac-Slawinski 2008) in the context of national and international debates.

The specific meaning of the word parity is even more difficult to pin down since its definition changes in accordance with the speakers and with contexts. But more than mere vagueness, or even confusion, parity's semantic flexibility shows how it is able to simultaneously accommodate emerging feminist movements in all their diversity. Moreover, the word parity allowed France to participate in the European movement for equal decision-making, but without using the words "feminism" or "quotas," which remain taboo and impolitic terms for the French. To keep from turning virtue into vice, however, it is essential to avoid transforming parity into equality's pale imitation. Parity is a specific notion that aims to undo the naturalization of power relations between the sexes by questioning the ways in which male and female relations are constructed in society. Even if the parity movement must not be likened to the fight for equality, it does not mean that parity only concerns the access of women to political power. Parity questions power's implications within all situations of sexual inequality, be it in the public, political, or professional sphere, or in the private one: "The critique of masculine power quite obviously included every kind of inequality that falls under this heading" (Fraise 2001, 319).

Parity: Between Renewing Citizenship and Challenging Democracy

As Françoise Gaspard, Claude Servan-Schreiber, and Anne Le Gall (1992) declared in their call *Au pouvoir citoyennes ! Liberté, égalité, parité* ("To power, women citizens! Liberty, Equality, Parity"),⁹ if parity is neither a luxury nor a gadget, but an attempt to renew our hope for democracy, it is because women's exclusion from politics is central to the notion of citizenship. The parity movement brought this contradiction to light by locating sexual difference at citizenship's core. The concept of citizenship is thus understood not only as "the capacity to exercise rights linked to democratic-style political participation" (Braud 2000), but also as a pluralist identity, combining civil, political, and social dimensions (Ballmer-Cao, Mottier, and Sgier 2000; Marshall 1950). The parity movement critiques a brand of universalism that enshrines the unisex citizen (Rosanvallon 2001; Walby 2000), and that ensconces the sexual division of social life, wherein men make public laws and women moral values. In this sense, the parity movement contributes to intellectual, social, and political debates on the limits and ambiguities in traditional theories of citizenship (Amar 1999; Martin 1998; Mossuz-Lavau 1998; Pisier and Varikas 2004; Riot-Sarcey 1995).

To say that parity revives the issue of women's citizenship does not simply mean that it translates the notion of shared democratic representation into quantitative terms. More profoundly, it means that parity questions the very meaning of citizenship by reconsidering the boundary between public life—the only sphere recognized as political—and private life, where unequal relationships have long been considered legitimate, because they are natural (Muller and Sénac-Slawinski 2009). By questioning this boundary, considered a normal part of modern life, we see how women's exclusion from representation in public life is not a contradiction, but rather a political imperative inherent to the definition of the *res publica* (public affairs). This boundary comes into play as a “constitutive element of the public political sphere, insofar as the latter is dominated by men both contingently and determinately—in the political sphere's structure and in its relation to private life, according to a sexual criteria” (Habermas 1998, VIII).

Democracy *à la française* rests on a disjunction between familial and public governance (Rousseau 1964), a disjunction needed in order to monitor the contamination of “public democracy and phallocratic private life” (Fraise 1989, 16). According to this view, the spread of democracy must be excluded from the private sphere, and women must be excluded from the sphere of power through denying their ability to possess a second identity as alter egos in citizenship. The unequal division of duties between the men and women is founded on a so-called natural order, which works as a guarantor of social harmony. By betraying her duties as wife and mother, a deviant woman endangers not just her family, defined as a “little country” (Rousseau 1964, 473), but also all her connections to the great country. The place assigned to women in the modern family is thus dictated by the needs of political society, and not the other way around. If people of “sex,” a synecdoche for women, are different before being equal, it is because there is “no parity whatsoever between the two sexes with regards to the importance of sex” (470). In order to conceive the artificial body of political life, the social contract supposes a radical break from the state of nature. It is exactly this rupture that is seen as incompatible with women's nature, whose virtue lies in fulfilling natural duties specific to their sex. Women's political exclusion is thus founded on their natural inability to overcome their natural instincts. First sketched out in 17th-century medicine, the discourse on “woman's nature” was continued by scientists of the 18th century (Laqueur 1990; Thébaud 2007) and expanded in the following centuries, particularly in 19th-century anthropology and in 20th-century genetics. “This ‘resexualization of

the body,' as Schiebinger terms it, thus serves in part to define the idea of a feminine nature radically distinct from that of man. This naturalization of the human species results in the notion of women's imperfection being replaced with her inferiority, founded on biological characteristics" (Peyre and Wiels 1997, 128).

Following the analysis of Elsa Dorlin (2006), an analogy can be drawn between the arguments used to naturalize the exclusion of both women and "blacks" from the rules of democracy. In legitimizing the inferiority of colonized peoples in the 18th century, the French nation was effectively constructed around the notion of white bourgeois male superiority. This assertion drew on the same discursive reserve used since antiquity to legitimize women's natural inability as political animals. The establishment of power relations based on sex, race, and class is thus supported by a matrix of language and power (Foucault 1969), at the center of which we find a medical discourse that denies legitimacy to women and colonized peoples because of their pathological nature and frail health. Linked to a phlegmatic "temperament," these natural weaknesses are presented as incompatible with rational capacities. It is revealing that the same medical arguments used to justify women's exclusion from citizenship were also used for blacks. This analysis is illuminating, given that as the French nation was being constructed in the 16th to the 18th centuries, the medical arguments used to exclude women from citizenship were also used to justify the exclusion of blacks. From this perspective, the next section of this chapter outlines a comparison of measures put in place to fight against these two exclusions: affirmative action (Sabbagh 2003), which transformed equal rights into equal opportunity, beginning with the revised Philadelphia Plan of 1969, and parity law instituted in France at the beginning of the 21st century, which encourages equal access of women and men in political duties. These two legal measures share the common goal of advancing republican democracy—that is, to lead it to acknowledge difference within equality. The recourse to the notion of *res publica* raises the question of two kinds of politics upon which the democratic process is founded: egalitarian politics, which grants all citizens the same rights and attributions in the name of common dignity, and the politics of difference, which recognizes each individual and each group in their particularities. The notion of *res publica* also allows us to move beyond the so-called universalist model of democracy. These latter models are founded on the doctrine of indifference to differences ("color-blindness" in the United States, and on the foundational myth of equal opportunity in France), whereas the notion of *res publica* allows

for a truly egalitarian universalism that takes into account both differences and their implications.

**The Parity Principle's Legal and Electoral Transposition:
Ambiguities of Equality in/through Difference**

By analyzing the implications of the parity principle, we have been able to see how, far from reducing political representation to a technical matter, parity questions the links between the social contract and gender contracts (Fouquet, Gauvin, and Letablier 1999). In other words, we are able to view the tacit rules, mutual obligations, rights, and duties that define relations between women and men (O'Reilly and Fagan 1998). The parity principle thus presents a challenge to democracy: to consider differences in equality, not only in the division of political power, but also, and more broadly, through the interlocking systems of "legitimate orders" (Weber 1995, 64–68)—sexual, natural, social, economic, political, familial, and private (Habermas 1998). We now turn to the ways this challenge is revealed through the legal and electoral transposition of parity.

Parity's challenge to democracy may seem out of place, even misplaced in legal and electoral contexts. However, it is through this slippage from principle to practice that political power-sharing is no longer justified in terms of a democracy based on republican universalism. Instead, women are now considered as beneficial to politics, and as complementary to male politicians. Thus, the application of parity dares us to conceive of—not difference in equality, but equality in difference, that is, conditional equality.

To test the accuracy of this hypothesis, we will begin with examining the ways in which political parties attempt to conserve sex-based power, in particular, by maintaining the virility associated with strategic posts, and by integrating parity in a wider logic of diversified recruitment. These two movements—resistance to political power-sharing on the one hand and openness to diversity on the other—mutually reaffirm one another insofar as male candidates fuel the political illegitimacy and fragility of their female counterparts, who are often younger, and who often come from so-called civil society. Sex-based recruitment effectively reduces women to the role of laypeople, less masterful in the partisan codes necessary to build political autonomy as well as a career. We will turn next to the way in which this equalization in and through difference leads us to the parallel between parity and affirmative action measures instituted in the United States.

*A Conditional Equality: Resistance to
Power-Sharing and Dilution in Diversity*

Although the legal and electoral transposition of parity took place nearly a decade ago, the most important political positions are still held by a male majority, especially parliamentary positions (deputies and senators), and those of local executive chiefs (mayors, intercity organizations, departmental and regional councils). In fact, following the municipal and district elections in 2001 and 2008, the legislative elections of 2002 and 2007, and the regional elections of 2004, the political landscape remains marked by division based on gendered/sex-based difference. This distinction is visible both vertically, with the composition of executive branches, and horizontally, insofar as women largely tend to be appointed to delegation roles in accordance with their “domestic duties” (social issues, early childhood, health, culture, education, etc.), even as men maintain “strategic functions” (budget, economic development, land use planning, transportation) (Romagnan 2006).

The inertia of male power should of course be nuanced, considering the law 2007-128 of January 31, 2007, which, having learned from the first adoptions of parity law, introduced additional constraints, specifically that of creating parity in executives of municipal and regional councils (Génisson 2003; Zimmermann 2003, 2005). As we see from the first study of this law’s application in municipal elections of 2008, when a law is not directly obligatory, as was the case mayoral candidates, political parties will keep resisting parity. Thus, the

weak increase of the proportion of women elected mayor—thirteen point eight per cent—is directly related to the low percentage of women head of list—twenty-two point seven per cent. It should be mentioned that the percentage of women elected mayor in towns less than three-thousand five hundred inhabitants, fourteen point two percent of women are mayors, a number that remains greater than that of towns of three-thousand five-hundred or more, where they constitute only nine point six per cent. (Observatoire de la parité entre les femmes et les hommes 2008, 4)

Moreover, the slippage of parity into diversity, which often refers to diversity of national origin, and not, for example, social and professional diversity, reveals the link between feminization and the expansion of political classes to “civil society,” to the laymen. In fact, while political

parties are on average composed by one-thirds female political activists, in local elections (municipal and regional) parties have often preferred to call upon women stemming from the community (Génisson 2003; Observatoire de la parité 2008). Thus, parity's transposition into electoral law is effectively justified and perceived as legitimate so long as it is a response to the crisis of representation. Parity thus paves the way for a broader reflection on the political body's homogenous nature. Yet diversity integrates parity in the extent to which it is a "political cost" at women's expense. In local elections, and municipal elections in particular, candidates' recruitment differs according to their sex. Party loyalty remains the first criterion for men, whereas women candidates are asked to reflect an image of their citizens, through age, for example, their ties to the community, or their national origin. From the same perspective, in the context of government elections of 2007, the French society's openness to diversity is borne by women.

Between these resistances to power-sharing, and its dilution into other forms of diversity, parity's transposition into law can carry only a conditional equality. This hypothesis is strengthened by the fact that gender's value as a political advantage varies with regards to the race in question. During the municipal elections of 2001, and the presidential elections of 2007, women candidates were presented as a way to renew the electoral playing field and to provide an alternative to professional politicians. But "feminine qualities" were mobilized only marginally during the legislative elections of 2002 and 2007. Thus, the legislative elections—whose results confirm women's exclusion from national representation—embody a process of "normalization" described by Pierre Bourdieu (1981). This process is similar to the one undergone by "the newly elected" when "they reach their first political decision-making body, in which they could import a plain-dealing and liberality of manner that would be harmful to the rules of the game" (Lévêque 2005).

Ségolène Royal's presidential candidacy can be understood as a "phenomenon," in that it brought to light a similar normalization process that revealed the taboo of sex in the ultimate democratic power: that of the nation's "father."¹⁰ The polemics that arose over certain aspects of her campaign and over her score during the second round of the presidential elections show that women's entrance into the political sphere—the public sphere *par excellence*—"is not a given to the point of its being a banality or commonplace: [women in politics] continues to be an issue and to be lived and described as a transgression" (Pionchon and Derville 2004, 96). The media coverage of this candidacy also

served as a mirror that magnified women politician's ritualization of femininity (Goffman 1988, 159). It can

be understood as the outcome of a call to gendered order finally brought by the parity revolution [...]. Ségolène Royal presents herself and is presented as gifted with qualities “naturally” attributed to women. And it is thus quite natural, after the shock of April 21, 2002, after the rejection of the European referendum in May 2005—both understood as signs of an accruing crisis of representation—that women are once again charged with the duty to “re-enchant” politics. (Achin 2007, 165)

If during Royal's election as the socialist candidate, it appeared advantageous to stage femininity as proof of novelty and change, there was also a stigma attached. The reactions of “her political friends” reminded us of her maternal duties—“Who will take care of the children?”—or her physical person—“the presidential election is not a beauty contest”—and, by recalling her duties in the private sphere, participated in the attack on her illegitimate pretenses to the public sphere. A line can be drawn between these misogynist reactions and the gendered nature political proposals made by Ségolène Royal during the election campaigns. In fact, she claimed to subvert workaday practices as well as political and partisan rules of the game in favor of a symbolically invested feminine otherness. On the one hand, she rehabilitated so-called feminine themes, especially those linked to care (Daly and Lewis 2000; Letablier 2001; Okin 1989) and to the ethics of solicitude, through taking responsibility for the weakest—from child care to dependant adults—as subjects of public policy and not of duties naturally ascribed to women. On the other hand, she defended and used the participatory method as a democratic alternative to the crisis of political representation. Royal's ability to position herself with regards to social and societal issues was presented as a sign of her sensitivity to the concerns of all citizens, but this quality quickly lost its value compared to other issues judged necessary to presidential stature; namely, international and economic policy. Beyond their political significance, the critiques directed at Royal point to a sexual and gendered hierarchy reflected in political issues.

Thus, the application of parity law does not call sex-based order into question, insofar as it strengthens, even justifies, the notion of complementarity at the heart of gendered divisions of social and political functions. As we have seen in the persistence of virility of power, of parity's dilution into diversity, and in the polemics surrounding Ségolène

Royal's candidacy, a woman's commitment to the public sphere—in politics in particular—is only tolerated insofar as she does not question her primary assignation to the private sphere nor the political and partisan rules of the game. Men's commitment, on the contrary, is considered natural and normal. In this light, despite parity reform, women are still “the second sex” (Beauvoir 1949) in politics.

Parity Law: A Paradoxical Alternative to Affirmative Action

The conditional equality implied by the legal and electoral transposition of the parity principle echoes what Simone de Beauvoir already criticized in 1949 in *The Second Sex*: “At most we agreed to give the *other sex* ‘equality in difference.’ The persistence of this expression is quite significant: it is exactly the one applied to American blacks in the Jim Crow laws: this so-called egalitarian segregation only served to introduce more extreme discriminations. This parallel is not a coincidence: justifications of inferiority are always the same, be they about race, caste, class, or sex. The ‘eternal feminine’ is analogous to the ‘black soul’ and to the ‘Jewish character’” (Beauvoir 2001, 24).

If the analogy between arguments that naturalize the exclusion of women and blacks is at the root of democratic theory, as we have seen earlier, then using the expression “equality in difference” to describe the Jim Crow laws is paradoxical, even cynical. In fact, the series of laws promulgated in the 19th century across the American South aimed to limit the majority of rights accorded to former slaves after the wars of Succession. These laws led to racial segregation, both in the public sphere—especially in education, employment, and transportation—and in the private, since marriage or cohabitation between whites and “negroes” was prohibited and punishable with jail time and fines.

The use of the term equality in difference better describes the American measures known as affirmative action put into place after the abolition of Jim Crow laws by the Civil Rights Act of 1964, as well as the French parity law. Without entering into this issue's complexity, or even the paradoxes, of affirmative action in the United States (Sabbagh 2003), affirmative action can help us to understand equality's dynamic nature. Affirmative action posits that equal rights play only a minimal role in equal opportunity, and thus points to the multiple definitions of the latter. Thus, it surpasses the formal approach to equal opportunity, based on indifference to differences, and of nondiscrimination carried under the Civil Rights Act, or by the ordinance of 1944, which gave the vote to women and made them eligible to hold office.

Thus, equal opportunity promotes a corrective equality, even a corrective outcome, with the aim of enabling voluntarism as a way to prevent future discrimination or as a way to repair discrimination of the past.

This notion, developed in the United States during the seventies, admitted the political failure to integrate the black community and the failure of the women's liberation movement. Instead of simply leveling the playing field at the outset, or at different moments in life, equal opportunity offers a "second chance"¹¹ and is thus considered to have reached attainment only when there is an equality of results. Equal opportunity is no longer applied to individual cases, or even returned to social parameters, but is instead recognized on the basis of results relative to each group. (Poirmeur 2000, 107)

In spite of the tendency in France to nationalize parity (Sénac-Slawinski, forthcoming), parity law cannot be excluded from international debates on the recourse to affirmative action measures. Nor can parity law be immune to the heritage of republican universalism in French politics, which are particularly evident in two taboos: communitarianism and the use of quotas (Sénac-Slawinski 2008, 59–71). How can parity law reveal the coexistence of these normative contexts that have, until now, been considered irreconcilable (Calvés 2005, 84–95)?

As at other moments the feminist movement's history, discourses surrounding the justification of parity appear paradoxical.¹² The international and European context provided the parity movement with ways of conceptualizing and implementing parity reform as a policy of affirmative action. However, France's historical context and politico-juridical constraints, altered the content of this reform movement, and not unambiguously. [...] By shelving the issue of anti-discrimination in favor of a rhetoric privileging the universality of sexual difference, the French parity movement sanctioned the refusal to consider women as a category of citizens who had indirectly suffered discrimination, and, as a result, deserved preferential treatment. (Bereni and Lépinard 2004, 96–97)

The way in which parity was legitimized in France had the advantage of remaining separate from the perceived controversy of debates over affirmative action (Conseil d'Etat 1998). Yet parity also has also

contributed to limiting its own practical consequences by leading to “a certain relaxation of the call for equality of outcomes that make up an integral part affirmative action policies” (Bereni and Lépinard 2004, 88). Thus, while the parity principle questions the gendered relationship to power in terms of mainstreaming, its transposition into juridical and electoral practice signals an implicit return of the sexual order by of the conditional equality that it instates: equalization in/through differences. Political codes, founded on the ethos of virility—public display, ambition, and violence, symbolic or otherwise—all contribute to maintaining the sexual order, which is characterized both through its asymmetry and through the complementarity of the sexes with regards to power.

Seen from this perspective, the uses of parity do not call gendered stereotypes into question, nor do they question the masculine hierarchy of power. Parity can be qualified as a “conservative revolution” (Achin 2007, 148–160). This description is significant, insofar as the parity movement claims to be a “cultural revolution”—an expression used by French minister of the interior Jean-Pierre Chevènement, as the parity movement was transposed into law. In the Senate debates over the 1999 Constitutional reform, Chevènement associated parity with the “urgency of reinforcement, or a reconstitution of our democracy” and with “choosing equality, [...] quite the opposite of quotas!”¹³ What the transposition of the parity principle does question is the association between parity and the reconsideration of the sexual order, and the disconnect between parity and quotas. In the 2005 report of the *Conseil d'Analyse de la Société*, a department that has been part of the President's Office since July 2004, Nicolas Sarkozy cited the need to overcome French “prudishness about affirmative action” (Conseil d'analyse de la société 2005, 291). Sarkozy “use[s] the term ‘affirmative action’—while being well aware of its limitations and the misunderstandings it may cause—[because] if [he] just speak[s] of ‘republican voluntarism’ the debate won't get off the ground” (290–291). He does not deny that “at the level of principles, there is something [...] worrying, even humiliating about quotas.” That said, “quotas also have their legitimacy for unblocking a situation—and if there's a time-limit on them.” He therefore sees the debate “for or against quotas” as reductive:

[He] do[es]n't reject quotas categorically if there's a time-limit on them. And as [he] see[s] it, this also goes for parity. Without parity, it would have taken us 40 years to free up the situation. With a quota—and 50% is a quota—we can hope to free up the situation

more quickly. [He] only regret[s] that we didn't put a time-limit on it, that the quota wasn't established for a certain amount of time only. (295)

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Our purpose in this chapter was to examine the links between the multiple definitions of parity and the different expressions of the sexual order understood as that which creates normative authority and hierarchy in the definition of legitimate and illegitimate sexual differences in republican egalitarianism. We approached this question by focusing on the disconnect between the parity principle and its legal application through French parity law. We share the opinion of the American historian Joan Wallach Scott who has stated that the Constitutional reform of 1999 and the parity legislation of 2000 “resembled the kind of antidiscrimination measures that the founders of the *parité* movement had hoped to improve on”; the movement aimed “to rid political representation of the symbols of sexual difference and so to fully include women in the figure of the universal” (2005b, 147). Nevertheless, if in the slippage of principle to practice, parity did not revolution the political order, the debates that accompanied its arrival had the great virtue of having shaken the representations of the sexual order by questioning the sex-based association with power both in the public sphere—political as well as professional—as much as in the private sphere (couples, families). Thus, “the demand for parity addresses at first a symbolic issue. It forcefully expresses the need for democratic parity, and beyond, of a society co-directed by women and men. [...] Parity requires us to profoundly reconsider the sexual division of labor in the public as well as private sphere” (Fleury-Vilatte and Walter 2005, 11).

