Edited by
Isabelle Engeli
Amy G. Mazur

When Gender Equality Policies in Practice Matter

A Comparative Study in France

palgrave
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When Gender Equality Policies in Practice Matter

"*When Gender Equality Policies in Practice Matters* explores the implementation process in equality politics. In a pathbreaking within country comparison the authors and editors use the GEPP approach to analyse gender equality policy implementation across seven sectors in France. The result is a triumph of systematic comparison that is essential reading for anyone interested in the analysis of gender policy implementation."

—Joni Lovenduski, *Professor Emerita, Birkbeck College London, UK*

"This compelling book by leading authorities in the field advances our knowledge of why, how, and when putting gender equality policies in practice matters for achieving gender transformation. The systematic cross-sectoral study of France immerses the reader into the fascinating and messy process of gender equality policy implementation, providing a solid analytical framework as well as novel, surprising findings that will captivate scholars of political science, sociology, and gender and politics."

—Emanuela Lombardo, *Associate Professor of Political Science, Madrid Complutense University, Spain*

"This insightful volume edited by Engeli and Mazur is a great example of how a within-country case study can contribute to comparative political research through theoretical and empirical relevance. Through an examination of the French case in comparative perspective, it skilfully and comprehensively examines how policy instruments, policy empowerment, gender transformation and policy context shape gender equality policy implementation, and their success or failure."

—Laura Morales, *Professor of Political Science, Sciences Po, France*

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Preface and Acknowledgements

When Gender Equality Policies in Practice Matter is a collective effort through the international research group we co-convene, the Gender Equality Policy in Practice Network (geppn.com). Thanks to Stuart Beale and Sean Newman at Palgrave/Macmillan, we were given the opportunity by the press to transpose our Special Issue in *French Politics*, published in 2020 (Volume 18, Issues 1–2) into an edited volume. Along with the 18 contributors to the special issue, we are greatly appreciative of this opportunity. Not only do the nine chapters in this book represent the collective work of these researchers (see Notes on Contributors), but this book is the fifth publication coming out of GEPP on the 10th anniversary of the network.

Founded in 2013, GEPP is a 90+ scholar network which aims to systematically study the post-adoption phases and outcomes of gender equality policy in democracies over the past 25 years. The goal of this scientific collective is to better understand the often rough and challenging road to concretely pursuing and implementing policies that achieve some degree of gender equality; what we have called elsewhere the elusive recipe for gender equality policy success. GEPP's journey from the beginning as a network has included the development of an approach and a framework to comparatively assess the success of gender equality post-adoption, including the measurement of the actual impact of the practice of policies on gender equality from an intersectional perspective. The GEPP approach and framework were designed to study the dynamics, determinants and outcomes of gender equality policy implementation in democracies across the globe from a cross-sectoral and cross-national perspective.

With three GEPP publications and a fourth in progress, this book is the fifth from GEPP—the first to cover implementation politics and outcomes in seven specific instances of gender equality policy across a broad range of sectors in a single country, France, in the areas of political representation, equal employment, care and gender-based violence. *When Gender Equality Policies in Practice Matters*, therefore, takes a cross-sectoral approach, in the language of comparative politics—a within-country comparative analysis. The other four GEPP publications each focus on a single sector of gender equality policy across different democracies: care in the Special Issue, in *Politics and Society*, edited by Rosella Ciccia and Emanuela Lombardo and published in 2019 with 13 researchers on Poland, Canada, Spain, Italy, Ireland and France; gender equality on corporate boards in the book with Oxford University Press, edited by us in 2022 with 21 researchers and covering France, the USA, Poland, Hungary, Croatia, Serbia, Spain, Germany, Belgium, Canada, the UK, Australia, Sweden, Norway, Austria; gender quotas in elected office in the book with Palgrave/Macmillan, published in 2023 and edited by Petra Meier, Sabine Lange and Birgit Sauer with 36 contributors and including France, Turkey, Slovenia, the UK, Ireland, Austria, Belgium, Portugal, Sweden, Switzerland, Poland, Germany, Denmark, Croatia and Spain; and the in-progress book edited by us on equal pay with 22 researchers on the EU level, Belgium, Italy, Spain, France, the UK, Norway, Sweden, Canada, Croatia, Australia, the USA and Germany.

This book represents a new effort by Palgrave/Macmillan to select important special issues from the journals that they publish and work with editors to transpose them into books. The special issue in *French Politics*, "Investigating Forty Years of Value Change in France" was the first to be published in book form for the journal. The contents of our Special Issue, "Does Policy Implementation in Gender Equality Policy Matter in France—A Cross Sectoral Approach", have remained mostly the same in the book. The seven chapters that trace the implementation, evaluation, outcomes and impacts of gender-specific gender equality policies remain unchanged from the articles published in 2020. Chapters 1 and 9 build significantly from our lead article in the special issue, "The Search for the Elusive Recipe for Gender Equality: When Policy Implementation Matters". The original article included both the presentation of the GEPP framework, which guided the analysis of each case of gender equality policy implementation and a cross-national analysis of the findings of the seven cases.

For the book, we have divided this large article into two chapters. Chapter 1 introduces the goals, research questions of the comparative study and the analytical framework followed in the seven cases, which are based on the GEPP approach. Chapter 10 conducts a comparative analysis of the seven cases leading to the broader lessons learned from this cross-sectoral study of gender equality policy implementation in France in terms of the larger questions about gender equality policy success raised by the GEPP approach and also of practical policy recommendations for policy actors who seek to promote gender equality.

There are many people and institutions to thank for this book. First and foremost, the team at Palgrave/Macmillan for taking the initiative to republish our special issue as an edited book. It has been a pleasure working with them throughout the transposition process. Second, we greatly appreciate the 18 researchers who worked tirelessly from 2018 to 2020 to conduct the fieldwork and to follow the GEPP framework in their analysis and chapters, including attending two research meetings at the midpoint and end of the project. Third, we give thanks to the lead editor of *French Politics*, Robert Elgie, who initially invited us to propose a special issue and worked hard throughout the review and production process, assuring that each article underwent a double-blind review by two reviewers.

Fourth, we would like to thank Anne Revillard and the *Laboratory for Interdisciplinary Evaluation of Public Policies* (*LIEPP*) at Sciences Po Paris for hosting and providing financial and administrative support for the founding workshop of GEPP in 2013 and both research workshops organized for French GEPP Team to meet at LIEPP.[1] Indeed, LIEPP continues to be the administrative backbone for the GEPP Network; this November our second research meeting for GEPP Equal Pay will be held there.

GEPP would never have seen the light of day without Joni Lovenduski's leadership in the early years of GEPP as well as the contribution of other scholars who have joined forces and supported the GEPP adventure since its inception in 2013. They include Emanuela Lombardo, Rosella Ciccia, Birgit Sauer, Sabine Lang, Petra Meier, Mieke Verloo, Andrea Krizsan, Karen Celis, Rosie Campbell, Sasha Roseneil, Samantha Ashenden and S. Laurel Weldon. Finally, we would like to thank both of our

[1] LIEPP funding came from the French National Research Agency (ANR) as part of the "Investissements d'Avenir" programme within the framework of the LIEPP centre of excellence (ANR-11-LABX-0091, ANR-11-IDEX-0005-02).

institutions—University of Exeter and Washington State University—and our colleagues there who gave us much-needed financial and moral support. In particular, Amy's Charles O. Johnson Distinguished Professorship of Political Science provided critical funding for her to participate in the project.

Bristol, UK — Isabelle Engeli
Moscow, ID, USA — Amy G. Mazur
August 1, 2023

Contents

Introduction: Goals, Research Questions and Comparative Framework 1
Isabelle Engeli and Amy G. Mazur

Part I Policy Practice in Political Representation 23

Party Penalties for Parity: Less Than Meets the Eye 25
Amy G. Mazur, Eléonore Lépinard, Anja Durovic, Catherine Achin, and Sandrine Lévêque

Gender Quotas in the French Bureaucratic Elite: The Soft Power of Restricted Coercion 53
Alban Jacquemart, Anne Revillard, and Laure Bereni

Part II Policy Practice in Reconciliation and Equal Employment 81

Elder Care Allowances in Action: Missed Opportunities for Gender Transformation 83
Clémence Ledoux and Hab. Annie Dussuet

Pay Equity Through Collective Bargaining: When Voluntary State Feminism Meets Selective Business Practice 113
Delphine Brochard, Marion Charpenel, and Sophie Pochic

Part III Policy Practice in Gender-Based Violence 137

Cross-Sectoral Training to Reduce Violence Against Women: A New Feminist Opportunity? 139
Pauline Delage and Gwenaëlle Perrier

Forced Marriage and Gender Transformation: Feminist State and Civil Society Networks at the Local Level 167
Gill Allwood and Khursheed Wadia

The Gender Equality Potential of New Anti-prostitution Policy: A Critical Juncture for Concrete Reform 195
Emily St. Denny

The Search for the Elusive Recipe for Gender Equality: Comparative Lessons from Policy Practice in France 225
Isabelle Engeli and Amy G. Mazur

About the Editors

Isabelle Engeli is Professor of Public Policy at the University of Exeter. Her research focuses on party competition, policy change and the "anti-gender" agenda, and the implementation of gender equality policy in the corporate world. She convenes, together with Amy Mazur, the international Research Network on Gender Equality Policy in Practice, which investigates the politics of implementing gender equality policy in Europe and North America. Her work appears notably in the *European Journal of Political Research,* the *European Journal of Public Policy, Regulation & Governance, West European Politics, Comparative European Politics, Journal of Comparative Policy Analysis* and *Revue Française de Science Politics.*

Amy G. Mazur is C.O. Johnson Distinguished Professor of Political Science at Washington State University and associate researcher at LIEPP, Sciences Po Paris. Her most recent books include *Gender Equality and Policy Implementation in the Corporate World: Making Democracy Work in Business*, edited with Isabelle Engeli (Oxford University Press, 2022) and *Gender and the Coercive State: Feminist Penality Policy Across the Globe*, edited with Ana Ballesteros-Pena and Maria Bustelo (Palgrave Macmillan, 2024). She has been co-convening the Gender Equality Policy in Practice network since 2013 with Isabelle Engeli and editing *French Politics* since 2019. In 2021–2022, she conducted mixed-method research to produce the guide, *Institutional Mechanisms for Gender Equality as Critical Actors: A Guide for Success in the OSCE* (2023), for the Office of Democratic Institutions and Human Rights of the Organization of Security and Cooperation of Europe.

Notes on Contributors

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Laure Bereni is Research Professor of Sociology, Directrice de recherche at the Centre National de la Recherche Scientifique (CNRS) in France. She is a member of the Centre Maurice Halbwachs—a research centre affiliated to the CNRS, the École des Hautes Études en Sciences Sociales (EHESS) and the École Normale Supérieure (ENS) in Paris. Her research interests lie at the intersection of political sociology, the sociology of gender and race, and the sociology of work/organizations. Her first research book, *La bataille de la parité: mobilisations pour la féminisation du pouvoir* (Paris, Economica, 2015), explored the campaigns that led to the adoption of the gender parity reform in France. She recently published *Le management de la vertu: la diversité en entreprise à New York et à Paris* (Paris, Presses de Sciences Po, 2023), which offers an in-depth comparative study of workplace diversity programmes in the USA and France. She is also the author of numerous articles, including in *Social Movement Studies* and *French Politics*.

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2017) and co-author with Marylène Lieber and Marta Roca i Escoda of *Contrer les violences dans le couple* (Antipodes, 2020). She co-edited *Les violences sexistes après #MeToo* (with Catherine Cavalin, Jaércio Da Silva, Irène Despontin-Lefevre, Delphine Lacombe, Bibia Pavard, Presses des Mines, 2022) and *Féminismes dans le monde. 23 récits d'une révolution planétaire* (with Fanny Gallot Textuel, 2020). In 2017, she co-founded, with Catherine Cavalin and Delphine Lacombe, VisaGe, a network dedicated to gender-violence research, which she is coordinating with Emeline Fourment, Margot Giacinti and Tania Lejbowicz. She is a member of the editorial board of the journals *Genre sexualité et société* and *Mouvements* and of the publishing house La Dispute, where she is the head of the collection "Le genre du monde" with Danièle Kergoat and Aurore Koechlin.

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l'impasse (Éditions de l'Atelier, 2023). She directed the publication of the collective book *Vers l'égalité femmes-hommes au travail* (Presses universitaires de Rennes, 2021).

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Clémence Ledoux is Associate Professor of Political Sciences (Maîtresse de Conférences) at Nantes University (France). Her research focuses on social care, gender, public policy analysis, the transformation of welfare states and the development of welfare markets. In the framework of the GEPP Project and the ANR PROFAM project, she investigated with Annie Dussuet the practices of street-level bureaucrats in charge of decisions regarding home care allowances for the elderly in French subnational territory. Since 2019, thanks to her Marie Curie Fellowship at the Freiburg Institute for Advanced Studies in Freiburg (FRIAS, Germany), she developed a research project on business organizations involved in home services in different countries and also on the Europeanization of these actors. She is coordinating the COVICARE research project, which aims to understand how the Covid-19 crisis, by revealing and exacerbating tensions around home care work for the elderly, has transformed the legal and social frameworks of this work, in France, Germany and the UK.

Eléonore Lépinard is Associate Professor of Gender Studies at the University of Lausanne. Her main areas of research are in the fields of feminist movements and theory, gender and law, intersectionality, and

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also published the book *Genre et politiques d'emploi, une comparaison France-Allemagne*, Presses universitaires de Rennes, 2022, and coordinated, with Olivier Giraud, the book *Politiques sociales, l'état des savoirs* (Paris, La découverte, 2022).

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Khursheed Wadia is Associate Professor of Sociology at the University of Warwick. She has written extensively on gender, political engagement and policy and has been the recipient of research grants from 16 the ESRC, Leverhulme Trust, British Academy and European Commission. Her published books include *Gender and Policy in France* and *Refugee Women in Britain and France*, 2010 (both co-authored with Gill Allwood), *The Securitisation of Migration in the EU: Debates Since 9/11*, 2015 (co-edited with Gabriella Lazaridis) and, most recently, *Muslim Women and Power: Political and Civic Engagement in West European Societies*, 2017 (co-authored with Danièle Joly). The latter won the UK Political Studies Association's 2018 Mackenzie Prize for the best book in political science.

List of Figures

Introduction: Goals, Research Questions and Comparative Framework

Fig. 1 Gender equality policy in practice: an analytical model and framework. (Source: Engeli and Mazur (2018)) 6

Party Penalties for Parity: Less Than Meets the Eye

Fig. 1 Women's representation in the French National Assembly in %, 1958–2017. (*Data*: HCE—© Observatoire des inégalités) 27

Fig. 2 Sources of party financing in 2015 (in euros). (*Data*: "Les Décodeurs du Monde," lemonde.fr/les-decodeurs/visuel/2017/02/22/partis-associations-de-soutien-micropartis-qui-se-cache-derriere-les-338-mouvements-politiques-francais_5083576_4355770.html, last accessed 07/01/2019) 34

Fig. 3 Women's representation in % at different political levels in France (2000–2020). (*Sources*: Observatoire des inégalités) 43

The Gender Equality Potential of New Anti-prostitution Policy: A Critical Juncture for Concrete Reform

Fig. 1 Commissions established 2017–2020 206

Fig. 2 CPSS convictions 2016–2020 (Villeboeuf and L.C. 2016, Massonnet 2016, Milhat 2017, Vantighem 2017, Colcombet 2018, Goldmann 2018, Freynet 2019) 211

The Search for the Elusive Recipe for Gender Equality: Comparative Lessons from Policy Practice in France

Fig. 1 Gender equality policy in practice: an analytical model and framework. (Source: Engeli and Mazur (2018)) 226

List of Tables

Introduction: Goals, Research Questions and Comparative Framework

Table 1 Seven cases of policy implementation by sector/type, time period, governing majority and level of government 11

Party Penalties for Parity: Less Than Meets the Eye

Table 1 Parity party penalties (PPP) and percentage of women candidates and women in parliament 37
Table 2 Percentage of women in the 8 permanent parliamentary commissions 44

Forced Marriage and Gender Transformation: Feminist State and Civil Society Networks at the Local Level

Table 1 Legal measures 174
Table 2 National action plans 178
Table 3 Forced marriage implementation instruments 180
Table 4 HCE evaluation of forced marriage actions in 4th NAP 2016 189

The Gender Equality Potential of New Anti-prostitution Policy: A Critical Juncture for Concrete Reform

Table 1 Geographic and demographic diversity represented by interviewees 199

The Search for the Elusive Recipe for Gender Equality: Comparative Lessons from Policy Practice in France

Table 1 Seven cases of policy implementation by sector/type, time period, governing majority and level of government 227
Table 2 Comparing implementation instruments 229
Table 3 Comparing outputs, inclusive policy empowerment and level of gender transformation 231

Introduction: Goals, Research Questions and Comparative Framework

Isabelle Engeli and Amy G. Mazur

"While a rich scholarship examines gender policy, the recipe for successful policies still remains as elusive as the formula to turn lead into gold" (Engeli and Mazur 2018, p. 112).

Introduction

The goal of this edited volume is to bring together leading experts on gender policy in France to present fine-grained analyses of gender equality policy implementation that contribute to a growing body of comparative scholarship and that focuses on policy implementation as a crucial ingredient for achieving gender equality in democracies (Blofield and Hass 2013; Mazur 2017; Lombardo et al. 2013, 2017; Lombardo and Meier 2022;

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Engeli and Mazur 2023; Bustelo and Mazur 2023). While some progress has been made on this challenging enterprise, more detailed empirical studies need to be conducted on the post-adoption phases of the policy process across a range of policy sectors within countries and across countries. In continuing this endeavor, this book will help to enhance understanding about the perennial challenge that democracies have faced since second-wave feminist movements first started appearing on the scene in the late 1960s (Engeli and Mazur 2018). Can formal policies on gender equality concretely promote women's rights, in their full intersectional complexity and strike down gender-based hierarchies? Ultimately, the goal of the in-country and comparative analyses conducted in this book is to contribute to answering the following questions: whether, how, why and under what conditions policy implementation matters in achieving gender equality in contemporary democracies and, in doing so, how does the practice of gender equality policies make democracies more democratic.

The book tells complex stories of the post-adoption process in seven cases of implementation over the past two decades in four different "sectors" of gender equality policy—political representation, reconciliation, equal employment and gender-based violence.[1] The chapters tell a fascinating tale of the struggle of state- and society-based advocates for gender equality, and more often than not of the resistance and opposition to the implementation of gender equality. Together, the chapters provide an unprecedented opportunity to systematically test the emerging hypothesis at the center of the Gender Equality Policy in Practice (GEPP) approach; that effective implementation and evaluation are crucial for gender equality policy success. In doing so, this collective endeavor contributes to pinning down the elusive recipe for gender equality success we identified at the beginning of the new journey into the practice of gender equality policy in post-industrial democracies.

In the rest of the chapter the GEPP approach to theory-building, the analytical model and framework and core hypotheses are first presented. Next, the policy implementation cases covered in the seven chapters across four feminist policy sub sectors in France are identified. We demonstrate how France in general serves as a laboratory in which to test some of the

[1] Mazur (2002) and others have asserted that "feminist" or "gender equality" policy is a transversal area of policy cutting across numerous many "sub sectors" of feminist policy, such as blueprint, political representation, family law, equal employment, combining work and family, reproductive rights and gender-based violence.

major propositions about gender equality policy success through "within country case design" (Collier 1993) across four policy sectors. In the final section of the chapter, the roadmap for the rest of the book is outlined.

The GEPP Approach: Gendering Equality Policy in Practice

This section presents the GEPP model and discusses how its four major analytical components—mix of policy instruments, practice/inclusive policy empowerment, level of gender transformation and policy context—guide the individual cases of policy implementation in the seven chapters that follow and the larger comparative within country analysis conducted in the concluding chapter of the book.

Negotiating Gender Equality in Practice

The GEPP approach has been developed as a response to emerging calls to shift the lens of analysis from the politics of how gender equality policies were placed on government agendas and formalized to what takes places following the adoption stage in the crucial, yet messy processes of first implementing policies and then evaluating them, which often takes place as the policy is still being implemented (Engeli and Mazur 2018). One of the innovations of this approach is that it unpacks the post-adoption phases of policy development into implementation, evaluation and outcomes. Following recent research by Minto et al. (2020) and others, the complex process of evaluation is separated out from implementation and administration and examined in its own right as a political process. The researchers who are studying the post-adoption process as a whole then apply uniform measurements, coming from the GEPP approach and framework, to determine to what degree the goals of the original policy were pursued and whether gender equality was enhanced in the impact and results of specific policy understudy.

The post-adoption stages, both implementation and evaluation, present some key features leading to the success or failure of gender equality policies. First, they are more likely to be multi-level than not and involve the participation and coordination of actors between and across levels. Second, it is also unlikely that the constellation of actors remains identical across the entire policy process. While some actors may be already present

in the pre-adoption stages, the implementation and evaluation processes offer a new venue for pushing for and pulling away from gender equality through resistance. New constellations of actors can emerge around those processes—government bureaucrats and representatives of target and compliance groups around implementation and gender policy experts and international monitoring agencies around evaluation. As a result, the way the post-adoption process unfolds is likely to significantly impact the success or failure of gender equality politics. In other words, gender equality policy and the meaning of gender equality are not only debated during agenda-setting and decision-making. Gender equality is also negotiated, adapted and contested in the practice of policy implementation (Ibid.). This is the core of the GEPP approach.

As scholars of gender equality policy assert in general, the analytical "turn to implementation" is the logical next step in the research cycle on gender equality policy more broadly speaking (Blofield and Hass 2013; Mazur 2017; Lombardo et al. 2013, 2017; Lombardo and Meier 2022; Engeli and Mazur 2023; Bustelo and Mazur 2023). On one hand, democratic governments responded to feminist mobilization since the late 1960s in an ever-increasing number of policy actions that explicitly target gender equality across all the different sectors of government action. Most of these policies have on paper the potential to affect women's rights and status as well as mitigating or dismantling gender hierarchies. On the other hand, the reality shows otherwise: many policies have not resulted in significant major progress toward the realization of gender equality. It is thus necessary to take stock in this broad array of policies in a significant period of time after their adoption and assess the reasons why they have largely failed in achieving gender transformation.

Until recently, comparative gender and policy scholarship had neither focused systematically on policy success and failure in terms of post-adoption and impact nor developed a comprehensive range of tools to take on this challenging analytical task. Given the difficulty of identifying causality in long-term social change and what would constitute a successful outcome of gender equality policies, this daunting project was put on the backburner at best. Implementation was usually mentioned, but not studied in its full messy complexity. In addition, a growing number of critics assert that the plethora of indices developed at the international level to measure gender equality across the world is insufficient to capture the complex reality of gender inequalities in practice (e.g., Lombardo et al. 2009; Liebowitz and Zwingel 2014; Engeli et al. 2015).

The GEPP approach, therefore, is "a fresh way to assess policy success and failure" (Engeli and Mazur 2018, p. 112) that addresses the insufficiencies of research on gender policy and the international gender equality indices with two main aims. The first aim is to open and unpack the black box of government once gender equality policy is adopted. The second aim is to assess whether, how, and under what conditions those specific tools and actions are successful in promoting gender equality and achieving gender transformation. The approach conceptualizes the post-adoption stage as an arena for the struggle over the meaning and content of gender equality where vested interests organize for and against gender equality. The outcome of this power struggle has an impact on the capacity of policy to progress toward gender equality and transformation.

The GEPP Model

The GEPP model provides the framework for conducting empirical comparative theory-building studies of policy implementation in order to determine whether, how and under what conditions gender equality policies once put into action are actually successful. It is designed to study policy on two levels, micro and macro:

1. to provide a guide for researchers to qualitatively trace the unfolding of the dynamics, determinants and outcomes of the post-adoption process in discrete instances of policy through following the action of policy actors who mobilize around a given policy at the "street level" (Lipsky 1980) and
2. to generate propositions to be examined in more macro comparative analyses—across sectors within countries and in a single policy area across countries—to determine whether how and why the post-adoption phases of gender equality policy formation matter in policy results and outcomes.

Thus, at the micro level, the model and framework presented in Fig. 1 guides the analysis of each of the seven cases studies, both in terms of the data collected and assessed by the researchers and how the chapters in this book are structured.

The contributors to this volume were given a detailed worksheet with the indicators they were to use for the various measures developed for the project and a detailed chapter outline to follow in their chapters. Similarly,

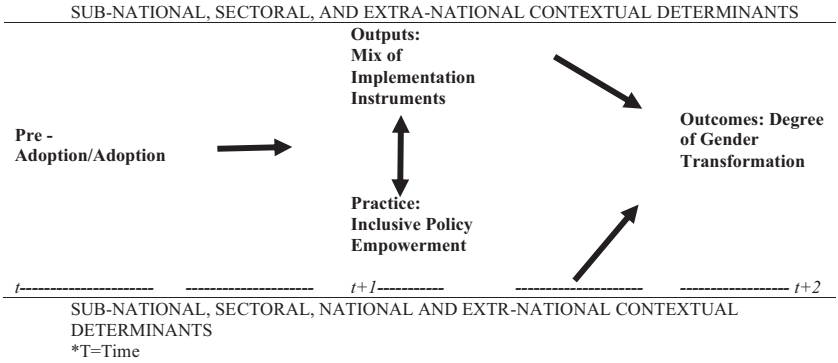

Fig. 1 Gender equality policy in practice: an analytical model and framework. (Source: Engeli and Mazur (2018))

at the macro level, the hypotheses suggested by the model, discussed in further detail below, are also tested in the comparative analysis conducted in the concluding chapter of the book. This uniformity of analysis is a part of the overall GEPP approach that means that case analyses are examining the same things and hence have a higher level of accuracy producing cross-case reliability which is important for conducting the cross-national macro analysis.

Figure 1 also maps out the four analytical components of the post-adoption process, which includes both implementation and evaluation, in the GEPP model and framework (Engeli and Mazur 2018): outputs, practice, outcomes and context. The model traces the process of policies in general terms. What happens before a formal decision is made: pre-adoption, which includes agenda-setting, problem definition, and proposal generation. Then what happens after post-adoption, which includes the instruments or "outputs" (Dye 1992) formally established to implement and evaluate the policy as well as the actual use of those instruments by policy actors in "practice"[2] and then the results or outcomes of that policy. As Gains and Lowndes (2015, p. 7) assert, the lines between pre-adoption, adoption and post-adoption are often blurred: "Policy is only really 'made' when it is brought to life by local actors, who are charged with adapting overarching policy statements to local contexts, resource

[2] Montoya (2013) first used the term "practice" in the study of violence against women policy in the European Union.

bases, political sensibilities and previous policy legacies." With this observation in mind, this model provides a guide for tracing the unfolding of a given policy over time as it moves through the necessarily messy and seldom stepwise process of policy formation in democracies.

As the GEPP model shows, the "contextual determinants" can be at the sub-national, national or extra-national levels depending on the dynamics of the policy. The politics and outcome of the pre-adoption and adoption process, in particular the actual content of the policy, can also be potential determinants of both policy post-adoption and outcomes. In many cases the specific mix of the policy instruments comes directly from the content of the formal policy. At the same time, pre-adoption, adoption and post-adoption take place over time—indicated by T; T+ 1: T+2 in Fig. 1—and the content of policies, the mix of instruments and even the goals of policy can be changed in the post-adoption stages.

Each of the three post-adoption components covers the complex parameters of gender equality policy implementation. The mix of implementation instruments accounts for the full range of "identifiable methods through which collective action is structured to address a public problem" (Salamon 2002, p. 9) through four broad types of instruments identified by Ingram and Schneider (1990). It also covers the approach, scope and authority of the policy tools as they are laid out on paper.

The democratizing potential of policy implementation is addressed in the practice of the post-adoption phase through the "inclusive policy empowerment" component. In telling the story of if and how the policy instruments are used by policy actors, the analyst is to identify who came forward to speak for women's interests in the post-adoption process, what they said, for which groups of women were they speaking—descriptive representation—and were their demands actually incorporated in the practice of policy—the substantive element of representation. The hypothesis here is that if there are higher levels of inclusive policy empowerment it should in some ways contribute to policy success. Thus, the GEPP model and approach allows for the development of empirically grounded comparative theory on making democracies more democratic.

The third component of the model, outcomes—includes a summary measure of outcomes that is based on three different kinds of direct and indirect policy outcomes identified in the literature:

1. Was the problem identified by the original policy solved;
2. Were the frames about gender roles used by the major implementors of the policies changed in the practice of policy adoption and
3. Did the general public attitudes about the specific issues of the policy change over time.

This measure does not only cover whether the problem was solved and policies went beyond "symbolic reform"—policy outputs without outcomes and were "concretely" followed through.[3] It also addresses whether "the hierarchies of power that privilege men and the masculine, a sexual division of labor that devalues women and the feminine, and the institutionalization of normative heterosexuality" (Htun and Weldon 2018, p. 208) on which gender inequities were seated prior to that policy have significantly changed with the practice of that policy. Engeli and Mazur (2018, p. 123) identify four categories of levels of change: gender-neutral, gender rowback, gender accommodation and gender transformation and provide the following operational definitions from which researchers can select from.

> Outcome 1: gender-neutral In this outcome, the policy has failed in transforming gender relations or has even not attempted to do so. It is unlikely that much money or resources were invested in the implementation…. There are numerous policies that did not result in any tangible effect on the promotion of gender and sexual equality or that were not even implemented at all. …As a result, these policies are likely, at best, to be gender-neutral in their generated outcome.
>
> Outcome 2: gender rowback Equality policies working against the promotion of gender equality occur more often than scholarship might hypothesise. It can take a variety of forms according to the type of resistance and opposition that has been mobilised against the implementation of gender-related policies (Woodward 2003; Verloo 2018). Gender-related policies can be largely derailed from their original intention, however laudable it might have been, to become a liability regarding the promotion of gender and sexual equality.

[3] For more on the use of symbolic and concrete reform to assess policy outcomes, based on Edelman's (1964) notion of symbolic politics, see Mazur (1995 and 2017).

> Outcome 3: gender accommodation In this outcome, a number of policy effects can be tangibly assessed but the policy has mostly targeted accommodating or compensating traditional gender relations instead of transforming them. Decision-makers, bureaucrats and policy actors are known to lag behind social change and often continue to embrace long-held norms about masculine and feminine roles and reduce the diversity of gender identities to a female–male dichotomy. (Cavaghan 2017 and Vis 2019)

> Outcome 4: gender transformation Such changes in gendered and sexualised norms tend to be slow moving at best and are not easily measured. In addition, the nature of gender transformation is complex and contested. Research on gender policy formation has shown how gender is defined and instrumentalised to 'frame' policies and political action by policy actors (Lombardo et al. 2009). Thus, a 'transformation' in the dominant gender norms that drive public action needs to occur in order for gender equality policies that are formally on the books to be successful.

Given how complex and ambitious such a transformation in reality is, there is potential for "simple" or "complex" gender transformation.

> For example, role-sharing in terms of caregiving and breadwinning would constitute a 'simple' transformative change provided that attitudes shifted with practice. In a more complex transformation, policymaker and public attitudes about appropriate caregiving roles would give way to the collapse of a binary notion of sex in favour of a more refined understanding of gender and heteronormativity. (Engeli and Mazur 2018, p. 121)

While gender transformation is the gold standard, policies are more successful when they achieve gender accommodation rather than gender-neutral or genderblind results, given that there are still concrete outcomes that promoted some level of gender equality.

Taking Seriously Intersectionality and Causality

It is important to note that intersectionality—the cross-cutting nature of different vectors of inequality and discrimination with gender, for example, race, ethnicity, sexual orientation and identity, age, religion, disability etc. is taken into account throughout the GEPP analysis.[4] The researcher

[4] For more on the importance of bringing-in intersectionality see for example Mügge et al. (2018).

is asked to identify through an intersectional lens all actors who come forward in the policy process to articulate gender equality demands, what those demands entail and to what degree those demands are incorporated in the gender equality polices put into practice. An intersectional perspective also leads the researcher to ask which actors, if any, are excluded from all phases of the process. Moreover, the highest level of gender transformation—"complex"—must include an intersectional vision of gender equality, as pointed out above, which does not include only upper-class white women as the beneficiaries of successful gender equality policy implementation.

The issue of causality is also important to address, the "what-if problem" (Engeli and Mazur 2018, p. 124). That is, what if the outcome—gender policy success—was a result of other forces than policy implementation practice. For example, as much research has shown, it is difficult to implement and evaluate complex policies like gender equality policy in "hard economic times" when public budgets are being cut, particularly for gender equality policies that may viewed by non-feminist policy actors as "non-essential" (Annesley et al. 2014). Another issue of causality covered in much comparative work on gender policy and politics is that rather than a single causal factor or ingredient that emerges as being important, feminist gains and successes are often a product of determinants in combination with each other. For instance, recent comparative research on gender balance in representation has shown quotas are not alone a "magic bullet" but are only successful in combination with other factors, in particular gendered electoral financing (Muriaas et al. 2020). This "configurational" logic has led students to conceptualize the search for a causal theory of gender policy formation in terms of the recipe of ingredients, or combination of conditions. We now turn to the potential list of ingredients for recipes for gender equality policy success in discussing why France provides a fertile laboratory for studying gender equality policy in action.

The Potential List of Ingredients for Gender Equality Policy Success: The French Policy Lab

As the GEPP model shows, the context in which the policy process unfolds at multiple levels has a potential to affect policy practice, empowerment and outcomes; a context which may or may not vary by the level at which

the policy is adopted and implemented. The "most similar within country design" (Collier 1993) of this study means that France serves as a laboratory in which to test the hypotheses about gender equality policy success in the seven cases; certain general features of the French context are held constant to allow for an assessment of key differences. Here, we discuss the similarities and differences to better highlight the theory-building potential of the comparative findings of the case analyses that follow in the rest of the book. Table 1 presents each policy case in terms of the major hypotheses that will be put to the test in each of the seven cases and assessed in the closing comparative analysis presented in chapter "The Search for the Elusive Recipe for Gender Equality: Comparative Lessons from Policy Practice in France" of the book.

The rich comparative literature on feminist policy formation examined in this section asserts that there are certain institutional, cultural and political factors found within countries and regional groupings of countries that are conducive to feminist policy success. The French national context provides both opportunities and barriers to gender policy success addressed in this study, such as gender—biased universalism, state feminism, the gender welfare regime, weak and fragmented women's movements and France's position in European Governance—the EU and the Council of Europe. Given the similar systems design of this study, these country contextual effects are being held constant across all seven cases of policy implementation, so if there is any variation in the instruments, practice or

Table 1 Seven cases of policy implementation by sector/type, time period, governing majority and level of government

Political Representation (Status)		
Party Parity Penalties '02, '07,'14	L/R	National
Quotas in Administration '12	L	National
Reconciliation (Class)		
Elder Care Allowance '14	L	Department
Equal Employment (Status)		
Pay Equity '06	L	Firm-level
Gender-Based Violence (Status)		
VAW Training '05	R	Region
Forced Marriage '06	R	City
Anti-Prostitution '16	L	Department

Dates indicate when the policy was formally adopted and/or significantly reformed. L or R indicates left-wing or right-wing governing majority in power at the time of adoption

outcomes of gender equality policy across the cases it is being driven by other contextual factors and drivers not associated with these national commonalities.

Sector/Type vs Country/Region Recently a debate has emerged around whether national/regional patterns of politics, culture and institutions are more salient than sector specific dynamics. Mixed methods cross-national studies have shown that patterns of feminist influence, policy outcomes and state feminism actually tend to follow certain general types or "logics" of policies (Htun and Weldon 2018) or specific sectors (McBride and Mazur 2010). The published GEPP studies with their range of country cases across post-industrial democracies as well have demonstrated that there are commonalities of policy dynamics and rates of success within sectors rather than within single countries or regional groupings of countries (Ciccia and Lombardo 2019; Lange et al. 2023; Engeli and Mazur 2022). The within case design of this study is able to confront head-on these competing hypotheses by selecting policy cases that were adopted and implemented across four different sectors of feminist policy—political representation, reconciliation, equal employment and gender-based violence.

The elder care allowance case is categorized as a feminist reconciliation policy given the potential for policies on elder care to help women and men to equalize parenting and professional obligations; even though as Ledoux and Dussuet show in their "Elder Care Allowances in Action: Missed Opportunities for Gender Transformation" that the 2001 law was completely genderblind. The other three policies more clearly fall into established sub sectors of feminist policy. Given that the two political representation policies, party penalties covered in Mazur, Lépinard, Durovic, Achin and Lévêque in "Party Penalties for Parity: Less Than Meets the Eye" and gender quotas for the upper civil service by Jacquemart, Revillard and Bereni in "Gender Quotas in the French Bureaucratic Elite: The Soft Power of Restricted Coercion" are both a part of the larger "parity policy package" (Lepinard 2018) codified by constitutional reform in 1999–2000 further allows for determining whether these two policies processes have similar dynamics and outcomes. For the three gender-based violence feminist policies covered in the book, they include one aspect of the implementation of violence against women policies training for public servants at the regional level in "Cross-Sectoral Training to Reduce Violence Against Women: A New

Feminist Opportunity?" by Delage and Perrier, regulation of Forced Marriage in "Forced Marriage and Gender Transformation: Feminist State and Civil Society Networks at the Local Level" by Gill Allwood and Khursheed Wadia and in "The Gender Equality Potential of New Anti-Prostitution Policy: A Critical Juncture for Concrete Reform" by St. Denny, feminist policies that regulate prostitution.

