



## Looking To France For Ways To Improve Canada's Representative Democracy?

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Just a few weeks after what many French citizens saw as a humiliating presidential run-off between an unashamed xenophobe, Jean-Marie Le Pen, and an alleged crook, Jacques Chirac, Canadians may understandably be reluctant to look to France for ways to improve their representative democracy. Nonetheless, let us resist the temptation to draw quick conclusions about French democracy from this shocking event. In the past three years, France adopted path-breaking reforms designed to enhance its representative democracy, which several West European countries are interested in pursuing. In 1999, France became the first country in the world to amend its Constitution in order to bring about more gender parity in politics and ensure that women and men are equally represented in elected assemblies. One year later, it also passed a bill requiring parties to present equal numbers of female and male candidates in most elections. These new provisions were first implemented in last year's 2001 municipal elections and will again be implemented in the upcoming legislative elections of June 9 and 16. Does Canada need similar gender parity reforms? Would such reforms enhance Canada's representative democracy?

Since Confederation, only 154 women have been elected to the House of Commons beginning with Agnes MacPhail in 1921. In the last three federal elections, women's share of candidacies sharply declined from 476 in 1993 to 408 in 1997 to 373 in 2000. Admittedly, this decrease in women's candidacies wasn't accompanied by a drop in the proportion of women elected to the House. Nevertheless, it should be stressed that in 1997 the number of female Members of Parliament (MP) only slightly increased from 58 to 62, and that in 2000 the exact same number of women was elected to the House. In other words, women's political representation, which was supposed to increase naturally with time, is presently stalled at about 20%.

What will happen in the next federal election? Given the results of the last three, it seems equally possible that women's political representation will slightly increase, decrease or stagnate. What will it mean for Canada's representative democracy if 20% or less of the newly-elected MPs are women? Will this shame political leaders into legislating gender parity reforms similar to those of France? Perhaps not.

After all, with 20% of female MPs, Canada is doing much better than many countries in the world. According to the Inter-Parliamentary Union, Canada ranks 30th in the world with regards to women's representation in its lower house. Furthermore, Canada can conveniently point to the fact that the United States and France, two countries that played an important role in the emergence of representative democracy, fall well behind it with



14.0% and 10.9% (before the parity reforms) of women respectively. In any event, despite its ranking, it remains that Canada's representative democracy is predominantly that of one sex.

In the early 1990s, French women, whose share of National Assembly seats never exceeded 6%, shamed political leaders by saying "a democracy without women is not a democracy". A brief historical look at French women's place in politics helps to clarify why they made such a blunt statement about their democracy. First, they were granted political rights quite late, in 1944. In part because of the proportional representation (PR) electoral system of the Fourth Republic (1945-1956) however, women were able to win a fairly impressive 6% of the seats in the first national elections of the postwar. At that time, France's proportion of female MPs was in fact higher than that of Scandinavian countries and Britain, which had enfranchised women much earlier than France. Unfortunately, France didn't retain the lead in this matter, on the contrary. In the first legislative elections of the Fifth Republic (1958- ), which were conducted according to a new majority system with two rounds, women's representation dropped to an all-time low of 1.5%. It was only in 1981 that their presence in the National Assembly returned to the no longer impressive postwar level of 6%.

Up until the early 1990s, the French women's movement was not really interested in remedying the virtual absence of women in elected assemblies. Then, around the time of the Bicentennial of the French Revolution, a number of feminist intellectuals and activists pointed out that something had to be done about the fact that the 200-year old democracy still excluded women. Of particular importance was the publication of Françoise Gaspard, Claude Servan-Schreiber and Anne Le Gall's book entitled *Au pouvoir citoyennes! Liberté, Égalité, parité*. In it, Gaspard et al. proposed a new concept to remedy women's political under-representation, that of *parité* or women and men's equal representation in elected assemblies. The 1990s then saw the unprecedented mobilization of many established women's associations and new parity associations around the concept of gender parity in politics.