This sexual division of labor was made particularly clear in the polemics surrounding Ségolène Royal's presidential campaign in 2007 and in media stir created by the private lives of male and female politicians. Indeed, while the debates leading up to the vote on parity law was only given a limited public space, those occasioned by Royal's candidacy surpassed activist and intellectual milieus to consult public opinion, in its widest sense, on the links between parity and the sexual order. The fascination surrounding the tumultuous events in Ségolène Royal and François Hollande's private life, and the love life of President Sarkozy, from Cécilia to Carla, is not merely anecdotal in the sense that it reveals the difficulties of equality within a political

couple, and the weight carried by the image of the women in the shadows, the helper,¹⁴ as incarnated by “France’s First Ladies.” Ségolène Royal’s presidential bid made it possible to foresee the advent of a First Man of France.¹⁵ The independent figures of Cécilia Sarkozy and of Carla Bruni-Sarkozy illustrate the reconsideration of the traditional president’s wife. This blurring of the public/private boundary is at the heart of the parity movement, which aims at deconstructing the public/private boundary. It reveals “the publicizing of what was until only recently part of private life (Giddens 1993). The ways in which political actors strategically deploy information about their own private lives no longer allows us to use the term ‘private life’ to mean the contribution of intimate space (daily life, conjugality, family, leisure . . .) in the construction of male and female political leaders” (Leroux and Sourd 2005, 78–79).¹⁶

Notes

Translated by Annelle Curulla.

1. See also Janine Mossuz-Lavau, “Les femmes et le pouvoir exécutif depuis 1981: la France au regard du monde”: http://www.histoire-politique.fr/documents/01/dossier/pdf/femmes_executifDepuis1981_france.pdf as well as the list on Wikipedia: http://en.wikipedia.org/wiki/List_of_elected_or_appointed_female_heads_of_state.
Nine female heads of state: Mary McAleese, Ireland’s president since November 11, 1997; Tarja Halonen, Finland’s president since March 1, 2000; Gloria Macapagal-Arroyo, the Philippines’s president since January 20, 2001; Ellen Johnson-Sirleaf, Liberia’s president since January 16, 2006; Michelle Bachelet, Chile’s president since March 11, 2006; Micheline Calmy-Rey, the Swiss Confederation’s president since January 1, 2007; Nino Boudjandze, Georgia’s interim president since November 25, 2007; Pratibha Patil, India’s president since July 21, 2007; Cristina Fernandez de Kirchner, Argentina’s president since October 28, 2007. *Five prime ministers*: Helen Clark in New-Zealand since December 5, 1999; Angela Merkel in Germany since November 22, 2005; Luisa Diogo in Mozambique since February 17, 2004; Ioulia Tyochenko in the Ukraine since December 18, 2007; Zinaida Greceanii in Moldova since March 31, 2008. *Three governors general*: Pearlette Louisy of Saint Lucia since September 17, 1997; Michaëlle Jan of Canada since September 27, 2005; Louise Lak-Tack of Antigua and Barbados since July 17, 2007.
2. See the texts of laws on parity: the Constitutional Law number 99-569 of July 8, 1999, on the equality of women and men, which explains its purpose; Law number 2000-493 of June 6, 2000, in favor of women’s and men’s equal access to elected terms and duties (*Journal officiel de la République française*, June 7, 2000), the organic law number 2000-612 of July 4, 2000, in favor of women’s and men’s equal access to elected terms and duties in provincial assemblies, in New Caledonia’s congress, and in French Polynesia’s assembly of the Territory of Wallis and Futuna Islands. (*Journal officiel de la République française*, July 5, 2000) and law number 2007-128 of January 31, 2007 (*Journal officiel de la République française*, February 1, 2007), in favor of women’s and men’s equal access to elected terms and duties.
3. In reference to the 1998 French translation of Joan Wallach Scott’s *Only Paradoxes to Offer: French Feminists and the Rights of Man* (1997).

4. See the six reports by the Parity Observance Committee, especially since 2001 (Zimmermann 2005).
5. Geneviève Fraisse uses this expression by inverting Kant's formula differentiating the true in theory and the false in practice. For Fraisse, parity is true in practice but false in theory.
6. The polemical expression "*discrimination positive*" is the loaded and very ambiguous French translation of the English terms "affirmative action," "positive action," and "positive discrimination." See Calvès (2005) and Tsujimura and Lochak (2006).
7. Where the term "parity" refers to the total number of children born per women; from the Latin *parere*, "to engender."
8. This trend is visible in the 2001 study published by France's National Institute for Statistics and Economic Studies (INSEE) entitled *Femmes et hommes. Regards sur la parité* (2008) (*Women and Men. Looking at Parity*). It paints a gendered portrait of French society through three great themes: "Women, Men, Couples, Children" (Population, Family, Health); "From School to Work" (Education, Employment, Revenues); and "Daily Life and Relations to Society" (Work/Life Balance; Relations to Society, Leisure, Power). A hundred images and graphics, reused every March 8, International Women's Day, are presented as and constitute an inevitable documentary source that undertakes public policy through the richness and diversity of indicators gathered. The choice of the term parity seems illegitimate given that the heading "Power" that finishes the piece only includes ten images and graphics on the role of women elected to national, local, and European office.
9. These titles are plays on words of two French symbols: the first lines of the "Marsaillaise," France's national anthem: "*Aux armes citoyens!*" and the national motto "*Liberté, Égalité, Fraternité*" (Liberty, Equality, Fraternity).
10. Eric Fassin, "Le sexisme en campagne," (*Sexism in the Race*) *Libération*, February 13, 2007: "With Ségolène Royal, we see the trap of sexual politics closing on at the time of parity. It is what was responsible for her success yesterday not being a male politician like the others—not a man, thus, not entirely a politician. Whether she was formerly celebrated or whether she is recently criticized for it, it's the same illusion: this 'énarque' [graduate of France's most elite school for politicians] embodies civil society no more or no less than anyone else, and she is no more or no less professional or competent than anyone. But we see her caught in the jaws of the trap that encourages women to advance by playing up a femininity that is supposed to bring them closer to 'real people' but that brings them even further away from power as a result."
11. Professional training and reorientation, prevention and health care.
12. See Joan Scott concerning French feminism (1998).
13. Jean-Pierre Chevènement, Sénat, Official analysis and review, number 59, Tuesday, February 29, 2000, p. 4.
14. As it is studied by Christiane Restier-Melleray (2005) in the narratives of three "wives of . . ." Bernadette Chirac, Cécilia Sarkozy, and Sylviane Agacinski.
15. A French public television channel, *France 2*, aired a revealing made-for-television film in the pre-election season of September and October 2006. "State of Grâce" told the story of the unlikely victory of Grâce Bellanger, representative of civil society, in the French presidential campaign. One of the most preeminent themes of the film is the husband's difficulty of finding his place, which is used to illustrate the irrelevance, even ridiculousness, of this situation.
16. As revealed by the photos of S. Royal's childbirth, published in *Paris Match* while she was environmental minister, or in this description published in *Le Point* (May 9, 2003): "Place Beauvau [where is situated the French Ministry of the Interior], surrounded by television cameras, the former Mayor of Neuilly has turned the former lair of [author of the French Civil Code] Cambacérés into a kind of funhouse in the manner of Lucille Ball; we trip over his son Louis's toys on the way up the stairs, where, through a crack in the door, [Sarkozy's] *super-woman* of a wife, Cécilia, appears."

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CHAPTER 9

Feminist Perspectives on Parité in the United States: The Good, the Bad, and the Ugly

AMY G. MAZUR

Many American feminists envy *le modèle social français* (the French social model) for what it has to offer French women and men in terms of reconciling work and family life. France, too, may be the object of U.S. feminist jealousy in promoting the equal representation of men and women in political office, referred to as *parité*, since the *parité* movement first emerged in the early 1990s and the adoption of the 1999 constitutional amendment on the “equal access of men and women” to public office and of the 2000 law that implemented the principles of the amendment. In comparison to the United States, where there has been virtually no social movement around or concerted government effort targeted at addressing the problem of women’s poor representation in public office, France appears to be on the forefront of political representation policy as well as reconciliation issues.¹

Given the potential symbolic importance of *parité* for U.S. feminists, as well as for advocates of gender equality throughout the world, this chapter presents three different U.S. perspectives on *parité*. Each perspective represents a stream of feminism found in the United States and in Western feminism more broadly speaking. The three viewpoints on *parité* are best captured by the title of a spaghetti Western, directed by Sergio Leone and starring Clint Eastwood: *The Good, the Bad and the Ugly*.² The first perspective, grounded in a reform-oriented approach to

feminist action, assesses *parité* in a positive light—"the good." The second, an empirical feminist approach, places the *parité* process in a more negative light—"the bad." The third and highly critical perspective, "the ugly," corresponds with a cultural or women-of-color approach to feminist politics found in the United States.

It is important to note that the analysis here seeks neither to tell the story of *parité* and its movement nor to assess the formulation, implementation, and impact of the *parité* reforms; that task has been systematically taken on by a host of researchers.³ Nor does this essay seek to provide a definitive assessment of feminist views in the United States on *parité* based on the official public positions taken by actual actors. Instead, it presents the three viewpoints as a means to better understand the repercussions of *parité* for feminists beyond the Hexagon and to explore linkages between U.S. and French feminism, with an eye toward identifying larger lessons that feminists from both countries can learn from each other in the arena of political representation policy.⁴

The rest of this chapter is divided into three parts. First, in order to understand U.S. assessments of *parité*, it is important to present a brief overview of *parité* in terms of the idea, the movement, and the policy. Next, given the centrality of the notion of feminism for the chapter, the analysis provides a working definition of the oft-contested concept in the context of its organizational and philosophical diversity and identifies U.S. and French feminism(s) in terms of this complex conceptualization. In the third part, the three U.S. feminist perspectives on *parité* are presented through an examination of the actors, the approach, and the viewpoint for each. The chapter concludes with a discussion of the lessons to be learned for feminists in France, the United States, and beyond.

A Primer for Assessing *Parité*

There are three parts of *parité* that are the potential objects of feminist scrutiny from outside of the Hexagon. The idea and principles of *parité* that were elaborated in France and became transposed into reform; the sociopolitical movement that first brought *parité* to the public agenda and then worked toward eventual reform; and the reforms that were formulated, adopted, and implemented. Unpacking *parité* into these constituent parts lays the groundwork for a diversified assessment of the complex concept made by the three U.S. feminist viewpoints presented in this chapter, which each accentuate different aspects of *parité* in identifying successes and failures.

The Idea

Although the idea of *parité* was first articulated in policy discussions in the Council of Europe and the European Union, the concept resonated with the French cultural context. In 1992, French activists claimed the notion of *parité* as their own with the publication of *Au pouvoir citoyennes! Liberté, égalité, parité* by Françoise Gaspard, Claude Servan Schreiber, and Annie Le Gall. For feminist and nonfeminist observers alike, both inside and outside of France, *parité* has come to be identified as a homegrown French concept, despite its European origins. Although rather vague in the beginning of the *parité* movement, the concept became associated with the goal of achieving equal numbers of men and women in public office. Less of being based on a justice argument, the need for sex equality in politics was seated on the assumption that society was made up of two sexes with quite different identities, needs, and demands—a position that resonated with many French feminists and nonfeminists as well. This gendered approach aimed to achieve equal representation of men and women in elected office, and all decision-making positions. Unlike many other European countries, where advocates of gender equality in political representation supported “positive action” through firm numerical targets/quotas for women as candidates and in public office, advocates of *parité* seldom discussed positive action or quotas. Indeed, the specific mechanisms for achieving *parité* were not a part of the concept until after the reforms were adopted when the notion became associated with a 50 percent quota. Thus, more than a specific set of policies with precise goals, *parité* was linked to a set of political claims: the identification of the low level of women’s representation; the demand for equal representation of men and women, based on gender difference; and the need to achieve equality in public office.

The Movement

Parité was therefore inextricably linked to the political movement and the campaign for increased women’s representation that began in the early 1990s and mobilized around the need to take action. The idea was developed as a political tool by a large group of women’s movement actors to compel the public authorities to do something about what they saw as the abysmally low rate of women’s representation. The movement was broad in scope and quite diverse; it included for the most part women’s movement actors, but also some groups that

were not focused on women's movement and feminist ideas. Older feminists from the second and first waves of women's movements in France joined with younger feminists and also with female politicians not associated with women's movements. While the actual demonstrations in the streets were of moderate size by French standards—below twenty thousand—over two million people participated in the campaign from 1992, when the idea was first launched, to the adoption of the constitutional amendment in 1999. One interesting aspect of the *parité* movement is that mobilization was mostly focused on identifying the problem of women's low representation and getting the powers-that-be, in political parties, government, and other powerful institutions, to take *parité* seriously as a means to achieve gender equality in the political spheres and to eventually adopt policies to promote *parité*. There was little agreement in the movement about the precise content or form of *parité* reform. For example, not all *parité* activists supported an amendment to the constitution. By the time of the adoption of the amendment in 1999 and the 2000 law, the diverse movement had virtually disappeared from the political scene.

The Policy

Since 1999, *parité* has increasingly been associated with the actual reforms adopted by the Socialist government—the process of formulation, the content of the amendment and the law, its implementation, and its eventual results. The constitutional amendment includes two stipulations: “The law favors the equal access of women and men to political mandates and functions” and “Political parties contribute to the implementation of this principle.” *Parité* is not mentioned in the final text, access to public office is targeted rather than results, both elected and appointed offices are covered, and there is no mention of the cultural/racial diversity of women.

The 2000 law implements the principles of the amendment. The candidature process is the major target with political parties serving as the gatekeepers. In list-based elections, European, regional, and municipal, parties are required to present 50 percent of female candidates, with candidates alternated by sex. If political parties do not comply, the lists are rejected by the public authorities. This stipulation does not apply to municipal elections in cities with fewer than thirty-five hundred inhabitants. In National Assembly elections, based on the first-past-the-post system, if political parties do not respect the 50 percent rule, the government reduces party financing by the same proportion that

their total candidatures fell short of the 50 percent target.⁵ For example, in 2002 the Socialist party fielded 27 percent female candidates in the national elections; that year they received a 23 percent reduction on the annual subsidy. There are no fines given to parties for noncompliance and the presidential, cantonal, and senatorial elections were not under the jurisdiction of the 2000 law—a new law has been adopted in 2006 for implementing *parité* in the Senate. The *Observatoire de la parité*, a government oversight body established in 1995 with no formal enforcement authority, is the only state-based agency formally involved with the implementation of the new reforms.

Mapping the Contested Concept of Feminism

Feminism is often a controversial notion with contested meanings, particularly in different cultural and national contexts (Beasley 1999). Many activists avoid the term altogether and analysts often use the notion without actually providing a definition. Nonetheless, it is useful to present a working definition of feminism. Rather than a political definition, the core meaning of feminism presented here comes from work on comparative gender and politics that studies feminism in different settings in Western post-industrialized democracies (Mazur 2002). As such, this is an operational definition for identifying what feminist action is and is not in the Western context; its application outside of the West should not be seen as a given. There are three components:

1. a certain understanding of women as a group within the context of the social, economic, and cultural diversity of women;
2. the advancement of women's rights, status, or condition as a group in both the public and private spheres;
3. the reduction or elimination of gender-based hierarchy or patriarchy that underpins basic inequalities between men and women in the public and private spheres.

Research also shows that there is a diversity of feminisms in each country and that women's movements in general incorporate a full range of organizational forms and feminist and nonfeminist approaches to political action. As the Research Network on Gender Politics and the State (RNGS), a forty-member group conducting a ten-year-long study of women's policy agencies (WPAs) and women's movement in seventeen Western democracies, has shown, feminist action is pursued by both individuals and groups, found in free-standing groups and

inside non-women's movement groups—such as trade unions, political parties, and universities—that can be informal or formal.⁶

Feminist action can also be classified on two dimensions: positions toward political change and ideological approach. Moderate or reform-oriented feminist positions are based on the assumption that feminist goals should be pursued within the established political system, usually through the reform of public policy. Political action is oriented toward creating coalitions and convincing decision-makers to support a specific policy line through informal and formal channels. Anti-system feminist stances are associated with action that seeks to break with the status quo and to create a new feminist order. Feminists who follow more anti-system positions typically shun working with established groups, such as political parties and trade unions, as well as with government actors. There are numerous different ideological approaches within the pantheon of Western feminism; these include liberal, radical, social, Marxist, difference, cultural, and standpoint, to name a few prominent approaches (Beasley 1999).

This full range of feminism and movements can be found in the United States and France.⁷ France is frequently identified with the amorphous anti-system feminism of the 1970s with a focus on differences between the sexes, but not on intersections between race, class, gender, ethnicity, religion, and other prevalent identities. A closer look, however, shows that there is a strong tradition of reform feminism as well as feminism inside organizations, particularly trade unions, political parties, and universities. The *parité* movement exemplifies the trend away from anti-system, less institutionalized groups. In addition, throughout the history of the French women's movements, most philosophical approaches to feminism can be found with increasing attention paid to an intersectional approach in recent years.

Feminism in the United States is often characterized by reform-oriented and liberal equality feminism. Other forms of feminism are quite prevalent, however, including a radical element focused on sex-based differences as the basis of feminist action, women-of-color feminism, or cultural feminism—where the class, race, and ethnic difference between women is emphasized as the cut across the differences between the sex and social feminism focused on equality in the context of women's roles in the home. In fact, contrary to the conventional wisdom that all women's movement groups are large reform-oriented lobbying groups, research on the U.S. feminist movement identifies division and absence of a central structure and goal: “many voices, but few vehicles” (Nelson and Carver 1994).

U.S. Feminist Perspectives on *Parité*

Having laid out the contours of *parité* and the diversity of Western feminisms, the analysis now turns to the three feminist perspectives on *parité* in the United States. While not limited to all of the different feminist stances found in the United States, these three viewpoints represent the diversity in terms of location, approach to political action, and ideological position. For each perspective, the actors and the approaches are identified first and then the specific position on *parité* forwarded by that particular strand of U.S. feminism is discussed in terms of the Leone film title, *The Good, the Bad and the Ugly*.

Reform-Oriented Feminism: "The Good"

Actors and approach

This approach is forwarded by organized free-standing women's movement groups with large memberships and organizations at the national and state levels. Groups such as the National Organization for Women and the National Abortion Rights Action League fall within this category. The Institute of Women's Policy Research, a feminist policy think tank based in Washington D.C., is another example of a reform-oriented feminist group. Individuals in nonfeminist organizations also take a reform approach, both inside and outside of government. Women's policy agencies, state-based agencies formally charged with women's rights and gender equality, and the staff who work for them, femocrats, are also a part of this category. Women's policy agencies are less prominent in the United States than in Europe and seldom have any significant policy-making power, for example, the Women's Bureau in the Department of Labor. While the Bush administration has created a "cold climate" for federal-level WPAs, women commissions at the state level have some power in certain states (McBride 2007).⁸

The major focus here is the policy process and reform, usually through campaigns on specific issues and intense lobbying efforts in Congress, state legislatures, and local government authorities. There is often an emphasis on public information campaigns as well. Reform actors have an applied and activist approach to feminist action, with the aim of real policy change that will promote gender equality in terms of content and outcomes at the core of their mobilization. Contrary to popular belief that U.S. feminists are focused on a liberal feminist approach where equality of treatment over outcomes is emphasized, with no emphasis on differences between men and women, this

reform-oriented feminist stance bases its practical political action on the notion that differences between the sexes are inherent and need to be taken into account in order to develop effective mechanisms for promoting and achieving gender equality.