The seven policies covered in the book are classified by two of the three policy "logics," status and class, identified by Htun and Weldon (2018) in Table 1. None of the policies fall in the doctrinal category since they do not "challenge the doctrine of religious organization or the codified tradition or sacred discourse of major cultural groups" (2018: p. 9). The political representation policies and gender-based violence policies advance women's rights "primarily as a status group" and the elder care policy is a "class-based" policy given women's rights are advanced as a gender-class group along socio-economic lines (Ibid.). Therefore, in the cross-case analysis conducted in "The Search for the Elusive Recipe for Gender Equality: Comparative Lessons from Policy Practice in France," we can specifically isolate the impact of sector and type on outcomes.

Time Period The attributes of each case also allow us to isolate the effect of the period of adoption and level of government. Overall, all of the policies were adopted in roughly the same time period, 2000–2016, with two discrete periods as shown in Table 1. In three of the cases, important reforms in the policy were adopted in the early to mid-2000s and three cases in the mid-2010s, ten years later. For the parity penalties, sanctions to the political parties for non-compliance were increased in 2002, 2007 and then to an extremely high level in 2014 prior to the 2017 elections, thus that case falls in both time periods.

Although the elder care allowance legislation of 2001 did not formally identify feminist goals or even mention gender at all, the 2015 reform of the allowance was gendered, including references to gendered statistics on elder care. Ledoux and Dussuet in "Elder Care Allowances in Action: Missed Opportunities for Gender Transformation" show that the integration of gendered statistics raised awareness, which indicates the formal adoption of a gendered policy in elder care in 2015 and not 2001. Thus, here the effect of the politics of adoption during the two time periods, early 2000s and mid-2010s, can be observed in the post-adoption that followed. While the two policies are adopted almost 15 years apart, they remain largely similar regarding the implementation timeframe—all were

implemented in the context of increasing government cutbacks, shrinking budgets and the meteoric rise of Macron's En Marche.

Government Level Feminist policy and politics analysis has also pointed to the importance of level of government in terms of the success of polices. Some studies have shown that policies put into action at the sub-national or local levels may be more successful where feminists are more able to mobilize around implementation and evaluation and implementers are more sympathetic to their demands (Mazur 2002; Gaines and Lowndes 2015, 2022). This was the case, for example, in the violence against women campaign in Scotland in the 1990s (Abrar 1996). Here, the cross-case variation in the seven cases of policy implementation provides for comparing implementation and outcomes at the national, regional, departmental and local levels. We determine the level of government according to the location of the major arena for the implementation process, also shown in Table 1. In the case of the two parity laws, these were national level laws that aimed at national level offices—upper administration and the national assembly and national level actors—the political parties. In the five other cases the major implementation arenas and stakeholders were at sub-national levels; departmental for the elder care allowances and anti-prostitution laws, regional for the VAW training, municipal for the forced marriage regulation and at the firm level for the equal pay policy implementation.

Critical Actors Over Critical Mass Another difference that can be observed is whether a "critical mass" of women representatives in the national legislature or individual "critical actors" in society and/or the state are important in gender equality policy success, and at which level and/or policy stage. The scholarship has nuanced the original argument of critical mass to put the stress on the pivotal importance of critical actors. In other words, numbers may well be less important than the power and commitment of individuals—be they women or "male allies" (e.g., Childs and Krook 2009). Critical actors in gender equality have been identified often in terms of "feminist coalitions" (Holli 2008) or "velvet triangles" (Woodward 2003); composed of women's movement groups, gender equality machineries and individual women elites in decision-making positions. A large comparative literature on gender equality mechanisms and state feminism has shown the particular importance of these "feminist

insiders" as critical actors in the pursuit of meaningful gender equality policy as well (McBride and Mazur 2010, 2013 and 2023; OSCE 2023).

In France, given the steady increase over the period of policy implementation of the percentage of women in the National Assembly, from 12.1% in 2002 to 26.8% in 2012 to 38.7% in 2017, the critical mass hypothesis can be examined in our study. At the same time, the critical actor hypothesis is equally compelling given the presence of a powerful and active women's rights minister under the Socialist from 2012 to 2014. Benefiting from a significant budget increase and President Holland's strong support, the feminist activist minister Najat Vallaud-Belkacem undertook a series of sweeping reforms for women's rights that culminated in the 2014 Vallaud-Belkacem Law on gender equality, including the increase in the parity penalty for parties as Mazur et al. show in "Party Penalties for Parity: Less Than Meets the Eye." Many observers compared the impact of the Vallaud-Belkacem ministry on gender equality policy to the Roudy ministry during the Mitterrand Experiment in the early 1980s (Achin and Lévêque 2014). The presence of the gender equality machineries as critical actors may be an important catalyst for gender equality policy; indeed reforms of gender equality policy occurred in three of the cases under Vallaud-Belkacem's watch and this was at the time when women's representation in the National Assembly was still at 26.8%, below what some have identified as the 30% cut-off point for critical mass to take effect.

Party in Power/ Influence of the Left Both feminist and non-feminist policy work has identified left-wing majorities as important factors in policy change (Kittilson 2006; Lombardo et al. 2013; Mazur 2002). However, comparative gender policy studies have put into question how crucial the presence of a left-wing government is for feminist policy success—identifying cases of feminist policy failure under left-wing majorities and successes under the Right (Htun and Weldon 2018; McBride and Mazur 2010; Annesley et al. 2014; Engeli and Mazur 2022). From the adoption of the first policy in this study, parity constitutional reforms in 2000 to 2017, there has been an alternation of right-wing and left-wing in the presidency and parliament: May 2002–May 2012 president and parliament of the Right; and from May 2012 to May 2017 a president and parliament of Left and from June 1997 to May 2002 a president of the Right cohabitating with a parliament of the Left. Thus, here too the

impact of the ideology of the party in the government majority can be determined on policy implementation dynamics.

Where Do Path Dependency and the Influence of Institutions Fit-in?

Historical institutionalists, both feminist and non-feminist scholars seek to understand institutional change and choice over time, as exhibited by state-based structures, rules and gender-biased norms. Theories of path dependency assert that state action is limited by the way in which "increasing returns" (Pierson 2000) develop around a specific policy. These returns create patterns of interactions linking state and societal actors and institutions that are mutually reinforcing over time. According to the path-dependent perspective, new institutions and institutional dynamics appear at specific moments during the process of development—sometimes called "critical junctures"—which set the pattern of institutional interactions until the next juncture. The outcome is that even many years after these critical junctures, it is difficult to alter political dynamics; in other words, there is a certain "stickiness" to institutions and the policy dynamics around them (Ibid.).

Kimberly Morgan (2006), for example, shows how path dependencies in family policies developed in the Netherlands, the United States, Sweden, and France, according to the way state-religion relations crystallized in each country at a certain moment in time. The set pattern of institutional relations in each country explained the differences in the extent to which family policies promoted gender equality. It is interesting to note that the particular way in which family policy emerged has meant that feminist policy actors, like women's policy agencies and feminist groups have not intervened in this area of policy in any of the countries in her study. Thus, gender-biased path dependencies can develop around policies that make it difficult to implement and pursue gender equality.

Similarly, recent feminist institutionalist research on policy implementation has shown that it is the complex interplay between ideas, actors and institutions that is key to understanding gender equality policy success (Bustelo and Mazur 2023). Comparative applications of Sylvia Walby's theory of gender regimes also show that there are certain long-term patterns in the way gender-regimes are developed and dictate state-society relations within regional groupings of countries (Walby et al. 2023).

Institutionalized path dependencies must be seriously considered in the case of France, given what many scholars have identified as the prevalence of "gender-biased universalism" where identifying gender differences in policy is ruled out based on republican equality while established gender norms still place women in inferior positions to men (Lépinard and Mazur 2009; Onasch 2020). Nearly all the authors in the cases in this book identify gender-biased universalism as a trigger for resistance to concrete achievements in gender equality policy. Thus, it seems the path dependent gender-biased universalism could be a similarity across all the seven cases, but as the historical institutionalist literature shows, path dependencies can also build up around specific policies or areas of policy as in the case of family policies. This corroborates arguments for sectoral patterns of policy formation by sector or policy type, over national patterns, given that certain political dynamics develop around the issues at stake. No matter whether it is by sector or at the national level, the path dependent gender-biased universalism in France is an important force to observe in the comparative analysis as well as any "critical junctures" where these long-held policy dynamics have shifted. Indeed, the apparent shifts in feminist policy that were catalyzed during the Holland presidency, from 2012–2014, might represent a critical juncture for a real shift in the gender-biased republican model.

Outline of the Book

Having mapped out the questions, framework and research path the GEPP approach provides for the analysis of the seven cases of policy implementation by the 18 contributors to this book and how France provides a laboratory to test core hypotheses about the drivers of successful gender equality policy implementation and the ultimate question of whether policy post-adoption is the decisive ingredient in progress in gender equality or not, the book can now turn to the individual rich case analyses. The seven chapters are covered in three different sections to showcase the sectoral hypothesis about gender equality policy implementation success. Part I includes the two chapters on political representation; Part II combines reconciliation with equal employment; and Part III groups together the three policy implementation cases in the area of gender-based violence.

A part of the GEPP approach is to assure that the participating researchers understand, grasp and apply the framework for analysis in order to not only trace the detailed "street level" (Lipsky 2981) process of

post-adoption for each case, but also to furnish uniform data and analysis that allows for maxim validity and accuracy in each case and reliability across the cases. A crucial part of this process, therefore, is iterative through the researchers engaging with the framework, applying it to field research, and then discussing interim results and returning to the field with the framework in mind. We came together to present and discuss findings in 2018 at a two-day research meeting and had numerous conversations between the researcher(s) on each case and between the editors and the authors. The chapter contributors were also given a common outline for their chapters that assured this crucial uniformity within the context of a highly complex analysis.

With the uniform, yet rich analysis of the politics of gender equality policy post-adoption across these four areas, the conclusion chapter turns to the comparative analysis of the findings across the four components of the GEPP framework—mix of policy instruments, inclusive policy empowerment, gender transformation and contextual determinants—and in terms of the various hypotheses examined in this chapter about the major causal drivers of gender equality policy success. It ends with a discussion of the major lessons taken from the comparative analysis for identifying the elusive recipe for successful gender equality policy in relation to recent research on gender policy implementation. The findings are nuanced and surprising, showing that it seems there is a certain path dependency of success across all the policy cases, which actually puts into question previous work that identifies sectoral trends to be more important than country specific trends in the recipe for gender equality policy success. The book ends with a discussion of lessons to be learned from these findings in terms of both comparative theory-building and policy relevant perspectives and the future research agenda.

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PART I

Policy Practice in Political Representation

Party Penalties for Parity: Less Than Meets the Eye

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Introduction[1]

Parity, the French policy approach to gender inequalities in the upper echelons of a range of social and political spheres, incorporates a comparatively original and wide range of policy tools and instruments.[2] Progressively put into place since the 1999 constitutional amendments to "promote women's and men's equal access (Art. 3)" in elected office, the parity policy package first targeted the gender gap in almost all levels of elected positions—European, national, regional and local. A second constitutional reform in 2008 extended parity to "social and professional positions of responsibility (Art.1)" and launched a series of laws to promote parity on corporate boards in 2011, senior management and supervisory boards in the public sector and administration in 2012 and university and research institutions in 2013.[3]

For proportional representation elections at the municipal, regional and European levels, lists were required since 2000 to respect strict parity

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[2] Much has been already written on the parity movement and the adoption of the policies that followed. See, for example, Bereni and Lépinard (2004), Bereni and Revillard (2007), Bereni (2015), Dauphin and Praud (2002), Baudino (2005), Scott (2005), Opello (2006), Lépinard (2007, 2013, 2016), Murray (2010), Murray et al. (2012), Achin and Lévêque (2014, 2017), Achin et al. (2007, 2019), Lévêque (2018), Durovic et al. (2017), Mazur (2002), Sineau (2004).

[3] For the analysis of the diffusion of parity policy from elected offices to other areas of decision-making inside and outside of the state from 2000 to 2014, see Lépinard (2016). For specific analyses of the implementation of quotas on corporate boards, see Blanchard and Rabier (forthcoming), and in upper administration, see Bereni et al. in this special issue and Marry et al. (2017).

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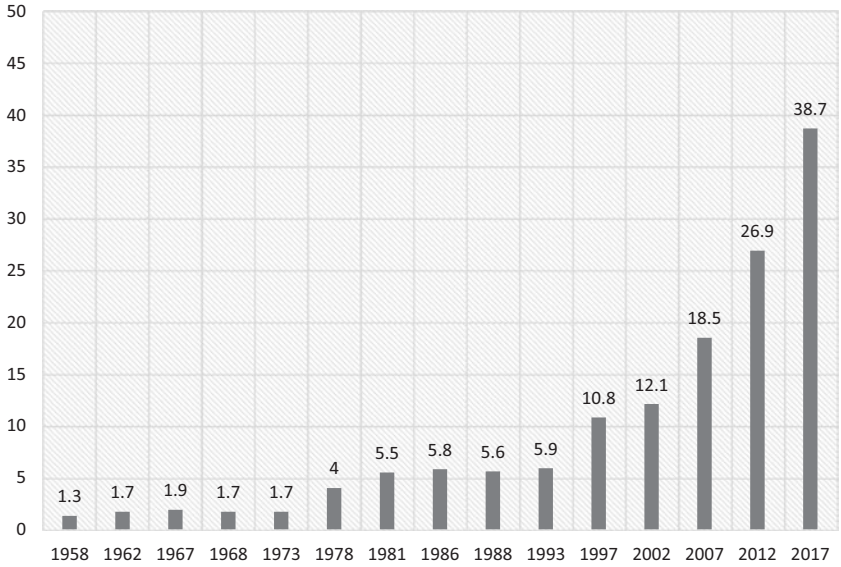

Fig. 1 Women's representation in the French National Assembly in %, 1958–2017. (*Data*: HCE—© Observatoire des inégalités)

of 50% men and 50% women. At the departmental level, a new way of electing members of departmental councils was introduced in 2013: the "binome paritaire" with one male seat and one female seat for each canton. For the first-past-the-post National Assembly elections, financial penalties given to parties through government funding were adopted in 2000 and increased in 2007 and 2014. Thus, parity policy is a prime example of a policy instrument that was diffused and strengthened over time making France a world leader in gender quotas.[4]

While, to be sure, the parity penalties did contribute to a certain degree to the increase in women's numerical presence in the National Assembly, as Fig. 1 shows, the more nuanced analysis of the politics and practice of the penalties that follows reveals the limits of the moderately punitive policy instrument and formal rules in the face of informal gender-biased norms and practices within the political parties, a finding that resonates

[4] For more on quotas worldwide, see, for example, Hughes et al. (2019), Krook (2009), Franchescet et al. (2011), Lépinard and Rubio-Marin (2018) and Dahlerup (2006).

with much scholarship on gender and elections inside and outside of France (e.g., Lovenduski and Norris 1993, 1995; Achin et al. 2007; Murray et al. 2012; Bjarnegard 2013; Bjarnegard and Kenny 2015; Waylen 2017). As this essay asserts, going "beyond numbers"[5] of women deputies shows that when women are elected, they are unable to gain access to the same level of influence as their male counterparts. What is more, the large increase in women's presence in the National Assembly in 2017 may have been less a result of the increased parity sanctions in 2014 than a by-product of the seismic shifts in the political party system (Durovic et al. 2017) and the new reform on the cumul des mandats of 2014. In terms of the GEPP framework, the party parity sanctions were a case of gender accommodation more than gender transformation. Thus, rather than "more than meets the eye," as the saying goes, there is actually less when a closer and careful look is taken.

To develop these arguments, we first retrace how various policy actors mobilized around parity as a political issue that defined the problem of gender equality in politics and how the solution of financial sanctions emerged and was placed on the socialist government's "decision agenda" (Kingdon 2011) in 1999. Next, we focus on the design and adoption of the sanctions in the 2000 law on parity. We then move to a discussion of the practice of implementation and evaluation of the parity sanctions through an analysis of the empowerment, both substantively and descriptively, of the policy actors dedicated to promoting parity. In the last section, the argument for a nuanced evaluation of the impact of the parity financial sanctions is made through presenting the extent of gender transformation in direct and indirect impacts since the first parity penalty policies were adopted in 1999/2000. In the conclusion, we return to our main contention that the persistence of the "gender order" (Lévêque 2018: 12) among many male gatekeepers in the political parties and the constitutional court undermined calls for real parity, in quantity and quality, made by the strong state feminist lobby buttressed by an ever-increasing society-wide acceptance of parity.

[5] The Interparliamentary Union has frequently used this phrase when arguing for the importance of not just counting the number of underrepresented groups in parliament, but also examining how much power and influence they actually hold (https://www.ipu.org/).

Getting Parity Sanctions on the Socialist Decision Agenda in the 1990s

The Socialist Party (PS) was key to passing the parity constitutional reform in 1999 which opened the door to a slow but increasing use of gender quotas in French politics and policy. In a first phase, during the 1970s, the idea of gender quotas was promoted by feminist socialist activists as a mean to feminize the party's internal structures and commissions (Bereni 2006). When the party proved reluctant to implement its own, very limited, rules—with internal quotas of 10% adopted in 1973, and subsequently raised to 15% in 1977 and 20% in 1979—feminist socialists activists mobilized to push for a law imposing a 25% quota on electoral lists of all parties for municipal elections. However, the law was declared unconstitutional in 1982, a move which deeply shaped the emergence and development of the parity movement in the late 1980s and early 1990s. The story of this movement has been told in detail elsewhere (see note 2). We thus focus here on how the idea of using money to penalize political parties emerged, and the place of this idea with regard to the overall objective of achieving parity. Indeed, we argue that the discursive framing for financial penalties laid the groundwork for the limited policy adopted and its circumscribed implementation and outcomes.

In the context of only half-hearted support by the Socialist Party for gender quotas, and of a constitutional blockage, feminist members of the Socialist Party reoriented their fight and their organizing outside the party in the early 1990s in a favorable European and international context supporting the idea that women's political underrepresentation must be remedied and that gender quotas are a legitimate tool to tackle this issue. In 1989, the Council of Europe organized a seminar on "parity democracy." In 1992, prominent European women politicians drafted a Charter in Athens during a meeting on "women in power" in favor of gender balance in decision-making, framing the 50/50 gender quotas as "gender parity" (Bereni 2006). In the meantime, in France, the dearth of female candidates at the 1992 regional election was also framed as a democratic scandal which put political parties in a position of having to justify their poor record of representation (Bereni 2015). However, at this moment in the agenda-setting process, financial sanctions were not mentioned: the solution proposed for single-district legislative elections was to create a "ticket" of one female and one male candidate for each constituency, and to therefore divide by two the number of constituencies.

By 1995, thanks to efforts to present parity as a non-partisan reform, one that aimed at improving democracy, the issue was clearly on the broader political agenda—Kingdon's "organizational agenda" (2011), and the election of Jacques Chirac as President of the Republic marked a new moment in the policy pre-adoption process as he created an Observatory for Parity; a promise he made during the campaign in response to the pressure of parity activists and some, rare, right-wing female politicians like Roselyne Bachelot. In typical cross-partisan spirit, he thus nominated Bachelot to head this new structure, with the help of Gisèle Halimi—a former socialist MP and prominent feminist figure. After public consultations with constitutional experts and political party leaders, Halimi submitted, in the name of the Observatory, the first report on Parity to the government in 1996, with parity placed firmly on the right-wing "government agenda" (Ibid.) but not yet up for decision.

While the organizations lobbying for parity had put forth the idea of a man/woman ticket for legislative elections to ensure 50% of women being elected, this proposal was not considered by political parties and constitutional scholars, as appropriate, as the Halimi report testifies. Indeed in 1996, it was the idea of financial incentives (rather than penalties) which was the preferred solution put forth by experts to promote parity for legislative elections. Constitutional experts argued in favor of such a scheme and presented it as compatible with the constitution, and as a scheme that could replace a proper gender quota scheme (at the time still incompatible with the constitution given the 1982 decision of the Constitutional Council). Other proposals to improve the share of women at the legislative level were also discussed in 1996: the limit to holding several mandates at the same time (a law on cumul des mandats finally put in place in 2017), introducing a share of proportional representation in the legislative elections and revalorizing the status of elected representatives to make it easier and more attractive for women.

Reforming the electoral system to put in place a man/woman ticket was at the time not an option: among the experts auditioned by Gisèle Halimi for her report, only Eliane Viennot, representing a pro-parity organization, Parité-Info, suggested this scheme. Hence in 1996, the framing of parity for legislative elections changed to the idea that public financing of political parties should be used to encourage them to nominate women. This shift in frames was clearly linked to the integration of the parity issue within the state bureaucracy. As parity moved to the "decision agenda" (Kindgon 2011) as an object of public policy discussion with

constitutional experts, the most radical solutions (such as a man/woman ticket leading automatically to a 50% presence of women at the National Assembly) were left out of the picture, in favor of "promotion" measures such as financial incentives. As a consequence, parity activists did not recognize their original claim when reframed in this manner as financial sanctions. They reacted to this government proposal by saying that it was a "vexing" measure and an injury to their dignity.[6]

In 1997, the socialists came back to power, and Prime Minister Lionel Jospin declared himself favorable to a constitutional reform to lift the obstacle to gender quotas set forth by the Constitutional Council in 1982; thus in 1999, parity appears for the second time on a government's decision agenda. That year, Dominique Gillot, a member of the Socialist Party and the new head of the Observatory nominated by Lionel Jospin, submitted the report "Towards Parity in Politics" to the government. Confirming the earlier consensus on the impracticability of a gender quota for legislative elections, she reasoned that "Finally, only rules for financing political parties offer reasonable opportunities for measures towards parity" (Gillot 1999: 34). She argued in favor of financial *sanctions* rather than incentives, as the most efficient tool in favor of parity, which would not raise too many objections from political parties and from the Constitutional Council. Hence in a context of constitutional blockage and sharp political debates, within the left- and with right-wing deputies, on the principle of implementing parity, Gillot proposed financial sanctions as a policy tool susceptible to be adopted and to be efficient. While she was right about the acceptability of this proposal, she was less optimistic about its efficiency. It would take more than 15 years of incremental increases in financial sanctions to reach the goal they were assigned, that is, to increase the number of elected women at the National Assembly.

The Politics of Diluted Legislation Under Cohabitation, 1999–2000

As the debates to reform the constitution started in 1999, they rapidly focused on the degree of constraint the amendment should contain. While some female socialist, communist and green deputies argued for an authoritative approach in the constitutional amendment and pushed for

[6] Régine Saint-Criq cited in *L'Humanité*, March 8th 1997, https://www.humanite.fr/node/153054. Many thanks to Laure Bereni for tracking down this quote.

the word "guaranteed" to be used, a majority of MPs watered down the proposal arguing that guaranteeing parity was too obstructive and coercive. Parity activists had lobbied hard for equality of outcomes. However, the final wording adopted for article 3 neither guaranteed parity nor targeted election outcomes, rather it "encouraged" the equal access of women and men to "political" office alone.[7] The word "encourage," moreover, left a margin of interpretation which opened the door to possible challenges through the Constitutional Council: had the law encouraged too much or not enough? Left-wing MPs sought to make sure that the legislators would decide the degree of constraint necessary to reach parity, not the Council, historically opposed to gender quotas. This risk was also clearly identified by constitutional scholars heard by the Law Commission of the National Assembly (Lépinard 2007).

However, staunch opposition emanated from the Senate ranks: the, mostly right-wing, senators proposed to transfer the amendment to article 3 to article 4—which concerned only political parties rather than principles of the Republic—and to add an amendment to article 4 stating "rules relating to the public financing of political parties can contribute to the principle stated above." The joint conference between the National Assembly and the Senate suggested that the tool of financial sanctions was thought of, first and foremost, as a *substitute* to a true gender quota, rather than a measure to enforce the implementation of a gender quota. Finally, Chirac's pressure on the Senate made it compromise, agreeing to the government proposal and supported by a large majority of the MPs.

After the long and heated constitutional debates on the principle of parity, the electoral law of 2000 opened a new policy cycle, marked by pragmatism (Achin et al. 2007). Parity promoters continued to lobby within state institutions and the parliament to implement their agenda, focusing on the issue of efficiency, rather than on principle (Lépinard 2007). The electoral law that came out of the constitutional reforms followed a similar power dynamic between right- and left-wing MPs, and between a majority of male MPs and a minority of women and feminist MPs. Using the compromise reached for the constitutional amendment on parity, senate members opposed all the initiatives coming from the left-wing National Assembly on the grounds that they proposed too much constraint and therefore went beyond the mere encouragement enshrined

[7] This formal limit was used by the Constitutional Council several years later to ban gender quotas for corporate boards.

now in the constitution. During the parliamentary debates on parity reform in 1990–2000, the rationale for financial penalties was twofold (Bereni 2015: 266). The first argument, a technical one, was that the two-round SMDP system to elect deputies made it difficult to apply quotas, which were more suited for a list-based proportional representation system (Lépinard 2007: 221).[8] The second argument was feminist and asserted that political parties needed to be held financially accountable for the dominance of men in the National Assembly. As a result of this political struggle, the 2000 law established quite limited parameters for the implementation of the new constitutional clause, which had already formally put political parties in charge of parity. It introduced limited financial sanctions for legislative elections, arguing that the SMDP system used for the National Assembly was inimical to implementing parity.

The Mix of Implementation and Evaluation Instruments

Setting the Stage: The Politics of Political Party Funding

Like in many other European countries, French political parties are largely financed by the state. A 1990 law established state funding for parties as a result of a series of campaign finance scandals with the primary goal of cleaning-up electoral politics (Achin et al. 2019). A 1995 law forbids any type of financing from businesses and limits personal financial contributions to 7500 euros per year. Typically, campaigns in legislative elections are funded by individual candidates through their own funds or loans. Candidates who receive more than 5% of votes may submit their campaign costs to be reimbursed by the government, if they are eligible (Ibid.). Parties tend to provide only minor assistance and advice to individual candidates. Each party receives state funding based on the number of votes their candidates receive in the first round of the elections and, in the second round, based on the proportion of seats their candidates win in the National Assembly. Thus, the more votes and more representatives a party receives, the higher its government grant.

As Fig. 2 shows, there are other sources of party funding outside of the state-based financing, but these government funds constitute by far the largest portion of a political party's budget. The share of state funding in

[8] Interestingly, this argument did not hold in 2015; a new law applied parity to departmental council elections with the SMDP system and introduced men's and women's seats in each constituency.

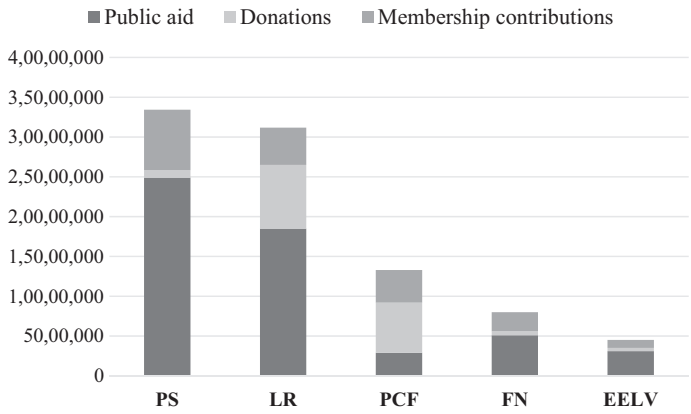

Fig. 2 Sources of party financing in 2015 (in euros). (*Data*: "Les Décodeurs du Monde," lemonde.fr/les-decodeurs/visuel/2017/02/22/partis-associations-de-soutien-micropartis-qui-se-cache-derriere-les-338-mouvements-politiques-francais_5083576_4355770.html, last accessed 07/01/2019)

budgets varies by party, depending on the party's history, organization and ability to raise money. While state-based financing for the governing majority parties—Socialist Party (PS) or Les Républicains (LR)—is an important source among others, it can be the largest source for smaller parties. For example, in 2015, it made up more than half of the National Front's funding. Reducing the amount of money given to political parties through the parity penalties has the potential, therefore, to have a significant impact on political party financing, particularly for the smaller parties.

Mapping Implementation and Evaluation

The French twist on quotas for legislative elections uses two types of state-driven instruments: one in the constitution that is an "authority" instrument, granted, not highly authoritative, given the absence of any requirement of the parties to promote gender equality in election outcomes, and the other, a "negative incentive instrument" in the sanctions that target government grants for political parties.[9] The political party

[9] According to Ingram and Schneider (1990), there are four general categories of policy instruments, authority, incentive (negative and positive), capacity and learning and communication. For a discussion of these four different types in gender equality policy, see Engeli and Mazur (2018) and their article in this special issue.

financing and parity sanction process is carried out by the National Commission on Campaign Funding and Grants to Political Parties (National Commission), created by the 1990 campaign financing law. The parity penalty is calculated and allocated to parties after the first round of elections, and the official number of male and female candidates is calculated by the National Commission. Each party's government grant is reduced by a certain proportion of the difference between the numbers of male and female candidates. In the 2002 elections, that proportion was 50%; in the 2007 and 2012 elections, it was 75%; and in the 2017 elections, it was 150% (Achin et al. 2019). To illustrate, in the 2017 elections if a party presented 60% men candidates and 40% women, this 20-point difference was translated into a 30% reduction in their public subsidies, a quite significant reduction to the budget of a political party.

On the one hand, the new parity policy was quite comprehensive and "coercive" in that it stipulated that all parties lose a proportion of their state grant in function of how far away they are from fielding equal numbers of women and men candidates across all the constituencies in parliamentary elections. On the other hand, there were clear limits to new penalties. These limits included: the initially low level of these penalties, the calculation of the sanction only in the first round of elections, the absence of requirements to place women candidates in winnable districts, the variation in financial need of political parties by their size, and the independence of campaign financing from party funds means that the sanctions, originally, were quite narrow in scope and only minimally "coercive."[10]

Moreover, the new legal stipulations on parity penalties did not require the political parties to monitor or report their efforts to select women candidates, or detail the formal process for establishing the sex breakdown of candidates in the first round of elections and the ensuing deductions to party funding. The National Commission's responsibility over the parity penalty process came only from its formal remit over campaign financing and party grants, defined by the 1990 law well before parity entered the political scene. Although the Parity Observatory since 1997 had had the formal authority to evaluate parity policies in general in its reports and to assess "(…) the gendered consequences of bills and making proposals to

[10] The GEPP framework presents three different dimensions on which to categorize policy authority: regulatory approach, comprehensiveness and coerciveness (GEPP Guidelines 2018).

parliament" (Baudino 2005: 102), the Observatory was never mentioned in any of the official policy documents on the sanctions and none of the other women's policy offices were given formal responsibility to implement, monitor or evaluate the parity sanctions process. What was mentioned in the original 2000 law was that an evaluation report was to be made in 2002 and then every three years after was to be handed to the governing majority. The Observatory, and after 2013, the new agency that replaced it, did take on this task.

Parity Party Penalties in Action, 2002–2017

The Practice of a Limited Policy

With a policy that lacked comprehensiveness and concrete repercussions for non-compliance, the practice of parity through financial sanctions necessarily was limited from the start, particularly in the first elections when the penalties were at the lowest level and, in 2012, when parity party penalties (PPP) were still quite low. As Table 1 shows in the first three elections, while the smaller parties, complied, mostly for financial need,[11] others actively "bent the rules" (Achin et al. 2019). Women's candidacies for the National Assembly stagnated over a decade, with only about 40% of candidates being women in 2012 (column 3). While the share of women deputies rose from 10% in 1997 to 12% in 2002 (column 1), and to 27%, this last increase in 2012 was more a side effect of the victory of left-wing parties in previously right-wing constituencies, where left-wing parties tended to place their female candidates, since a positive result there was not certain (Baudino 2005; Achin et al. 2019). In 2012, all the parties continued to place female candidates in constituencies that were difficult to win, as shown by the discrepancy between the proportion of female candidates and the proportion of women elected in the main parties. LR lost 6 million euros of public funding between 2012 and 2017, against 700,000 euros for the Socialist Party, this difference reflecting the fact that the socialist both fielded more women in general and won unexpected seats where female candidates had been placed.

[11] Since 2002, these parties have fielded between 48% and 49% of female candidates because most of their public funding comes from the first part of public funding calculated on the number of votes received on the first-round elections rather than the second round based on the share of seats won.

Table 1 Parity party penalties (PPP) and percentage of women candidates and women in parliament

Year	*2002*		*2007*		*2012*		*2017*	
PPP	*50*		*50*		*75*		*150*	
Political party	*Candidates*	*Deputies*	*Candidates*	*Deputies*	*Candidates*	*Deputies*	*Candidates*	*Deputies*
PCF/FG	44	23.8	46.5	20	48.2	20	47	20
FI	NA		NA		NA		47	38.9
PS	36.3	16.4	45.2	25.8	43	37.5	44	41.4
EELV	49.8	No MPs	50.4	25	49.4	52.9	46	No MPs
LREM	NA		NA		NA		50	47.5
MODEM	19.6	6.8	36.9	0	28.5	0	49	44
UMP/LR	20.6	10.1	26	14.4	25.6	13.9	39	21.2
FN	48.4	0	48.8	0	49	50	49	25
Total of women candidates	38.9		41.6		40.1		42.4	
Total of elected women	12.3		18.5		26.9		38.8	

Data: From Achin et al. (2019) and *Observatoire de la parité entre les femmes et les hommes*, http://www.haut-conseil-egalite.gouv.fr/IMG/pdf/opfh_ele-leg_rapt1-250712.pdf, last accessed 21/12/2018, and data from 2017 from the French Ministry of Interior

The financial penalties for which the law provided had not, therefore, really challenged political parties practices of candidate selection and endorsement which privileged male politicians. While the right-wing Les Républicains adhered to the rhetoric of parity (the party did not oppose the law or the sanctions), the party did not even claim to recruit new female candidates, presenting only half the number of female candidates required by law. Paying the fine seemed, in 2012, a better strategy as the party was convinced that female candidates stood less of a chance to be elected than their male incumbent counterparts. The Socialist Party adhered to the parity stipulation in theory, but not really in practice, as it fielded women mostly in non-winnable seats, thereby clearly bending the rules rather than reforming its own practices. Smaller parties complied to avoid sanctions, a strategy which proved quite profitable and which did not challenge their previous practices since they mainly fielded women also in non-winnable seats.

The National Front, for example, has complied with the parity penalties since they were first put on the books, but in 2017 had six men and two women elected to office. The Green Party, EELV, is an exception, but only in 2012, when it fielded women also in winnable seats. Overall, by fielding women in non-winnable constituencies the parties were respecting the letter of the law but undermining the intent of the parity reforms, which was to get more women elected (Sineau and Tiberj 2007).

The State Feminist Lobby Enhances Elite Women's Representation

While there was no formal responsibility over monitoring and evaluating the parity sanctions in formal policy statements, the Parity Observatory had, since its inception taken a major role in leading the lobbying for parity. A "state feminist support structure," as Lépinard (2016) asserts.

> Once the parity laws were passed [in 2000], the Observatory became the official monitoring body for the implementation of the laws, compiling data and producing expertise after each round of elections on how to improve the laws and their implementation (6).

Led by the Observatory and its heads, this state feminist lobby included the Women's Rights Service—a permanent administrative agency established in the late 1980s usually housed in the Ministry of Social Affairs—the Parliamentary Delegations of Women's Rights—in the Senate, the National Assembly and the Social and Economic Council and any

ministerial level offices for gender equality, which have come and gone since the parity sanctions began to be implemented.[12] Key experts of gender equality issues in France have also been important policy actors in this network in providing gender expertise for policy evaluations. Geneviève Fraisse, for example, a leading feminist scholar and advocate of parity, was appointed Interministerial Delegate on Women's Rights from 1997 to 1998 under a left-wing cabinet. There were very few feminist NGOs actively involved in the state feminist network after the initial parity movement in the 1990s, with the exception of *Elles Aussi* (Lépinard 2016). In addition, unlike the early campaigns for parity and also the state feminist network for equal employment policy where French feminist leaders used the European Union as policy leverage in their demands for reform, through the "boomerang effect" (Keck and Sikkink 1998), the parity feminist network was largely "Franco-Français" (Ibid. and Mazur 1995a, b).

Marie Jo Zimmerman, as both the head of the Observatory from 2002 to 2009 and the Parliamentary Delegation on Women's Rights, was a particularly active voice on the Right—she was a member of the UMP (former Les Républicains). Through her leadership, the state feminist lobby was able to protect the gains on parity from detractors on the right from 2002 to 2012, to spearhead the campaign to constitutionally extend parity to other spheres in 2008 with a law on corporate boards with Zimmerman's name, the pinnacle of policy success for a French politician (Lépinard 2016). Following a highly critical report from the Observatory, Zimmerman as Director of the agency also proposed and was able get passed an increase in the parity financial sanctions in 2007 under a right-wing government and President. The cohabitation of a left-wing government and a right-wing president had ended in 2002 with Nicolas Sarkozy's election to the presidency. Leaving the highly restricted scope and content of parity policy untouched, the 2007 increase in parity penalties was, however, still an accomplishment for the state feminist lobby to get a parity reform adopted under a right-wing government, given the historical lack of right-wing support for parity in the past.