Interestingly, parity advocates and activists (or paritarists) presented parity both as a principle of democracy and as a mechanism to increase women's political representation. In their view, France should be committed to parity, just as it was committed to liberty, equality and fraternity/solidarity. They also refuted critics' claim that parity was a quota in disguise. For them, parity was not about artificial numbers and limits; since women were half of the population, they should be half of the elected representatives. Lastly, they demanded that the principle of gender parity in politics be inserted into the Constitution and that laws providing for gender-balanced elected assemblies be passed.

In the end, it took less than a decade for paritarists to have their demands met. In 1997, in a foolish gamble to boost support for his policies, President Jacques Chirac dissolved the



National Assembly and called new legislative elections. Unfortunately for him, his gamble backfired when leftist parties won the majority of the seats. Soon after his victory, the new Prime Minister, Socialist Lionel Jospin, made it clear that he was committed to promoting women in politics. First, he appointed over 30% of women to his cabinet, including two in the second and third most important portfolios. Then, he convinced President Chirac to support a bill designed to insert the concept of gender parity into the Constitution. As a result, the French Constitution now provides that "the law favours women and men's equal access to elected office" and that political parties and groups "ensure the implementation of this principle in the conditions determined by the law." These constitutional changes were supplemented with a bill passed in June 2000 on "women and men's equal access to elected office." This law requires political parties to present lists that comprise an equal number of women and men in elections conducted according to PR, that is municipal, regional, European, and some senatorial elections. Parties also have to alternate women and men's names strictly in European and senatorial elections and every 6 names in municipal and regional elections. If a party fails to comply with the law, its list is rejected, and it can't participate in the election. With regards to legislative elections, which are conducted according to the majority system, parties must present an equal number of female and male candidates, and those with more than a 2% difference between their female and male candidates have to pay a fine. These constitutional and legislative reforms were first put to the test in the 2001 municipal elections, which saw the proportion of women municipal councillors more than double from 21.9% to 47.5%.

Despite this very encouraging result, it is important not to view France's parity reforms as a miracle solution that will instantaneously correct women's political under-representation and bring about gender-balanced assemblies. Although there was much progress in terms of municipal councillors, the key positions of mayors, which do not fall under the law, have remained largely in the hands of men. Also, as the legislative elections draw near, it appears that several parties will have to pay fines for failing to find more women candidates. Finally, some paritarists have criticized the reforms for not using the term "parity" and for shying away from the original definition of parity, that is the equal representation of women and men in elected assemblies. As they point out, the reforms consist in facilitating the equal access of women and men to elected office rather than in ensuring the election of equal numbers of women and men to elected assemblies. Nevertheless, while the implementation of parity reforms is unlikely to be smooth and produce the expected results at least in the short term, these reforms appear to have triggered what may very well be an irreversible feminization process. Admittedly, French women won't achieve parity in the upcoming legislative elections. However, for them, reaching gender parity in the National Assembly is no longer a dream, but a goal that will likely be within reach in the next three or four elections, as parties tire of paying fines. Now, what could this all mean for Canada? As mentioned earlier, the fact that women's political representation is stuck at 20% makes France's parity reforms quite relevant to



Canada. Given Canada's recent constitutional history, pressuring the federal government for a constitutional amendment relating to gender parity in politics does not appear to be a viable option for the moment. A more viable alternative may be to pressure the federal government for a parity law (or an amendment to the Elections Act) which, like that of France, would require parties to nominate an equal number of female and male candidates or pay a fine. Such a law would comply with the equality rights section, section 15 (1) (2), of the Charter of Rights and Freedoms. Another more long-term option for Canadian would-be paritarists is to link up with electoral reform advocates. There are many proposals emphasizing the need to insert an element of proportionality into Canada's antiquated electoral system so as to redress regional under-representation. Yet, none of these appear to include the need to redress women's under-representation by ensuring that parties present gender-balanced lists alternating women and men's names for the seats elected according to PR.

Of course, these reforms won't automatically stop Canadian parties from nominating women candidates in unwinnable ridings or opting to pay fines rather than to look for women candidates. Yet, just like in France, they will probably go a long way towards breaking the deadlock in which women presently find themselves and eventually enhancing Canada's representative democracy.

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