Perspective on parité

Reform-oriented perspectives on *parité* are unquestionably the most positive of the three—the good. The position taken here is that *parité* reforms are a major feminist achievement, particularly compared to the failure of feminists to get the Equal Rights Amendment (ERA) to the U.S. Constitution ratified. The movement to insert a gender equality amendment in the U.S. Constitution met with severe roadblocks that included a significant counter-women's movement and the final rejection of the ERA in 1982 when the required number of states failed to ratify it within the prescribed time limit (McBride-Stetson 2004, 43–45). Thus, the *parité* movement and the resulting constitutional amendment are an object of U.S. feminist jealousy from this reform perspective—the fact that many French feminists see the content of the policies as being quite symbolic is less important for the U.S. feminists who see the symbolic importance of constitutional reform as being central to the overall success of a gender equality campaign.

The notion of *parité* itself is also seen in a very positive light; *parité's* focus on sexual differences as the major rationale for achieving equality between men and women in elected assemblies coincides with the importance of bringing in gender differences in designing solutions to gender inequities for reform feminists. Similarly, the “quota light” approach of *parité* where general principles of equality are highlighted outside of a strict quota or numerical target suggests an avenue for U.S. reform feminists to present positive action in a more palatable light in a country where affirmative action for ethnic and racial minorities has increasingly lost public support and political saliency.

Finally, U.S. reform feminists envy the movement around *parité*. Not only did parity bring a wide range of actors and groups together, but the movement was able to overcome quite deep and public divisions over whether *parité* was even a desirable strategy for women's rights and the specific mechanisms for achieving *parité*. At the end of the day, the reform perspective argues, unlike the way in which Phyllis Schlafly and her supporters drove a wedge in the women's movement around ERA and greatly contributed to the demise of ERA, the anti-*parité*

camp did not develop into a significant countermovement that stopped the momentum toward parity. Likewise, the internal disagreements over the specific shape of parity did not undermine the codification of *parité* in the constitution and in French law.

Empirical Feminism: "The Bad"

Actors and the approach

The major actors of this second feminist perspective are individuals found within established research institutions that are not a part of the women's movement broadly speaking, for example, universities, think tanks, and government research units. Individual researchers who seek to conduct empirical work on gender-based inequality in all arenas, its causes and solutions, are often a part of larger feminist networks, in the United States and at international and transnational levels, of women's groups, femocrats, and government officials supportive of feminist concerns.

The empirical feminist approach, first identified by Harding (1987), emphasizes applying empirical observation and scientific inquiry to the study of gender issues. As a result, most individuals who support this position are found in social science units, rather than in women's studies departments where often scholars are quite critical and dismissive of conventional scientific inquiry. Many scholars who take an empirical feminist approach focus on the dynamics and determinants of feminist government action in the United States and in a comparative perspective. They focus on how and to what end governments pursue purposefully feminist policies and what are the ingredients for the adoption and implementation of successful feminist policy.⁹ The concept of "symbolic reform," based on Edelman's symbolic politics (1985), is frequently used to analyze feminist policies that are adopted with intent to address gender inequalities without actually concretely addressing them through effective policy implementation. A triangle of women's empowerment (TOWE), where women in political office, femocrats, and women's groups mobilize around feminist policy formulation and implementation, is seen to be a key ingredient in feminist policy success (Vargas and Wieringa 1998). Not only do these three sets of actors work together to make symbolic feminist policies more authoritative but, in participating in the policy process, women's substantive and descriptive representation is enhanced. Thus, scholars who study feminist policy argue that making meaningful feminist policy ultimately makes democracies more democratic.

Perspective on parité

Empirical feminists who study feminist policy in comparative perspective have watched the *parité* process with great interest given that, alongside the Scandinavian countries, France is one of the few countries to codify gender equality in the political sphere in its constitution. Moreover, unlike the Nordic countries where constitutional provisions on equality were made through the governing parties of the Left, a grassroots movement was the driving force in French constitutional change; in other words the French case is a departure from the norm in political representation policy. Analysts have focused on the development of the idea, the mobilization of the movement, the formulation and adoption of the *parité* reforms, and, perhaps most importantly, the implementation and impact of the reforms. The question here, from an empirical feminist point of view, is whether *parité* has gone beyond symbolic politics and actually addressed the problem it was designed to address, at least from a feminist perspective.

The assessment here is not very positive, although it is not entirely pessimistic; thus the “bad” rather than the “ugly” label in the Leone taxonomy.¹⁰ On one hand the empirical feminists argue that the *parité* movement was quite successful, epitomizing the TOWE. Women from government, femocrats, and women’s groups participated in a broad-based coalition around the demand for *parité* that placed the new notion on the public and government agenda and in doing so enhanced women’s substantive and descriptive representation in the policy process. On the other hand, the “promises” of the parity movement did not translate into concrete and authoritative reform, due to a series of “pitfalls” that the movement was not able to overcome (Baudino 2003). As a consequence, empirical feminists see parity reforms as a near-textbook case of symbolic reform, at least up until 2006.

More specifically, the empirical feminists argue, the constitutional provisions only focus on access and not results, and the political parties, some of the worse opponents to bringing women into the political arena, were given the major role in overseeing *parité*. There was no independent government authority established that could oversee and enforce the new legal stipulations—the *Observatoire de la parité* retained a strictly advisory role. For National Assembly elections, based on the first-past-the-post system, the stipulations were oriented toward incentives rather than punishment. As the larger parties came to learn in the 2002 parliamentary elections, it was easier to take a slight hit in government subsidies rather than to go through the painful process of selecting female over male candidate. In addition, neither cantonal

elections, which serve as important launching pads for political success at the national level, nor elections in cities under thirty-five hundred (94 percent of all French cities; twenty million people of the total French population of fifty-four million) had parity stipulations. It was only for the proportional representation elections (European—regional and municipal—cities above thirty-five hundred) that *parité* in candidates was actually assured, and even in the list elections at the regional and municipal levels, the new law did not stipulate that the head of the list needed to be a woman. This precluded the election of women at the heads of regional and municipal councils—the powerful president of regional councils and town mayors—unless parties voluntarily made that decision. Only the feminist analysts also raised the issue that there was no mention of considering how *parité* might be applied to the presidential elections.

Given the diluted and restrained provisions of the new reforms, it is no surprise, assert the empirical feminists, that the results are highly mitigated. For the 2002 legislative elections, all of the political parties took a reduction in state subsidies. In 2002, the percentage of women in the National Assembly only went from 11 to 12 percent. After the 2002 municipal elections, 47.5 percent of city councilors in cities over thirty-five hundred were women, with only 6.9 percent women mayors. In March 2004, women on regional councils went from 27.5 to 47.6 percent. One women regional president was elected. The importance of a parity stipulation is even clearer in light of the results of the 2004 cantonal elections wherein 10.9 percent of cantonal councilors were women. The executive boards of town collectives are still comprised of 90 percent men and only 5.7 percent have female presidents. In addition, studies show that when women candidates are brought forward they tend to be highly inexperienced and hence easily manipulated.

In analyses of the situation up to 2006, it appears that gender-biased attitudes that have kept women out of politics in the past are still alive and well. The explanation for this is that the predominant gender-biased universalist attitudes of the French political elite are still driving the decisions around *parité*. The gender-biased universalist approach contains two quite contradictory aspects: gender-blind universalism and gender-biased attitudes about women's and men's roles. The "equality principle," since the Revolution of 1789, has emphasized pure equality between individuals and not groups, unless class interests are concerned, where equal treatment is accentuated over equal opportunity. In contrast to the sacrosanct principle of universal equality, social policy has tended to promote notions of women's and men's roles that

define women as primary family caretakers who combine part-time work with family obligations, and hence need to be protected, and men as full-time workers with few family obligations. In this view, women are seen as potential mothers and a reserve pool of labor and men as full professional and public participants. The political ramifications of gender-biased universalism are that women can be represented by men, that women in their traditional roles do not need to run for public offices, and that the low level of women's representation is not necessarily a threat to French democracy. As empirical feminists have argued, this predominant attitude made arguments for reform and change difficult to articulate.

In contrast to the prominent position of the parity movement and the TOWE in the pre-formulation of the *parité* reforms, feminist analysts have shown that there has been very little feminist mobilization around the law's implementation. The weak *Observatoire* has been the major site for limited feminist mobilization. This absence of feminist concern for the implementation and enforcement of *parité* means that the political parties are not under a lot of pressure to take the new reforms seriously. The feminist empirical approach does indicate a glimmer of hope for positive change, given that it has only been four years since a radical concept that puts into question the established balance of power within political parties has been put into place. In this perspective, the regional and municipal election results may be an indicator of the possibility for real change. On the other hand, in 2007 only 18.5 percent of women were elected to the parliament.¹¹ Thus turning the symbolic reforms into effective policies may require something more than time in order to change established attitudes and the gender-biased universalist approach of the French political elite.

Women-of-Color/Cultural Feminism: "The Ugly"

Actors and approach

There are both individual and group actors inside and outside of non-women's movement groups in this third perspective. Free-standing groups found at local levels throughout the United States in communities where there are significant numbers of women-of-color organize around the principles of cultural feminism. For example, the Bay City Cannery Workers Committee organized Mexican American women working in canneries in the 1970s. Many groups also have a national-level umbrella organization as well and focus on reform and lobbying, for example, the National Black Women's Political Leadership

Caucus and the Organization of Pan Asian American Women (Nelson and Carver 1994, 742). Individual feminist academics are also major actors involved with articulating cultural feminism, including theorists (e.g., Crenshaw 1991 and Scott 1988) and legal scholars (e.g., Minow 1990).

Women-of-color/cultural feminism arose first from a critique made by women-of-color of the women's movement, beginning in the 1970s. The movement, in their eyes, was focused mostly on the claims and problems of white upper-middle-class women that were not shared by women-of-color either in terms of race, ethnicity, or class. In the early part of the movement, non-Anglo women left the women's movement entirely to create their own groups, arguing that the emphasis on equal opportunity in the workplace, child care, and abortion rights did not address the deep-seated problems of racism experienced by American women from different cultural backgrounds—a racism that was replicated in the women's movement itself. Feminist theorists, both white and nonwhite, took up the call of cultural feminism in their writings, identifying the importance of intersecting race, class, and gender in analyses of domination and social change. While the women-of-color groups came from a highly political viewpoint, the feminist theorists followed the cues of post-structuralism to put into question the negative effects of white liberal feminist theory and practice that emphasized sexual differences over any other ethnic, racial, or class differences.

Today, cultural feminism is one of the major streams of academic feminism, highly prevalent in women's studies departments across the country. It is impossible to approach the study of gender issues, they argue, without taking this intersectional approach. For the more applied and political women-of-color groups, many of them have brought back their critiques into the "white" women's movements and today the U.S. women's movement is much more diversified and conscious of the importance of articulating how discrimination based on race, class, ethnicity, and, increasingly, sexual preference cross-cut gender-based discrimination in improving women's rights and status.

Perspective on parité

Like the reform and empirical feminists in the United States, *parité* fell under a great deal of scrutiny from this third feminist camp. The critique of *parité* advanced by cultural feminists, mostly of the academic variety, is indicative of much American analyses of the French feminist

movement, typified by a “blame the French feminists approach.”¹² Here, the French women’s movement is seen in quite narrow terms as the anti-system groups and individuals who mobilized in the second wave of feminism in the 1970s and who focused on sexual difference and ignored and frequently opposed, so the argument goes, any identification of the importance of other cleavages for understanding male domination and women’s plight in the French context. The highly pejorative critique of “essentialism” is leveled against the French feminists, where biological differences are directly transposed into gender identity and discrimination—leaving no room for the multiplicity of women’s identities and of the drivers of gender-based discrimination. As Lépinard states: “Trapped in the equality/difference dilemma (Scott 1988; Minow 1990), parity advocates have conceptualized gender differences in a way that does not allow for thinking about multiple differences” (2007a, 378).

The ugliness of *parité*, for the cultural feminists, is based on this highly simplified, and, for some, uninformed view of French feminism: that is, not only that the “essentialist” position of French feminists drove the *parité* movement to exclude any consideration of the needs of women of color—issues of class, ethnic differences, and sexual preferences—but also that the strategy of the movement was to avoid altogether any mention of intersectionality. Rather than challenging the republican universal model for French democracy, the cultural feminists argue, the *parité* feminists bought into the model—only emphasizing that French citizens had two sexes, and no cultural diversity. The outcome was ugly, “a failure with unintended consequences” (Lépinard 2007a) on multiple fronts.

First the *parité* movement missed a golden opportunity to bring issues of race and ethnicity into the public discussions of women’s political representation both in the run-up to the *parité* reforms and in the formulation of the new policies. Second, the strategies of the movement effectively codified and institutionalized a culturally blind approach into French policy that systematically closed out any future treatment of race/ethnic-based discrimination in political representation. Third, the demands of the *parité* movement did little to change the status quo in the gender-biased republican model—ultimately the feminist demands were co-opted into the conventional republican model.

As a result, to date, issues of the political rights of women of North African or Sub-Saharan African descent have only been discussed in the context of their economic situation—marginalization, poverty, sexual violence; there is virtually no mention of the cultural diversity

or of issues of discrimination of French women in the critiques of the poor implementation of the *parité* reforms. While a new group of young feminists from North African and Sub-Saharan African origins, *Ni putes, ni soumises* (Neither Prostitutes, Nor Docile), was founded in 2002, receiving a great deal of public support and government subsidies, they have not been participants in the debate on *parité*. Moreover, many of the *parité* feminists have been critical of the group's position in the issue of the veil (it supported the right for Muslim girls to wear the veil in public schools if they choose to do so).¹³ For this cultural feminist perspective, the future does not look bright for French feminism's ability to overcome these cleavages, due to the insistence of *parité* feminists to reject taking intersectionality seriously.

Conclusions: Lessons for Feminists in France, the United States, and Beyond

In terms of one of the original questions of this series, of what French feminists can learn from their U.S. counterparts, there are lessons from each of the three feminist perspectives. From the good, contrary to the sentiment of many feminists from within France that *parité* was a failure, the glass actually may be half full rather than half empty. The *parité* movement was quite successful in overcoming its divisions and contributing to the enshrining of the general principles it espoused in the Constitution of the French Fifth Republic. Another potential avenue for the French feminists to pursue is to focus on training women to become competitive and effective candidates, an area that is being developed by reform-oriented groups in the United States and at the international level, for example, Center for American Women and Politics at Rutgers, National Democratic Institute-Women in Participation Program, IDEA-Women's Political Participation, Inter-Parliamentary Union.

The lesson from the bad perspective appears to be to not give up so early. It is essential for *parité* activists to stay vigilant in the crucial process of implementing the reforms, to make sure that the government and the political parties follow the intent of the law, and also to develop more authoritative and effective policies. This vigilance needs to be pursued despite the disappointment of many of the *parité* activists that the policy outcomes were only half measures. As the feminist policy research shows, it is only through women's groups joining individual activists, women in public office, women's policy

agencies, and male allies in government and society that symbolic reforms, such as *parité*, can be made to work. In doing so, the *parité* activists should remember that they are enhancing women's representation in the policy process.

Even the most negative and critical perspective has an important lesson—the need to take into consideration how sex-based differences intersect with other vectors of inequality in the French context that have differentiated impacts for French women from different backgrounds. *Parité* feminists may want to revisit their strategic decision to not mention cultural differences and undertake a broad-based discussion of how issues of class, ethnicity, race, and sexual preference can be better incorporated into the implementation of *parité* policy with feminist partners that are more focused on gender and race issues. The development of a new governmental machinery targeting all forms of discrimination since 2000, not just sex-based discrimination, and the unprecedented public attention drawn to issues of class, race, and ethnicity in the fall 2005 riots provide a potential fresh start for *parité* feminists to better address issues of intersectionality in the promotion of women's increased representation in electoral contests.

More generally, this analysis has shown the diversity and range of feminism and women's movement in France and the United States—it is important to take into consideration all of the different forms of women's movement mobilization, individuals, and groups, insiders and outside, and so on, as well as the variety of different political stances that fall under the feminist moniker. For feminists across the globe, *parité* has become a touchstone for improving women's representation, giving hope to some women's movement advocates that governments will take seriously the demand for gender equality in politics, for others showing the pitfalls to avoid in developing sound and effective policies. No matter what the feminist position, *parité* has become in the final analysis an important development for feminists and for the pursuit of gender equality worldwide.

Notes

1. Neither country ranks very high in terms of the numbers. In 2005, the Inter Parliamentary Union ranked France eighty-fifth for women's representation in national parliaments—with 12.2 percent of the seats in the National Assembly held by women—and the United States at sixty-eight, with 15.2 percent of seats in the House of Representatives occupied by women. Both countries do better at lower levels of government—women hold 42.3 percent of seats in regional assemblies in France and women are 22.8 percent of the lower house at the state

- level in the United States (<http://www.ipu.org/5/26/06> and Center for American Women and Politics, <http://www.cawp.rutgers.edu/5/26/06>).
2. Thanks to Gene Rosa for the idea to apply the title of this film to the three perspectives.
 3. To name just a few, Baudino (2003, 2005); Bereni and Lépinard (2003, 2004); Bereni (2003, 2006); Bird (2001, 2003); Gaspard (2002); Lépinard (2007a); Mazur (2001); Murray (2004, 2006); Scott (2005); and Sineau (2002).
 4. Political representation policy is one of seven subsectors of feminist policy—blueprint, equal employment, reconciliation, family law, reproductive rights, sexuality, and violence (Mazur 2002).
 5. In France, political parties receive a significant amount of money each year from the government; private-sector fund-raising for candidates is not a major part of the election process. Smaller parties are much more dependent on the government subsidies than larger parties.
 6. For more on the RNGS network and study, go to <http://libarts.wsu.edu/polisci/rngs/>.
 7. For more on the French women's movement, see, e.g., Allwood and Wadia (2002); Black (1989); Duchen (1986); Gaspard (2002); Jenson (1996); and Picq (1993, 2002); on U.S. feminism, see, for instance, McBride-Stetson (2004), Black (1989); Nelson and Carver (1994).
 8. For example, Holly Mitchell, the commissioner on the State Commission on the Status of Women of California gave the opening address for this conference series.
 9. For more on the Feminist Comparative Policy approach and the scholars and literature of this new area of study, see Mazur (2002).
 10. This assessment is drawn from the literature on parity cited in this chapter—see note 3 for the specific list.
 11. For the numbers of women elected, see C. Fauré's essay in this book.
 12. For an excellent summary and analysis of the cultural feminist perspective in the United States and its critiques of *parité*, see Lépinard (2007b), a book written by a French feminist analyst who studied in the women's studies department at Rutgers University, where cultural feminism was the dominant approach.
 13. A law that forbids wearing religious signs (such as a cross, a Yakima, or a veil) in a public place is now in effect in France.

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PART III

*Feminism and Postmodernism:
Looking Toward the Future*

CHAPTER 10

Creative Feminine Nonfiction in the United States: A Model for French Feminists?

EVE-ALICE ROUSTANG-STOLLER

Last summer, during an excursion in the Corsican hills, I was speaking to a friend of mine, who is a sociologist, about my future, both as an academic and as a mother of French nationality in the United States. Given the limited number of jobs as a professor and even as a lecturer, as well as my limited geographic flexibility (New York, Los Angeles, and New York again—since there was no question of a “commuter marriage,” a life in which my children and I would see my husband only on weekends), my chances of having a career in the field of French studies, the field to which I have devoted the last ten years of my life, are quite slim. My friend then asked me if I was a “traditional” woman, overlooking her career in the interest of her family. In a way I must admit, even with distaste, and without entering at present into the varied reasons for this choice, that the answer to this question is yes. But I must say “feminist” as well, in spite of the negative associations implicit in this term and the long-standing struggles that it evokes. Feminist in the sense that I am interested in and feel directly concerned with questions that are specific to women: to their situation and to their role in society, particularly where the work force is concerned in the Western world and, still more specifically, in France and in the United States. Furthermore, in spite of the negative connotations attached to the term “feminism” on the other side of the Atlantic, it appeals to many women still, and not only to those who are old enough to have led the struggles of the 1960s and 1970s. “What is it, then, to be feminist today?” persisted my sociologist friend.

I explained that for myself the struggle in which to engage, or rather the domain in which these questions are posited, questions that are above all feminine or feminist, is the domain that is known in the United States as the “balancing act”: How best to reconcile time delegated to work with time delegated to the family. In other words, what should be done, and whose job was it, to allow women to find more balance between the public and private domain? Between time spent in one or the other? So that the allotment of time in these two spheres would harmoniously coexist and so that women would be fully and equally engaged in both? A utopia of “having it all”? Or, as my sociologist friend suggested, a more practical, or perhaps more optimistic, political agenda? And why not? What could be done so that women’s workdays would be more and more of a choice and less and less of a restriction (so that they could, as they wished, choose between part-time and full-time jobs, e.g.), and thus be more comfortable and, consequently, more productive?