Once the socialist majority returned to power in 2012, parity became a higher priority for the left-wing governments and the parliamentary majority, at least nominally. Above all, the feminist activist minister Najat Vallaud-Belkacem undertook a series of reforms for women's rights that

[12] For more on women's policy machineries in France under the Fifth Republic, see Mazur (1995a, b) and Lépinard and Mazur (2009).

culminated in the 2014 Vallaud-Belkacem law on gender equality. The sweeping reforms across a range of areas were based on the studies and evaluations of the High Council on Equality Between Men and Women (HCE), which replaced the Observatory in 2013 and the Women's Rights Service now under the authority of the minister. Vallaud-Belkacem's Ministry also moved forward significantly the parity agenda, introducing the reserved seat system for departmental elections and increasing the parity party penalty to a more punitive reduction in party grants for parties who did not comply to the 50% quota of women candidates in parliamentary elections.

Emmanuelle Latour, an active "femocrat"[13] interviewed for this study, stated that the National Commission on Party Grants and Campaigns was the one institution publishing the number of women and men candidates in the first round of elections and calculating from that the amount of reductions in party finances.[14] The Observatory, and after 2013, the HCE, was given the excel spread sheets with the results. Once the penalties were determined, the Observatory was allowed to officially announce them in a press release and conference. The state feminist lobby, according to Latour, would spread the information around through their feminist media and political contacts as well, in order to "blame and shame" the political parties. She pointed out that given the limited nature of the penalties, this mediatizing of the results of the sanctions at each election was the most effective means of compelling the political parties to take the promotion of women as parliamentary candidates seriously. Indeed, as Latour and other observers have argued this state feminist lobby and support structure was instrumental in contributing to the progressive acceptance of quotas as a tool for promoting gender equality not only at all levels of elected office in France, but also in other key decision-making positions in the public and private sector by 2018.

Not dissimilar to other Western democracies, the state feminist policy actors did not speak for a diverse set of women's interests, that is, women of color, women of different religions or women from lower

[13] Although sometimes used to mean any feminist-oriented bureaucrat, students of state feminism use the term "femocrat" to refer to any upper-level civil servant who works for a women's policy agency (McBride and Mazur 2013).

[14] She called the state feminist network a "lobby" in the specific process of the implementation and evaluation of the party parity penalties (Interview, May 25th 2018). Latour was in the women's rights administration since 2002 and since 2015 and has been assistant to the head of the Women's Rights Service.

socioeconomic backgrounds. The parity reforms themselves were based on the notion that the population was made up of 50% men and women and that elected and public office needed to reflect that. Any discussions with an "intersectional" approach, where inequality is defined in terms of sex-based discrimination in relation to other vectors of inequality based on class, age, gender identify, sexual orientation, disability, race, religion, ethnicity, etc., were seldom forwarded by any of the actors advocating parity reform from the first time parity was placed on the policy agenda in the early 1990s (Bird 2001; Lépinard 2007). According to Latour, some femocrats claimed that women candidates of color, with less experiences than some of their white upper middle-class counterparts, had been put forward by primarily men party leaders on the left as a means to control the seat if elected. This accusation of "tokenism" illustrates the obstacles to promoting women from different ethnic and religious backgrounds in France. This of course is no surprise given the strong influence of the republican universal model in French political discourse and political culture where equality is defined predominantly outside any notion of group identity difference, an approach seen to undermine the "one and indivisible republic." While the gender-biased aspect of this model has largely been put into question in recent years, primarily due to the work of the state feminist network and lobby, it remains nearly impossible, even among femocrats, to talk about representing interests by ethnicity and religion.[15]

In terms of representing the full range of women's interests in France, both descriptively and substantively, the state feminist policy network intimately involved with policy adoption, implementation and evaluation of parity from the 1990s to the present has for the most part only spoken for upper-class white women. Thus, from a broader perspective, women's policy empowerment in the policy process of the parity sanctions has been quite significant from the beginning since parity first appeared on the social and political agenda, with a high-level state feminist advocacy throughout. However, only a handful of elite white women actually participated in the process and the substantive representation of women's interests did not specifically include, or even attempt to include, women of color, non-heterosexual women, or women from lower socioeconomic groups.

[15] For more on the low salience of intersectionality and diversity in French feminist politics, see Lépinard (2013).

Gender Accommodation Over Transformation, 2000–2018

Following the GEPP framework, two different areas of policy outcomes and impacts are assessed to determine the extent of gender transformation: the direct impacts of the parity policy to see whether the goals of the original parity reforms were achieved and the indirect impacts of the parity policy in terms of the potential change in the gatekeepers' approach and frame to pursuing parity in legislative elections. As the following analysis shows, the outcome of the parity party penalties did achieve gender accommodation but not complete transformation.

Was Real Parity in Legislative Elections Achieved?

What was the original goal of the parity party penalties? From the wording of the 1999 constitutional amendment, it was to promote equal access to men and women to electoral office and to put political parties in charge of the implementation of parity. In the 2000 law, the same way of framing the penalties in terms of promoting access to elected office and actual equality of men and women in office was followed. Thus, from a strictly legal point of view the goals of parity were narrow. At the same time, the state feminist parity network led by the Observatory and then the High Commission on Equality (HCE) was clear that the goal of the parity sanctions was much more than promoting equal access to elected office. As a recent impact, evaluation report on parity in the municipal elections by the HCE stated clearly:

> Parity is just as much of a tool as an end-goal which targets the equal sharing of decision-making and representative power between women and men. It is a requirement of justice and democracy (2016: 7)

For state feminist actors, the principle has always been nothing less than complete equality between men and women at the upper echelons of all decision-making bodies inside and outside of government and not limited to "access to elected office." In its most recent guide to parity, the HCE asserted that there is a need to go from the goal of quantitative representation—the goal of 50/50 men and women in all representative assemblies and public bodies—to qualitative representation fundamentally changing established gendered distribution of leadership and decision-making roles between men and women, which was seated on gender norms and stereotypes (cf. HCE 2016: 29). To be sure, as Fig. 3 shows, there has been a

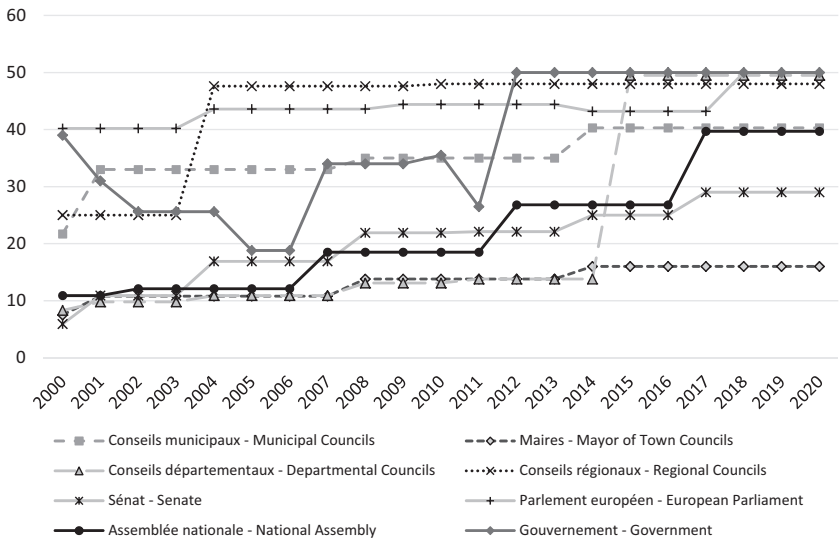

Fig. 3 Women's representation in % at different political levels in France (2000–2020). (*Sources*: Observatoire des inégalités)

significant increase in women deputies (about 26%) in the National Assembly from 2000 to 2018. Yet, the sex composition is still 12 points from numerical parity. Moreover, the increase in party penalty for non-compliance in 2014 did not significantly increase the share of women candidates in 2017, which increased a mere 2.1%, from 40.1% in 2012 to only 42.4% in 2017 across all parties.

Furthermore, a recent multi-level analysis of candidate selection and campaigning in the 2017 elections at the national and district level shows that the increase in women deputies was not only the result of the increase in the parity penalty to parties (Achin et al. 2019). Rather, the new reform in the cumul des mandats forced turnover in many constituencies of seats formerly held by men incumbents and thus increased the number of open seats. Also, when compared to the progress of numerical sex equality in other elected assemblies in France during the same time period, the National Assembly continues to lag behind, as indicated in Fig. 3, except for the Senate and women's presence in cabinets, clearly showing that the higher in the institutional hierarchy, the less likely full 50/50 parity is achieved.

A host of indicators have been presented by state feminist structures and by scholars who work on parity to show the limits on qualitative parity across all elected and appointed offices and leadership positions. As the HCE clearly states, "sharing stops when power starts" (cited in Lévêque 2018: 12). Established gender norms about men holding public power at the highest levels with women being in "soft" positions more oriented toward the more "feminine" and less powerful social sphere still prevail in 2018.

> The feminization of assemblies made possible by parity laws has not overturned the gender order. Women still run up against a glass ceiling and over the course of their career rarely meet the conditions that might enable them to crack through it. (Ibid)

In the National Assembly, the glass ceiling is still in place (Murray and Sénac 2018). As Table 2 indicates, the composition of parliamentary committees in the past two Assemblies in 2012 and 2015 is still dictated by gender stereotypes with the more powerful committees—Defense, Economic Affairs, Finance and Budget and Constitutional Law—having a minority of women deputies, around 1/3 of the members, and the "softer" and less powerful committees—Cultural and Social Affairs—achieving parity or beyond. In 2017, while all the committees increased their share of women members, Defense and Economics only experienced a slight

Table 2 Percentage of women in the 8 permanent parliamentary commissions

	2012		*2017*		*Change*
	Men %	*Women %*	*Men %*	*Women %*	*In percentage points*
Defense	80	20	76	24	+4
Cultural affairs	62.5	37.5	47	53	+15.5
Social affairs	63	37	46	54	+17
Economic affairs	71	29	66	34	+5
Finance and budget	85	15	65	35	+20
Constitutional law	73	27	61	39	+12
Foreign affairs	81	19	63	37	+18
Sustainable development	76	24	62	38	+14

Data: French National Assembly: http://www.assemblee-nationale.fr/13/commissions/commissions-index.asp. Percentages have been rounded

increase, although the number of women presidents of the 8 commission went from four to five.

A study of women parliamentarians in the 2017 Assembly shows that women deputies have much less political experience than their male counterparts; 39% of women had no experience prior to their election with 21% of men (Boelaert et al. 2018). While this newcomer phenomenon in 2017 can be attributed to the Macron's En Marche movement selecting outsiders as candidates, this reflects broader trends identified in research that compares the careers of men and women deputies. Women deputies tend to have less political capital, hold fewer offices and have held less powerful positions than men deputies (Achin and Lévêque 2014; Behr and Michon 2014), which then creates a vicious circle that prevents them from advancing as much as their male counterparts who have had much more experience. Similarly, recent study of the speaking time of French MPs (Alke et al. 2020) shows that while women and men spoke at the same frequency, junior women MPs tended to speak for shorter periods of time than their male counterparts. When MPs were more senior, at least two terms in office, however, this sex-based difference disappeared. This finding suggests that women MPs with less experience may have less impact than their male counterparts and suggests the importance of incumbency, which, as studies have shown, favors men over women who tend to have much higher rates of being reelected than women (Achin and Lévêque 2014).

The Limits of the "Routinization" of Parity

On one hand, there has been a certain acceptance of parity quotas since the 1990s on the part of the male-dominated political elite within the political parties to the extent that all parties respect the parity requirement in the first round of elections, although not all place women candidates necessarily in winnable seats (Lévêque 2018). On other hand, there remains a reticence on the part of the more conservative Constitutional Council to support parity principles; see, for instance, its 2015 ruling with regard to parity in other areas, like higher education which suggests a "continuing resistance" on the part of "administrative and constitutional courts" to the parity "project" (Lépinard 2018: 91). In the same vein, the male gatekeepers within most of the political parties have clearly not moved to the stage of "qualitative parity" and real gender transformation, given the extent to which established gender stereotypes are used to

maintain men in and keep women away from positions of power. As Durovic et al. (2017) show, the events and outcomes of the 2017 elections did not put into question the general pattern of gender accommodation of parity within the party leadership of most parties, "important path-dependent patterns of gendered treatment of candidates" still operated within the leaderships of at least five out of seven major parties in 2017.

The power of state feminist structures to challenge the traditional gender order is also limited, especially since it has recently lost its power position within the Macron government. Since 2017, the Women's Rights Ministry now called the Deputy Ministry of Women' Rights and Fight Against Discrimination has been under the aegis of Marlène Schiappa, a controversial feminist figure who is better known for her blogging and grand public books, although in 2014 she was elected a municipal councilor on a "rassemblement de la gauche" list. She has not been involved with established state feminist networks but was put in charge of the equality portfolio as deputy mayor in 2014 "de l'égalité, de la lutte contre les discriminations et de la charte LGBT." For many established feminists, she represents the typical "Macron woman," young, oriented toward the media and social networking, with little meaningful political or policy experience in gender equality. Since 2017, the Women's Rights Service has not had a presence on the web, either on the Deputy Secretary's Web site or anywhere on official government webpages (https://www.egalite-femmes-hommes.gouv.fr/category/droits-des-femmes/). Prior to that, the Service's Web site was a major gateway into the work of the women's rights territorial administrations in each of the regions as well as a rich source of studies, news and other relevant policy on gender equality in general. The Higher Commission on Equality has been less vocal under the Macron government as well. Thus, strong feminist voices for qualitative parity from within the state bureaucracy have been absent since the 2017 legislative elections, which is ironic given the increase in women's numbers in the National Assembly; enhanced descriptive representation of women has led to reduced substantive representation in the treatment of gender equality policy.

Conclusion

To be sure, it is uncontestable that France has become a world leader for quotas and political equality à la française through parity. The steady adoption and implementation of parity quotas across all areas where power is

held in French society and politics have been a distinctive hallmark of French political life. The legal arguments that were made in the early 1980s against quotas are no longer tenable and men at the top in a range of organizations within and outside the state publicly accept and tolerate quotas. Indicators of societal attitudes about women's and roles in politics have been in many ways leading the way ahead of the political elite. An active and vocal group of well-placed feminist politicians, femocrats and gender experts has been the motor behind getting reluctant male decision-makers, on the right and on the left, to support, parity in its adoption and implementation. Given the real change in the numbers of women deputies, as well as women in other elected assemblies, corporate boards, trade unions and university committees, French parity appears to be a feminist success story. Indeed, in the 18-year time period that the parity penalty has been implemented, France moved from 52nd place to 14th place in the IPU rankings of women's presence in national parliaments.

But the applause for the feminist success in French parity must be tempered given that our nuanced analysis showed that there is less, rather than more, that meets the eye. Entrenched gender-biased norms and resistance to complete parity clearly displayed in the pre-adoption and adoption phases of the reforms over 20 years ago continue to prevent the goals of the state feminist network from being fully achieved "equal sharing of decision-making and representative power between women and men" (HCE 2016: 7). Indeed, the findings of quantitative and qualitative fine-grained studies in the case of the 2017 elections indicate that the real state of affairs is quite far from this goal (Achin et al. 2019; Durovic et al. 2017). Despite a certain level of women's empowerment in the practice of parity through the femocrat led network, gender accommodation is the rule—the limited parity financial penalty polices have not broken the gender order where women are still seen by male gatekeepers in the dominant parties as being unable to hold power; among all right-wing parties, and even some left-wing parties, the majority of women candidates are still not fielded in winnable seats and the percentage of women candidates for one of France's most established political parties is still 11% below the required 50% in 2017. When women are elected to parliament, they are still not on an equal footing with men with regard to the more powerful committees (finance and budget, economic affairs or constitutional law) and have less of a voice than their male counterparts, at least for junior MPs.

Reflecting the disappointing absence of any significant movement in French society toward a more ethnically diverse makeup and openness to

rainbow families more generally, the formal approach of parity remains highly white and heterosexual. At the same time, the clear progress in the past 18 years of the parity wave in France may make the outmoded gender norms of the party gatekeepers untenable in future elections; only time will tell whether parity democracy actually becomes a reality in France. In the final analysis, the case of financial parity party penalties in France indicates more generally that real gender transformation may only actually occur with generational change, after gender equality policies are put into place and implemented over the long haul.

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Gender Quotas in the French Bureaucratic Elite: The Soft Power of Restricted Coercion

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On March 12, 2012,[1] with almost no media coverage and without prompting any parliamentary and public controversy, the "Sauvadet law" (named after François Sauvadet, minister for Civil Service at the time) introduced a series of mandatory gender quotas in decision-making positions of the French public administration, notably in appointments to senior executive positions.[2] This last provision (named here "the Sauvadet quota") imposed to all public administrations a gradual gender quota (up to an expected 40% in 2018) in the first appointments of senior executive positions in the three branches of the French Civil Service. In the National-level Civil Service (*Fonction publique d'Etat*),[3] which is at the center of our study, the gender quota provision applies to an average of 600 appointments a year, out of 3600 senior executive positions. At the time the provision was adopted (2012), women made up half of the National-level Civil Service workforce and accounted for less than 26% of senior executive positions.

The absence of visible controversies and struggles over the Sauvadet quota is not entirely surprising. The provision expanded to a new social field, a gender policy tool that had gained increased legitimacy since the early 2000s (Bender et al. 2015; Bereni and Revillard 2015; Bui-Xuan 2012; Lépinard 2016). A year earlier, the "Copé-Zimmermann" statute imposed incremental gender quotas in private sector corporate boards. Advocates of the Sauvadet quota presented the provision as a means to align the public sector on the private sector, against the backdrop of an ongoing bureaucratic reform under the auspices of new public management (Bezes et al. 2012).

Yet, on the other hand, the Sauvadet quota appeared as "a small revolution" (*une petite revolution*), as Sauvadet himself presented it at the

[1] We wish to thank Amy Mazur, Robert Elgie, the members of the GEPP team, and the anonymous reviewers from French politics for their comments on previous version of this essay. This research was supported by a public grant overseen by the French National Research Agency (ANR) as part of the "Investissements d'Avenir" program LIEPP (reference: ANR-11-LABX-0091, ANR-11-IDEX-0005-02) and the Université de Paris IdEx ANR-18-IDEX-0001. We dedicate this essay to the memory of Robert Elgie.

[2] Gender quotas were only a part of the Sauvadet law, which is better known for introducing a new tenure system for government employees previously on precarious contracts.

[3] The French Civil Service is divided into three categories: State, hospitals, and local administrations. Our study only concerns the State branch. Within the State Civil Service, out of 2,300,000 employees ("fonctionnnaires" as and "contractuels"), there are about 10,000 "executive positions" (DGAFP, *Rapport annuel sur l'état de la fonction publique*, 2018) and about 3600 senior executive positions (DGAFP, *Bilan du dispositif des nominations équilibrées sur les emplois supérieurs et dirigeants de la fonction publique*, 2017).

Assemblée nationale at the time.[4] Indeed, the degree of constraint imposed by the quota represented a "turning point" in gender equality policies in the public sector (Bui-Xuan 2012; Edel 2013). It introduced a breach into the ideology of meritocracy and equal treatment particularly associated with the French Civil Service, whose recruitment and promotion principles are deemed strictly neutral and bounded by statutory rules.[5] Moreover, whereas the quota put in place by the 2011 Copé-Zimmerman law only targeted corporate boards, leaving the more strategic executive (Comex) and directory boards (Codir) untouched, the Sauvadet quota targeted the highest positions of power (3600 senior executive positions) in the National-level Civil Service. Because of this unprecedented constraining dimension, it faced strong—yet covered—resistances among most administrative elites and government members at the time, behind the public display of consensus. These resistances could only be overcome by the personal arbitration of President Sarkozy, according to Sauvadet's recent public account of the reform.

How was such a constraining policy tool adopted? To what extent have feminist actors and framings influenced its adoption and shaped its implementation? Did it favor gender transformation, in terms of both the access of women to the highest positions, and gender representations (Engeli and Mazur 2018)? Is it a coercive policy tool producing substantive effects, or a symbolic measure with only limited influence on state organizations' daily functioning (Edelman 2016; Mazur 1995)?

This chapter provides an account of the genesis and implementation of the Sauvadet quota, drawing on a collective research on gender and executive careers in the French public bureaucracy (Marry et al. 2017; Revillard et al. 2018). We conducted a series of 100 in-depth interviews (one-third with men and two-third with women) with executives and senior executives working in four administrative departments pertaining to two ministries (Ministry of Economic and Financial Affairs, Ministry of Social Affairs), between 2011 and 2013. While our research focus was mainly the mechanisms behind the production of the "glass ceiling," we also granted

[4] Assemblée nationale, *Journal officiel de la République française, Compte rendu intégral de la séance du 8 février 2012*, p. 850.

[5] The prestigious entrance examination of the *Ecole nationale d'administration* (ENA), door opener to the highest positions in the public administration, had been open to women since its creation in 1945 (although restrictions persisted for many years), and the legal discriminations based on sex to enter high ranked Civil Service corps and functions had gradually been removed throughout the following decades.

attention to the reception of the Sauvadet quota by high civil servants and to its influence on their career perspectives (Bereni and Revillard 2015). These data were complemented by a set of materials collected since the introduction of the provision (2012–2019), documenting its genesis and its implementation: general and professional press articles, administrative reports, parliamentary debates, documentation issued by female high civil servants organizations.

This research reveals the crucial, yet unobtrusive role played by feminist actors in the process, in spite of the absence of any strong open politicization of the issue, from agenda setting to implementation. In the terms of the Gender Equality Policy in Practice (GEPP) project (see Engeli and Mazur, this issue), this case reveals high substantive and moderate descriptive women's empowerment: (upper-class) women's interests have been taken into account, although women openly acting as women's rights advocates have become less visible. We draw on an analytical framework that envisions feminist mobilization in a broad perspective, including non-governmental as well as governmental actors (Banaszak 2010; Bereni and Revillard 2018; Katzenstein 1998). Both the legitimization of the quota and its rigorous implementation can largely be explained by structural transformations of the "women's cause field," defined as the relational structure of groups mostly devoted to the advancement of women in a variety of social settings, cutting across the line between civil society and political institutions (Bereni 2019). The transformations at stake followed the adoption of the parity law in 2000 and were threefold: (1) a diffusion of the "parity grammar" (Bereni and Revillard 2007) in dominant institutions; (2) a strengthening of the institutional pole of the women's cause field (women's policy agencies), and (3) a burgeoning of women's mobilizations among the business, professional, and bureaucratic elite. We argue that these structural transformations combined with the opening of political and discursive opportunities produced the conditions of a possible consensus of legislators around this constraining measure and the overcoming of resistances stemming from administrative elites. Two opportunities were particularly key: the rise of a managerial rhetoric praising "gender diversity" (*mixité*) in the private sector, and the implementation of new public management reforms and "state modernization" in the public sector.

The chapter is divided into six sections, tracing the reform from its genesis to its outcomes. The first two sections deal with the pre-adoption context, examining the slow emergence of equal employment policy in the

public administration and the rise of the quota as a policy tool throughout the 2000s. The third section focuses on the adoption of the reform in 2011–2012. As demonstrated in section "A Coercive and Monitored Policy Tool," this genesis helps explain the tool's dual character, both restricted and relatively constraining. We then turn to the implementation and evaluation of the quota in practice: even though the actors in charge of implementation and evaluation were mainstream bureaucratic actors, they pressed in favor of a reinforcement of the measure, in a broader context of increased feminist mobilization in France. Finally, the last section assesses the outcomes of the reform, showing that in spite of its limited immediate effect, the tool is likely to result in significant gender transformation within the bureaucratic elite, over the years, due to its incremental effects.

The Slow Construction of Equal Employment Policy in the Public Administration Prior to 2000

The issue of women's access to senior executive positions in the Civil Service was not put on the political agenda before the early 2000s. During the 1970s and 1980s, gender equality policies in the public sector focused on equal employment principles, following a series of reforms in the private sector initiated by women's policy structures. The first equal employment public policies mainly aimed at ensuring formal equal rights for men and women, be it in the private sector or in the public administration. A combination of external pressure from the UN and the European commission, and internal lobbying on the part of women's policy structures, favored the gradual legal assertion of a principle of non-discrimination (Mazur 1995; Edel 2013; Revillard 2016). As of the end of the 1960s, the *Comité du Travail Féminin* (a women's rights advisory board) raised the issue of gender discrimination in access to administrative exams (*concours de la Fonction publique*) and issued reports on gender inequalities in the public administration in 1974 and 1978 (Revillard 2009). A 1975 law eliminated the possibility of gender distinctions in exams, except in limited cases listed by a *Conseil d'Etat* decree.

Governmental action in favor of equal employment gained more visibility with Yvette Roudy's appointment as minister for women's rights in 1981. At the beginning of the 1980s, women already accounted for half of public employees, but they were almost absent from the highest

positions: in 1983, there was not a single female prefect, and there were only 3% female ambassadors and 5% female heads of national-level ministerial departments.[6] In 1983, general Civil Service regulations were modified to prohibit all distinction based on sex, following a law adopted on the same day as the more famous "Loi Roudy" on equal employment in the private sector. Beyond formal non-discrimination, attempts to promote more actively the advancement of women in public administration were very limited and took the form of rather vague incentives, lagging behind the more structured equal employment policy put in place in the private sector by Roudy's equal employment law. For example, a 1983 executive memorandum[7] prompted ministerial departments to act to "tackle disparities" between women and men through various measures in terms of recruitment and promotion. Up until the 2000s, equal employment policy, at the heart of French state feminism (Revillard 2016), mainly targeted the private sector. Because of a dominant framing in terms of (formal) equal employment, the issue of women's access to senior executive positions in the public administration remained marginal, leading to no significant policy outcomes (Mazur 2002). Only when it started being framed in terms of access to power, in line with the diffusion of the parity grammar throughout the 1990s, did a coercive measure start being envisioned.

From the Gender Parity Reform to the Routinization of Gender Quotas in Decision-Making Sites (2000–2010)

French political and intellectual elites opposed for a long time any form of affirmative action, conceived as an infringement of the Republican ideals of meritocracy and of "indifference to differences" between citizens (Scott 2005). Yet the campaign for gender parity shattered this consensus at the end of the 1990s, progressively making gender quotas compatible with republican universalism (Bereni 2007; Lépinard 2007). The controversy around gender quotas, which was initially strong even among feminist advocates, suddenly faded after the passing of the gender parity law in 2000 (see Mazur et al. in this issue). Increasingly justified by "pragmatic"

[6] *Rapport annuel sur l'état de la Fonction publique*, 1983.

[7] Circulaire du 24 janvier 1983 relative à l'égalité entre les femmes et les hommes et à la mixité dans la fonction publique.

reasons, quotas became the default solution to the "underrepresentation" of women in power positions (Bereni and Revillard 2015; Lépinard 2016), while the term "quota" itself, still contentious, was replaced by more consensual phrasings, such as "balanced representation" (*représentation équilibrée*), "parity" (*parité*), or "gender diversity" (*mixité*). In 2008, a new provision was added into the first article of the Constitution, stating that "the law favors the equal access of women and men to elected offices and positions, as well as professional and social responsibilities." The new paragraph expanded beyond the political field a principle that had been initially introduced in 1999 into article 3 of the Constitution as part of the parity reform and thus paved the way for the use of gender quotas in non-political decision-making sites. Those were first introduced in the private sector: the Copé-Zimmermann law (named after the two deputies who introduced the bill), passed in 2011, mandated a 40% quota of persons of each sex in corporate boards of the largest firms (Bender et al. 2015), before being extended to the first appointments of the senior executive positions in the public sector by the Sauvadet law (2012). The gender parity campaign contributed in three respects to the routinization of gender quotas in decision-making sites throughout the 2000s, through framing, institutional, and mobilization effects.

A "Balanced Representation" at the Top: The Diffusion of the Parity Grammar

The gender parity reform participated in the diffusion of a *parity grammar* (Bereni and Revillard 2007), that is, a new standard of gender equality based on the numerical co-presence of men and women in historically male-dominated sites. Against this discursive backdrop, gender equality policies that gained momentum in the bureaucracy during the 2000s particularly turned attention to women's access to the highest positions (Edel 2013; Jacquemart et al. 2016).

In 1999, high civil servant Anne-Marie Colmou delivered a report to the Civil Service minister documenting the "glass ceiling" (at the turn of the 2000s, women accounted for only 12% of executive level positions in public administration[8]) and making the case for a "balanced representation of men and women" (Colmou 1999). Importing the "parity grammar" from the political to the administrative field, the report paved the

[8] *La fonction publique de l'Etat. Rapport annuel 2002.*

way, with subsequent reports (for example, Versini 2004), for legitimizing the idea of "representative bureaucracy" (Peters et al. 2015), historically unfamiliar in the French Civil Service (Bui-Xuan 2015; Calvès 2005; Meier and Hawes 2009). The report issued a series of recommendations, including gender monitoring and ministerial plans of actions with quantified targets. A 2000 memorandum issued by the prime minister[9] prompted ministerial departments to adopt "multi-annual plans to improve women's access to executive positions," setting goals in terms of "feminization rates." The same year, a steering committee for the equal access of women and men to senior management positions in the Civil Service was set up. The committee issued three reports developing a quantitative assessment of the glass ceiling as well as recommendations (Le Pors and Milewski 2002, 2003, 2005). A 2001 statute (the "Génisson" law)[10] provided that the government must deliver every two years to parliament a report on men's and women's employment in the different branches of the Civil Service and at different hierarchical levels—this provision, however, was suppressed in 2007.

Therefore, throughout the 2000s, efforts to promote women in the higher ranks of the public bureaucracy rested mainly on soft, incentive tools, such as gender monitoring. In the report issued at the end of its mandate, in 2005, the Le Pors committee stressed the inefficiency of the legal provisions, the lack of political will, and the weakness of the ministerial plans that were adopted (Le Pors and Milewski 2005). Throughout the decade, the presence of women among senior executives of the National-level Civil Service (*Fonction publique d'Etat*) increased, from 12% in 1999 to 24% in 2010, although women still accounted for less than 10% of prefects and 15% of ambassadors in 2010.[11]

Reinforced Women's Policy Agencies Mobilizing for Gender Quotas

Another significant effect of the campaign for gender parity was to broaden the range of women's policy agencies within the government: The

[9] Circulaire du 6 mars 2000 relative à la préparation des plans pluriannuels d'amélioration de l'accès des femmes aux emplois et postes d'encadrement supérieur de la fonction publique de l'État.

[10] Loi du 9 mai 2001.

[11] DGAFP, *Rapport annuel sur l'état de la fonction publique*, 2012.

Observatoire de la parité was created in 1995, and Parliamentary Delegations for women's rights were set up at the *Assemblée nationale* and the *Sénat* in 1999 (Savinel 2019). These women's policy agencies, although merely advisory, played a major role in the process of legitimation of the gender quota beyond the political field, through their "critical expertise" (Revillard 2009) and through their discreet, unobtrusive activism in the hallways of republican institutions. They played the role of "support structures" for the "entrenchment and diffusion of gender quotas" (Lépinard 2016).

Marie-Jo Zimmermann, a Gaullist (UMP) deputy who had been a key advocate of the parity reform against most of her own political party and who had been appointed at the same time the head of both the Delegation for Women's rights at the National Assembly and the Parity Observatory, orchestrated this feminist campaign within the parliament and the government. She seized President Sarkozy's project of constitutional reform, launched in the name of "state modernization" in the first year of his tenure, as an opportunity to extend the constitutional basis for gender quotas beyond the electoral sphere. Indeed, a provision of the 2005 equal pay law setting quotas in corporate board had been ruled out by the *Conseil constitutionnel* in 2006 based on the argument that the 1999 constitutional reform only authorized the enactment of gender quotas in political offices and functions. A constitutional reform was thus needed in order to extend this tool to other domains. To this effect, Zimmermann mobilized her nongovernmental, governmental, and parliamentary networks across party lines (notably through the parliamentary Delegations for women's rights). As a result of this successful mobilization, the paragraph opening the possibility for gender quotas was extended and moved from article 3 to article 1 of the Constitution in 2008, without any major parliamentary opposition.

Made possible by this constitutional reform, the 2011 Copé-Zimmermann law imposing gender quotas in corporate boards also resulted from the parliamentary and bureaucratic activism of a coalition of state feminist actors. Marie-Jo Zimmerman notably drew on a 2009 report on equal employment delivered by Brigitte Grésy, former head of the women's rights bureau (*Service des droits des femmes et de l'égalité*), arguing in favor of a law imposing an obligation of quasi-parity (40%) in a "reasonable timeframe" to feminize the executive boards of major firms.

As the Copé-Zimmermann law was enacted in January 2011, right-wing deputy and member of the Parliamentary Delegation for women's

rights Françoise Guégot delivered to President Sarkozy a report entitled "Equal employment between men and women in public administration." One of her recommendations was to adopt quotas in order to produce a "balanced representation" of men and women at the highest levels of the state. She made the case for "an obligation to succeed" in the attempt to increase the share of women, given the "strong initiative" developed in parallel in the private sector through the Copé-Zimmermann law. Alignment with the private sector thus became a strong rationale for the promotion of quotas at the highest levels of the public administration.

Women Elite Networks Promoting the Women's Elite Cause

Mobilizations of MPs and bureaucrats acting within women's policy offices unfolded hand in hand with (equally unobtrusive) mobilizations from members of female upper civil servant organizations. Throughout the 2000s, in a wider context of feminist revival, elite professional women's associations mushroomed. The most visible "women's networks" put together female alumni from French elite universities (*Grandes écoles*) and corporate executives, lobbying to improve women's access to strategic business positions. Fueled by the parity grammar, they also drew on the "diversity" rhetoric that gained momentum in the French business world by the mid-2000s (Bereni 2009). On the one hand, these networks promoted incentive tools pertaining to "market feminism" (coaching, mentoring, benchmarking, good practices, rankings, etc.) (Blanchard et al. 2013; Kantola and Squires 2012; Pochic 2017). But on the other hand, they also more discreetly mobilized in favor of "constraining measures," including gender quotas. In parallel, similar networks also burgeoned in the public sector. By 1998, the professional women's organization "*Administration moderne*" (Admod) brought together women upper civil servants, mostly *énarques*, working in various administrations, to promote an increased representation of women among the bureaucratic elite. These mobilizations at the top of the public administration unfolded against the backdrop of the diffusion of new public management (NPM) in the bureaucracy, presenting the adoption of management practices coming from the private sector as a way to improve government functioning (Bezes et al. 2012). Endorsing this dominant discourse, they argued that the feminization of the Civil Service was a key driver for modernizing the bureaucracy (Revillard et al. 2018). At the end of the 2000s, while the Copé-Zimmermann bill was to be adopted, the leadership of Admod

began lobbying in favor of the adoption of a quota. Two of them were called to give testimony by Guégot in preparation for her report, notably Nathalie Tournyol Duclos, who was to be appointed head of the women's rights bureau a few month later. Admod members also helped minister Sauvadet rally members of parliament and higher civil servants to the idea of quotas behind closed doors.

The Adoption of the Sauvadet Law: An Opportunity Under Constraints (2011–2012)

The bill François Sauvadet introduced in the Senate on September 7, 2011, was mainly devoted to favoring access to tenure in the Civil Service. Only one—largely symbolic—provision dealt with gender equality: the obligation for ministerial departments to deliver an annual report on gender equality policy in the public service. Even though the government had officially taken a stand in favor of gender quotas in "professional responsibilities" as of 2011, the introduction of a gender quota provision into the Sauvadet law was the outcome of a new intra-institutional mobilization of women's rights advocates. It was also made possible by avoiding the term "quota," which was replaced by the more consensual idea of "balanced representation" (Bui-Xuan 2012).

In 2010, when President Sarkozy commissioned deputy Françoise Guégot to prepare a report on women's access to executive positions in the Civil Service, what was at stake for him was to promote measures that would publicize his presidencies action on gender equality and bureaucratic modernization when he would run for reelection in 2012. A measure such as the quota had the advantage to signal a commitment to gender equality, without entailing any major budgetary cost; this was particularly crucial in the aftermath of a financial crisis. One month before the report was officially delivered in March 2011, the State Secretary for Civil Service, Georges Tron, announced that he endorsed the idea of quotas and hinted at the possibility of financial sanctions in case of non-compliance.[12] On March 8, after a bargaining meeting with public employees unions, he presented the *Assemblée nationale* with a series of measures, including the gender quota, which would be included into a future bill on "the fight against insecurity" in the Civil Service. Public employee unions

[12] "Fonction publique: Georges Tron veut instaurer des quotas de femmes aux postes de direction," *Les échos*, 26 janvier 2011.

strongly called for such a bill in the context of accelerating New Public Management reforms, and their representatives were formally involved in the preparation of the bill. However, the gender quota provision disappeared from the bill that François Sauvadet, Tron's successor (the latter resigned because of charges of sexual assault),[13] introduced in parliament in September 2011.

One reason for the omission was that public employees unions, including gender equality advocates within them, were ambivalent about introducing a gender quota for senior executive positions: even though this policy tool broke with the incentive, soft approach that had prevailed so far, most union representatives saw it as a minimal provision, focused on a narrow administrative elite, and which would turn the attention away from the broader structural reforms needed to favor gender equality in the bureaucracy (equal pay, work–family reconciliation, career assessment, etc.).[14] More importantly, the absence of a gender quota provision in the first draft of the bill, while Sauvadet declared himself in favor of the measure,[15] was due to resistances from administrative elites in the upper echelons of the bureaucracy, and even more crucially, to the ambivalence of Prime Minister François Fillon.[16]

Still, at the beginning of 2012, women's rights advocates in parliament renewed their efforts to introduce a gender quota provision within the Sauvadet bill. Appointed as *Rapporteur* for the bill, socialist Catherine Tasca, who had been one of the most prominent advocates of the parity law in parliament at the end of the 1990s, criticized in her report the weakness of the measures regarding gender equality.[17] In the senatorial debate over the bill, communist Senator Brigitte Gonthier-Maurin, president of the Delegation for women's rights, pressed for the introduction of quotas, quoting the Guégot report.[18] While the Senate did not introduce

[13] Tron was accused of sexual assault by two of his female collaborators in May 2011.