Upon my return to Los Angeles, I pursued this train of thought with my friend and colleague who, like myself, was a French woman married to an American. And in this way, I began my research on the subject, only to find that my ideas and my questioning, far from being innovative, harbored an entire American literary movement—feminist, without a doubt—in any case candidly feminine.

There exists in the American literary field a genre that has no real French equivalent, at least not for the subject that interests me here: “creative nonfiction.” Neither fiction nor biography, this type of writing is not specifically academic, nor is it part of socioeconomic or scientific study. “Creative” it is, in the sense that as it draws from the author’s personal experience, it seeks to generalize ideas that are inspired by this experience, emphasizing others that are similar. It does not deny recourse to “serious” sources that are academic, quantified, but never an end in themselves. It is a sort of essay in which the “I” of the author, named and recognized, is not afraid to reveal itself and to assume its identity, to speak of itself and in so doing to make general claims. It is a question of evoking thoughts and debates that revolve around a theme that is defined by the experience of the author, so that a course of action may eventually be proposed. Creative nonfiction would be a type of “personal essay” offering universal claims along the lines of thoughts or experiences.

This type of literature is essential for understanding the thoughts that arise on the situation of women in contemporary American society. While discovering the immense bibliography on the question, it seemed to me that an actual genre of creative nonfiction existed

on the feminine condition and, more precisely, on the condition of motherhood: "What does it mean to be a mother today in the United States?" is the question posed by the essays. The answer is organized around two categories: social and psychological. From a social point of view, the answer is not obvious in itself, say certain women writers. From a psychological point of view, it does not correspond to the paradise of happiness imagined and promised by others. The feminino-maternal essay wishes to reflect on these disparities and thereupon to propose solutions.

At the base of this type of writing, there is thus one experience (maternity), which is accompanied by ambivalent feelings: happiness and anxiety, joy and disarray. The result of these mitigated feelings is a painful realization, not only that life will never be as it was before but particularly that nothing has been enough to prepare for the difficulties that must henceforth be faced.¹ To this anxiety is added the fact that it is often young mothers who must adapt to the new task (Crittenden 2002; Peskowitz 2005; Steiner 2006; Warner 2005; Wolf 2001).

If it must be recognized that complaint and anger often dominate these essays in a rather repetitive fashion, let us recognize their value of addressing, without taboo and from a concrete angle, the problems with which women, and particularly young mothers, are faced. Far from the feminist theories of the militants of the 1970s, the writers in question here begin from a personal experience that they take care to show, more or less successfully,² as also being collective. The idea is that each reader can thus feel fully or partially engaged in this experience.

The writers in question here became mothers at about thirty-five years of age. They had, until then, successfully established careers, often linked to journalism (Crittenden 1998, 2002; Douglas and Michaels 2004; Ellison 2005; Warner 2005; Wolf 2001) and/or teaching (Peskowitz 2005; Williams 2000). But at the birth of their (first) child, they suddenly discovered that their careers were not compatible with their new condition, at least not when practiced full time. They consequently resigned, or negotiated, with more or less success, part-time work and telecommuting. All of them conclude that there are two causes of this incompatibility between work and career, one of which is politico-social, the other of which is socio-psychological. The first cause, both social and political, resides in the nature of the American educational system and of American politics concerning child care. In the United States, children do not enter school before the age of five. For younger children, there is no public child care. Children under five years of age whose parents both work must be cared for within

the family, either by a nurse or in a private nursery school. But these nursery schools and “preschools” have little or no regulation. With the exception of the lucky few who have nursery schools at their place of work, the choice must often be made between a solution of expensive quality or a so-called family nursery school that is less expensive, smaller, and of varying quality. That is to say that finding a reasonable form of child care, in price as well as quality, sets up quite an obstacle course, in contrast with which the numerous attempts to find child care that young Parisian couples are engaged in seem relatively sane.

In addition to this difficulty, say these essayists, is another, more pernicious one, which is pointed out by all of them: that American society would excessively value mothers who decide to devote themselves entirely to their children over mothers who hold jobs (Crittenden 2002; Douglas and Michaels 2004; Warner 2005). In other words, a “good mother” must be a housewife. Having interiorized this implicit rule, working American mothers feel guilty. They are told that they do not spend enough time with their children; they think they should be present in order to allow their children to participate in diverse musical and sporting activities or simply in order to watch them grow.

Writers differ on the legitimacy of this point of view. There are those who recognize the idea that the place of a mother (or a father) of small children is, effectively, in the home (Crittenden 2002; Kaufman and Quigley 2000), and ask that this real “work” be recognized and reflected in social politics, family rights, and so on (Crittenden 2004; Greenspan and Salmon 2001; Williams 2000). Others, on the contrary, who are closer to the French position, insist on returning to work as soon as their maternity leave is up and state that it is not a right, but often a financial necessity for those who are poorer, or else a privilege for those who are well-off (and can engage a nurse at home) or for those whose work (teaching, journalism) allows a certain flexibility of hours (Crittenden 2002; Warner 2005). In any case, the combination of these two factors (the rarity of a satisfying form of child care and what is perceived as social pressure to cease working) forces mothers to “choose” and to assume a mode of life that, our essayists find, does not result in a real choice. It is this that they describe and against which they protest.

Having posed these questions, our essayists reflect upon ways in which to solve these problems. It is for this reason that they turn toward France, whose family politics present, according to them, a model to imitate, a model that would resolve many of the problems that American women encounter. It suffices to depict grade schools, which take children from

the age of three, or even two, and public nursery schools and maternal assistants for the period that precedes entry into school.³ Globally, French women have a rate of professional activity of 80 percent.⁴ For new American feminists, the solution is clear: American states must provide families with general child care and, above all, guarantee a minimum of quality, as is the case in France.

But this reason is not the only one for which France is considered by some of the essayists cited here as an ideal place for a working mother (Crittenden 2002; Douglas and Michaels 2004; Warner 2005). In a slightly different vein, J. Jacobs and K. Gerson (2005) adhere to showing flaws in European politics in order to uphold the invention of a specifically American solution. Not content to harp on the absence of national family politics, certain of these essayists analyze different thought processes in order to show differences that exist between one country and another on the conception of maternity, and to praise France on this issue as well. Because, whether it be the cause or consequence of these politics, there would not exist in France a conception of maternity that would require mothers to stay at home with their young children. And so no guilt. Being provided, on the one hand, with varied means of child care, of good quality, and on the other hand, liberated from a single maternal model confining them to the care of their families so that they might be worthy of the term “mother,” French women would find themselves in the ideal conditions for assuming maternity in the modern world (J. Warner’s book *Perfect Madness: Motherhood in the Age of Anxiety* [2005] is in this way particularly eloquent). France, paradise for the active mother? In reading all of this literature, I was surprised at the poorness of the debate in France. For, whether or not we agree with American women writers, it must be conceded that they do examine questions that are worth being asked.

Allow me a new digression into my personal experience. I must admit that the subject interests me more particularly now that I am a mother. Although I feel French in my way of interacting with my daughter, my everyday life as a parent and my thoughts on the subject unfold in an American setting. I have thus perhaps neglected the French literature that treats this subject, because I no longer have easy access to it and because it does not concern me directly. If we do follow our women writers, however, it would not be surprising that the debate about the ways and means by which to raise children would not be as rich in France, since this country provides rather exceptional conditions. What do women want? They want a career, a husband, and children. In France, this is possible. We can then be glad of the poorness

of the debate in France, since this indicates that French women would have acquired what American women so lack.

At this point in my reading, I had to admit to myself that all these critiques of the United States made me uneasy—I who had immigrated, who was perhaps more royalist than the king. That American society, much more obsessed than French society with sexual equality, is so little favorable to the professionalism of women, I could not quite believe. Also, if we turn to other aspects than those principally evoked by our feminists, another image appears. For example, proportionally more American than French women acquire professional positions. In other words, in the United States, the “glass ceiling” is far higher than it is in France. Thus, if American women have much to envy of French women, the reverse is also true: In France, more women work, but are relegated to the second tier of the professional scale, whereas in the United States, among those who work, the proportional number of those who reach the top is greater.

In addition, if we look at the statistics that concern the sharing of housework and child care within a couple (a real battleground among certain feminists), French and American women are more or less in the same situation—they both complete the majority of the work. Thus in France, women, who collectively hold more jobs, would nonetheless have problems accessing higher positions and would always assume the majority of domestic work.

We can then turn over the question posed by American feminists to French women to know if this “choice” of working while raising children is really a choice. For American women, according to our essayists, this is not a real choice, since there are no nursery schools at an affordable price. But in France, it is generally frowned upon for a woman not to choose to work in order to take care of children. Praising France and Europe for their family politics, our American essayists do not evoke the psychologico-social constraint that weighs on French women in the other sense. We can ask ourselves if it is for this that 80 percent of women work, or if it is because 80 percent of women work that the alternative is so little respected?

From these two models of the *balancing act*, we come to the following questions: Must we change the family (the division of labor, child care) in order to make women’s work better, or change work (e.g., the consideration of the family situation of the worker), in order to allow the family to be happier? Many American feminists favor the first solution, in particular for public nursery schools that are accessible to all families. As for the fact that they assume child care in the

home, they sometimes bitterly complain about it, but the solutions to this problem are unclear. It seems to me, but this is not the opinion of everyone, that this problem, contrary to the problem of nursery schools, comes from the private sphere and that politics are not to be mixed up in it. I will face the objection that if the law does not become involved, patterns of thought will never change. Without explaining my skepticism, I will be content to underline that this is a question that, in relation to nursery schools, concerns a much smaller number of women: those forming a part of a couple who have children. Let us remember that the category of single mothers in France, as in the United States, is becoming more and more important. Accentuating the inequality of men and women within the home is, then, to exclude a large part of the feminine population from the debate—that is, single women.

Here, we reach one of the limits of all these essays, whose approach is globally “matro-centric”: they almost exclusively concern mothers. Let us not neglect their immense merit, which is to be preoccupied with their present, concrete situation and to propose thoughts based on the realities of everyday life. Far from expounding theories, things must be made better in practice. They must, moreover, deal with problems rooted in the specificity of the feminine condition: Contrary to another type of feminism, women must not be made more competitive in order to be more like men, but must, in fact, be aided as women.

The inverse of this questioning is also, to a certain degree, to exclude men from the feminist debate. And so men have nothing to gain by expressing themselves in femino-centric terms. But it is still in the most “liberal” country (in the pejorative French sense) that a solution is proposed. The other possibility for improving the situation of women and, in particular, their work would be to change the work itself. This is what Joan Williams calls “reconstructive feminism”: reconstructing a type of feminism that emphasizes neither the rejection of the masculine norm, nor the request that women conform to it, but emphasizing, rather, new norms that concern both men and women. Imagine a new world of work, more sensitive to the needs of family life (Greenspan and Salmon 2001; Jacobs and Gerson 2005). We could say that the thirty-five-hour work week is a part of this movement: Many men and women who benefit from it spend part of this additional personal time with their children.

Reconstructive feminism tackles the “norm of the ideal worker” (Williams 2000) according to which every employer has the right

to expect every employee to be ideal for the entire duration of his career, regardless of personal circumstance (Peskowitz 2005). It is this unrealistic expectation that harms not only women when they become mothers, but also fathers who would wish to play a significant role in the lives of their children. Just as it harms all workers who must care for, or who wish to care for an ailing parent, and even simply those who would be more productive if they were allowed more leisure time. In France, the thirty-five-hour work week grants more time to workers, while the Genisson Law, or the law of parity, attempts to give women more professional jobs that are mainly held by men. On a more ambitious level, reconstructive feminism proposes a vision of the world in which work would not be the axis around which everything, including time allotted for the couple and for children, would be organized, but an activity among others. No longer a work/family hierarchy between which we would have to decide, with men traditionally in the lead and women following but a reasonable coexistence.

This is a bit in the spirit of the thirty-five-hour workweek: more time for ourselves, to be used as we wish. But the last French administration has just loosened this law, which, in any case, had not reached all levels of society. To believe that all workers can succeed in balancing work and family, isn't this to deny not only the economic but also the human forces at play during the development of a career? There will always be ambitious (or anxiety-stricken?) men and women, single or in couples, heads of family or without children who would prioritize their work over all other aspects of life. Or more simply, for whom work is so essential that they have little or nothing to give to a family. For those people, imposing a limit on the workday is more harmful than productive.

On the other hand, we can ask ourselves where this demand comes from, that work be more susceptible to family constraints (whether these come, yet again, from children, parents, or spouses). Maybe given the fact that in the United States many professions would have recently experienced an increase in their work day, which would not be very compatible with the desire to "see our children grow." But certainly also from a change in the conception of the family and of relationships to children, with whom it is understood that we must spend a lot of time (almost every essay cited agrees upon this). Reconstructive feminism is, in fact, the product of an American society in which children are the center, in which it is almost expected that the best situation for young

children is to remain near their parents, which most often means their mother.

Have we simply reemphasized the importance of young children spending time with their parents ever since women have massively entered the job force? This was not a problem, so long as the father worked and the mother stayed at home. We ask for more equality today between men and women, both in the workplace and at home. We forget that in the past, children were often raised by people other than their parents, either if they were rich enough to have a governess or if they were too poor not to work. Or maybe there were too many children in the family for them to receive much individual attention. And what is there to say today about those mothers (all of us know a few) who are neurotic, negligent, obsessed with their children? Or of those children so doted upon by their parents that they have difficulty functioning in a society that is much less admiring? Can we really say that it is in their best interest to spend their first three–five years in the constant company of their parents? Without contest, reconstructive feminism expands the debate, but it seems to me to come from biased opinions as well: it is understood, on the one hand, that children have the most important place in the family and that the family is more important than anything else, and that in this vein it has its rights; yet on the other hand it is necessary to contest the situation of women within the family and to find a balance between their situation and that of the father, companion, or spouse.

New models have yet to be invented. They will need, among others, to emphasize equality as well as more understanding on the part of enterprises and by the men who so often run them. And to ask more questions so that the field of opportunities will open up. It is, finally, this principal value that is at times repeated from one essay to the next: restarting the debate, insuring the expansion of ideas (restarting the debate is to insure the expansion of ideas). The number of works alone shows that they constitute a phenomenon that is at once social and literary. During an era in which to be “denounced” as a feminist is almost an insult, it is not enough to rehabilitate a word, but rather meaning must be given back to it. During an era in which political and social advances in favor of women are stifled, perhaps because essential needs have already been met, the creativity of American feminist reflection and its emphasis on the practical aspects of women’s everyday life reminds us that new questions

inevitably arise and that even if the era of struggle is over, the era of debate remains.

Notes

Translated by Erica Weems.

1. A similar reflection is found in a novel such as *Un heureux événement* (“A Happy Event”), by the French novelist Eliette Abécassis.
2. It must be noted that the total ignorance with which certain essayists approach pregnancy, birth, and maternity is sometimes quite surprising.
3. Here, I will not enter into details of the difficulty of finding a place in a nursery school or of finding a competent nurse since my objective here remains the more general comparison between two countries.
4. This figure does not distinguish between part- and full-time jobs.

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CHAPTER 11

Rethinking Parenthood to Achieve Reproductive Equality

MARCELA IACUB

Whether you open a law manual or ask a general audience, these days it is easy to get a straightforward answer to the question of how one becomes a father or a mother. It is possible to become a father by actually “fathering” a child; but even if you are not the biological father, you can recognize paternity at birth (in the event that you are not married to the mother). Thanks to the presumption of paternity, you can also become a father without having “sired” the child. A father is a rather dispensable figure. It is less important that he actually be the father than that he commit to the child. The paternal role is not stable. In a cruel turning of the tables, a man who has assumed the paternal role for a child he has perhaps not even fathered can be rather easily deprived of his status after thirty years. Fathers do not have to be real and this explains the instability of their position.

On the other hand, to be a mother, a woman has to have borne the child in her womb. Since the legalization of egg donors, a woman does not have to have been the genetic author of her child. However, it is crucial that she have given birth to the child. This a priori requirement makes women the keystones of genealogical descent.

For us, modern citizens of a country such as France, this link between childbirth and motherhood appears self-evident. It seems to us that the law is merely recognizing fundamental anthropological categories when it formalizes this link, and that if it did not, it would in some sense be denying nature. In support of this contention, legal scholars

quote the famous Roman adage “*mater semper certa est*,” which once again makes the present view seem part of a history stretching back to time immemorial when even non-Christian barbarians recognized fundamental truths that link us more to mammals than to anything specifically human. Don’t the lioness and the female tiger have the same mothering instincts as those we see in French society?



This fact has a certain number of consequences for the way descent is conceived of today. The first is that a woman cannot claim as her own a child that another woman has given birth to, even in situations where the two women have agreed to such an arrangement. The woman claiming the child can be sent straight to prison on the basis that she has committed the crime of simulating the birth of a child. Meanwhile, men who recognize children they have not fathered are never bothered by the law. On the contrary, they are seen as having “saved” the mother and child by doing so.

The second consequence of this principle is that the sole medical technique of reproduction that French law has outlawed is the surrogate womb. Otherwise, everything can be exchanged—sperm, eggs, embryos. The only thing not for sale is the mother’s womb and anyone breaking this rule, once again, can be sent to prison.

These distinctions have given rise to a number of extravagant legal decisions. Thus, a woman can go abroad and, using her own eggs, can hire the services of a surrogate mother in a place such as California. But, if she returns to France with the child, she will not be recognized as the child’s mother. Such a case occurred two years ago. Meanwhile, another woman of sixty-two, who also went to California, took eggs from a donor and sperm from her brother in an effort to bear a child. And, since she became pregnant and carried the baby to term, no one could contest her maternity. She gave birth to the child and, even if her age and the methods she used shocked arbiters of ethics in France, from a legal point of view no judge can rule that she is not the child’s mother. Childbirth is a sort of maternal litmus test: indeed, it is the essence of motherhood.

The final consequence of this rule is now emerging. In recent years, a woman’s ability to give birth anonymously has come to appear unacceptable.¹ Children born in these circumstances are depicted as if they were ghosts, beings stripped of their identity, and their future mental health is being compromised. In 2002, a law was introduced to limit

women's rights in this regard, first by trying to make them understand the harm they were doing to the child by giving birth in these circumstances and, second by allowing the biological father to claim paternity against the woman's wishes, thus denying her wish to remain anonymous.

And yet, what a more extensive examination of legal history reveals is that this is all paradoxically the product not of an ancient tradition, but rather of a modern reconfiguration of the family.

These laws, which seem prehuman, pre-Christian, and immemorial, date from the period when the family as defined by the Napoleonic Code (with marriage as its foundation stone) collapsed. Within this hyper-artificial family structure, in which society the law was meant to act as protection against the "caprices of Nature," it was possible to become a mother without giving birth.

In my book *L'empire du ventre* (2004), I showed how the Napoleonic code of 1804, by establishing links between law and nature, allowed women who had not given birth to become mothers legitimately by making arrangements with other women and on the condition that their husbands were in agreement and that they treated the child as the legitimate offspring. It was felt that neither the state nor anyone else had any say in these agreements; that the well-being of the family was at stake; that people had to sort out their private life according to their own insights. A certain number of judgments from the second half of the 19th century points in this direction, the judges staunchly protecting these *false mothers* against challenges from the state and other parties.

Everything changed with the advent of the sexual revolution. The family reform of 1972 dethroned marriage from its foundational position and replaced it not with biological truth in general, but with the truth of childbirth. This change made the previous protection of *false mothers* impossible, since their status threatened the new definition of the family. Such a threat, of course, was not to be taken lightly. (A similar situation existed under the previous system with regard to distinctions between legitimate and biological offspring. Even if the latter were in the minority, an array of stratagems had been devised to keep track of the donations made to them, as the example of Balzac's Ursule Mirouët attests.) Henceforth, only women who had given birth could attain the status of biological mother. The family would no longer revolve around marriage, but the fertile woman's womb.

When legislators decided to *de-matrimonialize* the family on the pretext that it would put an end to injustices, notably those afflicting

the status of children, instead of reinforcing the voluntary aspects of descent and adding equality, they did something else. Equal status for all children would now be based upon the fact that they had all been born of a fertile womb, which would no longer be classified as adulterous, natural, or legitimate. Each childbearing womb would thus be just as legitimate as any other. On the other hand, if distinctions between women previously were made based on their marital status, henceforth they would be founded on their ability to get pregnant and give birth to a child. In other words, descent would be divided according to two categories of motherhood: adoptive on the one hand and biological on the other. In short, non-childbearing women would be put in a position of inferiority and would become a focus of suspicion, and along with them all the stratagems used among women to give their children up for adoption by others. While legitimate and biological children enjoy the same rights as one another, adopted children, viewed as victims of a great misfortune, are the poor relatives in this *empire of the womb*.

Thus, far from having done away with inequalities, this new order has merely displaced them. In a way, this is inevitable. For once one consigns issues as crucial as descent to a realm beyond human will, once one makes the fate of people dependent on their physical abilities or disabilities, injustices, inequalities, and odious forms of discrimination are the inevitable results, between children, between women, and between women and men. The new empire of the womb is a system both hierarchical and riven by inequality, whose goal is to place fertile women at the heart of reproduction, according to a specific institutional rationale.

Perhaps it would have been more in keeping with at least the political outlook of the sexual revolution to have replaced marriage not by the womb, but by human will. For it is clear that this revolution, or at least some of the movements that tried to interpret it, asserted that the body had to be subordinated to the will, that we are the masters and not the slaves of our bodies. By doing so, the positive aspect of the Napoleonic Code could have been preserved: not the one that imposed constraints in the name of the sanctity of marriage, but rather the recognition of the artificiality of descent and the family and the idea that we need to protect ourselves from the caprices of nature.

It is in judicial systems that have allowed surrogacy that one can perhaps find new models that raise human will to the status of a founding principle for the family (and importantly for descent) by considering parents, and particularly the mother, not as a child's genitors, but rather as its "authors." There is no more fertile example in this regard than

Californian jurisprudence, which has instituted a concept of biological motherhood that bypasses the body.

Conceiving Children Mentally

Johnson v. Calvert

Mark and Crispina Calvert were unable to conceive a child because she had undergone an ablation of the uterus. Since her ovaries were still capable of producing eggs, they hired a surrogate mother, Anna Johnson, to whom they promised ten thousand dollars, as well as life insurance. In exchange, Johnson was to surrender her parental rights after the birth of the child. A doctor fertilized Crispina's egg with her husband's sperm and implanted it in Anna Johnson's womb. Shortly after the confirmation of pregnancy, however, relations between the two parties began to deteriorate. While she was still pregnant, Anna Johnson demanded immediate payment of the sum due and threatened to refuse to give up the child once it was born. Fearing the worst, the Calverts requested that Johnson be refused parental rights over the child. The court defended the Calverts: they were the biological parents. The ruling was appealed and the decision was confirmed. In 1993 the case came before the California Supreme Court. Once again, the court defended the Calverts and in the process developed a line of reasoning that was to have a lasting effect, since it transformed the very notion of what motherhood was.

According to California family law at the time, a woman could establish her biological connection to the child, her maternity, on two different grounds: childbirth or genetic relation. In this case, both Crispina Calvert and Anna Johnson were the child's mother according to California law. Having determined that a child could have only one mother (which, after all, was not self-evident in this case), the California Supreme Court had to decide the case by relying on a criterion other than those that had until then been used to establish biological maternity. It was thus that a third notion, that of an "intention" predating conception to raise the child and care for it until adulthood, was introduced. Thus, it transpired that a nonbiological factor was used to define maternity. According to the Court, this preconception intentionality allowed for the identification of the real parents, without whom a child would never have been born. This "intention test," as it was called, makes "mental conception" of the child the decisive

factor in its creation: it is those who are responsible for this mental act of conception that in reality should be considered responsible for it. In the words of the Court: “The mental concept of the child is a controlling factor of its creation, and the originators of that concept merit full credit as conceivers” (Stumpf 1986, 196). Acts that are intentional and chosen voluntarily should thus be allowed to determine legal claims to parenthood. This was not a unanimous decision. The judges writing the minority opinion objected that this argument did not take into account another principle of causality, this time a physical one: the surrogate mother’s contribution is just as much a *sine non qua* of the child’s existence. As for the intention test, they objected that a child cannot be considered intellectual property “like songs or inventions.”

This objection is interesting, albeit a little misleading, for founding claims to parenthood on an act of mental conception no more institutes a relation of ownership than does founding them on a genetic or child-bearing standard. The opposite view may even be taken: that founding claims to parenthood on the ability to produce genetic material or on childbearing capacity may constitute a misunderstanding of two ways of acquiring property rights. An owner may indeed have a right to the “fruits” of his property, for instance, the sheep born of those that belong to him. She may also have a right to things on her property that are indissociable from it, for example, a tree planted by someone else or alluvial deposits. In France, the first type are known as accession rights to what is produced by the thing; the second as accession rights to that which is part of or incorporated in the thing (*Code Civil* 2007, articles 547–577). Following on from this, it might be said that the claims of parents to children born of their seed, founded on the fact that these children are their offspring, are claims to the spontaneous products of their own bodies; meanwhile the claims of childbearing mothers are claims to what was a part of their own body, even if that body did not spontaneously produce the “fruit” in question.

It can be objected that this theory supposes that one is the owner of one’s body as one might be the owner of any object. However, this is not the case. Beyond the fact that the analogy remains no less disturbing and that it is possible to demonstrate that the notion of property rights has long informed, however subconsciously, the way descent is thought about (in the same way that it informs the very notion of what actually constitutes a right), a number of writers have shown that the best way to conceive of an individual’s relationship to his body is to see it as a sort of property, one that is individual, original, and unalienable, but nonetheless a property.²

The problem, therefore, is not whether the child should be considered a song, a calf, or an alluvial deposit, but rather whether genealogical filiation should be subjected to the same rules that pertain between objects (the bodies in question being considered as objects) or whether the decision to become parents should be given a preeminent place in the establishment of descent, leaving it to individuals to negotiate over the physical practicalities of conception and childbearing, with the understanding that an individual's rights over her body be respected. No one is obliged to rent out her uterus, but in the event that she does, it is with the understanding that she is doing so in order to bear someone else's child, and that the fact that the child has passed through her body has no bearing on its genealogical status.

This solution could not be envisaged unless Anna Johnson's second objection to the Calvert's plan was dealt with. Johnson had argued that the surrogacy contract had violated the law for two reasons. First, the California penal code prohibits payment in exchange for consent to adopt and because it resulted in her being the victim of "involuntary servitude." On the first point, the court held that the contract that she had entered into with them had nothing to do with the laws on adoption because the parties had entered into it even before conception had taken place. It declared that the Calverts had never considered paying her for adoption; that they had only paid for her services as a surrogate. Thus, for the first time, a surrogacy contract was ruled to be a service contract, and not an act of consent to adopt. The question of the contract's contents having been settled, it remained to be decided whether it put her in a position of involuntary servitude. The Court pointed out that the contract she had signed did not deprive her of the right to an abortion. Anna's servitude (i.e., her pregnancy) was not involuntary but discretionary because it was in her power to put an end to it. She was not obliged to continue to carry the baby; but, in the event that she did, it did oblige her to give birth to a child belonging to another woman.

The same year as this decision, the state of California passed a reform of its family laws statutes, which redefined motherhood in line with the Supreme Court's conclusions. Henceforth, if one woman provided the egg and another agreed to carry the child, the woman who "has the intention to create the child and bring it up as her own is the biological mother according to California law." The criterion of "intentionality" was only applied in this case to settle a conflict between two women, each of whom had carried one or other of these functions (egg provider or childbearer). Could intentionality be the sole criterion for determining motherhood in a case where a woman had carried neither of these

functions? That was the question raised by the Buzzanca case, a strange one that the Supreme Court refused to hear on June 10, 1998, thus confirming by default the decision of the Appeals Court that had rendered the contested judgment (*Buzzanca v. Buzzanca* 1998).³

The Buzzanca Case

The beginnings of little Jaycee Buzzanca were fraught with difficulties. Five years before her birth, Erin Davidson had accepted to be an egg donor on condition that she and her husband, with whom she had four children, be allowed a say in the choice of the beneficiary. Thus it was that Mrs. and Mr. X (who remained anonymous throughout) received seventeen eggs, fertilized by Mr. X's sperm, from the donor. Four embryos were implanted in Mrs. X's body and a pair of twins resulted. The other eggs were frozen.

After the birth of the twins, the medical center offered Mr. and Mrs. X three choices: the remaining embryos could be destroyed, used for research, or given to another couple. They decided on the latter option without consulting the Davidsons. John and Luanna Buzzanca, who had tried unsuccessfully on many occasions to get pregnant by these means, were the recipients. On August 13, 1994, one of the embryos was implanted in the uterus of a professional surrogate, Pamela Snell, who had already given birth to three other children on a contract basis. Twelve days later, Pamela Snell and her husband signed a gestational contract with John and Luanna Buzzanca.

Everything seemed to be proceeding normally until John decided to separate from Luanna eight months later, just a few weeks before Jaycee's birth on August 26, 1995. In his filing for divorce he claimed the marriage had produced no children. Luanna, who wanted to be the mother of the child, contested her husband's claim and brought a case against him. In March 1997, the court decided that John was not the child's father because his sperm had not fertilized the egg, and furthermore that Luanna was not the mother because she had neither contributed the egg nor had she borne the child. In addition, Pamela Snell, the surrogate, was not the mother either because she had signed a contract with the couple to that effect. Little Jaycee, with six potential parents (the couple who had donated the egg, the man who had donated the sperm, the woman who had carried her, and finally the Buzzancas), found herself utterly parentless in the end.

The Appeals Court nullified this decision. California family law did not explicitly provide for these types of situations. The Court was

obliged to extrapolate a further set of rules, the general principle being that people are responsible for the reproductive effects of their actions. In the case of paternity, the issue was not too difficult. California law, like its French counterpart, requires that a man who consents to the artificial insemination of his wife by a donor be held to be the father of the child. In this case the problem was that the woman bearing the child was not his wife. However, the Court held that the intention of the law was that a man who intended to raise a child, and who had consented to a medical procedure in order to do so, should be declared the child's father. The Court thus extended this principle to John's case by analogy.

Paradoxically, the Court found it much more difficult to establish Luanna's maternity, even though she was not contesting it. There was no general principle for establishing maternity similar to the one that could be used to deduce paternity from rules governing the donation of sperm. Even the case of *Johnson v. Calvert* did not provide such a principle. In this case the Court made it clear that there were two ways to establish maternity: childbirth and egg donation. It had only resorted to the intention test in order to decide between these two claims. In the Buzzanca case, neither claim could be made. The judges, however, found grounds for maternity by analogy with paternity by invoking the principle of nondiscrimination between the sexes. Since men could become fathers by dint of their intention to engender offspring, women should also be able to do so. Luanna could thus be declared Jaycee's mother.

The criterion that had served to decide between two competing permissible claims to maternity in the Calvert case thus became in the Buzzanca case the basis of maternity itself. A third self-sufficient criterion for maternity had thus emerged. Maternity had just lost all bases in physicality. For the first time in Western history, maternity had become as disembodied as fatherhood. It is as if the two physical prerequisites of motherhood, the egg and pregnancy, had to be separated before maternity could become a purely moral issue: a matter of will; as if the body's physicality had deferred to the mind, not merely in its capacity as arbiter of disputes, but as a veritable source of relationships beyond its ken.

To fully appreciate the importance of this change in Californian law, it should be compared to other bodies of law that have authorized surrogacy. Thus, Israeli law also considers the woman who orders the baby to be its mother, even if she does not provide the egg. On the other hand, it is required in all cases that the egg be fertilized by her

partner, whether they use a donor or not. In this case, maternity is deduced from the bonds tying husband and wife, an inversion of the classic model that nevertheless maintains a degree of asymmetry. Since 1990, English law goes further in overturning the classic situation by only requiring that one of the members of the couple supply genetic material, whether it be the husband or the wife. Here, maternity and paternity appear to be perfectly symmetrical: Paternity can be established via the bonds linking husband to wife, as can maternity via the bonds tying wife to husband. For the first time in the Buzzanca case, maternity was created by analogy with the paternity without there having to be a symmetrical and inverse relationship between the partners. For the first time ever, it was possible to found biological descent solely in the action of the parties' will.

Of course, in this case the woman sought maternity voluntarily. The judges might have reacted differently had Luanna herself not wished to be this child's mother. Nevertheless, it seems reasonable to assume that, having recognized a right based purely on will, the State of California will end up recognizing that claims to the products of one's will are balanced by obligations.



If a "lesson" is to be taken from these amazing judicial decisions made by the Californian courts, it is that the rule holding that the will is the founding principle of biological descent encourages equality between the sexes and sexual orientations. Such a rule provides for total equality when it comes to paternal and maternal rights. At last, thanks to the criterion of intentionality, the sex of the parents can be put aside in the same way as other distinctions of sexual identity that used to stigmatize spouses. This transformation may also lead to a new way of conceiving descent in which could be included not only sterile heterosexual couples, but also same sex couples.

In all likelihood, true equality between the sexes as well as between people of different sexual orientations in the area of descent will only be achieved through a redefinition of its founding principles, through the substitution for flesh, and more particularly the uterus, of intentions embodied in legally binding agreements. Thanks to the decision of the California Appeals Court, parenthood for the first time has been defined as a work of the will and not the physiological product of a body. A son or a daughter can be defined as someone that one decided to engender.

However, this work of the will, one should not forget, was less the product of the Buzzancas or of medical science than of judges who recast genealogical descent as a purely legal construct. In doing so, they acted according to a medieval tradition, that of the judge as sovereign “artist.” As the gloss, so aptly cited by Ernst Kantorowicz (1984), put it, “To make something out of nothing is to create a new right, in other words to legislate” (49).

Notes

Translated by Colin Keaveney.

1. In France, women who wish to give up their child for adoption are allowed to give birth anonymously (*accouchement sous X*) and to remain so.
2. On this topic, see Baud (1993).
3. See also Douglas (1994).

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CHAPTER 12

Political and Theoretical Introduction to Post-Sexuality

PATRICE MANIGLIER

“Whoever promises humanity to liberate it from the ordeal of sex will be greeted as a hero.” This sentence is from a letter that Freud wrote to his biographer Ernest Jones (qtd. in Roudinesco 1998). In the belief perhaps that by drawing it to our readers’ attention, it might encourage them to fulfill this prophecy, and placing our hopes perhaps naively in the effectiveness of Doctor Freud’s recipes for gaining universal admiration in double quick time, Marcela Iacub and I included it as an epigraph to the book we wrote together, entitled *Antimanuel d’éducation sexuelle* (Antimanual of sexual education; 2005). For the book heralded the coming of a wonderful age, of a world liberated from the ordeals of sex, a world we thus termed *post-sexual*. But it must be admitted that this new post-sexual world does not free us from the sexual framework that emerged at the end of the 19th century in the West (with all of its theoretical, practical, subjective, and collective ramifications). That was surely what Freud was referring to when he talked of the “ordeals of sex”: that we be spared all talk of that filthy, exciting, disturbing business. In all honesty, post-sexuality can make no firm promises on that score and should not be confused with the “asexual” movement that has grown up on this side of the Atlantic. Post-sexuality’s focus is our liberation from sex as a political issue. And, as I will attempt to show, this removal of sex from the realm of the affairs of state, in all senses of the term, is what will allow sexuality, this wonderful invention of our modern societies, to assume its full potential, both theoretically and in

practice. In the end, I know that the type of post-sexual heroism we aspire to is not really welcome.



I would like to propose two ideas here. The first is political: that a state committed to safeguarding sexual freedom can only do so by renouncing any interest in people's sexuality per se. In other words, by abandoning the notion that what goes on sexually within its borders is within its jurisdiction or concerns it. To be more precise, the only way to achieve full equality in terms of sexual preference and practices within the limits of reciprocal consent is to edit the words "sex," "sexual," or "sexuality" from all texts that govern the coercive arm of the state. Nothing sexual should be a problem for the state.

The second idea is theoretical: that the abandoning state intervention in sexual affairs is a way to remain true to what is elevating and interesting in the very concept of sexuality, understood not as a transcultural and transhistorical phenomenon, but rather, in Foucauldian terms, as a field of experience or framework, which was constructed at the end of the 19th century in our societies through techniques for wielding power and within scholarly disciplines, as well as via ways of constructing oneself as a subject and deconstructing that self in the pursuit of pleasure. It is because of its essential nature, in short, that sexuality cannot be institutionalized. It is the aim of post-sexuality to bring out what is most radical in what is known as sexuality. Hence, the real question is not so much "What is sexuality?" as "How is the sexual produced?" Properly understood, sexuality is what makes us impatient with asking the question of what we are, and what prompts us to inquire what we are going to do with ourselves.

From Ethical Neutrality in Sexual Politics to the Post-Sexual Project

Formal Sexual Morality

Let's begin with the first of these ideas. We consider that, for contemporary society, following through on its ideals of sexual politics should make us rethink all attempts to have the state take care of our sexual happiness, or even safety. As far as sexuality is concerned, two types of

morality can be distinguished. The first, which we'll refer to as substantialist, imposes in the name of a certain notion of "virtue" a common criteria of what is good for each person sexually, notwithstanding the points of view these individuals may have about what suits them. This is a "paternalist" and authoritarian model that says to us in substance: "I will act in your interests despite you and even against you." On the other hand, a sexual morality that we might call "consensualist" or "formal" does not seek to make us all conform to a fixed idea of virtue, but seeks to define a framework that guarantees the right to live out one's sexuality according to one's own values. This view starts with the premise that all notions of the sexual good are equally valid, that there is no need to privilege one over another. It does not seek to find common criteria for the sexual good "in itself," but rather to allow for the coexistence of a variety of criteria. It is thus "neutral" with respect to acts (vaginal intercourse, sodomy, fellatio, etc.), contexts (marriage, stable relationships, casual sex, etc.), or goals (love, pleasure, money, emotional stability, etc.). All these issues must be subordinated to a single rule, that of consent between partners, for it is via consent that each individual can express his idea of what constitutes the sexual good. That way, no one gets to foist their idea on anyone else. Contrary to what the word "neutrality" might seem to suggest, this is a real moral system, which adheres to a strict principle: the plurality of values themselves.

The political ideal espoused by our societies is probably the second of these two ideas. In any case, supposing this to be the case, we hold that our societies can only be true to this ideal of sexual neutrality by excluding sexuality from the category of affairs of state. Imagine a society that would extend to all forms of sexuality the protections it once afforded to only certain among them. It would not favor relationships where partners were of a different sex over same sex partners, but would guarantee them the same rights: to marriage, to children, and so on. It would see that no one had to suffer sexual violence of any sort, for example, that no one would receive unwanted sexual messages, nor be forced into sexual intercourse against his or her will, whatever the relationship existing between perpetrator and victim (for example, the fact that they were married would not exclude a charge of rape) or the technique used. This tendency can undoubtedly be observed in contemporary societies: There are many who consider, for instance, that the criminalization of forced sodomy constitutes recognition of the act, a way of officially conferring respectability on this technique, which was for so long the object of persecution.

Going even further, imagine a society that, unlike ours, would go beyond thinking of sexuality as a purely negative value, and would see it rather as something requiring only protection, like a type of fragility requiring that everyone be protected against all outside exploitation,¹ but also imagine a society that was serious about granting real sexual rights. In truth, it is only in these conditions that one could speak of “sexual freedom.” Would one speak of “freedom of movement” if one only had the right not to move: the right to stop someone else from making you move in spite of yourself? One only has freedom of movement if a third party cannot also stop you from moving should you wish to? Imagine thus a state steadfastly struggling to insure the sexual flourishing of its citizens. Is that not a dream cherished by all progressives? Instead of a state leery of sex, imagine a state, both generous and confident, that would not merely be satisfied with an “abstract right,” as the Marxists used to say, but committed to a “concrete right,” or *capability-building*, to borrow a term coined by the Indian economist Amartya Sen (1999).

Sexual Indeterminacy

Alas, our new progressive mindset is soon confronted by an awful question, one that I hold to be essential to the notion of sexuality: What does sexual actually mean? What are the limits of sexual freedom? What constitutes an infringement of sexual rights? There are two possibilities. The first of these involves holding on to an anatomical standard, where sexual would mean genital. A sexual infringement would, in this view, involve the commission of an act against someone’s will, either on their sexual organs or by use of sexual organs by the perpetrator. A sexual right would consist in the use made of one’s genitalia (or of someone else’s with his or her consent). However, this definition is obviously unsatisfactory, even unpleasant, since it clearly discriminates against those whose sexuality is not genitally centered. It immediately imposes a norm and diverges from the modern definition of sexuality. In a world where such a standard pertained, the insertion of a stick into someone’s anus would not be deemed a sexual crime since the act does not affect any part of the genitalia. Licking all over the body of an individual that had been first tied up, while avoiding his genitals, could not be considered a sexual offense.