[14] As example, see http://ufsecgt.fr/IMG/pdf/Note_avis_negociation_egalite_v3-1.pdf.

[15] "Egalité hommes-femmes: François Sauvadet n'écarte pas l'idée de dispositifs contraignants," *La gazette des communes*, 22 septembre 2011.

[16] "Fonctionnaires: le plan de l'Etat pour promouvoir les femmes," *Les échos*, 23 novembre 2011.

[17] Sénat, Rapport de Catherine Tasca sur le projet de loi relatif à l'accès à l'emploi titulaire et à l'amélioration des conditions d'emploi des agents contractuels dans la fonction publique, à la lutte contre les discriminations et portant diverses dispositions relatives à la fonction publique, 17 janvier 2012, pp. 32–33.

[18] Sénat, *Journal officiel de la République française, Compte rendu intégral de la séance du 25 janvier 2012*, pp. 542–543.

any quota provision when it first adopted the bill on January 26, 2012, Sauvadet announced a few days later that the government would introduce a gender quota amendment during the parliamentary debate. The quota provision would set a target of 40% by 2018, and Sauvadet alluded to possible sanctions. This announcement was made possible by President Sarkozy's arbitration against Fillon's reluctance toward quotas.[19]

Women's rights advocates from the right-wing majority, notably deputies Marie-Jo Zimmermann and Françoise Guégot, backed by minister Sauvadet, introduced new gender equality provisions into the bill during its examination in parliamentary commission at the *Assemblée nationale*. François Sauvadet finally introduced a gender quota in senior executive appointments during the public debates at the *Assemblée*. As he argued, "even though quotas are no panacea, to this day they remain the only way to really make things change; in the government we are convinced of this."[20] He also stressed the impact of women's rights advocates (mentioning Françoise Guégot and Marie-Jo Zimmermann) in putting the reform on the agenda and changing his own opinion on the issue.[21] Meanwhile, the union bargaining process (which included demands in favor of broader gender equality measures) was put to a halt with the 2012 presidential election looming.

Cheered by women's rights advocates across the political spectrum, backed by promoters of neo-managerial reforms keen on "modernizing" the public administration to align it with private sector standards, the quota was only publicly opposed by conservative deputy Hervé Mariton[22] and was adopted by a large majority. While the consensus over the Sauvadet quota can be accounted for by the diffusion of the parity grammar within institutional circles, it could also be explained by the technical restrictions of the legislation. First, the statute is provided for a gradual implementation of the quota, going from 20% in 2013 to 40% in 2018. This contributed to convince skeptics about the "feasibility" of the provision and

[19] "Parité: la révolution culturelle des quotas gagne la haute fonction publique," *Les échos*, 3 février 2012; François Sauvadet, "Il y a encore du chemin à parcourir pour féminiser la haute fonction publique," *Le Monde*, 8 mars 2019.

[20] Assemblée nationale, *Journal officiel de la République française, Compte rendu intégral de la séance du 7 février 2012*, p. 773.

[21] Assemblée nationale, *Journal officiel de la République française, Compte rendu intégral de la séance du 7 février 2012*, p. 800.

[22] Assemblée nationale, *Journal officiel de la République française, Compte rendu intégral de la séance du 8 février 2012*, pp. 840–841.

dismissed the argument that "there are not enough female candidates" to these positions. This incremental framework was also in line with the mandated quota introduced a year earlier in private sector corporate boards; this policy precedent helped mainstream the idea of gender quotas as a relevant policy tool. Second, the choice to target only the flux of "first appointments" (unlike the Copé-Zimmermann law on corporate boards), rather than the whole stock of senior executive positions, reassured already appointed men regarding the absence of threat on their personal situation, as clearly stated at the time by François Sauvadet: "We need to make sure that men who have already been appointed will be renewed within the limit defined by Civil Service regulations, or that they will be appointed to a similar position. For example, a prefect moving to another department must escape the quota system."[23]

This consensus, however, was no more than a public façade; Sauvadet recently reported how higher civil servants and members of parliament discreetly but vehemently opposed the quota: "nobody can imagine what I had to face, as minister for Civil Service: the resistance was as numerous as it was fierce, coming from all administrative bodies, with relays on the benches of the National Assembly and the Senate."[24]

In this respect, what the public consensus reflected was also the increased illegitimacy of an open criticism of the gender quota, in the context of its diffusion as a tool of gender equality policy.

A Coercive and Monitored Policy Tool

Following the parliamentary debate, the Sauvadet legislation of March 12 introduced a series of mandatory gender quotas in several decision-making positions in the Civil Service: in executive boards of public institutions, in entrance examination committees, in joint administrative committees, in Civil Service advisory boards, and, last but not least, in appointments to senior executive positions. The statute mandated a minimal representation of "each sex category" of 20% in 2013, 30% in 2015, and 40% in 2018 in appointments to senior executive positions. The law provided that the quota was to be reached on a yearly basis and at the level of each

[23] Ibid., p. 843.

[24] François Sauvadet, "Il y a encore du chemin à parcourir pour féminiser la haute fonction publique," *Le Monde*, 8 mars 2019.

ministerial department[25] for initial appointments, that is, "excluding cases of renewal of the person in the same position or appointment to a similar type of position." In the National-level Civil Service, the gender quota applied to first appointments among about 3600 senior executive positions (including government appointments).[26] Finally, the law provided for financial penalties to administrations that would not comply. This policy tool thus appeared as a negative incentive: sanctions would be applied in case of non-compliance with the goal (Ingram and Schneider 1990 cited in Engeli and Mazur 2018, 114–15).

However, even negative incentives do not necessarily have a binding character, depending on if and how they are implemented. A closer look at implementation is therefore needed in order to better characterize this quota. The first striking element in the implementation of the Sauvadet quota is that the implementing decree was adopted quickly, unlike what is often the case for gender equality legislation. The Sauvadet implementation decree was adopted less than two months after the law was passed. It provided a precise list of the positions included in the perimeter of the law, and set the amount of the fine to 30,000€ for each "missing unit" (that is, for each woman—or man—missing in order to fill the quota) in 2013, 60,000€ in 2015, and 90,000€ in 2018. The decree therefore confirmed the coercive potential of the law by giving more substance to the idea of sanctions in case of non-compliance.

Moreover, the decree specified a mechanism of accountability and monitoring. By April 30 of each year, administrative agencies were required to deliver the list of initial appointments from the previous year to their assessors and to the ministry for Civil Service, as well as the sex ratio of these appointments and, if applicable, the amount of the fine due. A "Senior executive mission" hosted by the General Secretariat of the Government (SGG in French) was to be set up to collect the information for each ministerial department and take steps to "favor the attainment of this goal." The Civil Service and administration general management (*Direction générale de l'administration et de la fonction publique*, DGAFP) was to circulate each year a public report documenting the sex ratio for new appointments and, if applicable, the amount of the fine due.

[25] As well as in each "local authority" or intermunicipality structure in the local Civil Service, and in each hospital in the hospital Civil Service.

[26] A decree adopted on 30 April 2012 established the list of eligible positions, such as ambassadors or prefects.

Arguably, the existence of precise amounts of fines and the definition of a mechanism of monitoring and accountability could favor a strong implementation, leading to a policy situation of full coercion. The profile of the organizations in charge of implementation (SGG and DGAFP), however, could introduce doubts in this respect. Indeed, after being promoted by feminist advocates, quotas were integrated as part of administrative routines. Their implementation and the supervision thereof were assigned to Civil Service administrative services, far from state feminist institutions. Neither the women's rights bureau, nor the parliamentary Delegations women's rights, nor networks of women's higher civil servants, were formally included in the policy implementation process. Initially conceived as a tool to fight against gender inequalities, quotas thus became an administrative tool "just like any other," implemented by "laypeople in the field of equality" (Perrier 2015), whose mission is defined in terms of legal compliance rather than in terms of feminist advocacy.

A Feminist Implementation by Mainstream Bureaucratic Actors

The fact that quota monitoring was not devoted to Women's policy structures did not impede a strong implementation. Each actor followed the letter of the law. A procedure was defined to facilitate the declaration of nominations, with a spreadsheet made available on the Civil Service ministry website (see image below). Men and women were counted, and at the end of 2016, for the first time since the introduction of the quota, two ministers—the Department of Justice and the department of Defense—were imposed financial penalties for non-complying with the 30% quota.

	A	B	C	D	E	F	G	H	I	J
1	Nominations et primo nominations du 1er janvier au 31 décembre 2016									
2										
3		Nombre de nominations [1] (renouvellements compris)			Nombre de primo nominations [2]			Nombre d'agents en fonctions au 31 décembre (3) (nominations et primo-nominations incluses)		
4										
5		Hommes	Femmes	Total	Hommes	Femmes	Total	Hommes	Femmes	Total
6	Type d'emploi n°3									
7	Emplois de direction et de contrôle de la police nationale			0			0			0
8	Emplois d'inspecteur général et contrôleur général des services actifs de la police nationale			0			0			0
9	Total type d'emploi n°3	0	0	0	0	0	0	0	0	0
10	Type d'emploi n° 4 [4]									
11	Emplois de direction de l'administration territoriale de l'Etat			0			0			0
12	Responsables d'unité territoriale en DIRECCTE			0			0			0
13	Total type d'emploi n°4	0	0	0	0	0	0	0	0	0
14	Type d'emploi n° 5									
15	Postes territoriaux occupés par des sous-préfets			0			0			0
16	Total type d'emploi n°5	0	0	0	0	0	0	0	0	0
17	Type d'emploi n° 6									
18	Chefs de mission du CGEFI			0			0			0
19	Total type d'emploi n°6	0	0	0	0	0	0	0	0	0
20	Type d'emploi n° 7									
21	Emplois de direction des services du CBCM			0			0			0
22	Total type d'emploi n° 7	0	0	0	0	0	0	0	0	0

How can we account for such a diligent implementation on the part of state actors not endowed with a feminist mission? The format of the policy instrument at stake certainly helped: as argued earlier, the quota is a very simplistic and rather straightforward translation of the ideal of equality. The margin of interpretation is limited. Hence, the characteristics of the implementing actors seem less likely to influence the outcome. While an absence of implementation could have been a possible outcome, the instrument was implemented as planned. Moreover, the DGAFP's involvement in the implementation process was not limited to monitoring the gender breakdown of new senior executive appointments. In its yearly reports on the Sauvadet quota implementation, the DGAFP developed more qualitative comments, pressing in favor of a more coercive implementation process. In its 2016 report, it pointed to two main limits of the legal provision.[27] On the one hand, ministries were expected to voluntarily pay their fines, but no enforcement procedure was provided for in case of a failure to pay, so that "the coercive potential of the sanctions may turn out limited." On the other hand, the DGAFP pointed out that the fines contribute to the state's general budget, when they could be used to fund gender equality policy in the Civil Service. Such comments would typically have been expected on the part of women's policy agencies, and here they were voiced by the DGAFP. In other words, not only did mainstream administrative actors implement the law as planned, but they also pressed in favor of its reinforcement, fueling a policy feedback effect (Pierson 1993). In GEPP terms (see Engeli and Mazur, this issue), implementation was marked by high substantive empowerment without any clear evidence of descriptive empowerment.

Does this mean that feminist advocacy had no influence on the process? Such a conclusion should be nuanced in several ways. First, this success in the mainstreaming of gender equality concerns in policy implementation can be analyzed as the result of a long-term diffusion of feminist ideas in non-feminist circles (Albenga et al. 2015): beyond feminist advocacy structures, people working in mainstream bureaucratic settings such as the DGAFP in the 2010s had been socialized to some extent to feminist ideas, through higher education for the youngest (via the diffusion of gender studies programs at the university level) and through the mass media or through peer influences. Moreover, the adoption of the Sauvadet law

[27] DGAFP, *Bilan du dispositif des nominations équilibrées sur les emplois supérieurs et dirigeants de la fonction publique*, 2017, pp. 15–16.

coincided with an upsurge in feminist mobilizing in civil society, which increased this diffusion of feminist ideas in mainstream settings (notably through increased discussions of feminist ideas in the media).

Against the backdrop of the 2012 presidential campaign, feminist groups pressed in favor of the creation of a strong Women's policy agency, a new "Ministry of women's rights" (*Ministère des droits des femmes*), in reference to the Roudy's episode in the 1980s. François Hollande had committed to this prior to his election. Once elected, he appointed Najat Vallaud-Belkacem as minister for Women's rights, at a high rank and with all the more visibility since Vallaud-Belkacem was also the government spokesperson, and soon became very present and vocal in the media. Her position as government spokesperson helped reinforce the legitimacy of women's rights as a policy issue, which she also made sure to embed more firmly in the different ministerial departments, with the appointment of senior executives in charge of gender equality (*hauts fonctionnaires à l'égalité*) in each ministry. While marginal, these positions helped diffuse feminist ideas in the different ministerial departments. In parallel, both Women's policy agencies and the more informal feminist networks described in the previous section contributed to monitoring the implementation of the Sauvadet quota by favoring the maintenance of a perceived risk of shaming in case of non-compliance.

This context favored the reinforcement of gender equality policy in the public sector, and even the reinforcement of the quota itself. The government signed with public employees unions a "protocol agreement on equal employment in the Civil Service" in 2013, and a new "Charter for the promotion of equality and the fight against discriminations in the Civil Service" was adopted that same year. The 2014 law on "real equality between women and men" reinforced the provisions of the Sauvadet law: it increased to 50% the minimum share of people of each sex in the executive boards of public institutions (extending to the public boards the principle of the Copé-Zimmermann law), and set for 2017 (instead of 2018) the obligation of at least 40% of appointees of each sex for new appointments to the highest positions. Finally, the 2018 protocol agreement on equal employment in the Civil Service created a separate gender employment equality fund, meant to receive the fines paid by non-compliant administrations.[28] The new fund was to fuel other gender equality

[28] Ministère de l'action et des comptes publics, *Accord relatif à l'égalité professionnelle entre les femmes et les hommes dans la fonction publique*, 2018, p. 9.

initiatives in the public administration, as advised by the DGAFP report mentioned above.

A Restrictive Yet Coercive Tool with Incremental Effects

The Sauvadet law introduced a coercive policy tool, with financial sanctions in case of non-compliance, but restricted it to a limited number of positions: out of about 3600 positions in the State Civil Service workforce within the perimeter of the law, only a few hundreds were filled with first appointments each year. The quota applied to 641 initial appointments in 2013 and 587 in 2017.

Between 2013 and 2016, first appointments to senior executive positions within the perimeter of the Sauvadet quota were systematically filled with 30–33% of women. With the exception of the departments for Justice and Defense, all ministerial departments complied with the legal obligation during the four first years of its implementation. Yet, at the end of 2017, the first year of implementation of the 40% quota, the rate was only 36%, with 6 out of 11 ministerial departments being in non-compliance. The Ministry of Economic and Financial Affairs (Bercy) alone, with the lowest rate (26%), had to pay a contribution of 1,710,000€ (out of a total of 2,340,000€).[29]

A Mitigated Quantitative Effect: A Smoothed Curve

It is not so easy to assess the extent to which the Sauvadet quota has led to an increased share of women among senior executive positions of the State Civil Service. Since the perimeter of application does not match any pre-existing administrative and statistical category, it is impossible to have a precise assessment of the gender breakdown in these positions prior to the implementation of the law. It is therefore difficult to assess the quantitative impact of the measure. Available figures since the early 2000s point to the hypothesis of a limited impact: rather than a turning point increasing the pace of feminization of senior executive positions, the Sauvadet quota led to securing and smoothing the curve of feminization. According to Civil Service reports between 2015 and 2017, the share of women among

[29] DGAFP, *Bilan du dispositif des nominations équilibrées sur les emplois supérieurs et dirigeants de la fonction publique*, 2018, pp. 22–23, p. 25.

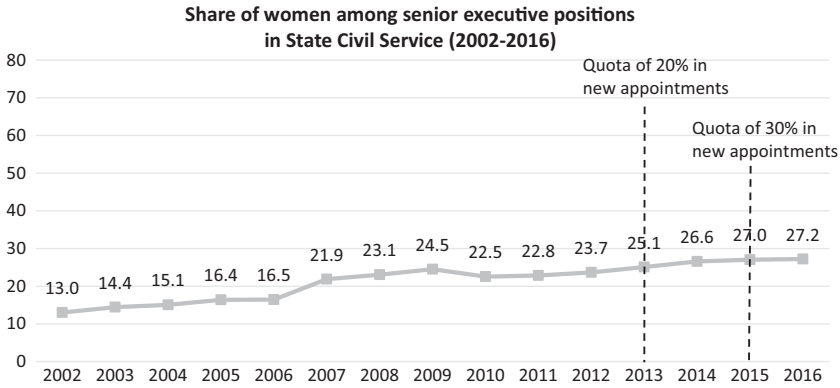
senior executive positions within the perimeter of the Sauvadet quota went from 26% to 28%. This demonstrates the limitations of a policy that only targets the flux (first appointments) rather than the stock (all the positions).

Moreover, if one looks at statistical categories that had been, until the Sauvadet law, used as indicators of the presence of women in the administrative elite (concerning around 1,900 senior executive positions included in the perimeter of the law), reports show a very limited impact of the Sauvadet law on the rate of women. As shown in the graph below, and mentioned earlier, the share of women in senior executive positions started increasing as of the middle of the 2000s, and particularly as of 2007, when Sarkozy came to office and hastened the pace of new public management reforms. In the years preceding the Sauvadet law, women promoting gender equality at the highest level of the bureaucracy had already managed to frame feminization as a key marker of the administration's "modernization" policy. The share of women in all senior executive positions increased by 1.8 points (from 21.9% to 23.7%) between 2007 and 2012—prior to the Sauvadet law—and by 2.1 points (from 25.1% to 27.2%) between 2013 and 2016 (the last year with available figures). This comparison of pre- and post-Sauvadet law levels of feminization suggests a *limited immediate impact* of the quota: its main effect was to secure and smooth an underway pattern of feminization of senior executive positions, rather than to accelerate its pace. The gradual dimension of the Sauvadet quota (rising from 20% in 2013 to 40% in 2017, and applying to first appointments only) partly accounts for this mitigated quantitative impact five years after the law was passed. While it does not entail an immediate, sharp increase in the gender ratio among senior executive positions, it allows for an incremental increase.

In order to increase the potential impact of this policy tool, networks of higher executive women in the Civil Service started lobbying in favor of a new law by 2017, demanding more coercive measures, notably increasing the perimeter of the positions considered and increasing the fines.[30] The context, however, was not favorable. The implementation of the quota at the level of 40% for the first time in 2017 reactivated a strong, albeit invisible, hostility toward the measure: "we are still in a hostile environment," argued Admod president.[31] These oppositions remained very discreet:

[30] See for example the joint press release by nine organizations on June, 1st, 2018.

[31] Entretien avec Nathalie Pilhes, *AEF Info*, 14 février 2018.



Sources: DGAFP, Rapport annuel sur l'état de la fonction publique, from 2008 to 2018. The category "Senior executive positions" includes here around 2,000 of the senior executive positions in the State Civil Service ("Emplois à décision du gouvernement", senior executive positions in central government and Senior executive positions in decentralized administration)

seldom publicly stated, they took the form of unobtrusive resistance on the part of men in the higher ranks of the public administration, as informally reported by several women's network's members. This resistance had concrete effects, translating into a regulatory backlash. First, following its poor results in 2017 (26%), the minister of Economic and Financial Affairs, in the hope of improving compliance without having to appoint more women, signed a decree reducing by one-third the perimeter of positions concerned by the Sauvadet quota on December 27, 2018. Second, more significantly, the 2019 law on the public service[32] introduced several technical modifications that significantly weakened the law's impact. It notably legalized the established practice of the "rounding down" in setting the number of new women's appointments necessary to achieve 40%. Given the low numbers at stake, this rule leads to allow the appointment of less than 40% of women. For example, in the case of nine new appointments to fill, at least 3.6 persons of the underrepresented sex would have to be appointed, theoretically; yet, in practice, the "rounding down" rule authorizes to appoint only three women (33%), rather than four (44%).

[32] Loi no. 2019–828 du 6 août 2019 de transformation de la fonction publique.

Beyond Numbers: Gender Transformation Through Symbolic Impact

Beyond the limited quantitative impact of the Sauvadet quota, one should also stress its intrinsic limitations as a gender equality policy tool. Targeting only a small number of elite women, the quota mainly represents an opportunity for women who cumulate a series of resources (notably in terms of social class and education). It does not act upon the organizational mechanisms that produce the glass ceiling (Rouban 2013; Jacquemart et al. 2016; Marry et al. 2017). These limitations reflect the elitist profile of the feminist actors who have been advocating in favor of gender quotas in decision-making sites since the 2000s.

Nevertheless, the Sauvadet quota did not leave the gender regime unchanged (Connell 2006; Acker 2009) of the French Civil Service. Indeed, gender transformation does not boil down to quantitative measures: the symbolic dimension of the tool must be taken into account, and the implementation of the quota also paved the way for significant gender transformation in this respect. First, the Sauvadet law and concomitant "soft" gender equality reforms (labels, charters, etc.) turned the question of the glass ceiling in the Civil Service into a public problem (Gusfield 1981). For example, the fines imposed to the departments of Justice and Defense in 2017 received extensive media coverage, stressing the shocking persistence of gender inequality. Second, the introduction of gender equality policies within the bureaucracy favored the denunciation of gender inequality. For sure, women's capacity to be vocal on these issues depends on their professional position (often correlated with their upper-class background and/or education in the most prestigious training tracks such as the ENA). However, the emergence of gender equality claims among women bureaucrats reflected the new legitimacy of a gendered perspective on careers within the public administration, challenging a long tradition of a gender-blind universalism (Marry et al. 2017). Third, the Sauvadet quota and other gender equality policies also impacted men. While in the first years of its implementation, the quota had a limited impact on men's odds to access higher bureaucratic positions, the new visibility of gender equality goals in the Civil Service had a symbolic effect on men: as the most conservative attitudes toward the gender equality agenda were delegitimized, men holding executive positions were to redefine their professional identities in relation to gender equality norms (Bereni and Jacquemart 2018).

Conclusion

At first, by introducing a minimum quota of 40% of persons of each sex in new appointments to the highest administrative positions, the Sauvadet law appeared like a turning point, away from the "symbolic policy" (Mazur 1995) that had been promoted by the French state so far. Analyzing the details of this policy tool and its implementation, however, leads to a more complex assessment.

A closer look at the immediate effects of the measure points to the idea of a limited gender transformation: first, because the increase in the share of women in senior executive positions had in fact started prior to the enactment of the law, and second, because of the limitation of the quota's perimeter to "first appointments," rather than the whole stock of senior executive positions. This very technical feature, however, has endowed this tool with a potential to foster incremental social change. In other words, its effect was limited at first, but it is likely to increase over the years, as appointments made since 2012 represent a larger share of the stock of senior executives. The gender quota's relative strength also derives from the continuous involvement of state feminist actors who, in the years following the adoption of the law, kept lobbying to maintain its feminist framing. In this respect, a few years after its introduction, this reform cannot be categorized as a "policy failure," unlike other cases of gender quota reforms (Verge and Lombardo 2019).

The persistence of this positive gender transformation, as shown by the first years of implementation, will depend upon a close monitoring of the process by women's networks and feminists within the state apparatus, even though Women's policy agencies are not formally part of the implementation mechanism. Indeed, as illustrated by the 2018 decree adopted by the Ministry of Economic and Financial Affairs (Bercy) to limit its own obligations toward the law and by the technical modifications introduced in 2019, legal backpedaling always is a threat. On the other hand, the government's endorsement of a coercive provision is likely to have a symbolic effect. It fuels a representation of inequalities as illegitimate, while legitimizing their denunciation and the state's intervention to correct them. This strong gender equality statement, however, also runs the risk of diffusing an idea of equality as "already in place." The evolution of both the legislation and its implementation in the future years will confirm whether the quota has a transformative potential.

From a more theoretical perspective, this case study reveals the limit of focusing on the genesis and effects of a single reform to assess the transformation of gender relations. Indeed, as we have seen in this case, the same factors [mainly institutional feminist mobilization in the aftermath of the parity laws, and the broader transformations of the women's cause field (Bereni 2019)] that help explain the adoption of the quota also influenced the feminization of the higher levels of the public administration *prior to* its adoption, thus conversely limiting its direct measured impact. Moreover, the adoption of the Sauvadet law cannot be explained short of the broader context of the diffusion of the quota as a gender policy tool in other sectors, through other legal reforms (Lépinard 2016). Finally, the fact that the Sauvadet quota was simultaneously reinforced (for example, by the creation of the equal employment fund in 2018) and weakened (for example, by the Bercy decree of December, 2018 and the 2019 law on public service) in the aftermath of its adoption points to the ongoing political struggles around this policy tool.

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PART II

Policy Practice in Reconciliation and Equal Employment

Elder Care Allowances in Action: Missed Opportunities for Gender Transformation

Clémence Ledoux and Hab. Annie Dussuet

Introduction

Elder care is a highly feminized domain. In France, like in other European countries, a majority of elder care receivers, informal helpers or paid care workers are women (Lewis 1998; Hobson et al. 2002; Daly and Rake 2003; Dussuet 2005; Morel 2007; Le Bihan and Martin 2010; Bonnet

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et al. 2011; Ranci and Pavolini 2012; Avril 2014; Avril and Cartier 2014). This reflects three main social dynamics. Firstly, women have a higher life expectancy than men and therefore the majority of older people are women—over 69% of those aged over 85 in France in 2019,[1] a large proportion of which are widows. At an equivalent age, women are more dependent than men (Brunel and Carrère 2017) and receive more public support. Secondly, when older people are supported by their children, it is most often daughters who take on this role (Weber et al. 2003; Le Bihan and Martin 2010; Bonnet et al. 2011). Older people living at home are often cared for informally and for free by women (relatives, spouses, children or neighbours) (Pennec, 1999; Renaut, 2000; Bonnet et al. 2011; Campéon et al. 2012). In heterosexual couples, men are in many cases older than their spouse and female spouses are the default primary caregivers, given that they live with the care recipient. Thirdly, 95% of paid caregivers, both declared and undeclared, are female. Undeclared care workers are excluded from social security and suffer in many cases from multiple dominations. Declared workers can be directly employed by families, by for-profit, by non-profit organizations or by local authorities, but even so, in most cases, experience great professional precariousness (Dussuet 2005; Morel 2007; Barrois and Devetter 2012; Avril and Cartier 2014).

Thus, although elder care is not explicitly a feminist issue, it is highly suitable for studying whether and how public policy can promote and achieve gender equality through "gender transformation" (Engeli and Mazur 2018). We focus here on the Elder Care Allowance (APA) since 2001 as a crucial elder care policy; its adoption at the national level in a 2001 Act and then the policy's implementation, evaluation and impact in practice in one department are based on in-depth fieldwork. Previous research has already shown the variations in departmental decisions and ways of organizing implementation of public policies from one department to another (Frinault 2009, Fouquet et al. 2009; Devetter et al. 2017; Leroux 2018); but only a small number of studies (Mulet 2014; Giraud et al. 2014; Gramain et al. 2015; Fondation Médéric Alzheimer 2019) have really looked at the activities of the actors putting in place schemes on a daily basis in order to understand what room for manoeuvre they may have, as street-level bureaucrats (Lipsky 1980).

[1] https://www.ined.fr/fr/tout-savoir-population/chiffres/france/structure-population/population-sexe-ages/

Appreciating the extent of this room for manoeuvre requires in-depth analysis, we therefore decided not to study a variety of departmental contexts but to focus instead on one department, which was considered to be a model in the 1980s and 1990s by the central state (Nogues et al. 1984) and where the medical professions have played a particularly strong role in implementation of the APA. In order to better understand the possibilities in terms of room for manoeuvre inherent to APA implementation, we conducted in-depth research in the department from 2013 to 2019, including interviews with street-level bureaucrats, archival research, participant observation and focus groups.[2]

As our analysis shows, despite elder care being highly feminized, this policy instrument was gender blind when it was put on the agenda and adopted. The fine-grained case study of the departments demonstrates how in practice, the room for manoeuvre existing at departmental level has not been used to reduce gender inequality, while a recent movement of gendering policy evaluation at the national level has not yet produced significant effects. Nevertheless, the APA is a capacity instrument that has changed elder care, for older people as well as for their relatives and care workers.

In the rest of the essay, we first cover agenda setting and adoption on the APA, before examining in greater detail the gendered dimensions of this policy instrument. We then look at the practices of APA implementation in a French department in the next section and in the following section identify some of its main outcomes. To better understand the politics

[2] More specifically, we conducted 36 in-depth interviews with members of the department among whom 25 were directly in charge of team management, dependency evaluation or negotiation of the personalized help plans with the public. The 25 civil servants we interviewed represented 54% of the 46 civil servants in charge of these tasks. The 11 other interviewees were involved in the administrative or political production of the APA but also had other responsibilities. We also collected not only numerous administrative documents available on the websites of the department and at its administrative offices but also documents distributed by frontline workers' managers. We also observed seven of the weekly meetings during which members of the six territorial teams working in the department present the help plan proposals to be validated by the territorial unit manager. This analysis was completed with the results of three focus groups carried out in 2013 by the French team working on the FLOWS European Program (2011–2014) "Impact of local welfare systems on female labor force participation and social cohesion". These focus groups brought together working women who had a dependent older relative with care needs (Bigoteau et al. 2015). All these elements helped us to better understand the possibilities in terms of room for manoeuvre inherent to APA implementation.

of elder care more broadly speaking and more specifically in the APA, it is important to first place French policy in a broader comparative European context.

Situating France in the European Context

The different welfare state regimes in European countries structure the care sector and produce national disparities that have been analysed through various typologies (Lewis 1992; Anttonen and Sipilä 1996; Jenson 1997; Leitner 2003; Morel 2007; Ranci and Pavolini 2012; Van Hooren et al. 2019). Esping-Andersen's well-known distinction between social-democratic, liberal and corporatist regimes (Esping-Andersen 1990), criticized for failing to highlight the effects of inequalities between men and women as regards care and domestic work, has been completed by other authors who have taken gender issues into account (Lewis 1992; Anttonen and Sipilä 1996; Jenson 1997; Leitner 2003; Ciccia and Sainsbury 2018). For example, Anttonen and Sipilä (Anttonen and Sipilä 1996) contrast northern European countries, where the welfare state provides care services, with southern countries, where families are encouraged to pay for care services on the informal or grey market or to provide them themselves (ibid: 96).

Despite these differences, major changes have occurred in the care policies of European countries since 1990s, with care being one of the rare policy domains to have experienced welfare state expansion in the 2000s. These policy reforms include a growing budget dedicated to elder care, the privatization of public care services and the introduction of cash-for-care schemes, in which the care recipient receives public subsidies to purchase care services on the market (Morel 2007; Ranci and Pavolini 2012). These changes have been analysed as recasting the relationship between families, states and the market and as participating in the transformation of gender relations and norms. After the mid-1990s, at both European and national level, care policies began to be used to raise female employment levels (Morel 2007) in a context in which, unlike in the past, women are expected to work rather than stay at home. How then have French elder care policies been affected by these tendencies and how have they changed policy implementation?

Until the end of the 1990s, though "modified", French social policies in general were still largely based on a male bread-winner model (Lewis 1992). France alternated between "optional familialism" in childcare and

"explicit familialism" in elder care (Leitner 2003; Morel 2007). In the optional familialism model, "the caring family is strengthened but is also given the option of being (partly) relieved of its caring responsibilities", while explicit familialism "explicitly enforces the caring function of the family because of the lack of public and market-driven care provision coupled with strong familialization" (Leitner 2003: 358–9). For childcare, policies at this time were contradictory (Commaille 2001; Sineau and Jenson 2003), as the caring family was strengthened, but also given the option to be (partly) unburdened of caring responsibilities. In elder care, the main social policy used by older people was not designed for them and was far from sufficient for their needs (Morel 2007; Le Bihan and Martin 2010). It is in this context that a law establishing a new elder care allowance, the *Allocation Personnalisée pour l'Autonomie* (APA), was passed in France in 2001 and implemented. The APA policy follows the general European trend towards the development of cash-for-care schemes supporting home care, justified by the idea that home care is less costly than residential care and that older people wish to stay in their own home as long as possible (Ungerson and Yeandle 2007; Da Roit and Le Bihan 2010; Ranci and Pavolini 2012). For example, long-term care insurance had been introduced in Germany a few years before, in 1994, proposing either services or cash (Ledoux 2018). Nevertheless, one of the specificities of the French cash-for-care allowance in comparison with other countries was the greater control over the scheme granted. While in the German cash-for-care scheme families can pay whoever they want for care, without needing to establish a written contract with the caregiver, in France, the scheme is based on a personalized help plan which requires users to pay for formal services or employ a declared worker with an employment contract. Care workers' professional practices and qualifications are not, however, subject to French governmental authorities.

The Gender-Blind Frame in Agenda Setting and APA Adoption

Gender did not play a role in the processes of problem definition and agenda setting for the APA. The question of elder care was mainly conceptualized and put on the agenda as related to the problem of poverty among older people and as a financial problem for local authorities. Until the 1970s, long-term care was mostly seen as a problem for older people who

were unable to buy services to help them to stay in their homes. The decision to encourage people to stay at home instead of entering institutional care was taken very early (Commission d'étude des problèmes de la vieillesse, 1962 (2014)), but no differences were identified between the situation of men and women and the situation of those (women) who provided care services was not discussed as a problem. From the late 1970s, Members of Parliament, of the *Commissariat Général du Plan* and of the Social and Economic Council anticipated demographic imbalances and growing problems relating to poverty for older people. Various reports were written, a State Secretary for Older People was established, a National Committee representing pensioners and older people was created in 1982 (*Comité National des Retraités et des Personnes Agées*—CNRPA) and a Convention of Older People was held in 1983, but the specific problems of women (lower retirement pensions, greater isolation…) were not mentioned.

From the beginning of the 1980s, associations providing home-based care to older people began to criticize existing allowances and advocated for the acknowledgement of a supported service, financed through the creation of a "fifth risk" ("disability, invalidity and dependency"), separated from the four other risks which already structured the branches of the French social security system. However, the associations representing disabled people and their families refused the stigma of old age and the creation of a common risk covering both disability and old-age dependency (Ledoux 2018). Again, the fact that women were more often concerned by dependency was not discussed and the situation of care workers (mostly women) was not directly addressed in the debate. Indeed, care-workers' voices were not represented: only the non-profit federations of associations spoke in the name of older people, care providers and their workers.

Local and national women's groups also did not get involved in these debates. In the journal of the *Mouvement de Libération des Femmes, "Le Torchon brûle"*, many articles advocated for more childcare facilities and a more equal sharing of domestic work, but no reference was made to ageing and care of older people (Ledoux 2011). This might be explained by a reluctance to confront the question of death but also by the difficulty of "de-biologizing" the ageing process (Lagrave 2009). Since ageing was mainly conceived as a biological process that diminished capacities, it was difficult at that time to imagine ageing processes as structured by social constructions.

The political context should also be considered. At the beginning of the 1980s, department*s* had obtained the responsibility for the management and funding of social assistance, previously administered by the central state. The departments had no desire to abandon this new competence by supporting a fifth risk managed by the social insurance system. Instead, they mobilized to successfully block the insurance solution several times over the 1990s, while at the same time being in favour of a reform that would enable them to better control their funding flows (Frinault 2009).

Finally a solution was found in which the department*s* were able to conserve their authority in this area. A new specific long-term care allowance (PSD, "*Prestation spécifique dépendance*") was first tested and then introduced in 1997 under a right-wing government. It allowed care payments to be made to recipients while they were still alive and then recovered from their estate after their death. This clause was immediately criticized and considered to be a major obstacle for accessibility to the funded services.

Indeed, the social movement against the PSD rapidly put the problem of care needs back on the political agenda. After the left won the 1997 election, socialist Prime Minister Lionel Jospin considered the sector of elder care to be one of the most important areas for reform. Under his government, the National Assembly decided to abolish the inheritance clause of the PSD. In the Assembly, while the Commissions in charge of Social Affairs and Finances seized on the chance to be involved in the reform of the PSD and wrote reports on the governmental proposal, the delegation for equal rights between women and men (*Délégation aux droits des femmes et à l'égalité des chances entre les hommes et les femmes*) was not asked and did not decide to work on it. The same happened in the Senate. These elements demonstrate that the PSD reform was not perceived as a reform concerning gender equality. At that time, the equal rights delegations had just been formed and were occupied by other issues (such as the 35 h working week, parity reform, a bill on contraception and abortion, another on professional equality and the reform of divorce laws). The PSD was finally replaced by the personal autonomy allowance (APA—*Allocation Personnalisée d'autonomie*) in 2001. Within this new scheme, public authorities could no longer claim part of the older person's estate after their death and the allowance granted was henceforth dependent on the beneficiary's income and level of dependency.