Conversely, anything having to do with the sexual organs would remain suspect: for instance, a parent interfering in the personal hygiene of her child would run the risk of being considered guilty of sexual

violence since, by definition, a minor cannot consent to the use of his sexual organs. The problem is henceforth clear: How is licit behavior to be distinguished from illicit behavior unless we consider the motives and thus the subjectivity, consciousness, and psychological make-up of the one carrying it out? In short, unless we abandon the anatomical standard? Thus, it turns out that not only is the anatomical standard normative, but moreover that it is probably untenable, or at the very least unsuited to the task at hand.

The second option seeks to take into account the modern definition of the sexual, to respect the plurality of sexualities. In this view, the sexual would be defined not by reference to acts themselves, but rather by what those acts mean, however subconsciously, to individuals. Unfortunately, this is a slippery semiotic slope, whose contours and outlines are obscure. Psychoanalysis has demonstrated that the most insignificant things can be laden with sexual meaning.

But before we enter into a theoretical discussion of sexuality, a brief consideration of the use of the epithet sexual will allow us to grasp the fact that it in fact serves to blur boundaries through a game of limits, of inside and outside, of ambiguity and reversibility, of visible and hidden, of present and absent. In short, sexuality operates like a universe of signs rather than a clearly definable realm of behaviors.

This is what is demonstrated by an excellent short text by the philosopher Greta Christina, "Are We having Sex or What?" (1997). A very simple, even vulgar question takes us to the heart of a real philosophical issue, that is, if, as Plato's Socrates would have it, philosophy deals with conceptual problems, in other words questions taking the form "What is X?" In Greta Christina's case, the question is one of mere arithmetic: She wants to count the number of sexual encounters she has had. Quickly, the project comes up not only against the defects of memory and the size of the task, but against the slipperiness of the concept itself. With Gene, for instance, Greta did not go all the way: there was kissing, caressing, hugging, moments of emotional intensity, but in the end, no penetration. Well, is that sexual or not? "Does it count or not?" as children often say when they are playing games in which they must act as both player and referee. Is it within the rules or outside of them? Then there were women. In these cases the criterion of penetration of one organ by another no longer applied. But if the rules don't apply in this case, shouldn't she again start counting from scratch. Why should rules that apply in one sexual game not apply in another? Henceforth, when should she begin counting? Thus, it becomes clear that the mere act of counting sexual encounters is bound to fail.

What emerges from this fine, profound, and simple little text is that sexuality is that which is uncountable. For counting supposes both *discontinuity* and *homogeneity*, two conditions that are not fulfilled by sexuality, which is the realm of the continuous (of progressive and ambiguous shading, of allusion and signs, of indeterminacy and limits) as well as of the heterogeneous: a realm where there is a multiplicity of games with varying rules, but where one is never sure when one has moved from one game into another. In Wittgensteinian terms: What are the rules for deciding that two women are playing the same game as a woman and a man, or as two men? It is impossible to say when an encounter has become sexual, supposing that it was not sexual from the outset. Neither is it possible to provide an objective definition of sexual behavior that could be applied to obtain a clear overall picture. What her text demonstrates is that the definition of what is sexual depends precisely on the type of sexuality one is engaged in. Moreover, the freedom to define what is or is not sexual is the definition of sexual freedom itself. There is no universal and homogeneous definition of sexuality. Nothing is sexual in and of itself. Hence the title of the article “Are We having Sex or What?” should be taken literally. After all, why should submitting an article on philosophy to a reader not be considered in a sense as a sexual encounter?

Now, you may feel that, as is often the case with philosophers, I have slipped into sophistry and gratuitous paradox here. But I don't think this is the case at all. On the contrary, I think we are getting closer to a better understanding of what sexuality is for us and why it is essentially *uninstitutionable*. After all, isn't one of the lessons of psychoanalysis that there is a sexual component in even intellectual pursuits? Isn't sexuality, for us, the realm of metamorphosis, the force that can mold itself in order to accommodate the most diverse contents?

Perverse Societies

By thinking along the lines of the philosophy of everyday language, Greta Christina discovered in the uses of the word sexual (and the criteria governing its usage in what I suppose we are obliged to call our culture) a construct that goes back to the origins of the modern notion of sexuality in the late 19th century. So let us move on now from an analytical approach to the notion of sexuality to a historico-critical one. Thanks to an abundance of studies (Davidson 2001; Ellenberger 1970; Foucault 1976) dealing with this topic, we know that the notion of sexuality was created by psychiatry at the end of the 19th century,

in the works of Krafft-Ebing, for example, the great German sexologist and criminologist, who provided Freud with a great deal of his clinical data. He was the inventor of the terms “sadism” and “masochism,” and he authored the impressive *Psychopathia Sexualis*, which would go on to be a seminal text for subsequent generations of sexologists. This notion of sexuality was elaborated in order to account for what were then known as “perversions.” What characterizes perversions is that they are forms of behavior considered sexual in nature, but whose goals are something other than genital discharge and whose focus is objects other than individuals of the so-called opposite sex, sometimes very much *other*: heels, hair, body hair, fabrics, excrement, a whole panoply of objects. That is what sexuality is from our point of view: a realm that, if not homogeneous, is at least continuous, and in which the genital is only one of many processes that were perhaps neither genital in their origin nor in their aim. The concept of sexuality must be defined historically, not as an ensemble of biological and psychological properties, but above all via a theoretical operation: the relativization of genitality through what Foucault seductively referred to as the “garden of perversions.” Sexual perversions are not a particular category of sexuality (deviations from a norm), but the model and the source of the notion of sexuality itself. Sexuality is in its essence *perverse*. This is why Foucault said, quite rightly, in *La Volonté de savoir* that our societies are perverse, not in any metaphorical sense, or from a moral perspective, but truly and historically perverse: Our societies are perverse because they are sexual societies, societies that equate sexual desire with other types of practices, that see them as manifestations of the same problem.

As a result, it is easy to see that the sexual cannot be defined by reference to any particular acts: it must be defined through an act of *interpretation*. Indeed, the same act (for instance, the collecting of high heels) may be sexual or not depending on the intention of the individual engaged in it, or the person who feels compelled to do it. Everything is thus a matter of motive, fantasy, mental association. There is no objective behavioral criterion for what is sexual. There are only heuristic tools.

If this is indeed the case, it is easy to understand why it is so difficult to bring law to bear on sexuality. For the law must apply to everyone, or at least must be able to define ahead of time its domain of application. This is especially true of criminal law since, as the saying goes, ignorance is no excuse. But, if the law introduces a term that is by definition indefinable, can it reasonably impose a related sanction? Can the law tell the defendant: “You knew you were not allowed to transgress

this norm”? Criminal law has to be the language of what is common and public. However, in this case there is no clear rule and no possibility of reaching a consensus. I am not saying that we cannot arrive at an agreement on the values that should frame the sexual act. Those values can be agreed upon and they are those of mutual consent. But, as is often the case, the problem lies not with the norms that frame such-and-such a sexual act, but with defining the acts themselves. On this latter issue, no agreement is possible, or rather each definition appears normative and restrictive.

The Post-Sexual Project

Respecting the diversity of sexualities, taking them all “into account,” no longer in the way that Greta Christina did, that is, by adding them to a list, but rather in order to confer each with official recognition, seems an impossible task. One need only consider sexual exhibitionism in our society. Many perverts who consider high heels as sexual objects of the highest order are persecuted by the sight of them while a multitude of good folk that think they are living in a pluralist society look on impassively and are perhaps even unaware. This is a form of shameless discrimination. But would it be right to seek to prohibit the wearing of high heels in order to bring it to an end? But if we don’t do this in the case of heels, why should we confer on other parts of the body or things the status of sexual objects subject to strict regulations governing their appearance in public and their disappearance? Let us now reverse the point of view and turn from the negative perspective where one asks what should be banned in order to a positive one: What should we promote so that no form of sexuality be excluded from this project of collective and pluralist blossoming? In this society devoted to the satisfaction of individual sexual desires, eating vanilla ice cream could become one of a person’s sexual rights; preventing us from eating it would then become a form of sexual violence. Don’t certain psychiatrists see bulimia and anorexia as sexual perversions? Conversely, a state with a mission to insure the sexual happiness of its residents would be obliged to provide gleaming gold ingots to those whose only sexual pleasure stemmed from caressing them. This would be an unexpected use for all those gold reserves languishing in the world’s central banks.

All of this is, of course, a reduction *ad absurdum* of the project. We will be obliged to propose a restrictive definition of the sexual, and thus a *norm*. That is why the notion of sexuality has always been and will remain a Trojan Horse permitting the return of stifling repression,

an increasingly brutal colonization undertaken by our society that is so convinced of having liberated itself via a substantialist and authoritarian moral code. That is why we must give up once and for all the idea of writing that frightful little adjective, sexual, into law. We must give up the idea of making sex into an affair of state, in every sense of the term. That is what we mean by “post-sexual.” A post-sexual society is one that has simply given up trying to intervene legally in sexual matters, instead leaving to cultural and countercultural forces the responsibility to define, in the widest sense, what is sexual and what is not.

What does that mean in practice? For example, it would become impossible to define what constitutes an act of exhibitionism. Lines between public and private would blur. Legislation would cease to dictate which organs had to be hidden, which words hushed up, which spaces protected. Some people see hair as having sexual charge, thus finding its exhibition obscene. It would be discriminatory to allow hair to be exhibited while outlawing other forms of exhibition. In a post-sexual society, deciding what was sexual or not would be out. For the same reason, same sex couples would be able to get married and have children: not because the dignity of different sexual orientations was recognized, but because sexuality would not be considered as a source of rights. Similarly, there would be no need to create the category “sex worker,” for once again it would be impossible to decide which organ was the seat of the sexual. In other words, prostitution would come to seem exactly like any other profession and would likely disappear as a separate category.

In the same way, there would no longer be any such thing as a specifically sexual crime or offense. There would only be acts of physical violence. On the other hand, in civil cases the potential effect of a particular act on an individual could be taken into account when deciding damages. I do not wish to go on too long on this topic here. We have described this post-sexual society in our book *Antimanuel d'Education sexuelle*, and in the venerable and unjustly mistrusted genre of utopias, we have called it Postsexopolis.

The Ontology of the Sexual

In this section, what I would like to call attention to is the fact that while we wish to wipe the word sex from the statutes, we do not wish to let go of the notion of sexuality. On the contrary, we retain everything that is beautiful, great, and perhaps even true in this typically

Western invention: sex. It is sexuality itself that pricks us to become post-sexual.

Is the Thumb a Sexual Organ? Freud and the Discovery of Sexuality

What is this thing called sexuality, born at the end of the 19th century? I have already said that it should be understood as a way of extending to the notion of sexual to practices and things that *bear hardly any resemblance* to genitalia; in other words, that the constitution of sexuality as a paradigm both theoretically, and, as Foucault rightly points out, erotically is indissociable from the issue of perversion. However, we must go further. For once it has been allowed that the sexual is not to be confused with the genital, there are two ways of defining this realm of the sexual and of accounting for its powerful constructive plasticity. Either one judges perversions to be metaphors, divergences, or straying from a force genital in its origins and goals (and thus, in the final analysis, reproductive), even though it is malleable enough to take different forms and focus upon different objects. Alternatively, one can give up on this dependence on the genital as a source of meaning and allow that with this discovery of sexuality, which is not a property of a particular part of the body, is a unique way of relating to the body a new mode of bodily existence.

These alternative views emerged little by little during a small, albeit fundamental controversy that brought into conflict two great figures who have contributed to our understanding of sex: on the one hand, Freud, and on the other, someone who might be called his teacher, the founder of modern sexology, Richard von Krafft-Ebing. At first glance, the question may seem preposterous: Can one say of the infant that you see sucking his thumb that he is happily enjoying a truly sexual experience? Yet, it was this question that was at the center of the main controversy that pitted two important redefinitions of the notion of sexuality against one another, once it was accepted that sexuality was not limited to the use genitalia. In his famous article on infantile sexuality that appeared in *Three Essays on the Theory of Sexuality* (1905), Freud argued that the child's sucking was a sexual "manifestation." Even his description is suggestive and leading: "rhythmic repetition with the mouth (lips) of a sucking action which furthers no nutritive end." Krafft-Ebing, for his part, refuses to make this connection. It is not that he denies the existence of prepubescent sexuality, but he does deny that it can be identified in acts having no relation to the genitals.

In fact, it is via this shady business of the Thumb that he was brought to define what he meant by sexuality.

For him, sexuality involved two instincts: the first being the “con-
traction instinct” that prompts us to seek “physical or spiritual con-
tact with another person”; the second “the instinct of detumescence”
that seeks satisfaction through the genital organs (Krafft-Ebing 1886,
108).² In short, sexuality supposes a drive toward an object we wish to
hold against us, and an arousal of the penis, clitoris, or vagina. When
everything goes according to plan, the two instincts dovetail, and we
desire union with a person of the opposite sex until the point of sexual
detumescence, in other words orgasm, which serves the reproductive
interests of the species. But it just so happens that these two impulses
often go their separate ways and in these cases, well, there are numer-
ous combinations. Thus, there can be forms of sexual behavior that do
not directly involve the genitals. Nevertheless, to be considered sexual
they must be associated with genital stimulation. Exit thumb.

Freud, for his part, saw things otherwise, precisely because he insisted
on a clear separation between sexuality on the one hand, and genitality
and procreation on the other. For the inventor of psychoanalysis, sexu-
ality is in fact not an instinct. (Not because, as the old humanist tradi-
tion insists indefatigably, man, a being of culture, has risen above his
animal nature once and for all, and is thus no longer subject to instincts,
but instead experiences desires.) That is what those individuals claim
who, following Hegel or the phenomenological tradition, wish us to
believe that the object of desire is always already the desire for the other,
a form of inter-subjective reality, and that our sexual behavior is not
merely the result of our hormones, but is also an expression of our aspi-
rations, our history, our malaise, our quest for identity; that sexuality is
perhaps our being-in-the-world, a being that speaks despite ourselves,
as Merleau-Ponty, for example, says in his *Phenomenology of Perception*
(1945). But Freud is no “humanist.” If sexuality is not an instinct, it
is because there is no such thing as *a* sexual instinct, there are merely
sexual drives *in the plural*. Thus sexuality is immediately multiple, shat-
tered, insubstantial. There is no single substance finding expression via
different objects, but rather drives that we refer to as “partial” and that
are not supported by a body in the sense of a pre-constituted individual
organism. Indeed, it is through the reconciling of these partial drives
that the inevitably problematic unity of the organism is constructed.
This is the difficult lot of the sexual being.

What do these partial drives consist of?³ They stem from the fact
that various body parts function as organs of gratuitous pleasure,

independently of their organic and subsistence functions. These are what Freud called “erogenous zones.” From this vantage point, there is no need to privilege the genitals. There are oral, anal, even scopic drives (the latter makes even the mere act of looking into a gratuitous form of pleasure). While sucking on the breast (or the bottle) human young are certainly satisfying a basic need: nourishment. But they also experience a *sui generis* pleasure in the muscular activity, the rhythm, the touching with their lips, and so on. Another object can henceforth replace the nipple or pacifier—enter the thumb. To see the thumb as a sexual organ is, at bottom, to subscribe to a theory of sexuality and even a theory of the human body. Sexuality is not defined by its privileged relationship with a certain part of the body, but is itself a mode of corporal function. Imitating Heidegger, one might put it thus: Sexuality is not a subdivision of being, but a way of being; sexual does not refer to a certain type of being, but to a certain way of being.

Sexuality has three characteristic properties. First, it is a relationship with one’s body as a site of sensual pleasure: this is a function that contains within itself its own aim. Second, this body is from the very outset a divided body, shattered into “partial drives”: sexuality cannot be an organic function since it precedes the formation of the organism as such, and is itself at the heart of this more or less doomed constitutional process. Third, these drives can be satisfied by a variety of objects, each having a symbolic relation with all the others: the thumb can replace the nipple, but the opposite is equally true, for the nipple is no more essential from a sexual point of view; its value comes not from its essential properties, but from its superficial ones. In other words, sexuality has three characteristics: it is supernumerary (it is of the order of a sensual surplus), it is multiple, and it is symbolic. Symbolic in this context does not mean that it has a meaning or that it lends a final meaning to our behavior, but that the sexual object is essentially substitutable, that no object can be considered primary or original. Thus, sucking can be seen as sexual not in a derivative or metaphorical sense, as if its resemblance to penetration made it so, but directly and literally. The ontology of the sexual is thus particularly complex, the result of a double multiplicity: a multiplicity of drives themselves susceptible to a multitude of “transpositions,” one onto the other.

The Fabrication of the Sexual

Henceforth, unlike for his contemporaries, for Freud the question of the relationship between sexual “normality” and abnormality was turned

on its head. While for them perversions were deviations from a teleological instinct governed by reproduction, for Freud normality was an integration of partial drives into a genital scheme. Rather than going from the singular to the multiple, he saw things as going from the multiple to a precarious singularity. Gaining a better overall picture means reconciling all these pieces, tying these different realms together, establishing links thanks to which the stimulation of one ends up activating and depending upon the stimulation of the others. For example, there are circuits such as the following: penis–anus, mouth–clitoris, but also thumb–fabric (such as the child sucking her thumb while caressing a blanket); then there are more complicated ones, such as gaze–uniform–lipstick in the context of a “scene” of sexual voyeurism, spiced up by a military costume combined in disturbing and unseemly fashion with gaudy make-up, and so on. The sexual body is just such a production, and it is via an understanding of these devices that different sexualities must be described.

It is thus clear that there is in Freud’s work a model of sexuality that is not at all hermeneutic, but technological. The question is not “Which desire is expressed through any given symptom?” but rather “How does one go about constructing a sexual body? With which device or part of the world is any given part of the body imbricated?” Sexuality is not a being’s deep hidden truth that he/she expresses frequently despite him/herself; it is above all a process that occurs on the surface of the body, between the body and the world. As I said earlier, sexuality is essentially nonessential in the philosophical sense: sex has no Platonic essence, there is no rule for deciding what is and what is not sexual, no sexuality in and of itself. We now know why: sexuality *is* not; it is produced. It is nothing more than the ability to reconcile different types of content, and to make this reconciliation the source of stimulation of a part of the body, a stimulation that has no end beyond itself.

Perhaps those of you who know the works of Deleuze and Guattari will have recognized in what I have said their influence on my reading of Freud.⁴ For the most part, it is wrong to see them as hostile to Freud. For, as Deleuze wrote in *The Logic of Sense* (1969), Freud is not only the one who makes us more profound in a way, more important than we believe ourselves to be; he is moreover the discoverer of what the philosopher called the “machinery of the unconsciousness,” in other words a particular mode of functioning.⁵ And it is because sexuality is the ambiguous term given to our partial drives, and because these drives obey the same logic as the unconscious (uncovered and explored in *The Interpretation of Dreams* [L’Interprétation des rêves]—symbolic

logic involving condensation and displacement, in which the identity of the object is never stable) that Freud attributes to sexuality a central role in the unconscious. In short, it is for formal and not substantial reasons that the Freudian consciousness is sexual. It is not because its contents are genital (in the sense of containing pornographic images), but because its contours are fluid and suppose a sexual body of the type we have just described. It is a matter of playing one Freud off against another: the technological Freud, he of the partial drives and infantile sexuality, of the transposition of drives, of condensation and displacement, against Freud the psychologist, he of the oedipal complex and the theories of sexual personality types.

The importance of sexuality from the perspective of a theory of anthropology thus becomes clear. For, if sexuality is what allows relations or connections to be established independently of any biological imperative, that which in short is capable of creating a link where no causal basis existed in reality, it becomes obvious that sexuality is related to the human ability to act in the realm of the cultural, that is, within the fabric of arbitrary relations that have no other basis than human creativity. Of course, we are not free to establish relations in the sense that it suffices to wish for them to become real. It is our history, our encounters, the framework of our lives that decide in the end by what means we may achieve something approaching fulfillment. Worse still, it is precisely because the sexual drive can be displaced that it has the remarkable property described by Wilhelm Reich in *The Mass Psychology of Fascism* (1933) and emphasized by Deleuze and Guattari in *Anti-Oedipus* (1972), which consists in becoming attached to the trappings of the system that aims to repress it.⁶ Hence, belts and uniforms become sexual objects through forming disquieting, albeit positive, erogenous combinations with certain body parts and external objects. It is in this sense that Deleuze and Guattari can say that there is nothing negative about desire: for even its own repression becomes a building block for desire. Thus, even if the sexual is not free in the sense of being amenable to the conscious will, it is nonetheless the foundry of history, casting bodies and societies in which the natural and the cultural are indistinguishable.

How mighty the “pervert,” who can thrill at the feel of a cold black leather chair in a meeting on the future of electrical power. How mighty Freud, but also Charles Fourier before him, Foucault, Deleuze and Guattari after him, who sensed how even the tiniest part of the body could become a sort of erogenous inductor, how a nail all the way at the tip of the toes, could be the source of unimagined pleasure, on

condition that it be hooked up the right way. Sexual freedom is precisely the freedom to find the sexual where other people cannot see it. It is precisely for this reason, in homage to the mightiness of this concept of sexuality, that we must eliminate sex from the law, especially from criminal law. For criminal law defines the sexual realm and in so doing sacrifices it. Thus, a consensual sexual moral code cannot exist without the dissolution of the concept of sex.

Becoming post-sexual is not about giving up sexuality. The opposite is the case: it involves a more radical form of sexuality. As is often the case, the best political and philosophical strategy is not to debate an opponent, but to practice a form of humorous subversion that consists in affirming a heightened and unrecognizable version of what exists already. It is an inevitable and marvelous aspect of the human condition that by adding more of the same one obtains something quite different. Moreover, by doing so we are merely following Foucault's keen strategic advice that he let slip in *La Volonté de savoir*. Contrary to what people often think, by writing his *Histoire de la sexualité* did not intend to show that sexuality was a construct in order to then denounce its artificiality and contingent nature; sexuality, he argued, is a very real and productive set of devices and it makes no sense at all to treat it as if it were some sort of noxious illusion that can be dispelled with a touch of history and a smattering of common sense in the name of the right political cause. What is required is not a denunciation of sexuality and what makes it possible, but on the contrary a turning of this general eroticization so characteristic of perverse societies against what Foucault referred to as the sexual authorities, against the attempt to reduce this multiplicity and proliferation of pleasures to a singular underlying substance. There is nothing below pleasure, just as there is nothing beneath the partial drives. Foucault (1976) puts it thus: "It is from the sexual authorities that we have to free ourselves through a tactical turning of the sexual tables if we wish to combat this seizure of power with our bodies, pleasures, knowledge, in all their multiplicity and potential for resistance" (208). Playing sexuality off against sex, the multiple against the one, that was the post-sexual strategy that Foucault laid out. He did not think that it would have to be repeated that this strategy would involve the desexualization of the law itself. So let's cultivate our sexualities, let's allow them to flourish. Let's not be afraid of the narcissism of petty differences. Let's enjoy naming our sexualities as if they were new species: the more the merrier. But let's not bother having our sexualities recognized by institutions. Rather, let's attempt to have the law made more general by emptying it as far

as possible of any sexual content in an effort to allow our sexualities to be more multifarious and less vulnerable to assimilation into a single cover-all notion.



Post-sexual society is to the sexual societies in which we live what, according to Marx, the classless society was to the society of classes: it was only with the end of class that the history of humanity could truly begin, said Marx. He has often been accused of arguing that there was a necessity in history, that there were laws in class struggle and the obligatory passage from capitalism to communism. But it has been forgotten that this was in fact a melancholic critique aimed at the societies of classes themselves, societies he considered prehistoric precisely because they did not remain open enough to what the future held, to the uncertainty of local conditions and events. Only the abolition of class, he argued, would at last allow humanity to enter into history, a history that was not directed, a history delivered from laws, where events would have their rightful place.⁷ Similarly, one might say that it is only in post-sexual societies that the full potential of sexuality will be realized. Please become post-sexual so that the day of sexualities can finally dawn.

Notes

Translated by Colin Keaveney.

1. That this is the way that sexuality has been instituted in law in contemporary societies has been shown in particular by Marcela Iacub's *Le crime était presque sexuel* (2002).
2. See Krafft-Ebing (1886, 108) and the following passage: "The psycho-physiological process that contains the concept of sexual instinct is constituted as follows: 1° representations produced in the center or on the periphery and that impel towards physical or spiritual contact with another person (centraction instinct); 2° sensations or feelings originating in the genital organs and impel towards genital satisfaction ('detumescence instinct')" (64).
3. The following presentation summarizes and explains passages from *Three Essays on the Theory of Sexuality* (Freud 1905), especially the first dealing with perversions (see especially page 82) as well as the second on infantile sexuality (see especially the passage on sucking on page 102).
4. "The unconscious is not problematic in terms of meaning, only in terms of use. The question we need to ask about desire is not 'What is it?,' but 'How does it work?' How do desiring machines work? Yours, mine. What failures are part of their use? How do we go from one body to another? How do they face up to the social order? A docile cog is greased, or on the contrary an infernal machine is primed. What connections, disjunctions, conjunctions? How are these syntheses used? This all represents nothing, but it is productive all the same;

- it means nothing, but it works. It is in the failure of the question "What does it mean?" that desire makes its entrance" (Deleuze and Guattari 1972, 130).
5. "Nous ne cherchons pas en Freud un explorateur de la profondeur humaine et du sens originnaire, mais le prodigieux découvreur de la machinerie de l'inconscient par lequel le sens est produit, toujours produit en fonction du non-sens.—La question que nous essayons de poser ici est en somme la suivante: comment se fait-il que cette machine puisse aussi être appelée la machinerie *sexuelle*? Pourquoi l'inconscient est-il *sexuel*?" (Deleuze 1969, 90).
 6. "Sexual repression creates, moreover, a secondary force within man, an artificial interest, both of which support the authoritarian order" (Reich 1933, 51).
 7. "Reduced to their most rudimentary forms, the Asiatic, Antique, Feudal, and Bourgeois modes of production appear as stages in the progress of economic modes or organizing society. The Bourgeois mode of production is the final antagonistic term in the social process of production. (...) With this social system, the pre-history of humanity is coming to an end" (Marx 1859, 274).

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CHAPTER 13

Third-Wave Feminism, Sexualities, and the Adventures of the Posts

RHONDA HAMMER AND DOUGLAS KELLNER

In engaging the issue of contemporary feminism and sexuality, we begin by situating contemporary debates within feminism in the United States in the context of so-called feminist waves, with emphasis on what some are calling the “Third Wave” of feminism. Next, we discuss key feminist debates on sexuality as presented in the 1982 Barnard conference on women and sexuality articulated around the themes of “pleasure and danger” and the 1983 book *Powers of Desire: The Politics of Sexuality*. Finally, we take on the issue of so-called postsexuality in the context of French and U.S. debates over postmodernism and posthumanism and the proliferation of discourses of the “post.”

Waves of Feminism

While doing research on violence against women, children, and the elderly (for my book *Antifeminism and Family Terrorism* [2002]),¹ I continued to come across a group of women, who called themselves feminist, post-feminists, or third-wave feminists. Yet these so-called feminists were in actuality attacking and demonizing feminisms. In fact, most of these women seemed to be assailing feminisms that addressed issues of sexuality, the social construction of gender, and, especially, violence against women and children. For example, Camille Paglia—who calls herself a feminist, but should be seen as an antifeminist or

feminist impersonator—employs an essentialist and biologically determined approach to celebrate masculinity, and attack feminisms. As she describes it in her 1991 bestselling book, *Sexual Personae*:

Lust and aggression are fused in male hormones... The more testosterone, the more elevated the libido. The more dominant the male, the more frequent his contributions to the genetic pool. Even on the microscopic level, male fertility is a function not only of sperm but of their mobility, that is, their restless movement, which increases the chance of conception. Sperm are miniature assault troops, and the ovum is a solitary citadel that must be reached... Nature rewards energy and aggression... Feminism, arguing from the milder woman's view, completely misses the blood-lust in rape, the joy of violation and destruction... Women may be less prone to such fantasies because they physically lack the equipment for sexual violence. They do not know the temptation of forcibly invading the sanctuary of another body. (24)

It was within this context that I began to investigate the ideas and interventions of this so-called feminist third wave, a term that has been used by a number of women, as well as popular media, to describe contemporary versions of feminisms that evolved from the early 1980s to the present. Some have associated this term with young feminists who were influenced by the legacies of feminism's second wave, which began in the mid-1960s. Yet the term is highly contested and has been employed to describe a number of diverse feminist and antifeminist theories and practices. Like "feminism" in general, there is no definitive description or agreed upon consensus of what constitutes a feminist third wave.

Within this loose category of feminism's third wave are a multiplicity of movements, philosophies, and practices. However, to even talk about a feminist third wave necessitates an understanding of what characterizes those periods and/or movements that have been identified as first- and second-wave feminisms. And it is also essential to recognize that young women, girls, and/or radical youth cultural dissidents have always been central to feminism's ongoing local and global developments before, within, and between these hypothetical waves.

The feminist "first wave" is generally identified with the mobilization of strong feminist movements in the mid-19th and early 20th centuries in Europe and North America, which were concerned with a number of egalitarian and radical issues that included equal rights for

women, educational and legal reform, abolition of slavery, and “suffrage” (the right to vote). Although the first wave is often characterized as the struggle for women’s suffrage, a plethora of feminist, humanitarian, and radical politics were advanced during this period—especially those that were identified as falling under the rubric of “the tyranny of men.” Issues of sexuality and pleasure, for women, as well as reproductive rights and birth control, for example, were highly contentious dimensions of the first wave. It is within this context that many young women, in particular, began to question the institution of marriage, in which women and children were literally the property of men.

During the initial rise of Western feminisms, pro-feminist philosopher and feminist writer and partners John Stuart Mill (1806–1873) and Harriet Taylor (1807–1858) penned a number of essays apart and together, including Taylor’s *The Enfranchisement of Women* (1851) and Mill’s *The Subjection of Women* (1869), which advocated more egalitarian partnerships in marriage, based on full citizenship, voting rights, and equal educational opportunities for women. Taylor, especially, supported the rights of women to work outside of the home in the “public domain,” but asserted that working wives with children could only do so with a number of servants to look after their domestic responsibilities. This kind of perspective characterized the more elitist attitudes of some of the first wave. Regardless, it is hardly surprising then that numbers of first-wave feminists not only demanded the right to vote, but also fought for massive reforms in the arenas of property rights, labor, education, divorce laws, child custody, prison conditions, and sexual liberation, to name a few. Numerous first-wavers also addressed the mostly legal, inhumane practices of rape and the abuse of women and children, especially by husbands and fathers.

Radical cultural reforms in the arenas of women’s art, dance, literature, journalism, and music were also a large part of the feminist first wave (Isadora Duncan, Virginia Woolf, and Josephine Baker, to name a few). Although most of the European first-wave feminisms find their rudiments in the libertarian and enlightenment principles and practices of the French Revolution, the antislavery movement, especially in the United States, is identified as one of the most important influences in the development of this feminist first wave. It was the antislavery movement, many contend, that inspired numerous white women and women of color to politically organize against their own oppression.

In fact, the first U.S. women’s rights convention, in Seneca Falls, New York, in 1848—which demanded an end to all discrimination based on sex—was initiated in response to the prohibition of women’s

participation in the 1840 World's Anti-Slavery convention in London (an organization that supported equal rights for black men, but not for women). Many of the most powerful and influential first-wave feminists were black women, some of whom were ex-slaves such as Sojourner Truth (1797–1883) and Harriet Tubman (1843–1913), who were also involved in abolitionist movements and the Underground Railroad (a covert escape route to the North and Canada from the Southern slave states) (Watkins, Rueda, and Rodriguez 1992).

Indeed, ex-slave, teacher, feminist, and civil rights advocate Ida B. Wells (1862–1931) was also a famous journalist who wrote biting condemnations of the common practice of lynching of black men and women and the injustice of segregation in the United States. She, like so many other first-wave women of color, understood that issues of emancipation had to be pursued within the intersections of race and gender.²

The end of the first wave is often associated with the periods in the early 20th century during and after World War I (1914–1918), when most women in the Western world were granted the right to vote.

Although feminist, human rights, and social justice struggles continued throughout the early 1920s to the mid-1960s, it is not until the 1960s that what is called the “second wave” of feminisms rolls in. One of the most contested debates, concerning the feminist second wave, involves the false characterization of the second wave as a predominantly white, middle-class liberal movement. Although numerous second wavers followed in the footsteps of some of their first-wave “grandmothers,” and continued to press for reformist/liberal agendas, many more advocated far more radical ideas, actions, and programs (Tong 1998, 23). Indeed, the multifarious dimensions of feminisms are reflected in the highly diverse philosophies, practices, and politics embraced by what has been identified as the feminist second wave.

A large majority of second-wave feminists were young women and girls who were part of the massive baby boom generation (1946–1964) born during the period of economic prosperity that followed World War II. Many were the first in their families to receive university educations and were highly influenced and/or involved in civil rights struggles and radical youth cultural movements. Others were disenchanted with social conventions following the war that had forced women back into traditional roles, especially those that idealized women as full-time wives and mothers. At the same time, there were limited opportunities for employment outside of the home, for those in the usual feminized low-waged arenas.

Consequently, many women's dissatisfaction with their societal and economic positions, as well as with a host of sexually discriminatory attitudes and policies, provoked what many refer to as a new feminist wave of awareness and protest. Moreover, unlike the first wave, the politics of the family, reproduction, and sexual liberation of women became central concerns of second-wave feminism. In fact, the controversial "sex wars," which addressed "political and cultural battles over sexuality" in the 1980s, also characterized some of the key feminist debates (Duggan and Hunter 1995, 1).

Initially the term "third-wave feminisms" characterized a feminism mediated by the terrains of race and multicultural alliances, rather than age. Often it "talked back to" and challenged dominant and exclusionary forms of white feminisms, while incorporating dimensions of "consciousness raising" in powerful narrative and autobiographical style. This "coming to voice," many explained, was a unique mode of "everyday theorizing" that made apparent the importance of a central feminist idea: that "the personal is political."

It is this kind of insurgent feminisms, which exploded in the 1980s, that examined not only the intersections between race, class, culture, sexuality, but also the celebration—and coalition politics—of difference. Within this context, the relevance of what has been called the "politics of hybridity" was of central concern. Indeed, the "new hybridity" is a term used to express the "multiple identities" of many contemporary girls and women, especially in the United States. This concept has been central to describing a new generation of critical insurgent feminists—primarily women of color—with multiple ethnicities, cultural, and class experiences who, in the early 1990s, began to describe their work as third wave. Many of these younger feminists had grown up during or after the 1960s and 1970s era of social movements and consequently had the advantages of either formal or informal feminist education. Translating from the theories and writings of their insurgent feminist predecessors, their own particular personal, sociopolitical, and economic contexts are taken into account and mediate their feminist perspectives.

For example, contemporary issues related to immigration, class conflicts, multiculturalism, globalization, and coalition politics, as well as environmental matters and social activisms for national and global human rights, underlie much of their feminist theory and practice. Further, more radical notions of gender and sexuality have become a significant dimension of this kind of resistant feminisms. The incorporation and advancement of "queer theory" (which argues

that sexual identities are not fixed, and questions the social construction of heterosexuality as the norm) has also become an important part of much of these kinds of critical feminist thought. As Alice Echols (2002) describes it: “Queer theory calls into question the conditions by which binary oppositions (male/female, heterosexual/homosexual) are produced” (132).

However, many conservative women, some of who were blatantly antifeminist, as well as a number of self-serving women who attained celebrity status, adopted the term third-wave feminist (which was often used interchangeably with “post-feminist”) to promote their own political interests. This popularized so-called third-wave or post-feminism often one-dimensionalized and demonized other feminisms and feminists associated with the second wave.

Susan Faludi has identified those who have been popularly misclassified as third-wave feminists as media-made “pseudo-feminists” or “pod feminists” planted by the right. The “pod” metaphor is one that Faludi cleverly borrowed and translated from the classic 1956 science fiction film *Invasion of the Body Snatchers*, which is a frightening and prophetic parable about the residents of a small town who are being mysteriously replaced by identical replicas of themselves, hatched by plant-like alien pods. As she describes her rendition:

What is being celebrated is no natural birth of a movement—and the press that originated the celebration is no benign midwife. It would be more accurate to describe this drama as a media-assisted invasion of the body of the women’s movement: the Invasion of the Feminist Snatchers, intent on repopulating the ranks with Pod Feminists. (Faludi 1995, 32)

Indeed, the invasion of these pod feminists is part of an alarmingly escalating movement of transparently self-serving women who are inventing a generic “straw-dog” type of feminism (composed of euphemistically “dog/matic” women, I might add), which they criticize under a so-called feminist guise. Although their attacks center on a diversity of feminist dimensions (ranging from issues of date rape to university women’s studies programs) their shared deep-structural discourse is based on a one-dimensional, reductionist, binary, simplistic mode of thought that reduces complex relations to either/or imaginary dilemmas that are treated as oppositions and/or opponents.

The false stereotype of feminists as antimale, humorless, unattractive, and out of touch with young women’s needs and values was

actively promoted. An imaginary picture of an ultra leftist, evil feminist cult that brainwashed young women through women's studies programs was invented and aggressively promulgated. Feminists involved in violence against women movements were especially attacked and accused of exaggerating these realities and promoting what was called "victim feminism." Popularized media-marketed feminisms became a euphemism for what many feminists describe as "lifestyle" or "sex and shopping" fake feminism that advocates ultra-capitalist and consumerist values, self-centered materialism, and Western ideals.

In fact, some of what is currently called third-wave feminism is indistinguishable from the popularized media-marketed, atheoretical post-feminism described by Michelle Goldberg as "shopping-and-fucking feminism." As she explains it: "This new shopping-and-fucking feminism is so ubiquitous right now in part because it jibes precisely with the message of consumer society, that freedom means more—hotter sex, better food, ever-multiplying pairs of Manolo Blahnik shoes, drawers full of Betsey Johnson skirts, Kate Spade bags and MAC lipsticks" (Goldberg 2001).

Meanwhile, conservative women's groups and right-wing movements effected detrimental shifts in government policies directed at assisting battered women and children, reproductive freedom and abortion rights as well as social welfare programs (which continue to escalate well into the new millennium). Even within the bastions of power, women continue to be dramatically underrepresented and underpaid, and the domination of white men continues, although the myth about Western women's empowerment persists (Dicker and Piepmeir 2003, 6).

Although the notion of feminist waves is useful it is also contentious and the idea of a feminist third wave is especially complex and problematic. However, what an exploration of the so-called third wave reveals is that girls and young women are active in feminist theory and practice, and that feminism—which is a plurality of visions, ideas, and lived experiences—is especially relevant to, and alive within, contemporary youth.

It is within this context that the notion of post-feminism becomes especially contested because it sometimes "refers to the challenges of current feminism theory and practices as informed by poststructuralist, postmodernist, and multiculturalist modes of analysis" (Siegel 1997, 82n43). Yet the mainstream media's appropriation, exploitation, and manipulation of the post-feminist label usually denotes the end of feminism and its irrelevance, and this notion of post-feminism as an exhausted force seems to prevail in the mainstream. This brings us to feminist controversies over sexuality in the contemporary era.

Feminism and the Sex Wars

Within both second- and third-wave feminism, debates about sexuality and women proliferated in feminist circles, often producing polarized feminist positions on issues of pornography, S&M, and the so-called perversions, as Alice Echols (1989) documents in her outstanding history *Daring to Be Bad: Radical Feminism in America 1967–1975*. Hot contested feminist debates on sexuality and women erupted in the April 1982 Barnard conference on women and sexuality articulated around the themes of “pleasure and danger.” The Barnard conference was a sensation, attended by over eight hundred women. According to Nan D. Hunter in the book *Sex Wars*, the organizers of the conference hoped to avoid on the East Coast polarizations that had taken place over sexuality on the West Coast, but this goal was not to be attained. According to the summary in *Sex Wars*:

WAP (Women Against Pornography) stages a protest wearing T-shirts that read “For Feminist Sexuality” on one side and “Against S/M” on the other. WAP also circulates leaflets criticizing selected participants by name on the basis of their alleged sexual behavior. Barnard College officials confiscate the Diary of the Conference produced by conference organizers. The Helena Rubenstein Foundation withdraws its funding from future conferences. The Lesbian Sex Mafia, a New York City based support group for “politically incorrect sex,” holds a speakout the day after the conference. Reporting of the conference and letters to the editor condemning or extolling it are printed for months in *off our backs*. (Duggan and Hunter 1995, 24–25)

In *Shaky Ground: The Sixties and Its Aftershocks* (2002), Alice Echols tells of how, when still a graduate student, she was asked to give a keynote and was initially “thrilled to be part of this effort to open up for debate the gnarly question of feminism’s relationships to sexual desire. The day of the conference, however, all my bad-girl bravado failed me. I felt only stomach-churning terror as I realized that some of the very feminists I took to task in my talk were bound to be in the audience” (5).