This scheme has not profoundly changed since 2001–2002. In 2004, following the 2003 heat wave which caused the deaths of thousands of

older people, a new employer-based social contribution was created to partly finance the APA and a new institution, the *Caisse Nationale de Solidarité pour l'Autonomie* (CNSA) was charged with piloting APA implementation. However, the new social contributions were not enough to fully fund the allowance, and the department*s* continued to finance the APA from their own resources. In 2011, under the Sarkozy Presidency, a great public debate on elder care was held in which many stakeholders were invited to participate. For the first time, the delegation for equal rights between men and women at the National Assembly became involved. In its report (Dubois 2011), it considered all the inequalities women were confronted with in elder care and underlined that, compared to men, women were more directly concerned by ageing and dependency, had less resources to pay for services, were more solicited to care for their spouse or parents and constituted 99% of the paid care workforce but occupied bad jobs. In its recommendations, the delegation insisted on the need to professionalize the elder care sector. No decision was taken following this report, but for the first time, care for older people was really problematized in terms of gender inequality within the National Assembly.

The most important APA reform was discussed in 2014 and passed in December 2015 (*Loi d'Adaptation de la Société au Vieillissement—ASV Law*), integrating one of the recommendations of the delegation for equal rights between men and women, the right to respite. It changed the allowance incrementally, by basing the percentage of cost-sharing on the degree of dependence and by acknowledging the role played by informal helpers. The latter were given the possibility of taking care recipients to a residential home or receiving a greater concentration of care services during a short time period, in order to have a vacation or "respite" from care. Here again, the delegation wrote a report on the bill before it passed, and its most important requests were that gender categories be introduced into statistics pertaining to elder care and that the high council for equality between men and women (*Haut conseil à l'égalité entre les femmes et les hommes*) be represented at the high council on age (*Haut Conseil de l'Age*) (Moignard 2014). Although the decree aimed at gendering the statistics was only recently adopted (December 2018, during our fieldwork), this legislative debate in itself made the national elites more attentive to gender questions.

Despite the fact that the reform from PSD to APA occupied a large space on the political agenda between 1998 and 2002, there was nonetheless no explicit consideration given in the political arena to the gender of

those who were cared for and those who were caring before 2011. As in many other policy domains, gender did not participate in framing the debate during the adoption phase, as the problem was seen as purely related to dependent older people. This corresponds to the French tradition of republican universalism, which refers to "the idea that granting rights and equality to individuals as abstract figures, not as concrete group members, is a potential tool for emancipation" (Lépinard and Mazur 2009: 248). Formal neutrality and abstract universalism made it impossible to "raise issues of gender differences which are central to any treatment of sex-based inequalities" (ibid), masking the differential treatment of women. Feminist groups and women's policy agencies did not intervene in the debates before 2011, even though this policy domain was characterized by huge gender inequalities. Taking feminist considerations into account earlier could have led, already in 2000–2001, to demands for higher state funding and to more attention being paid to women's work and to the idea of care activities as work. According to Nancy Fraser's normative framework, these considerations could have thus prevented the exploitation, time-poverty and marginalization of women, giving them the possibility to fully participate in society and creating the incentives for men to also be caregivers (Fraser 1997). This could have contributed to a reduction in gender inequalities by reducing the burden on informal unpaid caregivers, mostly women, and by highlighting the work done by paid home-based care workers, who are also almost exclusively women. However, the invisibility of gender in the initial debates led to the creation of a gender-blind policy instrument.

The APA: A Gender-Blind Policy Instrument

Different policy implementation instruments do not convey the same principles, ideas, resources and constraints (Lascoumes and Le Galès 2005; Howlett 2010). What are those of the APA? APA-funded services can be delivered in an institution or in the recipient's home. In institutional care, the APA only finances the expenses related to care needs (*tarif dépendance*) and does not cover accommodation (paid for by users or by social aid) or medical expenses (paid for by the national health insurance system). In the recipient's home, the APA covers some costs of a "help plan" proposed by the public authorities but users must often also pay fees depending on their personal situation. However, public authorities are not obliged to provide the services themselves and a welfare market for care

services and paid care work has grown up around this allowance. The APA, as a policy instrument, is characterized by its gender blindness. The law targets "older *persons* unable to assume the consequences of their loss of autonomy", later labelled in the law as "the beneficiaries". Those concerned by this policy are therefore considered as abstract individuals. In its original form, before 2015, unpaid informal helpers (family, neighbours) were invisible in the law, with little mention made of the paid workforce delivering the services; when they were mentioned, it was always in an abstract form under the denomination of "the services".

In this essay, we focus on home-based APA implementation, because it is in this sector, more than in residential care, that people are treated individually, and receive individually designed assistance. The APA is a policy instrument that funds help plans at home and can therefore be considered to be a capacity instrument (Engeli and Mazur 2018). For home-based care, the APA provides a payment which is conditional on the establishment by the department*s* of a "help plan", realized by other agencies. The APA law and decrees define the eligibility conditions for receiving the allowance, the user fees and the services available. We will now scrutinize the gender implications of these characteristics, taking into account eligibility, calculation of user fees, the services provided in the help plan, the sources of financing for the APA and its governance.

Eligibility Criteria

The APA law and decrees define the model to be used to establish individuals' degree of dependency and therefore the financial help they can receive. Dependency levels are classified according to Iso-resource Groups (IRG or in French "*Groupes Iso Resources*"—GIR), based on the national Gerontology Autonomy grid (*Autonomie Gerontologie—Groupes Iso-Ressources*), referenced hereafter as the "AGGIR". Of the six IRG (GIR) defined on the AGGIR, four are entitled to financial help from the APA. The highest APA is accorded to those included in the IRG 1—which corresponds to the most dependent people "confined to bed or chair, whose mental functions are severely impaired or who require an indispensable and continuous presence"—and the lowest to those in IRG 4—which groups less-dependent older people.

According to many studies, the AGGIR, invented by geriatricians, imposes a medical definition of dependency (Ennuyer 2004). As in other countries, the concept of Activity of Daily Living (ADL), coined by Sydney

Katz and his team in 1963 in the *Journal of the American Medical Association,* provides the basis for this model (Belorgey 2017: 167). Therefore, the grid defines people as dependent according to their incapacity to do certain types of activities and considers dependency as a consequence of a physical or mental illness. The grid does not require information about people's social needs or take into account their socially acquired capacity to take care of themselves but merely measures the abilities of neutral abstract individuals. This means that women who have been more used to caring for themselves and older people surrounded by informal unpaid female caregivers are not considered less needy than people without informal (female) caregivers. In this case, republican universalism seems to constitute a protection against delivering less to women or to people already assisted by informal caregivers, who are often women. Nevertheless, this protective dimension is counterbalanced by others.

User Fees

The APA law and decrees also stipulate that the allowance be subject to cost-sharing, which means that a part of the help plan is paid for by the beneficiary, and this part increases/decreases according to his/her income. The higher a person's income, the higher his/her fees. Like many other allowances in France, corresponding to a familialistic logic, income is calculated on a household basis. This dimension was not publicly discussed during the debates in the assembly: income tax papers on a household basis can be chosen as the proof of income status by street-level bureaucrats. In practice, it means that people living together with different individual incomes reach the higher percentage rates of user fees more quickly and will therefore receive fewer benefits than if the poorest member of the household lived alone. It also means that in general, the public support for home-based care is proportionally greater for women living alone at home than for women living with a partner. However, although fees are calculated on a household basis, the help plans target individuals.

The Services Provided in the Help Plan

The APA is an instrument which enables older people to access services required due to their condition, excluding medical services which are provided through health insurance. The help plans are individual: they are designed to help only one person in the household and if two individuals

are dependent in the same household, then two plans are required. Children can be paid for care services by their parents with the APA only if they are their employees or employees of a provider organization and if they have signed an employment contract, but the APA cannot finance a spouse's caregiving. Moreover, help plan "evaluators" consider caregiving between spouses to be natural, a reflection of a loving relationship. Following this logic, they also seek less to replace this kind of "natural" caregiving with professional services, when people do not complain about it. This disproportionately affects women, as they are overrepresented among spousal caregivers. The central state thus contributes to shifting care in France from a model of unpaid work to paid and formal work but this tendency does not affect all care work and does not change the way men and women share care activities, the majority of which continue to be shouldered by women.

The Funding and Governance of the APA

The central French state contributes to the financing of the APA by paying the department*s* through the social contribution collected by the CNSA. But as this funding is not sufficient, it is rationed out. The department*s* and their agents are the main actors in charge of APA implementation: they are responsible for diffusing information about the APA to potential beneficiaries, evaluating individual levels of dependency, calculating user fees, defining "help plans" and paying the allowance. Nevertheless, they do not provide the services themselves and rely on a welfare market. Provider organizations are approved by the department*s* and, depending on decisions taken at departmental level, either have their tariff imposed by the departments or fix it themselves.

Room for Manoeuvre at the Departmental Level: Implementation in Action

We decided to concentrate our analysis on a department considered to be a model in the 1980s and 1990s by the central state (Nogues et al. 1984) and where the gender-neutral language based on republican universalism around the APA has been very strong, largely due to the high levels of involvement of the medical professions (Frinault 2009). It represents therefore an "extreme case" of universalism in practice. This department

is characterized by its demographic dynamism and its economic attractivity. Here, people over 60 are less represented than in France generally (22.7% against 24.5%). This department is also characterized by a greater density of institutional elder care.

The main city of the department has had a long history of active feminist groups since the 1960s (Gallot and Meuret-Campfort 2015). Some of them federalized and institutionalized in a common structure (called here *Espace B.*) supported by the municipality and the state service in charge of women's rights (*Service des droits des femmes)*. It is interesting to note that there was no evidence that these groups mobilized around APA implementation before the end of 2000s. At the end of the 2000s, they began to be more aware of elder care and to organize information sharing events. In 2010, *Espace B.* organized a conference on familial solidarity, and the National Centre for Information on women's and family rights (CNIDFF) and its regional units launched a consultation on the status of informal helpers in 2017.

Orienting APA Applicants

In the department studied, several devices are used to channel and routinize the applications for the APA. The services are devolved into six local units and in each unit three groups are responsible for different tasks relating to APA implementation: an administrative group for the reception of the administrative documents, the calculation of the fees and payment, a group of nurses and one or more doctors for the evaluation of the dependency level, and a team of administrative and social workers (the "evaluators") who design the help plans after visiting applicants' homes. The directors of the department defined a standard procedure for APA applicants, who have to fill in a "family" questionnaire, a statement of the capacities of the applicant (what he/she can do), household resources and to enclose, if possible, a medical questionnaire filled out by the family doctor. The medical questionnaire is not compulsory but highly recommended. In cases where needs have already been accurately assessed by a professional (in the hospital or by a social worker), an accelerated procedure can be used instead. After receiving the APA, it is always possible to reevaluate needs and it is compulsory to do so after five years, as over time, people can change from one level of dependency (IRG) to another.

The IRG—and therefore the maximum level of APA funding available and the user fees calculated by the medical team—is evaluated first and

help plans are defined subsequently. The dependency evaluation is carried out swiftly following the application, since a French law stipulates that in the absence of an answer from the administration within two months, applicants for social services should consider their request granted ("*silence vaut acceptation*"). In order to not be obliged to pay for services for people who are not entitled to them, the medical team informs families of the applicant's IRG within this time frame. After that, the definition of a help plan by the evaluators can take longer: up to six months in some cases.

While help plans are individualized based on applicants' physical situation, the social situations of applicants evaluated as having the same IRG can be different: some seniors live alone while others live with their spouse or other family members; some live isolated in the countryside without any services around while others live in a metropolitan area; some receive care from their relatives, others do not. These differences are identified by the evaluators:

> I can propose a derogation for someone living alone, completely isolated. Perhaps there will be only housework and shopping done, but if it takes a long time to go shopping, the situation is different from someone living near the shop.[3]

This diversity leads to discussions, but during our research, the discourses we heard remained gender blind: the beneficiaries are described as "people", "the older person", "families" and we can imagine that the bureaucratic routines defined by the department favour this attitude.

The Definition of Dependency in Practice

It should first be noted that in the department studied, the reduction in dependency to physical incapacities is exaggerated throughout the implementation process. Older people (or their families) and their doctor are each asked to fill out a questionnaire, but the ranking in different IRGs (see above), on which depend both eligibility for the allowance and its amount, is performed by doctors assisted by nurses. In the questionnaire completed by the family doctor, the medical history of the applicant and his/her capacities (vision, hearing, diet, behaviour and memory troubles) are described. It was the department, rather than the central state, that

[3] Interview with an evaluator, February 2018.

introduced the questionnaire filled in by family doctors; contrary to what is prescribed at national level for the APA, the departmental services do not go into the applicant's home to evaluate the level of dependency if the family doctor completes this questionnaire.

Although the needs of family carers and older people are also described through the family questionnaire, the medical questionnaire completed by family doctors seems to be decisive. It should be underlined that family doctors have no relation with the departments as they interact with the health insurance system, which is a different institutional network. This means that most doctors do not benefit from any training related to these questions, and they may not be aware of the invisible needs and work done by informal care providers. The weight of the medical professions, which is greater in the department examined here than in other departments as several studies have showed (Frinault 2009; Daune-Richard et al. 2012; Gramain et al. 2015), focuses the evaluation of dependency on individual capacities and tends to render invisible the differences between men and women in everyday life that results from their differentiated socialization and position.

The Negotiation of the Help Plans in Practice

According to our interviews, in practice, families have often already begun to pay for services before the APA plan proposal, whether by employing an individual caregiver directly or through a provider organization. The plan then just helps to fund services which families have already engaged. For example, some evaluators often begin the interview in the applicant's home by asking about the services already funded by the family:

> I often ask: "Are there things in place? Describe them to me", and "Is what is in place satisfactory? What would improve the situation?". And if there is nothing in place, we can discuss it: "What would make you more comfortable in everyday life?".[4]

When no service has been used prior to the application for the APA, the social workers present the available services offered, specifying the amount that would be paid by the department and the share that users themselves would have to pay. This way of proceeding means that existing

[4] Interview with an evaluator, February 2018.

arrangements are often continued, with the difference that the services are funded by the department instead of being paid for by the families themselves. Indeed, the intervention of the department does not aim at immediately replacing unpaid work or changing social norms. For example, one evaluator explains:

> the aim is not to force people. I am not in possession of all the facts. What I consider to be good for my mother is not necessarily adapted to somebody else who has other desires. I think that people's choices, their children's choices have to be respected.[5]

Nevertheless, when autonomy declines, the department begins to finance new services. Our fieldwork was launched after the adoption of the ASV law acknowledging the role played by informal helpers and their right to respite. These objectives could be found in the interviews: the evaluators often explained that they also paid attention to informal helpers' level of fatigue, in order to prevent them becoming too exhausted to continue their caregiving.

The social work team does not receive specific official instructions from the department to reduce the allocated amounts for financial reasons—and the Vice President confirmed that the APA "*was a right*".[6] Nevertheless, the department studied tries to define standardized norms for home-based care services proposed to applicants: for example, it stipulates that a maximum of 13 h a month can be offered to older people with a dependency level of IRG 4 when only housework services were needed and 20 h when personal help (eating or taking a shower) was also needed.

Before visiting the family, the evaluators often also call the children, to be sure they will be there. Sometimes, a representative of the providing organization is also present during the evaluator's visit.

Some evaluators explain that they try to find a "balance between the [people's] need, what we can finance and the money they can put in [to pay for the services themselves]".[7] For them, real need does not always correspond to the need expressed by the families.

[5] Interview with an evaluator, April 2019.

[6] Interview with the Vice President in charge of older people at the Department, February 2018.

[7] Interview with an evaluator, June 2018.

> There are people to whom we have to explain that we do have rules [and can't finance everything they want] and on the contrary people who have many needs and who do not want much, so it's a negotiation in the end.[8]

Here, we also see how social norms intervene in the definition of appropriate service needs. As in other departments, services associated with a middle-class living style (certain types of housework) are not considered appropriate for funding (Gramain et al. 2015). The APA is considered as designed to compensate for a loss of autonomy, not continue a standard of living. For example, one of the evaluators noticed:

> When I go to a very big house, people explain that there is more housework needed, but I tell them: "the department is not here for that".[9]

The main aim of the evaluator's home visit is to encourage families to accept a help plan and its conditions (user fees and amount of hours). At the end of the visit, the majority of the evaluators obtain applicants' consent. When we did our fieldwork, a new practice had just been introduced which involved all the help plans being discussed in "medico-social meetings", seven of which we observed. These meetings were introduced to harmonize practices between unit teams, but also allow team leaders to monitor and discuss the decisions taken by the evaluators. For the evaluators, these meetings are a resource enabling them to avoid blame by explaining to the families that they do not make their decisions alone. Nevertheless, these meetings also contribute to practices of routinization.

The Externalization of the Services to Providers

Since the introduction of the APA, care funded by the allowance in the home can be provided through direct employment of care workers by families or through a for-profit or non-profit providing organization. Previously absent from the sector of home-based elder care, the number of for-profit organizations has proliferated in the last ten years, mainly in cities. In 2005, the so-called *Plan Borloo* encouraged direct employment

[8] ibid.
[9] Interview with an evaluator, April 2019.

and employment by firms by providing tax breaks for domestic work and decreasing social contributions (Devetter et al. 2009).

In the six territorial units of the department, the forms of the welfare market are different from one territorial unit to another: provider organizations are not evenly spread and for-profit providers are nearly absent in rural areas. In these areas, the offer of services is scarce, some evaluators explaining that even the non-profit organizations do not have the workforce necessary to carry out home visits everywhere. The provider organizations also refuse to work in remote areas for short periods. In these areas, the agents of the department explained to us they work "in partnership" with associations and take into account their material constraints,[10] because they know them very well, directing applicants towards them and discussing services and evaluation of individual situations with them.

To conclude, the directors of the departments have room to manoeuvre in the way they choose to organize bureaucratic work and to price the services, whereas street-level bureaucrats also have room to manoeuvre in their individual decisions, and the market itself influences the allocation of services. In the department studied, we observed a professional divide between the tasks carried out by doctors and nurses and those realized by evaluators, whose biases in their gender blindness were more pronounced than their medical colleagues. However, the gender blindness of the department studied can also be seen in the processes of assessing the impact of the policy, which contrast with gendered evaluation techniques existing at the national or at the city level.

Gender-Blind Policy Evaluation

Policy evaluation of the APA is planned by the central state, which provides information on the instrument's implementation on its website. Although major policy evaluations have concentrated mostly on poverty rates among older people, gender-based assessments have also been carried out, showing how many women/men receive the APA, how many men/women live alone at home or how many live below the poverty threshold. National statistics provided by the central state, without being directly related to the APA, inform about the gender rates among unpaid informal carers and paid care workers. Very recently, the populations

[10] Interviews with the unit head, February and June 2018.

concerned by non-take-up have been evaluated (Ramos-Gorand 2016), but gender was not taken into account.

Since 2002, the central state has also required departments to identify the needs of their older population, to define their objectives and to evaluate their policies through a planning instrument called the *schema gérontologique*. In the *schéma gérontologique départemental (SGD) 2011–2016* and *2017–2022* of the department studied, the increase in the older population is carefully scrutinized but no mention of gender appears in the "diagnosis" section, even if other data show that ageing in the department is gendered: men constitute only 36.5% of the population aged over 75 while women make up 63.5%. A significant mention is made in the SGD of the burden placed on relatives of Alzheimer's patients, but APA beneficiaries' socio-demographic and gender characteristics are not broken down by department; only national data are given.

Consequently, the figures provided by the central state are the main statistics providing gendered analysis relating to the APA by establishing the proportion and characteristics of men and women among APA recipients, informal caregivers and formal paid home-based care workers. Evaluation of the policy has therefore not been gender blind since the first national survey launched on the APA (Petite and Weber 2006) carried out by the statistical office of the Minister for Social Affairs (the DREES, the *Direction de la Recherche, des études, de l'évaluation et des statistiques*) and gendered statistics have also been co-published with academic social scientists in the DREES Review *Etudes et Résultats*. In this way, social scientists' interest for gendered data and the development of gender mainstreaming within statistical publications seem to be the factors motivating the introduction of such statistics, rather than the activities of feminist organizations in the domain of elder care: indeed, it was the data produced by the DREES that prompted the delegation for equal rights between women and men at the National Assembly to act.

In French cities, gender inequalities are also becoming a greater issue (Mosconi et al. 2015). In the capital of the department studied, the municipality has created a service dedicated to the fight against gender inequalities and discrimination, which has helped to produce more gendered statistics in every domain. Each year, the municipality produces a document on a specific social problem and in 2014, it chose to highlight inequalities between women and men. This document listed all the domains with identified inequalities between women and men, thus enacting a gender mainstreaming of all municipal statistics. However, while

seven pages were dedicated to childcare, only three pages presented inequalities relating to elder care. Particularly interesting is the indication by the report that, in 2014, 75% of the people who contacted *la maison des aidants*, a municipal institution providing psychological, administrative and medical support to unpaid caregivers caring for an older person, were women. The department also published a report on gender inequalities in 2019, but gender inequalities in old age and in care practices were practically absent from it.

Assessing Success in Outcomes and Impact: Gender Accommodation

Unlike the process of adoption of the APA and its instruments, evaluation of the policy has not been gender blind. Moreover, APA implementation has also had a gender impact, modifying the living conditions of older women, as well as those of care workers. However, although we can see an improvement in the living conditions of older people and a shift from unpaid to paid care work, gender equality has not increased. In other words, the implementation of the APA has facilitated gender accommodation by providing financial resources to different groups of women, but has not transformed gender relations. We will assess the different outcomes of APA implementation for three groups of women: older people, relatives and paid care workers.

Selective Empowerment

During the implementation process, civil servants have a key function in the definition of the needs and the drafting of the help plan. Nevertheless, the way the help plan is negotiated at home gives the beneficiaries and often also their families the possibility to express their will. In practice, it means that individually, women beneficiaries can be empowered through this process, when they have the possibility to express themselves. Nevertheless, it is not always the case, since some of the female beneficiaries might have lost their cognitive faculties or their aptitude to have a conversation. Besides, it is difficult for women clients to act as a collective given the allowances are managed on an individual basis. On the contrary, women as family carers are not always able to make their voice heard, since it is up to the evaluator's discretion and not the caregivers to have a

dialogue about the allowance's administration. Finally, care workers are ignored in the implementation process: they are neither involved with the implementation process, nor are the challenges they face in delivering care taken into consideration.

Gender Norms Among Beneficiaries

At a national level (Legendre 2016), 20.6% of the population aged over 75 received the APA, either for home-based or institutional care, while in the department studied, in 2014, 19.2% of the population aged over 75 and in 2016, 7.3% of the population aged over 60 (more than 22,000 people) benefitted from it. Among them, 9858 people received the allowance for home-based services. In comparison, in 1982, less than 6% of the population aged over 60 (6760 people) received benefits for home services in the department (Nogues et al. 1984: 192). The implementation of the APA has increased the number of people receiving funding for care in a care home or in their own home.

While 63.5% of people aged over 75 in the department were women (and 36.5% men), out of the 8591 people receiving the allowance for home care, 70.5% were women and 29.5% men.[11] Three factors can explain why many more women than men receive the APA at home. First, cultural norms explain the assignment of women to care activities. This can be seen when we consider the difference in couples' strategies towards care, as shown by Daune-Richard et al. (2012). When the man becomes dependent first, he is usually cared for by his spouse at home, possibly with the help of a paid caregiver. After having cared for their mostly older spouses, healthy women often stay home alone (after the spouse's death) and later begin to receive the APA. When the woman becomes dependent first, men, even with professional help, have more difficulties in staying at home with their wife and quickly seek institutional care for her or, often, for the two of them (Daune-Richard et al. 2012: 163). Second, it seems that the biases of the gender-blind universalism shared by the evaluators when deciding the help plan are central and not balanced out by the neutrality of the dependency evaluation. Evaluators encourage spousal solidarity, but as women are more likely to live with older and more dependent men, this affects women much more than men. Third, the APA, as a policy

[11] Own calculations based on https://www.insee.fr/fr/statistiques/2011101?geo=DEP-44

instrument, also reinforces this effect: in heterosexual couples, men have often a larger pension than women. When they die, the household's income diminishes, decreasing the user fees and increasing the incentives to ask for the APA.

Moreover, social classes react differently to the idea of in-home care, regardless of the need for financial assistance. Several agents in the department told us that they sometimes have to negotiate with older people or their families, mostly with poorer backgrounds, to encourage them to accept outside home helpers. This is related to the fact that in blue collar culture, women frequently control access to private space within the home, and some can perceive visiting caregivers as intrusive (Schwartz 1990). In contrast, white collar culture is perhaps more comfortable with domestic help in the home. Thus, the agents of the department sometimes try to modify this norm of feminine exclusivity in the domestic space.

Outcomes for Relatives

For unpaid family caregivers, the APA has resulted in the provision of additional assistance in the form of paid caregivers, but has not replaced their involvement. Indeed, the reception of the APA can redefine their role and transform them into "*care managers*" (Petite and Weber, 2006; Campéon et al. 2012). The task of looking for information on public services, filling in the form for the APA, finding providers and concluding contracts with them is very demanding and does not stop after obtaining the APA: relatives continue to coordinate care and monitor the situation of the older person, leading them to often feel a significant mental burden. For women, many effects on their personal and professional life, in terms of their career progress in particular, were observed (Le Bihan and Martin, 2006, Campéon et al. 2012).

Due to the extreme complexity of the APA's funding rules, and the diversity of actors involved in home care, the application and monitoring procedures for the allocation (sending of invoices for example, direct employment management and use of CESU) are in themselves an additional burden. This work usually falls to the women in the family circle. When older people are isolated, they can go through a specific procedure and be looked after by a "case manager"; but most of the time this "coordination work" must be done by the relatives.

In 2013, focus groups conducted within the FLOWS project in the department confirmed that women engaged in caring for their dependent

parents face many difficulties, even when their parent receives an APA-funded assistance plan (Bigoteau et al. 2015). The lack of coordination of home care, medical and hospital services was highlighted. The female participants explained in particular how emergencies impeded on their professional activities by forcing them to postpone tasks or to reorganize their schedules. However, most of them try to conform to the wishes of their parent not to seek a place in a nursing home and to stay in their own home.

Gender and Paid Care Work

The implementation of the APA did not change the proportion of women being paid care workers, which is over 90%, but changed the working and employment conditions of these paid care workers. The creation of the APA has intervened favourably in the challenging conditions of employment of home-based caregivers. Before this, employment conditions for home-based caregivers corresponded to gender norms: part-time work, poorly paid because considered to be unqualified and mostly carried out by women (Dussuet 2005). Nevertheless, in the second half of the 2000s, the growing marketization of the sector, related to the use of other policy instruments and to austerity constraints, once again transformed the context of employment and work for all home-based care providers. When the departments had budgetary difficulties, they transferred austerity constraints onto provider organizations through the pricing system, which contributed to lowering employees' qualifications. Many provider organizations have had to review their policy of hiring and training employees to avoid using "too many" graduates, when previously they had encouraged more skills training. The paradoxical result is that when older people fall into the IRGs 1 or 2 and need a lot of care, families tend to favour directly employed care workers, who are less qualified. Thus, the financial pressures to limit the costs of home visits prevent further efforts to decasualize or professionalize the sector and reduce by many departments the tasks performed by home-based care providers to the level of simple housework that any woman could carry out. These jobs are then paid at the minimum wage.

Moreover, the care time financed by the help plans and especially the routinized time defined by the department studied is more and more fragmented. Several home visits of half an hour now replace the longer house calls of the past, imposing longer travel times between homes for the employees. In cases where beneficiaries benefit from 20 h of help per

month to fulfil bodily needs (like taking a shower or preparing the lunch/dinner), home visits must take less than an hour. The consequences for the caregivers have been a greater mobility between places of residence and more complex scheduling of work. Here we can clearly identify a process of labour intensification that originates in the terms of the help plans and which is imposed by funding considerations. This is a major constraint, making the establishment of full-time schedules for employees virtually impossible. It is also the result of a restrictive definition of working time reduced to the period of the activity in the homes of beneficiaries.

The consequence of this is that most care workers work part-time. Yet when in-home caregivers work 25 h a week part-time, they are, because of the obligations related to their job (travel, coordination time, training time), busy working for a time corresponding to an average of 35 h or a full-time job (Dussuet 2005; Barrois and Devetter 2012; Avril and Cartier 2014). Home-based caregivers are damaged by the fragmentation of home visits and the intensification of their work, which consequently induce health risks. This explains why many employees, especially older ones, prefer to limit their working time, and do not ask to work full-time. Even though they would increase their income by working full-time, they want above all to be able to keep their job as long as possible, to accumulate retirement pension rights. Most of them feel that they are not able to withstand the physical and mental demands of a full-time job that requires much more than 35 h per week.

Conclusion

When the problem was introduced onto the agenda in the late 1990s, the APA did not address any of the gendered dimensions of care, from the inequalities between older female and male care recipients to those suffered by paid and unpaid caregivers and care workers on the job market. Later on, feminist movements and agencies began to reframe the questions related to elder care but could not really change the nature of the implementation: introduced as a gender-blind instrument, the APA remains gender neutral in practice. Studying its implementation in one department, we have shown that the gender-neutral republican universalism is not always gender biased and for some specific policy instruments—like the evaluation of the care recipient's dependency level—it prevents a reinforcement of gender assignments visible in other configurations. For example, in the department in question, those already helped informally

and voluntarily by their spouses or children are not considered to be less dependent than those living alone and the evaluation of the dependency level makes it possible to unburden wives and daughters caring for their spouse or father/father-in-law. However, we also show that even if the policy instrument is in theory gender neutral, in practice, when it comes to the definition of the help plans, it accommodates gender norms and embraces archetypes of masculine and feminine roles, reinforcing assignments of women to care. Moreover, it should not be forgotten that the development of paid home-based care has gone hand in hand with a reduction in support for nursing homes, and the weakening of institutional care. Nevertheless, this policy has also facilitated a shift from unpaid to paid and declared care work, thereby providing economic resources for women and promoting their integration into the labour market. However, this work remains precarious and the burden for unpaid family carers remains heavy due to the complexity of the APA, while paid caregiver jobs remain female jobs, precarious and low paid. Looking at the implementation of the APA shows that this allowance has interacted with gender roles and social class, reconfiguring inequalities in the domain of care work but has not achieved a system which could induce men to share care tasks with women, like the universal caregiver model promoted by Nancy Fraser (Fraser 1997). The gender biases related to French republicanism also remain unaffected by APA implementation.

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Pay Equity Through Collective Bargaining: When Voluntary State Feminism Meets Selective Business Practice

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Introduction

Equal employment issues have been at the heart of women's rights policy in France (Revillard 2016). Since the symbolic Loi Roudy on égalité professionnelle was adopted in 1983, equal employment policies targeted all aspects of work life—recruitment, training, qualification, promotion and pay—yet with mixed results.[1] Although the principle of equal pay was put into law in 1972, the pursuit of equal pay for equal work was merged with the more general approach of the 1983 law and hence subject to the same limits of that policy (Laufer 2003). In the 1980s and 1990s, governments of the right and the left pursued "negotiated public action" (Groux 2005) which allowed for the implementation of professional equality through collective bargaining at company and sector levels within a legal framework that failed to establish penalties for non-compliance.

As in other European countries, the trend toward narrowing the pay gap between men and women since the late 1960s came to a halt in the early 1990s.[2] Since then, the gender pay gap has remained relatively stable, even though women caught-up to men in education and increased their share of the labor force (Meurs and Ponthieux 2006). In this context of persisting disparities and with EU pressure for more authoritative equal employment policy (Mazur and Zwingel 2003), the issue of pay inequalities received renewed attention on the French political scene in the beginning of the twenty-first century with adoption of an Equal Pay Law in 2006. However, the law was limited by the same symbolic imperative and it was not until the adoption of new policies in 2010 and 2012 that the weaknesses of equal pay policy were addressed. The rest of this essay traces in more detail the story of equal pay policy formation from the early

[1] Studies of the Roudy law and other equal employment policies have identified the highly "symbolic" imperative of these reforms. That is, that governments of the right and the left have adopted a series of laws and policies implemented through collective bargaining and labor relations at the firm level with no teeth; as a result, few actors actually mobilize around them and sex-based inequalities continue (e.g., Mazur 1995; Laufer 2018).

[2] The (unadjusted) gender gap in hourly wages estimated by Eurostat in the early 2000s placed France slightly below the European average, due in particular to the overrepresentation of women workers in industries and occupations that offer low rewards for comparable levels of qualification and their more frequent employment on temporary contracts (Boll et al. 2017). Analyses of average overall income (annual or monthly) also highlighted the incidence of part-time work, which, although less pronounced in France than in other European countries (e.g., Germany and Austria), remained a major factor in wage inequality between women and men (Ponthieux and Meurs 2004).

1980s to the present with the GEPP framework, from agenda-setting to policy adoption through to implementation, evaluation and outcomes (Engeli and Mazur 2018). As the analysis shows, 2010 marked a potential break with the symbolic policy imperative; persistent mobilization of feminist actors inside and outside of government contributed to not only getting more concrete policies adopted, but also to meaningful evaluation of those policies with an eye toward more effective policies.

The Genesis of State-Managed Bargaining on Equal Pay: From a Symbolic Commitment (1983–2006) to …

The Roudy law was based on the conviction that encouraging collective bargaining around égalité professionnelle at both the sectoral and company level would lead to equality in the workplace. It remained largely "symbolic," since its adoption into the 1990s; few equality action plans were produced due to a context of economic crisis, the weak mobilization of trade unions, the indifference of employers and the absence of monitoring procedures. Indeed, at the time of the adoption of the loi Roudy, the Ministry of Labor and its inspectors were successful in their vocal opposition to the creation of any independent body to monitor employers or to advise women in sex discrimination cases on the basis that it would weaken the Labor Code (Mazur 1995; Laufer 2003). In the face of these disappointing results, the 2001 Génisson Law was adopted to reinforce policy by making collective bargaining mandatory for firms with 50 or more employees, which was also the same threshold for the firm-level representative labor councils. In these first two major equal employment laws (1983 and 2001), a systemic and structural approach to égalité professionnelle was put forward, where gender pay gaps were considered to be a product of women's poor access to training and promotion, women's family obligations as mothers and the absence of women in decision-making positions in collective bargaining.

In 2005–2006, the European Union placed more pressure on member states to take concrete measures to address the gender wage gap; first the 2005 *Framework of Action on Gender Equality*, signed by EU social partners and then a 2006 directive made "tackling the gender pay gap" one of four main priorities.[3] The EU policies called members states to develop a

[3] Directive 2006/54/EC of the European Parliament and of the Council of July 5, 2006, on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation.

variety of instruments that would address the underlying causes of gender pay differences; provide information and guidance about existing legislation on equal pay; and ensure that pay systems and job evaluation schemes were transparent and gender-neutral (Smith 2012). This EU coordinated employment strategy actually set the target of closing the pay gap by 2010 in the context of the neoliberal argument that gender equality is good for market performance (Jacquot 2014).

This request for more "coercive" and authoritative legislative measures, including significant sanctions, was echoed in France by the state feminist network, which included women's policy agencies in the executive branch, women elected officials and the parliamentary delegation on women rights (Revillard 2016). It had been Women MPs in the delegations for women's rights in the Senate and the National Assembly who had warned in several evaluation reports that the 2001 law was poorly implemented with few companies actually doing any annual equality monitoring—Rapport de Situation Comparée (RSC)[4]—or initiating equality negotiations in the firm. Moreover, the Labor Administration in monitoring labor agreements more generally was quite lenient with employers: validating illegal wage agreements or extending sectoral collective agreements not in compliance with wage equality. Rather than not approving non-compliant agreements, they would approve them with "reservations" (DGT 2010).[5] In 2009, only 9.5% of agreements (110 out of the 1161 negotiated this year) included equality objectives (DGT 2010) and in most of these there was a brief mention of the 1983 law and vague reference for future firm negotiations to define operational measures to reduce pay gaps.

Bowing to EU pressure more than anything else, right-wing President Nicolas Sarkozy asked his government in January 2005 to present a draft law on equal pay with a stipulation to achieve results in five years. It was a watered down version of the 2006 European directive, missing three key elements: implementing the principle of equal pay for work of equal value; incorporating a clear definition of sexual harassment; and extending the law to the public sector (State civil service, hospitals and local

[4] This report is a detailed gender audit with specific gendered breakdowns of workforce composition by occupation, type of contract, working time arrangements, family-related and other types of leave, access to training, working conditions, pay scales and bonuses and average time between promotions.

[5] A reservation formally states that an agreement was made without any consideration of firm-level reports of women's and men's status and failed to make any mention of gender equality issues.

government). Trade unions, like employers, did not want the additional negotiation on equal pay either and defended the systemic and structural approach of the 2001 Génisson Law. In addition, the unions had negotiated a National Intersectoral Agreement on professional equality in March 2004, considered that had included two new priority areas for action: labor market gender segregation and work–life balance and family; however, this was in a traditional protectionist logic that also fit the neoliberal EU discourse on equality opportunities for women (Alwood and Wadia 2009). The National Assembly's delegation for women's rights had also defended the maintenance of the "dual system" (equal pay and equal employment), in the name of a systemic analysis of the causes of gender pay gaps:

> Far from being weakened in its content, the specific negotiation on professional equality remains more necessary than ever. Indeed, to be effective, measures to reduce wage gaps will have to be accompanied by indirect and simultaneous measures addressing all the other factors contributing to wage gaps, such as working time, job de-segregation, access to vocational training, and the reconciliation of work and family life.[6]

At the same time, the labor administration had defended the 2006 law, in a "*gender mainstreaming*" perspective (integrating equality into annual wage agreements, the most frequent negotiation), but also pragmatically, in a monitoring perspective, because employers were obliged to submit the Minutes of pay negotiations to the administration[7] (unlike professional equality agreements). However, this possibility of control was poorly implemented until 2012, partly because of the low number of labor inspectors, but above all because it was not a political priority for the labor administration.[8] The process of monitoring when the negotiations were filed was not very effective, because almost all wage agreements even without opening equal pay negotiations were accepted. Post-agreement

[6] Délégation aux droits des Femmes, Rapport d'information no. 2243 sur le projet de loi égalité salariale de 2006, Assemblée nationale, 12 avril 2005.