The 1983 book, edited by women who helped organize the Barnard conference, *Powers of Desire: The Politics of Sexuality* provided an extremely comprehensive anthology of women’s writings on sexuality and the key debates over it in a 489-page magnum opus in Monthly Review’s “New Feminist Library” series (Heywood and Drake 1983).

The text opens with a detailed and illuminating history that begins with Michel Foucault's warnings that the established order elicits speaking about sex rather than closeting it and concludes with Roland Barthes's extolling of pleasure with overviews of "sex and socialism" and "sex and feminism" in between.

References to Foucault and Barthes indicated how North American feminism was beginning to appropriate French thought, although the editors of *Powers of Desire* had an ambitious relation to Foucault, as their project was to articulate sexuality with class, gender, and race in specific historical contexts and to promote both women's liberation and sexual liberation. The following years exhibited a complexification of feminism, partly inflected by the growing influence of post-modern theory, difference, and hybridity in U.S. culture, recalling a day in the 1980s when in a Washington D.C. bookstore I saw a black male worker in the store wearing a T-shirt labeled "Black Feminist Pomo Homo," showing the growing complexity and hybridization of identity politics. But in the 1980s there continued to be fierce polarizations within feminism around issues such as pornography, and I recall a cab ride in New York during this period when I sat between Gail Dines, an anti-pornography activist, and Elayne Rapping, a pro-sex and anticensorship feminist, when a debate about pornography erupted and it was clear to me that there was no Hegelian mediation possible in this case.

Discussing the period recently with Sandra Harding, she recalls that divisions around sexuality became so polarized that for some time there was a reluctance to take these issues up, inducing a turn toward other, less contentious issues within broad currents of feminism. But Sandra believed that more recently the full range of issues concerning feminism and sexuality are again being debated and that continuing polarizations but also new positions are emerging.

Looking backward, I personally think that the Barnard conference theme of discussing sexuality in terms of pleasure and danger was appropriate. For, while sexuality from Freud through Foucault has been discussed in terms of pleasure, in an age of AIDS, escalating rape and violence against women, sexual slavery and enforced prostitution, fierce battles over abortion and gay-lesbian rights, and new genetic technologies, who could deny that sexuality is a terrain of danger as well as pleasure?

As a male theorist, I think it is appropriate to thank at this point feminism and gays and lesbians in the United States for illuminating the pleasures and dangers of sex through discussions of such previously

closeted pleasure organs as the clitoris and the anus and so-called perversions, thus helping to expand the pleasures of sexuality beyond genital sex, while at the same time warning of dangers in sexuality, imbrications with violence and domination, and the eruption of deadly diseases such as AIDS, necessitating safe sex. This deadly virus appeared during the Reagan era when politicians, the media, and others refused to confront it and it was largely gays, lesbians, and feminists, at least here in the United States, who called attention to this problem and demanded solutions.

I would agree with Rhonda Hammer (2002) that characterizing feminism as victim feminism is a highly reductive stereotype of feminism and occludes the many currents of feminism that have debated a wide range of important issues concerning sexuality and human life. Further, Alice Echol's *Daring to be Bad* demonstrates that within so-called radical feminism there was a wealth of positions, differences, and debates, rendering reductive stereotypes of feminism to be utterly false.

From Postmodernism to Posthumanism to Postsexuality (?)

Next, I'll take on the issue of postsexuality in the context of French and U.S. debates over postmodernism and posthumanism and the proliferation of discourses of the "post." While working on the first volume of what became a postmodern trilogy coauthored with Steven Best, we distinguished between two senses of the post in the postmodern in which the first sense emphasizes the modern and sees the post as a latter stage of the modern, thus indicating continuities between the modern and the *postmodern* and not a radical break (this would be a moderate postmodern theory such as one finds with Rorty in the United States). The other more extreme position would emphasize the break between the modern and the postmodern, thus emphasizing the post and what comes after the modern and affirming a radical discontinuity in a *post-modern* rupture.

Before attempting to come to terms with the term postsexuality, however, we will contextualize it in terms of the discourse of posthumanism (and in this analysis I'm drawing on my 2001 book with Steven Best, *The Postmodern Adventure*).

For French structuralist and poststructuralist thought, humanism is dramatically decentered and recast in a posthumanist framework. The first theorists to move toward a posthumanist moment rejected humanism as a philosophical illusion and submerged the sovereign Subject within

systems of language and desire (Levi-Strauss, Barthes, Foucault, and Lacan), socioeconomic structures (Althusser), and media and technology (Baudrillard).³ Baudrillard (1990) perhaps went further than anyone in pulverizing the subject and deflating humanism, not only describing its collapse in an empire of signs, images, and technologies, but also advocating a “fatal strategy” where he calls upon subjects to abandon their futile efforts to control objects and surrender to their creations.

But Baudrillard appears conservative and cautious next to a new generation of posthumanists who, writing in the midst of rapidly developing computer technologies, transform his fatal strategy from an ironic and deconstructive gesture into a literal tactic. Emphasizing the limitations of the flesh, the frailties of the body, and the deficiencies of the human senses, they advocate the merger of human beings with machines, a going “beyond humanity” to download consciousness into computers (Kurzweil 1999; Moravec 1988).

For these cybercentric theorists, the most decisive changes are happening in the realm of the interaction between humans and computers. With the inexorable unfolding of Moore’s Law, we have reached a stage in technoevolution, they argue, where computers will eclipse our intelligence in every way by the mid-21st century. As anticipated by Asimov’s robot stories, a new mind may arise, one that like us is self-aware but that outstrips our cognitive abilities and develops an agenda of its own. The impact of this, as Kurzweil emphasizes, would be momentous, leading to a break in human history and a major watershed in the adventure of evolution itself:

Evolution has been seen as a billion-year drama that led inexorably to its grandest creation: human intelligence. The emergence in the early twenty-first century of a new form of intelligence on Earth that can compete with, and ultimately significantly exceed, human intelligence will be a development of greater import than any of the events that have shaped human history. It will be no less important than the creation of the intelligence that created it, and will have profound implications for all aspects of human endeavor, including the nature of work, human learning, government, warfare, the arts, and our concept of ourselves. (Kurzweil 1999, 5)

In the “age of spiritual machines,” Kurzweil feels, the role and “destiny” of human beings in history comes under intense questioning. Human beings have the options of resisting this change, of acknowledging our obsolescence and downloading our minds into the new digital cranium, or of trying to merge with our machines in a complementary way, thereby

retaining some control over computers and other technologies, as Kevin Kelly, for example, seeks. Commentators such as Marshal McLuhan and Manuel De Landa devilishly subvert humanist premises in a narrative that endows human beings with an innovative role of being midwives for a machine world, acting as pollinators for a new eunuch-intelligence. In McLuhan's words (1964), "Man becomes, as it were, the sex organs of the machine world, enabling it to fecundate and to evolve ever new forms" (56). De Landa (1991) suggests that the evolutionary function of human beings is to make a superior form of life, machines, that exponentially will advance intelligence. On this technonarrative, all the glories of the human throughout history must be given a new purpose and meaning, that of creating a superior progeny, our own "mind children" (Moravec 1988). Thus, where the humanist narrative assigns creative eminence to "Man," prehumanist and many posthumanist narratives subordinate humans to a greater intelligence, be it God or machines.

Some of the most interesting reconstructive thinking stems from the "transhumanists" and "extropians" who identify themselves as posthumanists, but are hardly antihuman or antimodern. Rather, they extend the optimistic spirit of the Enlightenment, fervently embracing science and technology as positive forces for quantum leaps in human evolution, as they seek enhanced minds, bodies, and improved control over nature. Extreme transhumanists go so far as to affirm Condorcet's vision of immortality as one of the greatest potential achievements of science and technology. They therefore espouse telomerase therapy (which studies how to maintain youth through endless cell division), life extension programs, and cryogenics.

Resisting the translation of brain states into data bytes, however, these transhumanists cling to the raptures of embodied experience, but they seek a "new flesh" enhanced through all technology has to offer. In their vision, the future human is a cyborg whose consciousness and physical reality are dramatically expanded by pharmaceutical and nutrition therapy, rigorous exercise programs, computer chips, memory implants, surgical alteration, and genetic modification. The "Hedweb" group, for instance, urges us to discard the "wetware" of our evolutionary past that brings us so much misery, and utilize new nano and genetic technologies to create a radically different human architecture: "We can rewrite the vertebrate genome, redesign our global ecosystem, and abolish suffering throughout the living world."

This brings us finally to postsexuality. If postsexuality is merely a later stage of sexuality in an era of technological explosion, the concept is implied in many versions of posthumanism. Obviously, sexuality is

heavily mediated by technology, ranging from birth control, to artificial insemination, to cloning and artificial wombs on the horizon. If reproduction and birth were detached from sexuality we could arguably enter a new era of sexuality marked by a post.

But even in this situation, not yet realized, what happens to that realm of pleasure and danger associated from Freud and beyond with attaining pleasure from erogenous zones of the body and sexual interactions between people? Will technology eliminate that now central domain of human being or, as Huxley imagined in *Brave New World* (1932), provide technological substitutes for human sexual interaction, desire, and need? And who would want this sort of sterile and asexual existence, although it might well be desirable to be rid of some of its dangers?

For Marcella Iacub and Patrice Maniglier (2005) in their *Anti-manuel d'éducation sexuelle*, their concept of postsexuality is illustrated in a utopian vision of a Postsexopolis, an imaginary society of the future. Their Postsexopolis allows public displays of sexuality, centers of sexual pleasure where one can purchase or pursue a full range of sexual pleasures and other sensory delights, and a society in which individuals and groups define and explore the field of sexuality and not the law. However, this Postsexopolis looks to me how I imagine a Sexopolis might be figured, updating for the contemporary moment the sexual utopia of a Charles Fourier who is cited throughout their work. Or, I could also read it as a concretization of the view of Herbert Marcuse who in *Eros and Civilization* (1955) sketched out a non-repressive civilization and proposed moving from sexuality to Eros. So to me their Postsexopolis looks like a Fourier–Marcusean sexual utopia, and not a post one, although I may be too much of a Eroophile to make the post turn in this case.

As a card-carrying Marcusean, I have no problem in moving from sexuality (in the narrower and classical Freudian sense) to Eros, in which we expand our erotic energies beyond genital coupling or release and enter into a new stage of being that Marcuse recognized as a utopian non-repressive civilization. Or is sexuality itself so integrally connected with pleasure and danger that attempting to enter a postsexual utopia is an impossible and perhaps even undesirable fantasy? In Marcusean terms, are Eros and Thanatos so bound up with each other that a postsexual or utopia of Eros is impossible?

Hence, it seems to me that there are two major obstacles toward moving into a (post)sexual utopia, one theoretical and the other sociological. For Freud, Marcuse, and many theorists, sexuality is bound up

with power, violence, and domination; hence, until gender hierarchies are equalized or at least diminished, human violence is reduced, individuals are freed from the lust to dominate, genuine values of equality and reciprocity are internationalized and lived, and nondestructive outlets are found for aggressive energies, future sexuality will have the same problems, hierarchies, and destructive elements that have persisted for centuries.

This brings us to sociological obstacles to a (post)sexual utopia in the present-day North American context (and similar constraints exist, albeit perhaps in different forms, throughout the world). Currently, male culture is so tied up with the violence and dominance that runs through media culture, sports culture, gun culture, military culture, and male fraternity and public culture that tendencies toward control and domination of women could easily be reproduced in an attempted sexual utopia. In particular, pornography, strip clubs, advertising, and various forms of media culture objectify women and provide such problematic views on women and sexuality that it would take a massive education attempt to free men from their attitudes and behavior of the present—an out-of-control macho culture that has become visible in the Duke university alleged rape case that erupted in March 2006.⁴

In any case, sexuality in its present construction can be viewed as a field between pleasure and danger mediated by social discourses, cultural representations, medical discourse and practices, technological innovations, and an always contested and contradictory politics and legal institutions. In this situation, we should be grateful that feminists, queer theorists, and theorists of the post have provided provocations and insight over the past decades that have helped us navigate and occasionally enjoy this minefield of pleasures and dangers.

Notes

1. The first section of the essay was written by Rhonda Hammer and will occasionally use her first-person voice, while the second half was written by Douglas Kellner and will at times speak in his first person.
2. It is interesting to note, however, that some U.S. first-wave feminists, such as Elizabeth Cady Stanton (1815–1902), who was one of the major organizers of the Seneca Falls women's right convention and had coauthored the famous 1848 *Seneca Falls Declaration of Sentiments*, did not support the ratification of the Fifteenth Amendment to the American constitution because it only provided citizenship and voting rights to black men (Tong 1998, 22).
3. One of the main limitations of Foucault's discussion of posthumanism in *The Order of Things* (1973) is his idealist limiting of the shift to a merely conceptual transformation from one "episteme" to another, whereas the shift to posthumanism is also a *material* matter of new

technologies that have imploding effects that erase boundaries between biology and technology. Foucault considers both the enmeshment of the body in systems of discipline and surveillance, and (ethical) “technologies of the self,” which cultivate “new passions and new pleasures.” But there is no analysis of communication technologies and little consideration of the imploded landscape of technobodies.

4. For a diagnosis of the virulence of macho male culture and paths toward liberating men from their cultural socialization and macho attitudes and behavior, see Katz (2006).

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Conclusion

BÉATRICE MOUSLI AND
EVE-ALICE ROUSTANG-STOLLER

It is hardly arbitrary to choose France for a comparison with the United States. When it comes to culture and lifestyle (and sometimes foreign policy), France is arguably one of the most talked-about foreign countries in the United States. As Migoya argued, for the United States, many Americans who have a reputation for little interest in, let alone knowledge of anything abroad, France is synonymous with a certain *art de vivre*. It extends, of course, to the way women take care of themselves, their families, and lead their lives. It seems that French women do it all, sex, children, and work without guilt and without counting how many hours their husbands are putting in cleaning the house. So goes the picture-perfect happy French woman. To be sure, if one looks at social policies favoring the balancing of work and family, for example, one will find other countries where women are better off (or appear to be) and where women and men are more equal in terms of the marketplace and housework. The case of Sweden, for instance, is often discussed. But we fair think it is to generalize that in the United States fewer people dream about the Swedish way of life than about the French one.

In France, on the other hand, the United States is the foreign country which sparks the most passion, positive or negative—the country which French people love or love to hate. American women are as often considered puritanical as completely liberated by feminism. The French like to think of the United States as a country of extremes, and that the reality is probably in between is not as interesting to imagine. In any case, the United States and France pay and have been paying special attention to each other for a long time, not to mention the aid each country gave

the other during her Revolution, let alone touch on the importance of De Tocquerille's insights to American self-understanding. Political and cultural exchanges and ties between the two countries are not only centuries old, they are also constant. At a time when women are striving harder than ever for work and family balance, it is only natural that the United States and France, with admiration, awe, contempt, and defiance, should look at and to each other for inspiration.

The last three essays of this book brought us back to the inescapable concern of gender equality: Does equality mean sameness or can there be equality and gender difference? Some of the authors in this book argue for equality *and* differences, for an equality that takes differences into account and that is actually based on these differences instead of pretending that there are none or that they shouldn't matter. This attitude, it is often believed, leads to discrimination. Other authors believe, on the contrary, that equality will be realized when gender is fully put aside. What are the implications of these two positions in the professional and political, sexual and familial spheres?

It is within the parity movement that these stakes are most apparent. To become law, this movement had to overcome the opposition of those who believed that gender should not be mentioned in the French Constitution. The same thing could be said about the U.S. Constitution. But in France, as Fauré demonstrated, republicanism was built on discrimination against women. Thus the parity laws had been a near inevitability. But as Sénac-Slawinski reminded us, while legal action may be the first step, it alone cannot solve the problem of equal representation. Moreover, the parity law could be understood as the final destination for the women's movement—a massive stop sign making clear the struggle is over, as Mazur argued.

In the workplace, for instance, antidiscrimination laws are no longer reluctantly accepted. Many private and public companies strive to achieve an equal balance between men and women employees. Nevertheless, women overall still lag behind men in terms of professional advancement. Simply put, the balancing act between work and family (an apt phrase that has no equivalent in French) still mostly falls on women's shoulders. So equality comes at a high price. Indeed, from Pixley's essay we may infer that, in general, a husband will let his wife be the main breadwinner only if certain circumstances are met. Specifically, women whose educational successes have been valued from an early age on and who are not only invested in their work but are also successful and whose success lies in social recognition and a high salary are the ones whose husbands (if they are married) might agree that their wives' career

are more important than their own. A man, on the other hand, doesn't need to prove, or less so, his market value, in order to relocate his spouse and family for professional reasons. There is still a double standard, as women are held up to higher expectations. The equality we are talking about here is, once more, a conditional one.

Is it because women historically have held the "private" power, ruled the home, that they were denied power in the public sphere? Or that they had so much to do in the private sphere that they could not have looked toward the public one? And could it be that, either because they like it or because they have been accustomed to it, they are having trouble giving up some of this private power in order to gain a public one? Is it the state's role through family policy to interfere and try to alter what are beliefs as much as behaviors? It is unquestionable that in France and also in the United States, even if to a lesser extent, the state has had an essential role in making sure that women got help balancing work and family: maternity and paternity leaves, paid leaves, and subsidized day-care exist so that women can as smoothly and as easily as possible return to work after the birth of a child. In the United States, it would seem that, from the uproar created by a possible "opt-out revolution," family-friendly policies are not doing enough. This is one conclusion that could be drawn from Casper and Bianchi's essay. But does the solution lie in more help from the government or does it demand a social revolution that would deconstruct the notion of the ideal worker? This cannot be state-driven alone; it must also be market- and society-driven. In other words, if some feminists are doing away with the idea that women should be equal with men on men's terms, men themselves need to be able to act less like the typical male worker so that more time is freed up for family time.

At the end of the road that goes through the deconstruction of the ideal (that is to say male) worker, it's hard not to see (we could be exaggerating) desire for an androgynous couple in which practically all functions could be performed by one partner as well as the other. This is the question articulated by Maniglier, Iacub, Hammer and Kellner. What is the future of men in a society where gender roles have already become more androgynous? Is a world in which a man or a woman can replace his partner for almost anything, an asexual world, desirable? How would masculinity and femininity be defined in a world in which men could conceive children without women and the other way around?

And on the other end of the spectrum, what about women who do not want to "balance" but would like to leave the marketplace, if not

forever, for the years before all their children enter kindergarten, either because they actually like spending time with their small children or because their jobs were not that exciting in the first place? It seems that family-friendly policies seldom consider these women. All along, they've been preoccupied with promoting arrangements that will allow women to be as much as possible like men in the marketplace and thus "have it all." But it's possible that this is not regarded as ideal by all women, and that the path out of the "stalled-revolution" involves not just more choices on how to balance, but also the possibility of choosing which point in one's life to work, stop working and work again. This may be the new challenge. Because even when women are not "balancing" work and family, either because they are childless or because they have chosen not to work outside the home in order to be present with their children, they must balance what society thinks and what they think of themselves. Which childless woman and which stay-at-home mother has never had to justify her choices, and not only to herself? American and French societies overall value market work over maternal care, but can also be quick to raise eyebrows in front of a childless, middle-aged woman.

At the core of women's challenge is, of course, the feminine body, and whether each woman wants to use it for reproductive function or not: she is the one carrying a child, bringing him/her into the world, and in need of a maternity leave (the same case can be made for the adoptive mother, who needs some time off work to adjust her child to his/her new family). Perhaps this is the root of all professional inequalities. In the fight against them, it is not enough to give women more paid leaves and the possibility of flextime. We need a mental revolution that both acknowledges the work stay-at-home mothers do and that makes men and women in the marketplace stop seeing motherhood as a hindrance to productivity.

Simply put, as we make it more and more possible for women to reach the top of the professional ladder and break the glass ceiling, it would be just as fair, in the name of freedom, not to frown upon women who don't "do" anything. This does not require turning back the clock. Instead, a feminist as well as feminine challenge for the 21st century is to offer women and also men more freedom in how they want to care for their children, more choices in the ways they can handle family life and professional life. Gender equality is still essential, but perhaps even more important, choices must be made easier for women—so, if they wish, they can do what their gender has always done and still be 21st-century women.

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