[7] Wage agreements may only be accepted by the labor administration if they are accompanied by a report certifying that the employer has opened negotiations, seriously and fairly, on the reduction of pay gaps (Article L. 2242–7 of the Labor Code).

[8] The example of a monitoring campaign in March 2008 on professional and wage equality by the labor inspectorate of 1000 companies is very emblematic: at the end, only 415 inspections were carried out in 14 months (41%) with strong regional variations (Grésy 2009).

monitoring was considered a time-consuming activity as well and complex to carry out. Above all, both employers and trade unionist representatives were reluctant to enter into positive discrimination logic and preferred general wage increases. Moreover, trade union representatives were not always well trained or informed on equality laws and failed to grasp the notion of "indirect discrimination" justifying women-only measures.[9] The mid-term evaluation report of 2006 law written by Brigitte Grésy, then inspector at the Ministry of Social Affairs, who later took over the chairmanship of the CSEP (Conseil Supérieur de l'Egalité Professionnelle), was emphatic about the short falls of the Policy: "Negotiators negotiate little, except in large companies. Controllers have little control. Judges judge little" (Grésy 2009, p. 88). A study carried out for the Delegation for Women's Rights of the Ministry of Social Affairs (Rabier 2006) had also shown that more than half of the companies did not carry out their RSC and that only a minority of agreements (specific or generalist) recognized wage gaps and included budgeted measures to remedy them.

… to the Adoption of More Concrete Incentives (2010–2012)

At the same time, by 2010 trade unions had been calling for sanctions for non-compliance and for more monitoring by the labor administration for several years. In theory, they could have brought a judicial action for obstruction of equality bargaining, but neither trade unions nor labor inspectors wanted to use the ultimate weapon of criminal justice, the penalties provided for being either too strict (imprisonment of the company director) or too lenient (a fine of 3750 euros). At the same time, the outcome of an official meeting between the labor minister, labor and employers' organizations, a part of the mid-term review of the 2006 law, failed to call for stricter monitoring, financial penalties for non-compliance or incentives for companies which did take equal pay initiatives. While Xavier Darcos, the Labor Minister, publicly expressed intent of sanction for companies that did not submit their annual equality monitoring report (RSC), no decree followed this oral commitment (Grésy 2009). The employers' organizations (particularly the MEDEF—Mouvement des entreprises de

[9] Which since 2006 had allowed labor inspectors to ask that after maternity leave, women receive an annual mean wage increase (including bonus) similar to their colleagues with the same level of job (socioeconomic group) in the company.

France) vocally opposed any increased authority and sanctions, complaining the growth of the "administrative burden" on French companies, particularly since additional mandatory company negotiations on working time, seniors and disability (Mias et al. 2016). In May 2009, in the context of the adoption of a new law on administrative procedures for citizens and administration, employers had even obtained, through behind the scenes lobbying, the removal of the requirement to submit RSC to the labor inspectorate.[10]

Nicolas Sarkozy's government disregarded the reluctance of the MEDEF during the debate on pension law in 2010, because feminist associations[11] and trade unions were strongly vocal on equality issues, stressing that wage inequalities are one of the main causes of very high pension gap between women and men (around 40% in 2010). Women were also highly visible in street demonstrations and testified to the injustice of their small pensions.

In the report made by the Delegation of Women's Rights in the National Assembly on the law,[12] the injustice toward women of the symbolic polices was clearly identified as well. For example, Catherine Coutelle, Socialist MP stated

> The issue of women has finally come to the forefront, at the time of the debate on pensions. Women were numerous in the demonstrations to testify to the injustice they are victims of, an injustice that affects their retirement. On that occasion, I spoke with a woman who has worked all her life, who has contributed to seventeen pension funds, and who now receives 900 euros a month, leaving her 6.60 euros a day to live! Women feel this injustice.

Pascale Crozon, CFTC trade unionist echoed the same sentiment:

> Today, I am distributing on markets a leaflet I wrote, and a letter indicating why I did not vote for the pension bill. A woman came to tell me that she is receiving a pension of 600 or 800 euros! How can she live?

[10] Loi no. 2009–526 de simplification et de clarification du droit et d'allégement des procédures du 12 mai 2009; the report must simply be made available to the administrative authority 15 days after consultation with employee representatives.

[11] Particularly the Collectif National pour le Droit des Femmes (National Collective for Women's Rights) and Osez Le Féminisme (Dare to Be Feminist).

[12] Délégation aux droits des femmes de l'Assemblée nationale, Rapport d'information no. 3621 sur l'application des lois sur l'égalité professionnelle au sein des entreprises, July 2011, p. 88.

Article 99 of the 2010 Pension Act established a maximum penalty of 1% of wages paid out in companies with 50 employees or more for failure to file a professional equality agreement or, in the absence of such an agreement, to formalize an action plan that included a list of action areas, objectives and indicators to be posted for employees to see in the workplace. In return for these binding measures, the December 31st 2010 deadline for closing all equal pay negotiations was removed. During the debates on the draft pension law, the Delegation of Women's Rights in the National Assembly, taking up the arguments of the various trade unions, firmly supported the new sanctions:

> The Delegation reiterates its opposition to any form of excessive indulgence towards companies which, for nearly 30 years, have not respected the law. It points out that although the legislator has indeed provided for a modulation of the penalty, it has never authorized a total exemption from it.[13]

After adoption, however, the definition of the sanction implementation tools led to a battle of texts between the Ministry of Labor and trade union representatives (who wished to avoid the possible circumvention of social dialogue through "unilateral action plans" designed only by employers) as well as state feminists. A coalition was built between the Women's Rights Department (of the Ministry of Social Affairs), the Women's Rights Delegation in the National Assembly and the five major trade unions to put pressure on the Ministry of Labor. As on the work-family reconciliation policy (Windebank 2012), there was a risk that under a right-wing government, feminist discourse was used only as a symbol or even to justify reducing public expenses and labor rights. The first version of the article 99 decree was rejected in May 2011 by all CSEP trade union representatives, with a new version published in July 2011.[14] As soon as François Hollande's socialist government was elected, the new Minister for Women's Rights, Najat Vallaud Belkacem, announced in June 2012 (only one month after her appointment) a new version of the Article 99 decree. At the initiative of the Delegation for Women's Rights of the National Assembly, in September 2012, on the occasion of a draft law on

[13] Délégation aux droits des femmes de l'Assemblée nationale, Rapport d'information no. 3621 sur l'application des lois sur l'égalité professionnelle au sein des entreprises, July 2011, p. 14.

[14] Décret du 7 juillet 2011 relatif à la mise en œuvre des obligations des entreprises pour l'égalité professionnelle entre les femmes et les hommes (no. 2011–822).

youth employment,[15] the obligation to file the unilateral action plan was introduced, in order to check compliance, but also for reporting purposes, since it allowed an exhaustive inventory of plans and agreements drawn up at regional and national level. In order to give priority to negotiations with the social partners in companies with more than 300 employees, in the absence of an agreement, was also introduced the obligation to submit a statement of disagreement attesting to the failure of negotiations on professional equality between women and men. Finally, a decree in 2012 specified the procedures for control by the administration and made remuneration mandatory in the areas of action imposed by the State (three or four depending on company size).[16]

Tools for Collective Bargaining on Equal Pay: A Prescriptive Framework that Provides for Company Flexibility

By promoting collective bargaining as the main lever of action for equal pay, successive governments subcontracted social actors to achieve this public policy objective (Miné 2017). However, as a principle, legislators defined precisely the details of the required stipulations for all companies in the labor code; thus a mixed approach of state and self-regulation with companies allowed to choose the concrete steps to be taken with strict legal parameters for their actions. The operating principle here was to allow for the economic and structural realities of the firm context and allow them some flexibility in achieving solid goals. For small companies (less than 50 employees), self-regulation dominated; they had to take into account the objective of equality between women and men and take action to reduce it, without constraints or incentives. In companies with more than 50 employees, the requirements increased and were combined with positive and negative incentives. First, companies were required to annually monitor and report on the gap in working conditions between women and men, particularly in terms of pay, and to develop an action plan on this basis that included equal pay. Then, the report and the action plan were to be discussed with the workers' representatives and negotiations were to be

[15] Loi du 26 octobre 2012 portant création des emplois d'avenir (no. 2012–1189), article 6.

[16] Hiring, training, promotion, qualification, classification, work conditions and work–family balance.

launched in order to reach a collective agreement on objectives and measures in favor of gender equality. Otherwise, the employer would have to establish a unilateral action plan that was renegotiated each year. In any case, measures to eliminate the gender pay gap were still to be discussed as part of the mandatory annual wage bargaining. With regard to incentives, companies not covered by an agreement or action plan on professional equality would face a financial penalty and not be considered for government contracts from December 2014. In addition, companies with more than 200 employees had to set up a professional equality committee to guide the company's policies in this area.

While this legal framework can be seen as being quite strict, it was actually quite voluntary in practice (Santoro 2016). Following Schneider and Ingram's (1990) classification used in the GEPP framework, this policy consisted, therefore, mostly of "capacity and learning tools." First, the mandatory annual report aimed to provide information and resources to identify gender gaps and companies had access to free guides and online applications to help them calculate and interpret relevant indicators and determine appropriate measures. Second, the mandatory action plan allowed considerable flexibility in the actions to be taken and the recourse to collective bargaining helped to build consensus. Finally, the obligation to monitor these actions was intended to encourage companies to learn from experience through formal evaluations. Thus, companies were required to follow certain procedures to promote equal pay, and were punished for non-compliance, but not for actually achieving any specific reduction in the wage gap between men and women in their firms.

Equal Pay Evaluation and Implementation: A Gap Between Policy Expectations and the Practices of Companies

Ministries of labor and women's rights have evaluated the overall results of this gender equality policy through different channels. At the regional level, impact studies were carried out by the administrative authorities (Direccte—regional labor inspectorate) to which companies must submit their agreements and action plans. At the national level, studies were conducted by the Research Department of the Ministry of Labor and by the Higher Council for Professional Equality (CESP), an advisory body that participates in the definition and implementation of the public policy of

professional equality. The labor ministry funded study by Pochic et al. (2019), to which the authors of this present chapter contributed, was one of the most comprehensive studies to assess how companies used the various instruments and tools of the new equal pay policy. It used a mixed method approach based on two kinds of data. The first kind consisted of a sample of 186 collective agreements and unilateral action plans across ten sectors that were transmitted by companies to the regional authority and were entered into an administrative database. By carrying out a textual analysis of the content of agreements and plans, it was possible to observe to what extent the legal requirements were formally respected and which measures were most frequently chosen. The second type of data collected was based on 20 company case studies, which have been used for a better understanding of the process of implementing the gender equality policy, in particular using the new procedures to develop an equal pay plan in the firm. The case study analyses also made it possible to assess the relevance of the chosen measures with regard to the particular configuration of gender inequalities within the firm.

The textual analysis showed that the requirement to address the issue of pay was met, with 95% of unilateral action plans and 91% of collective agreements examined including it, although this inclusion was made more to avoid the sanctions than to address wage gaps in the firm. For example, the diagnostic tools provided by the law for employers to identify the causes of pay gaps were not widely used. Few texts acknowledged the existence of a pay gaps in the company (19%) and even fewer provided any numerical data to show the gaps (14%). The analysis of wage gaps appeared on the whole to be rudimentary and rough compared to the indicators prescribed by the implementing decrees. Moreover, when they were acknowledged, these differences were not systematically considered problematic. Some texts thus arbitrarily set acceptability thresholds or relativized the significance of these differences by relating them to what is observed at the level of the sector or branch.

The effects of a glass ceiling or job segregation were therefore largely ignored. When pay gaps were made, they did not take into account the differentiated career dynamics between men and women within specific professional categories and failed to identify tendency of women to work more than men in the lowest paid jobs. New compensation practices based on individualization and performance were presented as a means to guarantee equity between employees even though they fueled inequalities. Wage inequalities between women and men were thus justified by the

reference to evaluation criteria that are supposed to be objective and gender-neutral, either because these criteria were set outside the company or, conversely, because they were based on an individual assessment of the employee's merits.

This reluctance of companies to acknowledge, quantify and take responsibility for gender pay gaps was obviously linked to the fear of legal action for discrimination, in a context where judicial decisions in favor of pay equity were on the rise in French labor tribunals, based on the principle of unequal treatment at the individual level[17] (Chappe 2011; Silvera 2014). Failure to recognize inequalities also allowed the employer to avoid collective compensatory measures. In fact, our study shows that the equal pay measures were not very ambitious and, contrary to what is legally required, their cost rarely evaluated: 15% of the texts mention a dedicated budget, of which only 3% determine the amount. Similar to more general equal employment policies in the firms, the equal pay measures focused on preventing individual cases of discrimination by line manager, without any general cost implications to the firm. The texts thus refer repeatedly to raising managers' awareness, formalizing managerial processes to ensure greater transparency in decisions taken in terms of compensation at the recruitment level and throughout the career, and using individual interviews to deal with employees' possible grievances, without any concrete outcomes.

In view of these results, there is a clear gap between the expectations of the law and the practices of companies. Case studies confirmed that companies rarely used this required process to have a critical discussion about gender bias in the firm, which was the intent of the new policy. Interviews conducted with company's executive managers shows that the legal system for promoting gender equality in companies was seen by them more as a constraint than as a lever for action. While this legal constraint did have an incentive effect, it did not in itself raise awareness of company responsibility for existing professional inequalities between women and men, nor did

[17] Thanks to a new law on discriminations voted in 2001, individual employees, supported by lawyers and/or trade unions, could sue a case based on individual comparisons of salary progression with colleagues in the same company; burden on the employer to demonstrate that it did not discriminate. French trade unions have supported and won many cases around union bullying and victimization that created jurisprudence (the panel method), a dynamic comparative methodology to "prove" discrimination. This method have been expanded to trials on discrimination due to gender or maternity/family status, and validated as a legal tool by the Haute Autorité de Lutte contre les Discriminations et pour l'Egalité (Halde) in 2007.

it guarantee the effectiveness of social dialogue on this issue. For example, employers had no knowledge even of the meaning of indirect discrimination, even though the notion had been explicitly mentioned in the law (law of 27 May 2008) and was presented in a guide for employers published by the Human Rights Defender in 2013 to better explain the legal principle of "equal pay for equal work," including specific pay equity grids for salary. This was particularly the case in firms with less than 1000 employees. In these structures, the management recognized that the legal system allowed for raising the issue of unequal pay, but this line of inquiry remained very external to the company and did not lead to questioning organizational practices, unless the management was pushed to act by employee representatives. While the analysis of the firm-level studies of the comparative situation of women and men revealed significant disparities, particularly linked to the concentration of women in the lowest paid jobs, management representatives interviewed attributed these disparities to external causes (women's socially conditioned preferences) or technical causes (physical constraints), arguing that there was no overt discriminatory behavior toward women within the company.

In larger companies, the presence of a human resources department and a professional equality commission (mandatory for 200 employees or more) ensured greater sensitivity and understanding of this issue, as well as a wider use of the diagnostic tools provided for by law. However, in these companies, the commitment of the management to gender equality was determined by a business case approach, leading to a focus on diagnostic and action methods that could ensure a positive return on investment. From this point of view, the legal framework again appeared to be a constraint, in that it imposed areas of action and a process of information and negotiation with employee representatives that do not "spontaneously" align with the requirements set by management. The margin of maneuver granted by management to negotiate the means and objectives of the company's action in favor of equality was then limited. Depending on the mobilization and bargaining power of employee representatives, it resulted either in conflictual negotiations or in the instrumentalization of the negotiation process.

On the side of employee representatives, the interviews show that their negotiating capacity was weakened by a lack of trade union unity in a context where the balance of power with employers was generally unfavorable. This lack of unity was primarily due to the lack of interest shown by some representatives in gender equality issues, when other representatives,

trained in these issues, made it a priority action (see also Brochard and Letablier 2017). This lack of unity then stemmed from disagreements on the more or less offensive measures to be implemented and, in particular, on the relevance of corrective actions (salary envelope) or structural actions (revision of classifications) in favor of women. Another factor that may explain the weak effect of the negotiation on the quality of the texts produced and the few differences generally observed between the contents of negotiated agreements and those of unilateral plans, was the organization of the negotiations. Many union representatives interviewed deplored the severe restrictions on time and information imposed by management. They frequently denounced negotiations conducted in haste and with incomplete information, not leaving employee representatives with sufficient resources to participate in an adversarial debate.

The findings from our firm-level study are confirmed in more macro analyses of sex-based pay gaps and women's status in the labor force. If the general evolution of wage differences between women and men is considered, there is a slight decrease from 20.9% in 2010 to 19% in 2016.[18] It is difficult to say whether this evolution is the consequence of the new equal pay policy. Indeed, the gaps had begun to narrow at the same rate before the obligation to negotiate on women's and men's pay was affirmed. Moreover, while the figures produced by the General Directorate for Labor show an acceleration in the pace and volume of negotiations (+172% of texts recorded in the DIRECCTEs between January 2013 and February 2016), it should be pointed out that 60% of SMEs with over 50 employees do not yet have a gender equality policy, either in a negotiated agreement or in a "unilateral" plan. Moreover, very few companies with less than 50 employees[19] have developed equality plan on their own initiative, even though just over one-third of women work in these small businesses.

Finally, since feminized sectors have the lowest wages, feminized sectors should be under the microscope for improvement of women's employment and working conditions. However, the Labor Administration indicates that some highly feminized sectors (such as trade, human health and social action) are overrepresented among companies sanctioned for non-compliance. Despite the legislative impetus, many branches in which

[18] https://www.insee.fr/fr/statistiques/2407748#tableau-Donnes

[19] In France, 40% of employees are working in companies with less than 50 employees. Source: Ministry of Labor. https://issuu.com/ministere-solidarite/docs/livret_sans_prud_hommes_v-20_paco/4

employment is predominantly female are not covered by a specific branch agreement. Finally, interviews with employers and employees' representatives of highly feminized companies revealed a tendency to consider that the issue of equality does not arise in their structures, on the grounds of the overrepresentation of women in their workforce. Even more than elsewhere, equality seems difficult to construct as an issue and often reduced to the question of gender diversity, giving rise to actions focused on men. At first sight, the impacts of this policy seem minimal. Nevertheless, one may wonder whether policy empowerment occurred: to what degree women were present among the actors who negotiated the agreements (paying due attention to diversity and intersectionality) and did their participation change the policy issues?

Limited Descriptive and Substantive Empowerment of Women in the Firms

To be sure, women were involved in the negotiation process in most companies, as the Human Resources (HR) profession is largely feminized; they were present on the side of the employer representatives. But in all the SMEs we studied, the high turnover of HR managers, their lack of time and training hampered their authority and monitoring of the process. On the side of employee representatives, given the gendered division of labor in trade unions and women's interest in this issue, it was also often women who invested in this bargaining process. Nevertheless, negotiations remained a matter for specialists and therefore concerned a minority of people who were not representative of women's diversity. The form of negotiation did not allow the emergence of a "political subject" of women employees and the expression of their demands. Few employees took advantage of the opportunity of the bargaining process to speak out or assert their power. By giving this negotiation a strong quantitative and technical dimension, the public policy limited the dissemination to the concerned employees. Although some women's business networks could be places of awareness and expression on these issues (Blanchard et al. 2013), they mainly concerned managers and rarely addressed the issue of remuneration.

In terms of substantive representation in the process, we found that women managers and professionals were the main target of agreements and unilateral plans, especially in companies that were growing or

employed qualified staff. There were no measures focusing on low wages, atypical or night working hours or part-time work. French women at the bottom of the scale have little involvement in trade unions and associative organizations that would enable them to make specific demands, especially since their working and employment conditions leave them little time to campaign. The absence of organized spokespersons representing female low-qualified workers is a central dimension of the "opportunity structure" for understanding why their specific interests and concerns were reduced in unilateral plans and negotiated agreements (Milner and Gregory 2014). The case of POWER, a company with more than 5000 employees (45% of women) in the energy sector, shows how representation issues in trade unions can shape equality policy in favor of one category of women rather than another. In this company, the agreement signed in 2015 was less favorable to employees and supervisors, predominantly female categories, concentrated in commercial and administrative services, which were not a strategic target for management. The presentation of the wage gap into three main socio-professional categories (workers-employees/supervisors/managers)—a method nevertheless recommended by the Labor Code—tended to strengthen the social hierarchy. This method of calculation concealed the problems of the "dirty floor," to use Berrey's (2015) expression: women, who were in the majority among workers and supervisors, had much lower wages and bonuses, while bonuses for senior managers had risen sharply. As the main measure to "achieve equal pay," the agreement announced that each year managers responsible for the annual evaluation of employees would be informed that remuneration should respect the formal principle of equality, i.e., "be based solely on professionalism, performance and skills." This wording reflected how much this equal pay policy could be drafted, even with a female HRD, without questioning the gender biases embedded in the evaluation tools. As a result, two of the unions in this company (CGT and CFDT) that tried to represent and organize non-management women were much more critical of this agreement than were the reformist unions established (or aiming to develop) among P&MS, such as CFE-CGC and FO.

When considering diversity and intersectionality, the representativeness of women's interests is therefore not ensured in terms of social classes. Our study found almost no references to disability, ethnicity or age discrimination in agreements or HR policies, even in large firms covered by a "diversity label."

Gender Accommodation in Employment Practices and Equality Polices in the Firm

In general, the definition by the law of the areas for negotiation—recruitment, remuneration, promotion, work/life balance—led to an individualized analysis of gender inequalities, and hence to actions that were unlikely to radically change the organizational practices of companies. Thus, gender pay disparities were predominantly associated in our study with skills and recruitment rather than career progression, pay structures or the work–family interface. As the control of compliance is on formal procedures, negotiators respected the separation between domains of bargaining and did not develop a global approach of the problem. Moreover, among the measures relating to remuneration, corrective actions (costings for remedial salary adjustments) were preferred to more structural actions that would address the causes of these inequalities (job evaluation and measurement of equal value, in-service training to obtain a qualification). The case of ASSURANCE is a good example of the difficulty that companies, even those most involved in promoting equality, have to tackle the causes of inequality. This company in the banking and insurance sector, with more than 5000 employees (54% women and 51% female managers), has dedicated €1.8 million to correcting pay gaps for the period. The 2014 agreement was signed by the CFDT trade union delegate but not by the FO trade union delegate who, while acknowledging the importance of the financial effort made by the firm, underlined the absence of structural action to eradicate the causes of inequality:

> The agreement aims to reduce, not eradicate! Structurally, the same causes produce the same effects, even if some measures are taken to correct these gaps, they are not eliminated, and these gaps are likely to persist.

Job classification, which contains a systematic undervaluation of female-dominated jobs (employees but also some functional managerial jobs), is the main source of pay and career inequalities, but management refused to open this topic for discussion.

In a general way, agreements and plans of action incorporated many elements of managerial rhetoric. The word "diversity" was present in 43% of the studied sample, reflecting the diffusion of this category in all sectors and for all sizes of company. The rhetoric of the "business case," according to which "equality" (often restricted to the presence of women,

parity—40% or 50%, or "mixité"—fair proportion) favors the performance of the company, was also very present in the texts. This argument was widely used in "unilateral" plans, but was also present in agreements elaborated with trade unions negotiators. While the link between gender equality and economic performance is often seen as a means of encouraging companies to invest in the field of equality, it is not without danger. The involvement of companies is determined by an anticipated performance counterpart, and not by a desire of social justice. In addition, this link between equality and performance can be a way of limiting collective salary catch-up in favor of women, with individual performance being put forward as a way of explaining pay gaps.

Our study found that the formulas used in some agreements provided managers with an opportunity to justify differences in treatment and increased their margins of freedom in implementing the negotiated policy. The case of INFO.inc highlights the possible perverse effects of this freedom left to managers' discretion. Indeed, in this company of more than 5000 employees (29% women and 95% managers) belonging to a global IT group, while a salary catch-up budget had been negotiated following the identification of wage gaps (thanks to the use of a linear regression method), managers tended to largely favor men in individual promotion review process to offset the targeted increases. According to the unions, managers took from women with one hand what they gave them with the other:

> In this agreement there was a side effect that was… Because these wage catches were planned… I don't know, just before the annual wage revisions. And we noticed afterwards that there are some managers, when they saw that a woman on their team had a pay review for gender equality, she didn't get anything at the next annual pay review. (CFTC Negotiator)

At the confluence of law and managerial practices, the measures planned in the texts gave managers a pivotal role in the achievement of equality, thus contributing to the rise of an equality thought in an individual way, case by case (as illustrated by the predominant practice of individual interviews). Equality has been therefore mainly conceived as a dimension to be added to the individualized management, without analyzing sexist biases in individualized management tools, based on skills and objectives (Steinberg 1990; Saari 2013). Faced with this "managerialization of (equality) law" (Edelman et al. 2001), some union negotiators refused the

agreement, developed their own analysis and counter-proposals, or even denounced illegalities to labor inspectors. This can be seen as an attempt by trade unions to regain control of the issue in order to impose their social justice framework.

A Feminist Mobilization and Rising Interest in Pay Equity Since 2015

In recent years, there has been a renewal of collective action initiated by trade unionists and feminist movements on equal pay that can influence "equality awareness" at a societal level. Indeed, since 2015, women activists have been taking part in public debate to demand equal pay for equal work. While it is difficult to establish a causal link between these movements and the adoption of new equal pay policy, the social movement on equal pay has gradually been built around the defense of this policy. In 2015 feminist associations and trade union organizations began to clearly mobilize around the new legal obligations on equal pay. When, in 2015, a draft law on social dialogue and employment, led by the Minister of Labor François Rebsamen, provided for the abolition of the annual comparative report, a relatively new alliance between more than 50 feminist associations and trade union organizations was formed to "save the tools of gender equality."[20] The new coalition circulated a petition ("Do not abolish professional equality") gathered nearly 45,000 signatures in one week and completed a series of advocacy actions carried out as part of a campaign entitled "SOS Égalité pro." The need to quantify gaps between women and men in each company was then presented by the campaign leaders as an imperative necessity. Thus, despite the limited effects on the actual gender pay gap, a network of actors invested in the new policy and defended it. An article written by Margaux Collet and Claire Serre-Combe (from a feminist association called Dare Feminism!), Laurence Cohen (Senator of the Communist Group), Céline Verzeletti (Confederal Secretary of the CGT) and Sophie Binet (Commission Femmes-Mixité de la CGT), spells out the position of this campaign *L'Humanité* in 2015:

> No longer forcing companies with more than 50 employees to produce an RSC and organise negotiations dedicated to equality is an unprecedented

[20] https://www.ufal.org/feminisme-2/feminisme-breves/sos-egalite-pro-sauvons-les-outils-de-legalite-professionnelle-entre-les-femmes-et-les-hommes/

> and incomprehensible step backwards. This diagnosis in each company is the reference for identifying and understanding inequalities, but also, of course, for tackling them. We cannot fight against what we do not know: without figures and indicators specified in the texts, it is impossible to negotiate corrective measures… and even more so to punish recalcitrant companies![21]

This mobilization of activists and citizens to maintain the new equal pay tools clearly shows an increasing sensitivity to the issue of wage inequalities, but also a certain confidence in the new legal system setup by parliament. Indeed this first campaign saved the RSC and in doing so initiated a broader movement. A few months later, a feminist webzine (*Les Glorieuses*) launched a call for a "women's strike" against gender pay gaps and invited workers to stop working on November 7, 2016 at 16:34, the date on which women began to "work for free" until the end of the calendar year. In the same vein, three unions (CGT, FSU and Solidaires) and some 30 feminist associations called for a strike on March 8, 2017: around the slogan #8mars15h40! in the name of equal pay. Most recently, the feminist association Les Éffronté-es and Julien Bayou (elected ecologist to the regional council in Ile de France) came out in favor of publishing the list of companies that received fines for non-compliance in a name and shame approach. This renewed interest of feminist associations and trade unions in equal pay can be explained both by the presence among their members of young women, graduates and managers concerned by these issues, and by the challenge of organizing new generations of managers.

While a number of these activists now believe that these arrangements need to be complemented by measures outside the scope of companies (care for children and dependent elderly people, reform of parental leave, etc.) to remedy the 9% unjustified gap, the choice to pass a law on pay transparency in 2018 showed the governments' resistance to acting outside the labor market. This recent law attempts to transform business practices but does not address structural factors, such as the distribution of domestic and family tasks between women and men, which lead to indirect discrimination.

[21] https://www.humanite.fr/un-projet-de-loi-qui-jette-legalite-professionnelle-aux-oubliettes-574512

Conclusion

Under the impetus of the European Union, reducing the gender pay gap became a strategic priority for the French state as of 2010. The stagnation of the observed gaps over the past 20 years could have led the governments to drastically reconsider the strategy applied so far. Instead, they have maintained the collective bargaining framework in which the professional equality policy has been implemented since the early 1980s, while making it more prescriptive. An obligation to focus on equal pay within the mandatory collective bargaining on gender equality and a financial penalty for non-compliant companies was setting up.

As our impact study and others have shown the strengthening of the existing framework was not sufficient to counter the reluctance of companies to make a firm commitment to closing the gender pay gap, with that commitment depending on the context of each firm in terms of the company size, the balance of power between employers and unions and the awareness and training of the social partners. The absence of public support to finance positive actions reinforces this voluntary approach in firms with economic difficulties or in "low-cost sectors" with a majority of blue or pink collar. This new equal pay policy seems more favorable to qualified women in lucrative sectors, promoting an "elitist equality" that strengthens social disparities between women (Pochic 2017). Finally, this "bargained public policy" fails to reveal the cause and extent of wage gaps: the objectification of these inequalities requires technical expertise that few social partners have and the notion of indirect discrimination is poorly understood. In most cases, the dynamics of inequality are not identified, and no measures are taken to address occupational segregation. In other words, the outcome appears to be a clear case of "gender accommodation" in GEPP terms.

At the same time, since 2015 an emerging coalition of feminist groups has mobilized around the implementation of these limited policies to protect and promote equal employment for women as well as an increase in equal pay cases being won in the courts; developments that actually challenge the symbolic reform dynamic. Thus, in the final analysis, the process toward real change is a slow and incremental one, that indicates promise for the future, more than concrete results now. Only the test of time will prove that the symbolic dynamic for equal employment policy in France has been broken and that in the future the ambitious goals of wage equality between men and women can be achieved.

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PART III

Policy Practice in Gender-Based Violence

Cross-Sectoral Training to Reduce Violence Against Women: A New Feminist Opportunity?

Pauline Delage and Gwenaëlle Perrier

In France, like in many other countries across the world, domestic violence policies have been put on the agenda by women's movements, become a matter of public concern thanks to femocrats and the women's policy agencies for which they work, and mainly framed as gender equality policies at the national level (Herman 2016; Delage 2017). Following policy cues from the European Union, the United Nations and other

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international instances, this policy has taken a more cross-sectoral approach since the mid-2000s, with French authorities demanding that actors from diverse policy sectors (police, justice, health, education) participate more actively in violence against women (VAW)[1] policy. This approach goes beyond the usual core of feminist policy actors in government and society to include all the actors involved with VAW enforcement and prevention. The goal of this chapter is to analyze this transition through a focus on in-service training on domestic violence intervention required of state employees and their partners who are involved with this area of policy in the nonprofit sector.

As policy scholars have shown in general, moving from a complex policy idea, like a cross-sectoral approach to VAW policy, to practice, in this case to designing and delivering actual training programs that follow that approach, is complex with policy content varying significantly when implemented (e.g., Padioleau 1982; Hassenteufel 2011; Hill and Hupe 2002). The diffusion and appropriation of gender equality objectives outside the gender equality sector, i.e., by actors who are not specialized in gender equality, are limited by various factors (Jacquot 2014), such as the limited knowledge of actors on gender inequalities (Perrier 2015), or professional and institutional constraints (Perrier 2011). Also, the institutional context influences how, and the extent to which, actors in charge of the promotion of women's rights promote a feminist perspective (Delage 2015). Therefore, the meaning ascribed to the concept of gender changes, a process which may entail its depoliticization since gender progressively refers to an individual characteristic whose conception is disconnected from inequalities and power. Within international organizations like the United Nations, for instance, while gender is conceived in a critical perspective, it has been used in a "formal" and "vague" way, without any clear connection to systemic inequalities and power relations (Cirstocea 2010). In development agencies and transnational women's and feminist networks, gender has been domesticated (Cornwall 2007): although it is widely used, its meaning is often reduced to "women" (Verschuur et al. 2019). Krizsán and Poppa (2015) show that the meaning of VAW policies can change in similar ways in implementation:

[1] In this essay, the term "violence against women" refers to the policy category which encompasses a diversity of gender-based violence and "domestic violence" is one type of violence against women and one policy category which is often the main target of public policies.

> for a variety of reasons states are cooperative in adopting policies, but reluctance and consequently differences emerge in the meanings the adopted policies take when implemented and the extent to which these meanings are inclusive of gender inequality (6).

Other feminist policy research shows that partnerships between state actors and women's groups (Krizsán 2015) and local actor reframing (Delage et al. 2020) are key elements for understanding how the original meaning of a gender equality policy can change in the implementation phase (Engeli and Mazur 2018).

This chapter examines the emergence and implementation of the cross-sectoral approach in VAW in-service training programs from the mid-2000s, as specific tools to implement more general policy, in two regions, through process tracing (George and Bennett 2005).[2] The development of a cross-sectoral approach to in-service training—for all the actors involved with VAW enforcement and administration and not just feminist groups and women's policy offices—is based on the assumption that local actors are not well equipped to deal with the issues of domestic violence or the survivors of that violence and that they need to be educated through training programs. In this perspective, training is a necessary condition for all actors to be able to effectively fight VAW. Studying the development of in-service training programs provides an interesting lens to capture the changes in VAW policies more broadly speaking, at cognitive (through training content), financial (through training subsidization) and institutional levels (through the various actors who promote, support and implement the training).

This essay discusses to what extent the promotion and implementation of the new cross-sectoral approach show changes in the VAW sector and in the domestic violence sector in particular. Which outputs and outcomes can be identified by tracing the promotion and implementation of this policy tool? After mapping out the process and feminist-only actors involved with VAW training programs in the first section, we describe the context in which the national government started to promote these tools and the consequent reactions of feminist organizations. In the next section, we go on to show that, even though training is a strong symbolic tool, its implementation remains weak. In "an ambivalent opportunity for

[2] We conducted our research between 2016 and 2019. For a detailed presentation of the methodology for the two regional case studies, see the "Appendix" at the end of this essay.

feminist organizations" section, we illustrate how limited national government commitment in the promotion and dissemination of training programs generates financial and organizational constraints for feminist organizations that in turn affects the content of training courses and the possible outcomes of this policy tool, which is discussed in the last section in terms of the GEPP concepts of "policy empowerment" and "gender transformation" (Engeli and Mazur 2018).

Getting Political Attention: Training as a Feminist Tool Prior to 2000

Before the development of government policies on VAW in the 2000s (Herman 2016; Delage 2017), feminist organizations had already been using training as a means, on the one hand, to convert new workers to the feminist perspective on domestic violence and, on the other hand, to make local-level actors, law enforcement and social workers especially aware of the importance and impacts of domestic violence and to encourage them to fight against stereotypes regarding VAW (Herman 2016; Delage 2017). By organizing training sessions, feminist actors could therefore develop local networks against VAW.

Since the 1980s, feminist organizations have been the main actors in dealing with the survivors of domestic violence, and a significant part of their work has consisted in framing the problem differently: claiming that domestic violence is not only an interpersonal issue, but a social problem, a cause and consequence of male dominance (Delage 2017); thus, domestic violence is seen as VAW. Feminist activists showed, on the one hand, that VAW reproduced male dominance insofar as it fueled women's fear and limited their social and geographic mobility and on the other hand, that VAW was produced thanks to other inequalities (especially economic inequalities) that tended to put women in situations where they had less power than men. They used academic knowledge about gender violence and rejected the common interpretation of VAW which was based on victim blaming, while also reinforcing it.

In the national federation of women's shelters and support services (Solidarité Femmes), which today includes 81 feminist domestic violence nonprofits, in-service training programs are part of the "historical activities" of the organizations, according to the current training coordinator. Feminist organizations developed training programs for their workers in

order to build common grounds and implement a feminist practice within their organizations. Training sessions were therefore carried out at a local level, by members of feminist organizations themselves. This in-house training became institutionalized as of the 1990s, with the creation of a commission dedicated to the harmonization of practices within the FNSF in the late 1990s and the setting up of a specific training service in the year 2008. The National information's center on women's and families' rights (Centre national d'information sur les droits des femmes et des familles, CNIDFF), which brings together 98 local organizations (called CIDFF), has also organized training about VAW for its members and (in a more limited way) for local actors, since the 1990s.

Since both of these organizations hire workers from various professional backgrounds (Herman 2016), training sessions aim to create a common framing of VAW and to convey feminist principles and ideas to newer members of the staff and volunteers.[3] In 2016, 38 trainees, among the 45 people trained by Solidarité Femmes that year, were new workers or volunteers of Solidarité Femmes; and in 2017, the CNIDFF organized six training sessions for its local teams.

Since the 1980s, VAW policies have developed in a variety of sectors. At first, when feminist organizations were still the main policy actors, training in other professional sectors remained marginal. The first training sessions aimed at encouraging female police officers to "provide assistance to women survivors of violence" were carried out in 1981 by SOS femmes alternative (SOS alternative for women) and the group named Jeunes Femmes (Young women) (Herman 2016, 80). These sessions were funded by the National department in charge of gender equality promotion (Service des droits des femmes et de l'égalité, SDFE); they have since been presented as "the most important action of the Department in the field of the fight against VAW" (Herman 2016, 81). In Marseille, the first training sessions were set up in the early 1980s and were also aimed at law enforcement. Since the first working premises of SAVE—a local organization of Solidarité Femmes founded in Marseille in 1976—were located in the same building as a police agency, training started off as informal discussions between SAVE workers and police officers regarding domestic violence cases and gradually became formalized and institutionalized within the organization. Training sessions were aimed at improving actors' practices in order to avoid victim blaming, to help them detect domestic

[3] See for instance FNSF, *Rapport d'activité*, 2016.

violence and give them tools to act appropriately, as well as to enhance local networks and promote cooperation between feminist organizations and law enforcement.

During the 1980s, local training programs developed, but no strategy existed yet for designing specific curricula about VAW or domestic violence. Although this lack of national government commitment and reactivity highlights the weak institutionalization of domestic violence training, it has also made it possible for feminist organizations to maintain the ownership of domestic violence trainings and for a feminist framing of domestic violence to remain hegemonic in the field of in-service training. This weak institutionalization therefore led to a relative stability at the cognitive level.

Adopting a Cross-Sectoral Approach to In-Service Training: A National Decision with Ambivalent Consequences at the Regional Level

Since the 2000s, the French VAW policy has strengthened. In-service training programs have become an institutional tool, promoted by the national government in order to enroll new actors in VAW policy. This broadening of VAW policy is an ambivalent opportunity for feminist organizations.

The Institutionalization of Training Sessions at Multiple Levels

The promotion of training as a policy tool occurred in a context characterized by an increasing visibility of VAW policies both at the international and at the national levels. During the 2000s, different countries, like France, created or reinforced VAW policies. First of all, VAW policy gained more legitimacy thanks to, among other factors, the international context and, more specifically, international conferences which encouraged governments to develop policies, such as the 1995 Fourth World Conference on Women in Beijing, as well as international reports and texts, like the 2011 Istanbul Convention (Allwood 2017, 10) which insisted on the necessary commitment of actors from different sectors in the fight against VAW. The issue of VAW also gained importance at the European level in the late 1990s (Jacquot 2014). Secondly, feminist organizations continued to lobby the government and politicians. They called for legal changes

to improve the protection of survivors, but also for the development of in-service training programs.[4] In this context, the French government not only funded feminist organizations which help survivors, but also developed VAW policy in two other ways: by strengthening the penalization of VAW and by expanding the policy framework and launching a "global" or "interdepartmental" strategy which aimed at including VAW policy in various sectors (police, justice, health, education, social sector, etc.). The cross-sectoralization of this public policy (Halpern and Jacquot 2015) was understood as a means to better identify the survivors who would not be detected by a diversity of actors to whom they would come to, like police officers, doctors or social workers. To enroll these policy actors in the fight against VAW, the national government had to design a training strategy to encourage and help them identify survivors.

The training strategy was promoted and made official through different means. Agreements were signed between feminist organizations and ministries.[5] Above all, this strategy was promoted in the interdepartmental plans that were launched in 2005 and were carried out by the successive governments, regardless of their political orientations. In-service training programs gained importance along with the development of the plans. An increasing diversity of workers became the target of the national government's training strategy. The official documents not only mentioned police officers and lawyers, but also doctors and midwives, teachers and social workers. In addition to these plans, a variety of laws[6] instituted training as a key component of governmental action against VAW. The 2010 law[7] on domestic violence recommended that a report on various

[4] See for instance "Rapport d'information n° 553 (2009–2010) de Mme Françoise LABORDE, fait au nom de la délégation aux droits des femmes, déposé le 10 juin 2010" for which organizations such as CNIDFF, CNDF (Collectif national pour les droits des femmes), Choisir la cause des femmesor the Mouvement pour le planing familial were heard see also: https://www.ladocumentationfrancaise.fr/rapports-publics/134000125/index.shtml

[5] In 2005, the CNIDFF, FNSF and the Ministry of the Interior signed a protocol which highlighted law enforcement trainings. In 2015, a similar text was signed between the CNIDFF and the Ministry of education.

[6] See for instance article 21 of the 2010 law (loi n° 2010–769) on violence against women, domestic violence and their consequences on children) and article 51 of the 2014 law, about "Real gender equality" (loi n° 2014–873). Politicians involved in the parliamentary debates surrounding the 2006 law already claimed that the promotion of training in various sectors should be included in the law, but they were initially unsuccessful.

[7] Article 21 of the 2010 law (loi n° 2010–769 du 9 juillet 2010).

actors' training courses should be handed into the government, but this legal prescription went unheeded.

An Ambivalent Opportunity for Feminist Organizations

Among the FNSF organizations, two different attitudes developed regarding the institutionalization of in-service training: some organizations felt compelled to develop training programs, while others saw it more as an opportunity to develop this activity.

According to the director of a shelter located in Paris, they had no other choice but to develop training programs in order to reach out to various actors and make domestic violence policies efficient. The lack of financial means made it necessary for the feminist shelter workers to spread their knowledge about VAW, so that other actors (in the police sector or in the social work sector for instance) could provide appropriate support to survivors. In SAVE, where training had been a significant part of the organization's activity before the creation of national plans, the institutional impulse was but one means for highlighting the visibility and legitimacy of its work. Besides Solidarité Femmes' organizations, other nonprofits, such as the network Politicians against VAW (Elu·es contre les violences faites aux femmes—ECVF), which was created in 2003, also started to design training programs, as they were becoming prescribed policies. The idea that feminist organizations took this institutionalization as an opportunity echoes one member of the Centre Hubertine Auclert[8] who thought that "feminist organizations strove to develop trainings." Surprisingly, a femocrat, working for a Department of Women's Rights, was of the opinion that feminist organizations, especially those of Solidarité Femmes, resisted the development of training programs, as they feared losing control over a part of the process.

The Relative Monopoly of Feminist Organizations on National and Local Levels

Thus, training, as a policy tool, gained growing relevance and attention in the 2000s. Yet, its management and monitoring remain unclear. In such a context, this institutional shift enabled feminist organizations to retain

[8] This center is a regional institution situated in Île-de-France and dedicated to the promotion of women's rights and gender equality.

quite a dominant position in the VAW field and led to a relative cognitive stability in the framing of the VAW problem.

Neither the law nor the interdepartmental plans explained who should be in charge of implementing the training strategy, or how it should be done. However, the situation changed with the adoption of the January 3rd decree of 2013 and the creation of the Interdepartmental mission for women's protection against violence and human trafficking (Mission Interministérielle pour la Protection des Femmes Contre les Violences et la Lutte contre la Traite des Etres Humains, MIPROF). Since 2013, one of its main goals has consisted in producing training materials for various professionals. For several years and until 2017, this institution was headed by Ernestine Ronai, who founded the Observatory of violence against women in Seine-Saint-Denis in the early 2000s—a role that provided the MIPROF with great legitimacy in the VAW field. Part of the mission of the MIPROF was to develop "pedagogic tools" (such as films,[9] information sheets, etc.) dedicated to the different sectors involved in VAW policy. To implement this goal, the MIPROF organized conferences for all sectors (police, justice, health, etc.), where attendees were taught to become instructors for their own colleagues. In other words, they were to become ambassadors of the VAW fight in their specific sectors and workplaces.

This goal was both ambitious and limited. On the one hand, one may call it a "dissemination strategy," as the potential recipients were numerous. On the other hand, the MIPROF had few concrete means to lead a global "training policy," even though it was the main government agency which organized training sessions. Within specific sectors, such as the police, some national in-house training departments carried out their own VAW programs, but local workers and national institutions often relied on the MIPROF programs or local VAW-specific organizations for training. Yet, this institution suffered from a lack of resources, like many other institutions dedicated to state feminism or to "institutional feminism" (Mazur and McBride 1995; Dauphin 2010; Revillard 2016; Perrier 2022). In the MIPROF, only one person was in charge of in-service training programs and the creation of training materials often relied on volunteer work. For instance, Marion,[10] a midwife, participated in all the ten working commissions and in the creation of the film "Elisa" for free.

[9] To see these films: https://www.stop-violences-femmes.gouv.fr/4-outils-pour-l-animation-sur-les.html

[10] In this essay, the first names of interviewees have been changed.

Although a government institution, the MIPROF was identified as a feminist agency because of its relationship to femocrats and feminist non-profit organizations. Moreover, VAW actors—organizations which are often identified as feminist—remained dominant in Île-de-France and PACA—as well as in other French regions.[11] Organizations like the CIDFF, the GAMS,[12] the national network Ruptures,[13] or others which belonged to Solidarité Femmes, such as Paroles de Femmes—Le Relais, Flora Tristan center, L'Escale, Tremplin 94-SOS femmes in Île-de-France, and SAVE in PACA were in charge of most of the training sessions.[14] Among the organizations that were based in the field of women's rights, many of them are historical actors of VAW policy, such as the organizations that were members of Solidarité Femmes or of the CIDFF network.[15]

Besides these feminist identified actors, new organizations emerged such as equality services created by local communities (municipal councils, departmental councils or regional councils), in a context of institutionalization of equality policies at the local level (Perrier 2022). For instance, the Paris Observatory of VAW, created in 2014, organized several training sessions every year for its social workers and its front-office civil servants; the Centre Hubertine Auclert sometimes organized training sessions for some of the local politicians of Île-de-France, and some local authorities, like the département of Essonne, set up trainings for their staff. Moreover, new feminist organizations, which were created in the 2000s, also offered training programs on VAW.

Other actors carry out training programs, such as the CIMADE (which supports migrants and promotes their rights), victims' rights organizations (like France Victimes,[16] or Paris helps victims), public health

[11] Ministère des droits des femmes, *Lutte contre les violences faites aux femmes. Catalogue des formations locales et nationales à destination des professionnels* (2012).

[12] Groupe pour l'abolition des mutilations sexuelles, Group for the Abolition of Female Genital Mutilation.

[13] Ruptures (Break) is a feminist national women-only organization, created in 1984.

[14] See Ministère des droits des femmes, *Lutte contre les violences faites aux femmes. Catalogue des formations locales et nationales à destination des professionnels* (2012); the person in charge of the policy inthe Cere Hubertine Auclert t confirmed it in an interview we conducted.

[15] CIDFF organizations receive funding from the Ministry of gender equality; they are spread out across each "département" and are specialized in gender equality law, three dimensions which legitimize their involvement in training sessions. A "département" is a territorial entity and community in France.

[16] It used to be called INAVEM which stood for Institut national d'aide aux victimes et de médiation.

institutions (like the IREPS[17]), the FACE[18] foundation (fighting against exclusion), or mental health structures (like La durance in Marseille). Some programs were part of a larger institution, such as the Bureau d'Aide aux Victimes[19] of Marseille which trained police officers to tackle family violence. The programs designed by these actors often focused on one specific aspect of VAW or a category of victims in particular: For instance, La Durance specialized in consequences of violence and abuse on children and on trauma, the CIMADE focused on foreign survivors, etc. According to a civil servant working in the Regional office of the department for women's rights (DRDFE) in Île-de-France, such organizations considered themselves legitimate experts on VAW because of the support services they provided to survivors. These organizations had therefore created niches in the market of training programs.

Thus, even though feminist organizations and non-specialist organizations competed with each other, the competition mostly remained confined to certain niches. Although the number of actors who could provide training on domestic violence practices increased, feminist organizations remained dominant in this field both at the national and at the regional levels, and most new actors also specialized in gender equality issues. The persistence of a feminist-dominated field was related to the growing institutionalization of women's rights' issues (Blanchard et al. 2018). Femocrats who worked in gender equality institutions often approved the feminist perspective on violence and contributed to promoting feminist actors in this field.

Thus, training appeared as a symbolic policy tool: It aimed at changing local actors' practices by changing their perception of domestic violence and survivors. As the main government's agency lacked resources to carry out this training strategy, feminist organizations remained the main actors who were in charge of its implementation. The VAW field therefore remained somewhat unchanged.

[17] Instance régionale d'éducation et de promotion de la santé, Regional body for education and health promotion.

[18] Fondation agir contre le chômage et l'exclusion, Foundation to act against unemployment and exclusion.

[19] Services dedicated to helping victims file complaints and assisting them throughout the judicial process.

Cross-Sectoral Training in Practice Since the Mid-2000s: A Strong Symbolic Tool Implemented by Weak Institutions

Despite the importance of in-service training as a policy tool on a symbolic level, we identified two main problems regarding the implementation of VAW training programs.

Limited National Government Commitment

Above all, the limited national government commitment implied that this tool remained symbolic, with no coercive or constraining dimension, which in turn impacted the latitude of organizations when implementing training sessions. Even though training programs became a significant aspect of VAW policy in France, government authorities remained weak in conducting this policy area. As noted already, the MIPROF did not have any compelling power or hierarchical, legal or financial leverage to impose training programs. In such a context, the MIPROF had no overview of the various, local actions undertaken by a wide range of organizations.[20] National plans, therefore, were used instead as vague guidelines that helped to assert the legitimacy of feminist organizations rather than as a strong impulse that could shape the format, content and audience of training programs. Besides, stricter national guidelines could sometimes be distorted at a local level and appropriated by feminist organizations. For instance, the MIPROF was in charge of training health professionals in Paris to create domestic violence "referents"—points of contact—within health institutions. Since this requirement was not implemented in Bouche-du-Rhône—because, among other reasons, health professionals would not go to Paris to get training—the Regional Health Agency (Agence Régionale de Santé, ARS) created a three-year plan in order to train health professionals within the département and mandated SAVE to implement it.

Moreover, once trainees became trainers, the MIPROF had no overview of the content of training activities that were developed at a local

[20] Conversely, local nonprofit organizations do not necessarily know about the initiatives of the MIPROF when the institution organizes a conference for doctors, or policemen in a département.

level. The MIPROF staff did not know about the characteristics of trainers, about their area of expertise or the types of materials they used.

Women's policy agencies at the national level and their regional and departmental antennae had no general guidelines for implementing training with clear recommendations on the types of programs they should promote,[21] let alone for funding them. In Bouches-du-Rhône, the Déléguée départementale aux droits des femmes[22] explained how unclear her mission was, in general, and for that matter specifically; she insisted on the discrepancy between the promotion of training programs and the few means they had at their disposal. As national-level offices did not fund training activities, it was quite difficult for her to follow what happened in this field. In the Regional office of the department for women's rights in Île-de-France, a civil servant explained:

> We have a partial vision of what happens regarding the training sessions on VAW. Thus, when we had to assess the job that had been done, we couldn't identify what had happened. We don't organize an annual listing of training sessions; we have many difficulties in doing it.

The weak resources of such institutions made it difficult for them to gather all the pieces of information on current initiatives. An actor of the Centre Hubertine Auclert, working with nonprofit organizations in the fight against VAW, underlined that even though some organizations made their training activity visible, others did not:

> Organizations like Flora Tristan [a historical feminist organization against VAW] have great booklets describing training sessions, and they have a training service, but we also know that other organizations conduct training sessions, and we can't exactly know what they do.

In that respect, identifying these structures became one of the objectives of the Centre Hubertine Auclert.

[21] This situation can be compared to the implementation of gender mainstreaming: This strategy has been promoted by the European union, without defining the content of the gender equality goal. See Perrier (2015).

[22] Person in charge of the territorial office of the department for women's rights in a French département.

Stability… and Unexpected Competition Among Feminist Organizations

With the institutionalization of VAW policies, some actors, such as police officers, were compelled to receive some basic training on domestic violence, but training mostly remained on a voluntary basis as local policy actors may or may not have reached out to feminist organizations for training. In a context where public funds given to VAW training programs were limited, the development of in-service training seemed to be a strategic issue for feminist organizations.

First of all, carrying out training programs was usually, if not increasingly, a source of funding. Even if the national government has promoted training on VAW as a goal of its policy for about 15 years, it has not designed or granted a specific budget for this activity. Training was a prescriptive tool, without any funding. As there was no financial plan that framed training programs, actors were encouraged to develop their programs step by step by commercializing their activity and using funds allocated for one specific project—such as a three-year project dedicated to training health workers in Bouches-du-Rhône. This lack of resources revealed greater changes that stood in sharp contrast with the history of the sector, as some years ago an increase in the activity would have implied an increase in funding. Thus, the VAW training field became a market where organizations defended their financial interests. Although the idea of spreading knowledge about VAW was crucial, feminist organizations could not ignore this financial dimension. Many feminist organizations specialized in VAW encountered "structural" financial difficulties, to quote an institutional actor who was in charge of the follow-up of non-profit organizations specialized in VAW in the Île-de-France region. One of the eight CIDFF in Île-de-France even had to close because it went bankrupt. These organizations were thus compelled to diversify their financial sources. In the CNIDFF, training courses were no longer free of charge for its own members in the early 2000s. This financial dimension also explains why the CNIDFF organized training sessions for actors who were not members of the CIDFF network:

> As public funding is limited, [training] is a way for the government to point out how to increase our budget without any financial input from government itself (head of the training service in the CNIDFF).

In SAVE, the instructor was happy to say: "Today, most training sessions are paid. (…) Some years ago, we realized that we would not receive funding for ever." The financial dimension was of great concern for institutions too. For instance, the Centre Hubertine Auclert, which was threatened in 2015 by a 30% budget cut, launched its own training sessions as a mean to develop its own resources; it organized training sessions on cybersexism, a topic which was not taken up by local organizations.

Thus, even though the number of non-feminist organizations involved in training sessions was limited, competition did exist: It also (and above all) came from the feminist sector itself. In a context of institutionalization of gender policies, more and more actors and services were devoted to gender equality and some of them carry out training sessions. In the département of Essonne, the training market was divided between the main actors: The CIDFF and a nonprofit organization specialized in helping victims (Mediavip 91) organized training sessions that addressed legal aspects of VAW, whereas Paroles de femmes and Femmes solidaires 91, two feminist nonprofit organizations, specifically provided training on the cycle of violence. Feminist actors were often aware of the issue of competition and tried to limit its impacts. In Bouches-du-Rhône, the division of the training market between two major historical organizations overlapped with a territorial divide, as the CIDFF in Arles was in charge of all training sessions in the North of the département, and SAVE operated in the South.

Training Outcomes: Changing the Perception and Treatment of Domestic Violence

Despite significant professional constraints that shaped training programs, most people we interviewed perceived significant cognitive and practical changes resulting from the training of all workers involved in the domestic violence field as well as a broader context of visibility of the issue.

Empowering Workers to Better Deal with Survivors: Creating a "Common Culture" and Networks

Although there was no clear information available about the gender of trainees, they were mostly thought to be women by the people we interviewed. In SAVE, the instructor explained: "The other day, I had one social worker, who was a man, who attended the session. It is rare enough

to be pointed out." The VAW field was dominated by women, as it remained rooted in the sector of social work and because the issue was perceived as related to care work (Bessin 2009). Even if the issue had penetrated other working sectors, such as the police, the justice system, or health institutions (Henrion 2001; Cavalin 2016), which are sometimes male-dominated, tackling domestic violence in police stations, in courts or in hospitals often behooved women workers anyway, probably because they were supposed to have specific skills to support survivors and this task remained disparaged. However, the prevalence of women among trainees did not necessarily imply that training programs were a means of women's empowerment: They were not conceived as such, and female trainees were trained in a professional setting and for professional reasons. To the contrary, research shows that working in feminist organizations may lead individuals to actually embracing feminist approaches to violence. Some of the newly recruited workers become feminists thanks to in-service trainings about VAW as well as collective meetings and daily conversations with feminist workers where they become aware of how gender impacts the lives of survivors as well as theirs (Herman 2016; Delage 2017). Yet, training programs were most of the time neither primarily conceived as a channel for politicizing other workers and policy actors, nor promoted as a means to raise consciousness about gender relationships and their impacts on women's lives. They were often presented by instructors we interviewed as practice-oriented and focused on VAW. When sexism was explained, it aimed at better understanding the mechanisms of violence.

To affect as many people as possible, training programs should appeal to a variety of actors who have different professional concerns and interests (i.e., a police officer, a nurse and a social worker) and whose perspective on domestic violence and on survivors changes accordingly (i.e., a police officer who collects reports, a nurse who identifies and care for a survivor, and a social worker who supports survivors, finds a shelter and provides counseling for them and their children). Although training programs were delivered by feminist organizations, their implementation was shaped by a variety of constraints which were related to professional and organizational factors as well as a lack of state governance. Like other gender equality training programs (Perrier 2013; Verschuur et al. 2019), they often involved workers who volunteered to attend and were "one shot training program," without any follow-ups. Besides, their content and format were often conceived and thought to be practice-oriented to give social actors concrete tools.

First of all, even the shortest versions of training programs aimed not only at conveying knowledge about domestic violence but also at "embodying practices, such as listening" or "adapting one's professional postures" (training instructor in SAVE). The training that was given aimed first of all to detect situations of domestic violence; for instance, a training program provided by the Feminist collective against rape (Collectif féministe contre le viol, CFCV) was entitled: "Bringing out the story of female survivors of sexual violence." Training programs also aimed at supporting survivors according to their needs and to act with empathy. A worker of a CIDFF in Île-de-France explained how she responded to a social worker who was angry at survivors because of their "curious reactions." In such a case, she gave information about the many constraints that survivors of violence face and convinced the social worker to keep in touch with the victims. Training programs also set out the practical steps to help a survivor who had never reached out to some institutions, such as the justice system, law enforcement agencies, etc.[23] The training programs of the CIDFF always presented the legal framework regarding VAW and domestic violence.

Then, training catalogs often differentiated types of training courses according to their length and content. For instance, a "sensibilisation" was a 3-hour overview of what domestic violence was, how survivors felt and responded to it, and the basic resources available. They may be qualified as "McDo" programs, as they were "short and quickly consumed," and they were supposed to reach as many people as possible (Verschuur et al. 2019). In SAVE, the catalog also included a two-day "basic training," to which may be added "complementary units" about "domestic violence and the law," "the consequences of domestic violence on children," "perpetrators of domestic violence" and "gender and social work." Specialized organizations like the CFCV, or the CNIDFF, also offer such "long-lasting" (two days, or more) training sessions to their own members or to feminist sister organizations, in which the content of the programs specializes in different types of violence, or in legal aspects.

Even though time restrictions were part of training programs, long-term cooperation was also understood as an expected goal. The purpose of training programs was not only to convey information and a perspective

[23] See for instance Centre Hubertine Auclert, Fiche réflexe, "Vous êtes en contact avec une femme victime de violences? Conseils pour aider et orienter les femmes victimes de violences," s.d.

on domestic violence; they were also a means for creating long-lasting networks of actors to better support survivors. In Île-de-France, Paroles de Femmes—Le Relais offered a three-step program. It started with half a day dedicated to basic knowledge about domestic violence, then, one or two days aimed at providing more in-depth knowledge regarding one specific aspect of domestic violence, and it ended with half a day entitled "retour sur expérience" where local actors met up to create long-lasting networks. In the département of Bouches-du-Rhône, training sessions were organized for all local actors, especially social workers and law enforcement, in a diversity of communities where six formal networks had been created. The SAVE worker in charge of training programs was also in charge of organizing and facilitating these networks meetings which he described as follow-ups, a means to keep on conveying information about domestic violence or providing legal updates. As laws and plans about domestic violence have multiplied since the 2000s, one key issue for instructors was to keep track of all those reforms, to understand them and to set up moments for explaining them to actors in the social field. The first part of the meeting of September 2018 was about the 2018 law about sexual and sexist abuse; the second part was dedicated to discussing concrete cases of domestic violence that local actors had recently dealt with. Conveying knowledge about domestic violence and creating long-lasting networks were two intertwined purposes that were at the core of training programs.

Since VAW policies have become cross-sectoral, one of the main purposes of training programs was to create a "common culture" between diverse workers. Trainers often used this expression to describe their job and purpose when carrying out trainings. The instructor in SAVE argued: "The purpose is to know the mechanisms that prevent women from leaving as soon as possible, [understanding] why it is so difficult for them to file a complaint, why it is so difficult to understand her, why she can't express what she wants. (…) It's to explain the answers to the questions that are asked by the average person: why doesn't she leave? If she stays, she probably likes it, etc."

Some of the common ideas and notions that were conveyed were based on feminist knowledge regarding violence. All the programs developed by the MIPROF and domestic violence organizations highlighted the diverse forms of abuse (economic violence, administrative violence, psychological and sexual violence), the difference between conflict and violence, a conception of trauma and control (*emprise*) that avoided victim blaming, and

data which asserted gender asymmetry. All these analyses were carried out by feminist researchers and feminist organizations. Therefore, a gender perspective on domestic violence had not faded and training programs were part of a broader agenda that aimed at conveying concrete answers to domestic violence.

Although the programs were infused with gender, they were not conceived as a channel for gender empowerment. As the social worker-cum-instructor of SAVE put it, training sessions had to be "useful for workers, and finally for survivors." When asked if he explained the relationship between sexism and domestic violence, the social worker–trainer of SAVE said: "Of course. How could I do it otherwise?" Moreover, to the question "what about male survivors?" he answered that men who were victimized by women did exist but that the mechanisms were different from domestic violence against women because this latter issue was the result, and climax, of a sexist society. The Déléguée départementale aux droits des femmes who attended all training programs of the département also described their framing as "feminist." But the main focus was laid on practice. In other words, training sessions targeted domestic violence, as a problem to be dealt with, rather than the structural causes of the issue.

Systemic gender inequalities were mostly absent from training contents, and feminist ideas were used to better explain the effects and mechanisms of violence and to provide with a women-centered perspective. For instance, while programs explained how domestic violence affected mostly women and was a gendered issue, gender was reduced to the quantitative asymmetry that characterized the phenomenon of domestic violence and VAW. Moreover, the problem was rarely discussed in relation to other types of violence, such as sexual violence other than marital rape, to show how the control of women's bodies operated in society; women were mostly perceived as women or mothers who need protection. The mechanisms of domestic violence and VAW were explained in psychological terms (especially thanks to the notions of trauma and *emprise*), but they were completely disconnected from other gender inequalities, such as economic inequalities or the gendered division of labor, and from their impacts on various aspects of life. While training programs, as policy tools, were not gender neutral, gender, as a concept for capturing social relations and hierarchies, was neutralized in the training programs; it was limited in scope and only applied to domestic violence. The relationship to feminism that was described by trainers also reflected how gender was neutralized. The social worker and instructor of SAVE explained that, when he took

over the training service in 2012, he steered programs toward practice and toward improving each sector's work practices, rather than toward a feminist perspective on domestic violence. He also chose to develop "sessions devoted to work practices," instead of "trying to convince actors of the validity of feminism." As training programs became institutionalized beyond and within these structures, the organization of work changed and purpose of in-service training was also rethought. While conveying feminist ideas about violence and gender, training programs often rested on a consensual feminist perspective, one which focused on work practices and on violence as a specific and isolated phenomenon and one which did not question general inequalities.

Transformation in the Long Run: Developing Training, Increasing the Visibility of Domestic Violence, Transforming Gender Relations?

By being mostly practice-oriented and focused on domestic violence, training sessions probably failed to transform gender norms, but they changed practices of trainees regarding domestic violence. They were therefore instruments that generated "gender accommodation" (Engeli and Mazur 2018).

Assessing the direct impact of VAW training was very tricky. First of all, assessing the evolution of VAW was nearly impossible as we lacked the quantitative data that would have been collected over time. In that respect, the only available data were produced by the Ministry of justice, but were based on criminal complaints and therefore only captured a small fraction of the reality of VAW. Moreover, an increase in the number of complaints filed with the police does not equal an increase in violence. Secondly, when studying violence, it is difficult to distinguish the impact of training tools from other global evolutions of the French VAW policy which have gained increasing attention since the early 2000s. Moreover, not only did public policy change, but the media treatment of VAW also did and the issue had become more visible in different spheres. For instance, the increasing institutionalization of gender studies at the university had contributed to its growing visibility, as VAW was talked about in courses on gender. Thirdly, insofar as instructors had few feedbacks about training sessions, the impact of training was difficult to assess. When trainees filled in course evaluations, they did so right after the session, without reflecting on changes in work practices, and focused on their level of satisfaction. Such

assessments could not measure the extent to which the content of training sessions was adequate and had an impact on their practices. However, some quantitative evaluations were available, but they were incomplete and limited in scope. For instance, the Paris Observatory of violence against women did a yearly assessment of its activities. Although part of this document was dedicated to the assessment of training courses, it only referred to the number of social workers and front-office civil servants who took part in them.

Although quantitative assessment was limited, domestic violence policy actors often mentioned transformations in the attitudes toward domestic violence during interviews. In an interview we conducted, the instructor of SAVE highlighted two types of intended outcomes: a practical one and a more general one.

One of the main perceived and expected changes was related to professional practices. To explain the extent to which the attitudes toward domestic violence had changed since SAVE developed training programs and network building, the training instructor of SAVE gave the example of a network's meeting where a social worker explained how she had managed to handle a domestic violence situation all through the social and judicial process, with the help of local actors she had met during those meetings. When telling the situation, she thanked the instructor of SAVE, saying she would not have been able to do so if she had not attended the program. He concluded this story by insisting on the fact that this was what they aimed for: "Becoming practically dispensable." Yet, organizational constraints, such as staff turnover in police stations or in courts, and the fact that domestic violence policies often relied on one or two committed workers (according to policy actors), tended to hinder their efficiency.

A general statement about perceived changes related to the increasing visibility of VAW, and domestic violence in particular, in society, is also understood as one of the direct results of the spread of training sessions. As the trainer in SAVE explained: "The authorities have changed a lot. 15 years ago I can see myself trying to reach out to local authorities to talk about the issue of domestic violence, they would answer 'No thanks, not here.' Today, people are coming to us. (…) No one can say that they do not know DV exists." The growing visibility of the issue goes along with the growing—and intended—visibility of their structure and actions against domestic violence.

Conclusion

Since the 2000s, VAW policy has followed a cross-sectoral trend in France: while feminist organizations, who put the issue on the political agenda and dealt with it on a daily basis, were the main policy actors during the 1980s and 1990s, the national government aimed at reaching out to various sectors in order to develop its VAW policy. VAW training programs, which were first carried out by feminist organizations to train their own members and then law enforcement officers, became a major policy tool to implement this strategy. To what extent can this strategy improve VAW policy in France? What were the consequences of the promotion of this policy tool on the VAW sector? The comparison between two regional cases shows that there was no clear-cut answer to this question. On the one hand, in a context where state feminism approved of feminist organizations and lacked financial means to steer this policy, feminists remained the main actors in charge of the implementation of the training strategy. In both regions we studied, the VAW policy actors were stable. Yet, because of various constraints (such as the short format of training courses, the necessity to adapt the training content to a variety of professional expectations, concurrence in the market of training programs), this relative stability was accompanied by some discrete evolutions in the framing of VAW. Even though training sessions were not gender neutral and used feminist knowledge, they aimed, first and foremost, to change professional habits without tackling gender inequalities. Our analyses of training programs and interviews show that although these training programs were not gender neutral, they tended to neutralize gender. Although the training content was anchored in a feminist perspective, the issue of gender-based violence tended to be disconnected from gender inequalities. Training sessions enlarged the number of policy actors who were aware of VAW and contributed to spreading knowledge about VAW, but the degree of empowerment and of gender transformation was only limited, because of the practical constraints that shaped these programs.

To better capture the impact of training programs, we will have to conduct an ethnographic research in order to tackle two other questions: the appropriation of (feminist) ideas (Jacquemart and Albenga 2015) in different sectors (police, justice, health sector) and the articulation between ideas and practice. To what extent is feminist knowledge about VAW understood and assimilated? Does it change professional practices? Besides, the content analysis of some training programs suggested that they may

have contributed to an increasing global knowledge on VAW, or at least to an increasing awareness of the problem. Most training programs referred to general information about VAW: its frequency and existence in all social groups, the different types of violence, etc. Although training programs have professional outcomes, they may have an impact that goes beyond the professional sphere.

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Appendix: Methodology

The empirical elements used for this chapter come from two types of sources, gathered between 2016 and 2019: gray literature, produced by different types of actors, and interviews with key players.

Regarding documents produced by the French state's institutions, we analyzed:

- The five interdepartmental and three-year plans to fight against VAW and policy plan assessment reports of two of these,
- A national catalog produced by the national department in charge of gender equality promotion (Service des droits des femmes et de l'égalité, SDFE) (2012), identifying existing training courses all over the country,
- Documents designed by the interdepartmental mission for women's protection against violence and human trafficking (Mission interministérielle pour la protection des femmes contre les violences et la lutte contre la traite des êtres humains, MIPROF).

Regarding local actors, we analyzed training catalogs: those from Metanoya, the National information's center on women's and families' rights (Centre national d'information sur les droits des femmes et des familles: CNIDFF), Paroles de femmes 91, SAVE (the name was changed), CIDFF Arles (Centre d'information sur les droits des femmes et des familles, CIDFF 13), and training programs (of some CIDFF, La Durance and SAVE), of the feminist group against rape (Collectif féministe contre le viol, CFCV), of the Paris Observatory of violence against women (Observatoire parisien des violences faites aux femmes, OPVF), of

Metanoya, of the network Politicians against VAW (Elu·es contre les violences faites aux femmes, ECVF).

We did interviews (n = 19) with two main types of actors:

- (Nonprofit) organizations carrying out training sessions; some of them are historical feminist organizations (the national federation of women's shelters and support services—Solidarité Femmes), while other organizations are not specialized in VAW or in the promotion of gender equality, but have carried out training programs on this topic.
- Femocrats in charge of the promotion of gender equality and/or the fight against VAW (n = 7), at the national level (MIPROF), but above all at the local level.

We also analyzed press articles about actors or organizations committed to the promotion of training programs.

This research is based on a multi-level approach of the VAW training tool.

The first step of this research consisted in analyzing the national context in which this tool was promoted: When and how did training programs appear in the national VAW policy? Who are the actors who promoted this instrument? What are the governmental recommendations regarding the implementation of training programs?

On a regional level, we mapped out actors and institutions who played a significant role in developing training programs.

We chose to focus on two regions, Île-de-France (IdF) and Provence Alpes Côte d'Azur (PACA) which have several points in common. First of all, they are both characterized by a strong feminist influence, with a (relatively) well-established network of feminist organizations. In the national catalog which lists training sessions,[24] Île-de-France appears as the region where the training activity is the highest in the country, whereas PACA appears as an average case study. Yet, the relationship to the French central power (and its institutions) is very different in Île-de-France, characterized by its geographic and symbolic proximity, whereas PACA remains distant from central government. Thus, focusing on these two areas provides an

[24] Ministère des droits des femmes, Lutte contre les violences faites aux femmes. Catalogue des formations locales et nationales à destination des professionnels, 2012.

interesting insight for analyzing the variability of policy implementation and evaluation.

Comparison is used an as analytical tool to explore the implementation of the VAW policy, to analyze the role of feminist organizations in the context of State promotion of training programs, the extent to which the framing of VAW was questioned and the effects of the implementation of training programs in the VAW sector.

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Forced Marriage and Gender Transformation: Feminist State and Civil Society Networks at the Local Level

Gill Allwood and Khursheed Wadia

Introduction

Forced marriage was brought onto the French political agenda as a result of action by specialist civil society organisations, which fought to raise awareness of the issue and to influence the way the problem was defined and addressed. In subsequent policy debates, forced marriage was defined variously as an issue specific to migrant populations and threatening French republicanism, as a form of violence that affects migrant women

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and women of migrant origin, or as part of a continuum of forms of violence against women. Some participants in these debates conflated forced marriage with early marriage and arranged marriage, while others distinguished between them. These broader debates and conflicting definitions have influenced the policies that have been introduced to address the issue and have affected the extent to which their implementation benefits those in, or at risk, of forced marriage.

The Gender Equality Policy in Practice (GEPP) network, to which this research contributes, assesses the extent to which policies have transformed gender relations. This chapter argues that, in France, policy on forced marriage has not attempted to transform gender relations. In GEPP terms, therefore, it is gender-neutral. The GEPP summary measure suggests that in such cases, little or no money or resources were invested in implementation and that the policy was symbolic. We find that in the case of forced marriage, it is more complicated than this. Forced marriage policy plays some symbolic roles. It contrasts desirable French republican universalism with non-French patriarchal cultural practices. This contributes to rendering French patriarchal practices and highly prevalent domestic violence invisible ('othering' gender-based violence, as Montoya (2013) has shown in relation to the European Union). Forced marriage policy also transposes into French law France's international obligations derived from the Istanbul convention which is itself framed in a very gender transformative manner, seeing gender-based violence against women as a cause and a consequence of gender power relations, which need to be challenged. We ask, therefore, whether forced marriage policy as it exists reflects the analysis and demands of feminist and migrant women's associations which work in this area and whether their aims are gender transformative. We find that forced marriage policy is largely about protecting or rescuing individual women or girls. It is not about changing gender relations or social attitudes or about challenging the structures and power relations that enable violence against women and girls. These findings make an important contribution to our understanding of the impact of policy on gender relations.

Forced marriage is a form of gender-based violence which affects specific groups. Drawing on Montoya (2013, 249), we argue that it is necessary to study specific forms of gender-based violence, as well as much more prevalent kinds. This must neither undermine the seriousness of violence against women in all its forms, nor marginalise already vulnerable groups. We stress that forced marriage, like all forms of gender-based

violence, is rooted in structural causes which must be addressed. Gill et al. (2018) recognise that the use of culture in public, policy and legal approaches to types of violence against women which exist within specific immigrant communities can racialise them. However, they argue that 'culture is nevertheless an important element in expressions of (and responses to) violence'. Addressing this can help to produce understandings and responses to forms of violence against women. They argue that forced marriage, and related issues, requires a specific response that recognises that they are the 'product of both gender-based and culturally inflected violence' and that policy and practice are 'shaped by racism and cultural misunderstanding'. They aim to 'move these debates forward by channelling victim and practitioner insights into pragmatic programmes for change that, ultimately, help reduce harm' (Gill et al. 2018, 580).

This chapter first presents a bottom-up account of how forced marriage arrived on the French policy agenda. Second, it traces the process of policy formulation and adoption. Third, it outlines the tools and instruments for implementation and shows how they have been applied. Finally, it assesses the implementation and impact of forced marriage policy.

Methods

The research was conducted in the Île-de-France (Paris) region (encompassing the departments of Seine-et-Marne, Yvelines, Essonne, Hauts-de-Seine, Seine-Saint-Denis, Val-de-Marne and Val-d'Oise), Strasbourg (Bas-Rhin) and Montpellier (Hérault). These three locations were selected because preliminary enquiries amongst contacts in women's organisations and a survey of violence against women networks revealed that they had active networks against forced marriage. A variety of structures involved in implementing forced marriage policy were also identified. In these three locations, we conducted 51 in-depth, semi-structured interviews with state and civil society actors. Participants included the government's Service des droits des femmes et de l'égalité (SDFE) and its regional and departmental delegations; police préfectures; medical and legal professionals working with statutory agencies and civil society organisations; the interministerial agency for the protection of women from violence and trafficking (MIPROF); the Haut Conseil à l'Egalité entre les Femmes et les Hommes (HCE); and civil society organisations providing legal, health, social, educational and housing support to women from migrant and minority communities or working in specialist violence against women

organisations including those which specialise in issues of forced marriage, female genital mutilation (FGM) and other 'honour'-based violence. In addition, we carried out an analysis of policy documents including relevant parliamentary debates, enquiries, bills and legislation; national and local government statements and reports; and activist material and annual and research reports published by civil society organisations and public sector agencies, including the police and social workers' professional organisations. A thematic analysis of the interviews and documents was conducted. Key themes were violence against women generally, forced marriage specifically, minority women's struggles and grassroots activism against honour-based violence. These were analysed in relation to gender equality, immigration, exclusion and social cohesion.

Two methodological issues arise at the outset. First, policy on gender-based violence is not neatly demarcated, but is dispersed throughout a wide range of policy areas. In the case of forced marriage, this fragmentation is equally pronounced. The law governing forced marriage is not presented in a discrete package but is present in different pieces of legislation which address questions of immigration, settlement and integration, child protection, marriage, divorce and domestic violence. Second, in this policy area, as in many others, there is no clear delineation of pre- and post-adoption stages. Policy formulation, adoption, implementation and evaluation coexist and overlap with each other (Allwood and Wadia 2009, 3). Gains and Lowndes' work (2015, 7) is a reminder that there is no clear distinction between policymaking and policy implementation: 'Policy is only really "made" when it is brought to life by local actors, who are charged with adapting overarching policy statements to local contexts, resource bases, political sensibilities and previous policy legacies. Such insights challenge the very distinction between *policy making* and *policy implementation*'. Engeli and Mazur (2018, 113) recognise that 'the demarcation of the stages of the policy process are not clear-cut in the reality of policymaking'. In the case of French forced marriage policy, civil society organisations were working on this before, during and after formal policy was introduced. Policy decisions are important, but grassroots activists did not wait for them, then implement them—they were responding to the problem as they saw it throughout this time period. Although for analytical purposes we distinguish between policymaking, implementation and outcomes, we nevertheless highlight the continuous and overlapping nature of all of these 'stages' and place a particular emphasis on the perspectives and actions of civil society actors on the ground.

Forced Marriage and the Public Imaginary: The Role of Associations

Civil society organisations played a pivotal role in raising awareness of forced marriage and getting it onto the political agenda. Early awareness of forced marriage in France developed in the mid-to-late 1970s when young women of, or nearing, marriageable age arrived as family reunification migrants, following French government policy to stop labour migration from France's ex-colonies, particularly in the Maghreb and sub-Saharan African regions. However, it was rare for cases to capture public attention or cause concern amongst public authorities and politicians. The founder of the organisation Voix de Femmes is known to have confided in her school teachers about being forced by her parents into marrying a man in their country of origin and to have been referred to the police for protection as a minor only to have the judge hearing her account tell her to go home as it was a normal part of her culture (Interview, 7 June 2018, Paris). The attitude that forced marriage was a family affair in certain migrant cultures affecting only small numbers of young women, and that it was not worth drawing attention to such practices in the context of French integration policies at the time, prevailed into the 1990s (Interview, 28 February 2017, Paris). As a result, only a few organisations such as Voix de Femmes and GAMS (Group for the Abolition of Female Genital Mutilation), on shoestring budgets, were engaged in limited activity focused on raising awareness of forced marriage amongst social workers and teachers, accompanying young survivors of forced marriage to police interviews and court hearings and the occasional public education campaign.

In the early 1990s, as new migrants arrived in France from Turkey and the Middle East and as the Front National made electoral gains both nationally (the 1997 legislatives saw them win their best score to date of 15.5% of votes) and locally (in the 1995 municipal elections they won Toulon, Orange and Marignane followed by Vitrolles in 1997) on an anti-immigrant/anti-Islam platform, the media spotlighted certain cultural practices such as forced marriage which were seen to threaten the very foundations of the French republic.

The positioning of vulnerable young migrant women and those French-born to migrant families, between violence in the home and racism outside the home meant that organisations such as GAMS and Voix de Femmes stepped up political lobbying and campaigning efforts to support

these young women. These civil society organisations broadened their focus to include training for front-line staff in the public sector in identifying potential and actual victims of forced marriage and in how to offer protection and support—this was managed by ad hoc funding from either sympathetic local authorities, government agencies or, rarely, certain ministries. For example, in 1999–2000, GAMS, in collaboration with the Conseil Général of Seine-Saint-Denis, the Observatoire contre les Violences envers les femmes and the Délégation Départementale aux Droits des Femmes et à l'Egalité, organised the first in-service training programme for social work, medical and education professionals in the Seine-Saint-Denis department. However, much of the work done on prevention of forced marriage and support for victims (both real and potential) was fragmented and, on the whole, there was little scope for organisations or individuals to collaborate, exchange knowledge or share good practice.

While migrant and/or women's organisations were at the forefront of initiatives on preventing forced marriage, other social and political actors also played a part in gradually moving forced marriage as an issue onto the political agenda. Emboldened by the duty placed on them by the Ministry of Education and Ministry of Solidarity and Social Cohesion to report sexual violence against children (circular 97–175 of 26 August 1997), schools began to take a more active stance against forced marriage.

The increased attention to forced marriage continued into the 2000s, drawing more women's organisations in Paris and other regions (e.g. the Mouvement Français pour le Planning Familial—MFPF—and the Centres d'Information sur les Droits des Femmes—CIDF) into campaigning and advocacy work around forced marriage and also mobilising politicians, legal experts, academics and other professionals. It led to a renewed critique of forced marriage as a form of gender-based violence which had to be prevented by the French state as part of a commitment to increasing women's rights, but without stigmatising the minority communities in which this form of violence occurred. This was in the context of a growing focus by the state on countering gender-based violence following the 2001 announcement, by the Socialist minister with responsibility for women's rights, Nicole Péry, that violence against women would be her department's top priority.

The State Steps In

Once forced marriage had attained agenda status, it was addressed through the introduction of legal measures and was included in the government's three-yearly national action plans on violence against women.[1] The law has addressed forced marriage in three main ways: introducing measures to ascertain consent at the time of marriage and to annul marriages where consent was lacking; raising the legal minimum age of marriage for women from 15 to 18; and constructing forced marriage first as an aggravating circumstance leading to harsher penalties for offences such as threats or violence, and later as a specific named offence.

Ascertaining Consent at the Time of Marriage and Annulling Marriages Where Consent Was Lacking

Law no. 2003-1119 of 26 November 2003 regarding immigration control, foreigners in France and nationality requires the mayor to interview future spouses in order to ascertain consent, unless it is beyond doubt. If an absence of consent is suspected, the public prosecutor has 15 days to decide to allow the marriage to proceed, to oppose it or to suspend it pending an investigation (Ministère des familles de l'enfance et des droits des femmes 2016). Where forced marriage is addressed within laws targeted at solving problems linked with immigration, there tends to be conflation between forced marriage and marriages of convenience. Reducing the latter serves an anti-immigration agenda (Assemblée nationale 2004a, 1). When forced marriage is not framed within immigration debates, it is presented as a form of violence against women (Zimmermann 2005, 104). Some actors stress the importance of situating forced marriage as one manifestation of violence which affects women throughout society. They argue that it is important to avoid stigmatising particular groups of men, such as 'Arabs' or 'Muslims' (André 2010, 6–7) and remind their audience that it was not that long ago that French families arranged their children's marriages (Zimmermann 2005, 122). Sometimes, however, forced marriage forms part of a broader attempt to address violence against migrant women and women of migrant origin (André 2010, 7). Most of the measures introduced to address forced marriage in France are part of laws

[1] See Table 1 for a summary of all of the legal measures and Table 2 for a summary of the National Action Plans.

Table 1 Legal measures

Dates	*Laws and other measures*
2001	Declaration by the Socialist minister with responsibility for women's rights, Nicole Péry, that violence against women will be one of her department's top priorities
2003	Law no. 2003-1119 of 26 November 2003 regarding immigration control, foreigners in France and nationality requires mayors to interview future spouses in order to ascertain consent, unless it is beyond doubt. If an absence of consent is suspected, the public prosecutor has 15 days to decide to allow the marriage to proceed, to oppose it or to suspend it pending an investigation
2004	Article 40 of the Criminal procedure code revised by Loi n°2004–204 du 9 mars 2004-art. 74 JORF 10 mars 2004 states that any public officer who, in the course of their duties, becomes aware of an offence is obliged to notify the public prosecutor without delay and to hand over any relevant information or documentation
2006	Law no. 2006-1376 on the control and validity of marriages requires free and voluntary consent for marriage. It raises the legal minimum age for marriage for women from 15 to 18. It makes it compulsory for mayors to interview prospective spouses separately when there is any doubt about freedom of consent, whether the marriage is celebrated in France or abroad; it makes it easier to annul a marriage when consent is lacking, including allowing the public prosecutor to call for an annulment, not just the concerned spouse; and it extends the time period during which the marriage can be contested. It also introduces the offence of marital rape, which can be used in cases of forced marriage
2010	Prime minister, François Fillon, declares domestic violence a 'Grande cause nationale'
2010	Law no. 2010-769 on violence against women, within the couple and the effect of these forms of violence on children increases the penalties for violence committed in order to force someone into marriage
2012	Appointment of Najat Vallaud-Belkacem as full cabinet minister for Women's Rights
2013	Creation of the MIPROF (Mission interministérielle pour la protection des femmes victimes de violences et la lutte contre la traite des êtres humains). MIPROF is responsible for data collection, developing local initiatives and sharing best practice. It acts as a national observatory for violence against women and publishes an annual report
2013	Law no. 2013-711, which brings France into line with its commitments set out in the Council of Europe (Istanbul) Convention on preventing and combating violence against women and domestic violence, creates an offence of using deception to lure a person out of the country in order to force them into a marriage in another country
2014	Law no. 2014-476 ratifying the Istanbul Convention

(*continued*)

Table 1 (continued)

Dates	*Laws and other measures*
2014	Law no. 2014-873 on equality between women and men. This transposes the Istanbul Convention into French law, including the criminalisation of forced marriage
2018	*Code pénal Article 434-3* Modified by LOI n°2018-703 du 3 août 2018-art. 1 Modified by LOI n°2018-703 du 3 août 2018-art. 5 Any person with knowledge of hardship, mistreatment, sexual assault or sexual abuse inflicted on a minor or a person who is unable to protect themselves due to their age, illness, disability or pregnancy, who does not alert the judiciary or administration or who continues not to alert the authorities when these offences do not cease, will be punished with three years' imprisonment and a 45,000 euro fine. These penalties are increased when the victim is under 15 years. Exceptions are made for professionals who have confidential information

on violence against women: the 2006 law reinforcing the prevention and punishment of violence in the couple and against children; the 2010 law on violence against women, violence in the couple and the effect of these on children; the 2013 law, which brings France into line with its commitments set out in the Council of Europe (Istanbul) Convention on preventing and combating violence against women and domestic violence; and the 2014 law on equality between women and men.

Raising the Legal Minimum Age of Marriage for Women to 18

The Law of 2006 raised the legal minimum age for marriage for women from 15 to 18. This was introduced as a Senate amendment during the first reading and was specifically in order to address forced marriage (Assemblée nationale 2005, 1–2). The law also made it compulsory for mayors to interview prospective spouses separately when there was any doubt about freedom of consent, whether the marriage was celebrated in France or abroad; it made it easier to annul a marriage when consent is lacking, including allowing the public prosecutor (not just the concerned spouse) to call for an annulment, and extending the time period during which the marriage can be contested; and introduced the offence of marital rape, which can also be used in cases of forced marriage. Many actors define forced marriage as rape (with the complicity of the parents), although for others this could be problematic, for example, when neither party consented to the marriage.

There was a debate in Parliament about whether the age should be raised. In response to a parliamentary question, the Minister of Justice summarised the arguments for and against. On the one hand, in favour of raising the marital age were those who sought equality between men and women. On the other hand, preventing girls from marrying before the age of 18 would deprive some of them of the opportunity to escape a hostile family environment. The Minister argued that raising the age in order to prevent forced marriage was no longer an issue, since forced marriage had been dealt with by Law no. 2003-119 of 26 November 2003. For this reason, parliament rejected an amendment calling for raising the marital age when it considered the divorce bill (Geoffroy and Blisko 2007, 23). The Minister of Parity and Equality at Work presented the issue from a different perspective. She argued that the inequality between the minimum ages for boys and girls is no longer in keeping with social mores and that keeping the age at 15 for girls makes it easier for them to become victims of forced marriage. Girls under the age of 18 find it more difficult to refuse forced marriage and more difficult to leave the family home. A working party chaired by Nicole Ameline concluded that raising the age would contribute to the fight against forced marriage and that it would be in keeping with obligations under CEDAW. This proposal was included in the bill which was later passed as the 2006 Law.

Making Forced Marriage an Aggravating Circumstance or a Specific Offence

Parliament debated whether there should be a specific offence of forced marriage. This emerged during discussions about the proposed laws of 2006 and 2010, neither of which went on to create a specific offence. The law of 2013, in a set of measures introduced to bring France into line with its obligations under the 2011 Istanbul Convention, created an offence of luring someone abroad in order to force them into marriage.

Associations, including MFPF, Cimade Languedoc-Roussillon, CICADE and Ni Putes Ni Soumises, were opposed to the creation of a specific offence of forced marriage (Assemblée nationale 2004b, 1). They argued that criminal sanctions already exist and just need to be implemented. These include violence, sexual assault, threats, kidnapping, illegal confinement and rape. Second, they argued that if forced marriage were criminalised, victims might be reluctant to report it, for fear of seeing their parents prosecuted. They argued that in most cases, the only thing the

victims wanted was 'not to be married'. They rarely wanted to press charges or seek punishment (Zimmermann 2005, 104; Bousquet and Geoffroy 2009, 248). The fact-finding mission on the family and children's rights, which reported in 2006, further argued that parents could circumvent a criminal offence instituted in France by sending their children abroad to be married, and that parents often believe they are acting in the best interests of their children. Criminal prosecutions of the parents would increase the sense of guilt experienced by children who recognise that this is the case (MFPF et al. 2005, 2).

The 2009 evaluation report of the 2006 law on violence argued in favour of the creation of a criminal offence of forced marriage (Bousquet and Geoffroy 2009, 248). The authors, Danielle Bousquet and Guy Geoffroy, stated that we cannot accept the argument that criminalising an action would dissuade reporting, since this could apply to many offences. They also argued that the Council of Europe encourages the creation of a specific offence, that Norway and Germany have already done this, and that it would carry symbolic weight, as argued by the National Assembly's Women's Rights Delegation in 2005, justifying its support for such a move (Bousquet and Geoffroy 2009).

The Law of 2010 made forced marriage an aggravating circumstance; introduced protection orders for women at risk of forced marriage, preventing them from leaving the country; and gave French courts jurisdiction in the case of crimes committed abroad towards French nationals or residents. Associations reported that the creation of forced marriage as an aggravating circumstance, which means that other offences, such as murder, torture and actual bodily harm, are punished more harshly when they are committed in order to force someone into marriage or as a result of refusal to enter into such as marriage, has brought the issue into the open. They claim that young women and men who are victims of forced marriage contact associations more readily, even if this contact does not necessarily lead to a formal complaint (Zimmermann 2005, 40).

National action plans regarding policy on violence against women are formulated by the ministry with responsibility for gender equality, which is normally part of other government departments, such as solidarity or the family. The exception was the full ministerial post for women's rights held by Najat Vallaud-Belkacem (2012–2014). National action plans on violence against women have progressively increased attention to forced marriage (see Table 2). The first NAP was launched in 2005 and included just one provision intended to address forced marriage: emergency

Table 2 National action plans

1st NAP 2005–2007	Includes the provision of emergency accommodation for young women 'des quartiers' in order to fight against forced marriage
2nd NAP 2008–2010	Includes references to raising awareness of forced marriage amongst young people, adding forced marriage to the work of the National Commission on Violence against Women, and to the training of professionals
3rd NAP 2011–2013	Reviews recent policy: Prevention—information, awareness-raising Punishment—laws of 2006 and 2010 Cross-ministerial action including a communication campaign in 2009 Action 44: undertake a qualitative and quantitative survey on forced marriage Axe 2—monitor and analyse the measures in place on forced marriage; undertake an annual assessment of the implementation of the measures introduced in the law of 9 July 2010 Axe 3—promote awareness raising throughout society Axe 4—training of professionals Axe 6—improve protection of women
4th NAP 2014–2016	Section 3.8 is to prevent and fight against forced marriage and female genital mutilation. It states that, in addition to the legal reform, the following actions were taken in 2013: a review of the structures in place in French consulates abroad to deal with victims of forced marriage; training of consular staff; and public awareness raising campaigns. Three new actions have been planned: strengthening regional forced marriage prevention networks put in place by the MFPF; partnership with Voix de femmes; the inclusion of forced marriage in the remit of the national violence helpline 3919. Also, the 2007 guidance on equality between women and men of migration origin will be updated and disseminated
5th NAP 2017–2019	Objective 21 to improve young women's reporting of violence has as action 72 that is training of professionals in contact with young women; action 73 is the training of professionals on forced marriage Objective 22 is about providing accommodation for young women to protect them from violence. It includes action 75 on accommodation for women at risk of forced marriage Objective 25 is to prevent forced marriage and female genital mutilation and look after its victims. The partnership between the ministry, GAMS and Voix de femmes will be renewed

accommodation for young women from areas of high immigrant population. In subsequent NAPs, forced marriage is addressed as one of many forms of violence against women, sometimes closely related to female genital mutilation (notably, the fourth and parts of the fifth NAP).

The first state campaign for the prevention of forced marriage was launched in 2007 by Valérie Létard, the Minister for Solidarity, as part of the second NAP (2008–2010). Essentially an awareness-raising campaign, its aim was to reduce the number of girls and young women at risk of 'traditional forms of violence'. Following this initiative, cities and departments outside the Île-de-France region, notably Hérault and Haute Garonne, took up the issue of forced marriage, and funding from the state at national and local level was made available for studies including *Enquête sur les mariages forcés et l'accompagnement des victimes en Seine-Saint-Denis* (Observatoire des violences envers les femmes de la Seine-Saint-Denis 2012) and *Étude statistique sur la prise en charge par l'association Voix de Femmes des personnes concernées par un mariage forcé* (Abu Amara and Hamel 2014).

Implementation

The instruments created in order to implement the laws and national action plans discussed above can be categorised according to the typology devised by Ingram and Schneider (1990) and cited by Engeli and Mazur (2018):

1. Authority instruments which authorise or ban particular behaviours.
2. Incentive instruments, which aim to achieve policy goals by nudging behaviours providing encouragement for target groups to adopt or change a particular behaviour. These incentives can be positive or negative.
3. Capacity and learning instruments are the tools that provide resources, knowledge and skills to catalyse and coordinate the actions of individual policy actors.
4. Symbolic instruments are mostly communication tools that aim at emphasising positive aspects and values and exposing negative aspects and values, linked to the targeted behaviour (see Table 3).

As presented in Table 3, there was a mix of all four policy instruments for the implementation of the measures and NAPs.

Key actors who have shaped definitions of forced marriage and responses to it are the Observatoire des Violences envers les femmes of Seine-Saint-Denis, which produced a protocol, then a guide, which is widely used; the associations Voix de femmes, the MFPF and GAMS; and, at a local level,

Table 3 Forced marriage implementation instruments

Authority instruments
Suspension of a marriage. According to 175-2 of the Civil Code, a civil servant can alert the public prosecutor, even on the day of the marriage, if there is evidence to suggest that the victim does not consent. The prosecutor can decide to suspend the marriage for one month, renewable once, while they investigate
Opposition to a marriage. This is a rare decision that can be taken by the public prosecutor following investigation during a suspension or on receipt of the evidence from the civil servant if it shows that one of the parties does not consent
Protection orders for women at risk of forced marriage
Immediate referral to the judge for children in order to obtain an emergency protection order, which includes a ban on leaving the country for girls at risk of forced marriage
Protection orders give access to an emergency residence permit for foreigners whose immigration status is irregular at the time of the forced marriage
When a forced marriage takes place outside France, Article 34 of the law of the 9 July 2010, revised by the law of the 4 August 2014 states that French consular authorities will take the appropriate measures to ensure the return to France of persons of French nationality or who reside in France, including those who are being held against their will for more than three years, when such persons have been victims abroad of violence or sexual assault in the context of a forced marriage or as a result of their refusal to submit to a forced marriage
Incentive instruments
An agreement was signed in 2013 with the CROUS ('un toit pour elle') to provide accommodation in university halls of residence for young women in secondary or tertiary education at risk of forced marriage
Another agreement was signed in March 2014 with the association FIT ('une femme, un toit') to offer accommodation and protection for young women (18–25) at risk of forced marriage and no longer in education (Geoffroy and Bousquet 2012, 25)
The Departmental Council can mobilise a budget for accommodation for young women experiencing intra-familial violence. This can include forced marriage
Capacity and learning instruments
The National Education system is committed to training its staff, to identifying children in difficulty, and to identifying children who do not return at the beginning of the school year
At the departmental level, public policy on violence against women should be implemented by the Commissions départementales d'action contre les violences faites aux femmes, bringing together all the relevant partners (Observatoire des violences envers les femmes de la Seine-Saint-Denis 2014). However, the extent to which they have been successfully constituted varies across the country
The training of consular staff; and the dissemination of guidance for headteachers (André 2010, 39)

(*continued*)

Table 3 (continued)

The policy domain of violence against women which includes forced marriage is supposed to bring about networking partnerships at national government or ministerial level (most commonly involving the ministries of the Interior, Education, Justice and Health) coordinated by the Secrétariat d'état chargé de l'égalité entre les femmes et les hommes. One expression of such networking partnerships is found in the interministerial agency for the protection of women from violence and trafficking (MIPROF) set up in 2013. The MIPROF, whose role is to increase knowledge about violence against women in France, develops professional training programmes for those working with women victims of violence and to coordinate national actions against human trafficking, draws on the expertise of staff in different ministries in addition to that of its own staff. It also connects with sub-national agencies (local authorities, NGOs, local women against violence networks) in order to achieve its goals. Since 2013, MIPROF has developed professional training materials on forced marriage
Symbolic instruments
Other measures which have been introduced include the creation of an electronic mailbox by the Ministry for Foreign Affairs and International Development in April 2014 and the creation of a section on forced marriage on the government's Stop-Violences-Femmes website

some of the most effective implementation is carried out by networks which bring together the police, judiciary, education, social services and associations. Additionally, the Haut Conseil à l'égalité entre les femmes et les hommes (HCE) sees itself as a key national actor in fighting violence against women. While the HCE's Gender and Violence Committee does not have policy implementation functions, it is responsible for evaluating policy implementation which then feeds back into policy (re)formulation processes.

While government departments, through agencies such as the MIPROF, provide data and knowledge about gendered violence and design professional training programmes for those who work to prevent violence, protect women and raise public awareness, the responsibility of actually carrying out these strands of policy implementation is devolved to the state at the sub-national level, mainly departmental and municipal, or to civil society organisations.

In implementing policies on violence against women, departments are supposed to establish Commissions départementales d'action contre les violences faites aux femmes, including actions on forced marriage. In principle, these departmental commissions work with the support of actors attached to regional and departmental delegations for women's rights,

local authorities and police prefectures, health services, academy rectors, head teachers of local schools, legal professionals and high courts, social workers and health professionals and civil society organisations. However, many departments have failed to set up such commissions and in practice, there exists a patchwork of structures across departments and at the municipal level, with more actions occurring in areas where violence against women and forced marriage are on the public agenda. It is worth noting that state agencies have not created specific structures to deal with forced marriage but that most started to take on implementation work as a result of growing public awareness of the practice, increased requests for support from forced marriage victims and civil society organisations and additionally, in some cases, because an elected representative or senior administrative official or group of such people had an interest in the issue of forced marriage.

Our research revealed a variety of structures involved in implementing forced marriage policy. The department of Seine-Saint-Denis has been a frontrunner, initiating, piloting and instituting approaches which have informed, if not created, national policy. In 2002, it established the Observatoire départemental des violences envers les femmes. Its systematic actions (e.g. the organisation of meetings with migrant women to discuss issues such as forced marriage and the establishment of the group Jeunes contre le sexisme) over the past 15 years have lent support to young women and girls forced to marry on the grounds that this is a form of violence against women (Interview, 27 September 2017, Paris). In the departments of Essonne, Hérault and Bas-Rhin, there is evidence that forced marriage is being taken into account as an issue of violence against women in the work that is being done at the departmental level. For instance, in the city of Strasbourg, training programmes for professionals on forced marriage form part of the actions to reduce violence (Interview, 14 November 2017, Paris; Interview, 15 February 2018, Strasbourg) while in Hérault, the departmental prefecture and Commissariat de Police in Montpellier have provided a service integrating police, social workers and lawyers to support women victims of violence (Interview, 5 December 2017, Montpellier). In Essonne, a departmental plan of action against violence against women has been adopted (2017–2019) (Interview, 1 March 2017, Evry). Although neither of the last two initiatives address forced marriage specifically, our interviews revealed that, in Hérault, the integrated support teams at the departmental prefecture and the Montpellier police department have received forced marriage victims,

although often the latter presented initially as cases of domestic violence. In Essonne, forced marriage is recognised as an issue that has to be tackled in the package of initiatives on violence against women, and training on understanding forced marriage and how it can be prevented has been held with support from GAMS and Voix de Femmes (Interview, 30 August 2017, Evry).

It is at the level of civil society organisations that the bulk of policy implementation is undertaken in relation to violence against women and specifically forced marriage. Foremost amongst these organisations are GAMS (a national federation of organisations), the Mouvement Français de Planning Familial which also has a federated structure and Voix de Femmes. These three organisations have built up a wealth of experiential knowledge in the domain of forced marriage policy over many decades and have as a result become the favoured interlocutors of the state at national and sub-national levels. In addition to their links with the state at the national and sub-national level, they work alongside violence against women organisations and other stakeholders in local and national networks, integrating three of the four strands of forced marriage policy: prevention, protection of young women and girls and public awareness raising. In this section, we examine examples within these strands of policy implementation undertaken by such organisations.

If an important measure of gender equality is the eradication of violence against women in all its forms, then progress has been slow in France where the gender equality index score in the domain of violence is only slightly better than the EU average (European Institute for Gender Equality (EIGE) 2017). Laws and policies aimed at preventing violence, protecting women, punishing perpetrators and raising public awareness have not been implemented in such a way as to achieve the intended impact over the short or medium term at least. In most policy domains, laws are essential but not enough for change to happen. In the area of violence against women, research in many countries has found that legislation is in place, but it is poorly implemented and resourced (Crozon 2016, 132; Htun and Weldon 2012; Krizsan and Popa 2014; Montoya 2013). The lack of political will and hence financial investment in a policy domain is the greatest obstacle in the face of policy implementation and positive transformation, followed by bureaucratic resistance. In the domain of violence against women generally and forced marriage more specifically, the obstacles of political unwillingness and bureaucratic resistance are even more difficult to remove given the predominance of patriarchal attitudes

within legislatures, state executives and law enforcement agencies coupled with discriminatory beliefs and practices where women from minority communities are concerned. A gap therefore exists between law enactment on the one hand and systematic policy outcomes on the other hand. Such a policy gap is elsewhere referred to as 'symbolic reform' (Stetson and Mazur 1995). In the next section, attention is focused on the actors—NGOs, community organisations, elected and non-elected state representatives with a personal interest in forced marriage issues—who fill the implementation gap. This is important, since research has shown that 'the stronger the local capacity, the more consistent progress will be' (Montoya 2013, 250). However, Krizsan and Popa's (2014) study of five central and eastern European countries has also shown that implementation measures, including providing funding for women's rights organisations, can be much more vulnerable to budget cuts and political cycles than legislative entrenchment of gender transformation. Actions aimed at preventing forced marriage, protecting young women and girls from marrying against their will and raising public awareness will be highlighted. While the punishment for those who force young women and girls into marrying against their will constitutes a fourth strand of policy implementation, data on this are scarce. Punishing perpetrators is complicated by the fact that young women and girls, whether at risk or already married, are reluctant to bring charges against parents or close family members because they are fearful of destroying their closest relationships in what they perceive to be an exclusionary social environment and where they feel othered on the basis of race. It is for this reason that many actors on the ground were opposed to the criminalisation of forced marriage.

Implementing Forced Marriage Policy by Civil Society Organisations

Not only have civil society organisations accumulated knowledge and experience of forced marriage and of the communities in which this practice takes place, they have also been key in shaping debates about the framing of forced marriage as an issue of violence against women, in bringing the issue to the attention of policymakers and in influencing policymaking and implementation. This knowledge and experience has been built up from working with victims of forced marriage and those at risk for almost four decades, and it can be argued that considerable value is added to

policy implementation at the ground level through the work undertaken by these organisations.

Preventing Forced Marriage

Prevention measures include training those who work with young women and girls from communities in which forced marriage is practised to understand why forced marriage takes place and how to work towards its eradication. They also include educating the young women and girls concerned about the options they have in avoiding forced marriage and in asserting their will in the face of family pressures to marry. Our research demonstrated that this is the most widespread implementation measure undertaken by civil society organisations either individually or in partnership with sister organisations and/or state agencies. This activity has received most funding from national and sub-national agencies in line with the continued emphasis placed on training and education in national action plans from 2005 onwards.

Training and education activity has also had a significant impact according to the assessment of the organisations concerned. They argue that placing training and education materials online has enabled them to reach an audience of young women and girls who would not normally knock on the doors of support organisations such as GAMS or MFPF. The fact that training and education is seen by the authorities as a cheaper means of implementing forced marriage prevention measures has meant that organisations are better placed to network with each other and exchange knowledge and best practice. The result, according to the organisations, is that the majority of young women and girls they support now present long before, rather than after, 'the catastrophe' of forced marriage takes place:

> The majority come to us before [forced marriage takes place] and say 'what shall I do because I don't want it. Help me because I don't want to be married off'. And a very small number come to us after the catastrophe, or after a part of the catastrophe has taken place. (Interview, 5 December 2017, Montpellier)

One area in which little, if any, educational work has been done is within the families of the young women and girls who are affected or at risk. There is a growing concern that while good work is being undertaken with victims of forced marriage and professionals such as teachers and

social workers, there exists a gap at the level of families and communities where forced marriage practice occurs. Plugging this gap is not just a question of funding but also a question of accessing families and communities without posing a threat to their sense of safety and to the importance they attach to certain cultural and religious beliefs. In addition, there is resistance to intervening in the private sphere.

Protecting Young Women and Girls from Forced Marriage

Immediate protection measures most commonly include, first, placing victims of forced marriage and at-risk girls and young women in safe accommodation and second, invoking repatriation or the *Interdiction temporaraire de sortie du territoire* (ITST) deriving from the law of 2010. The first measure constitutes a major preoccupation and source of tension in the work of organisations. Finding safe accommodation for young women and girls has been the most effective way of removing them from abusive forced marriages or from the threat of being sent by parents to their country of origin to be married. The more prominent organisations—GAMS, Voix de Femmes and the MFPF—working on forced marriage have found it increasingly difficult, if not impossible, to accommodate young women and girls in public sector hostels or Centres d'hébergement et de réinsertion sociale (CHRS). Many have found that they are back to the early days of their organisation's history when they had to rely on their own friends and family to put up a young woman at immediate risk of forced marriage abuse. Accommodation places have been cut savagely over the last decade in the context of austerity politics and in conflict between public authorities over who should fund public sector accommodation:

> There is no accommodation … listen we are tired. If, in two or three years, the number of accommodation places in France hasn't increased I'll change jobs because we are really tired. We waste a crazy, monumental amount of time looking for accommodation. And now you are starting to see girls who cannot be protected because we don't have anywhere to house them. Increasingly girls are reporting [forced marriage] and so it's just as well that there isn't a reporting policy otherwise [the situation] would be more dramatic: you'd have a whole lot of girls living rough. (Interview, 7 June 2018, Paris)

In lieu of finding safe accommodation, some organisations are invoking other mechanisms of protection, for example Aide éducative en milieu ouvert (AEMO)—a protection order granted by a court or, more rarely, by the Chair of the Conseil départemental (previously conseil général)—which places the young woman or girl continuing to live at home under supervision by a social worker for up to two years (Abu Amara and Hamel 2014).

The second mechanism of protection is repatriation. However, this is rarely used, because of bureaucratic resistance, complications related to the immigration status of the person to be repatriated, or because of the refusal of French consulates to assume repatriation charges. Organisations report that repatriation funding is negligible:

> In France we have no budget for repatriating victims. We really have very, very little. Sometimes you get through only half the year and the budget is spent, not a penny left. It's mind blowing. In fact there isn't a budget in place. The victims of forced marriage are shoved into the same bag as those with a broken arm, victims of tsunamis … there's no special budget for women victims of forced marriage. (Interview, 7 June 2018, Paris)

In addition to these immediate legal protection measures, young women and girls are also offered support in seeking divorce from the spouse they have been forced to marry and (in the case of migrant women) in obtaining a residence permit which would untie their right to remain in France from that of the husband.

In all the cases above, organisations feel a sense of powerlessness in implementing forced marriage policy. These are the most resource-intensive measures in terms of time and funds and involve a detailed knowledge of laws pertaining to housing, immigration, child protection, violence against women and family law in countries to which a young woman or girl may have been sent. It is because of the level of the (mainly financial) resources required that public authorities are least willing to support organisations in the implementation of protection measures.

Public Awareness Raising

Some of the larger civil society organisations such as MFPF, with financial support from national or sub-national government, have organised public information campaigns or events. In addition, some organisations have

dedicated information centres which are responsible for disseminating information about forced marriage as part of wider campaigns on violence against women. Organisations also use other educational campaigns as vehicles onto which information about forced marriage may be piggy-backed. For example, a local campaign in Montpellier on 'Jeunesse, santé, citoyenneté' aimed at young women from disadvantaged neighbourhoods incorporated the issue of forced marriage. The Observatoire départemental des violences envers les femmes in Seine-Saint-Denis has since 2007 organised numerous events annually ('Jeunes contre le sexisme' amongst others) which are used to talk about and raise awareness of forced marriage amongst young people. In addition, working groups facilitated by organisations for women from local communities are also often used to broach the topic. In addition to events which bring people together, the Internet is used effectively to spread information about forced marriage which can be accessed easily by members of the public. Internet sites such as that run by the Réseau jeunes filles confrontées aux violences et aux ruptures familiales on forced marriage ('Le mariage est un choix') are signposted by organisations, small and large, as a useful resource for young women seeking easy-to-understand information on women's rights in marriage and experiences of forced marriage.

Public awareness raising does not attract funding in the way that professional training programmes do and so most of it is undertaken using very modest budgets and relies to a great extent on the creativity and (Internet and social marketing) skills of individuals. This is a source of frustration to organisations which continue to seek greater public funding for public campaigns but whose energies must be concentrated for the most part on prevention and protection strategies.

Evaluation of Forced Marriage Policy

The Haut Conseil à l'égalité entre les femmes et les hommes was created in 2013 and plays the role of evaluator of policies on violence against women, including that on forced marriage, as set out in the national action plans on violence against women which in turn derive from the Laws of 2006, 2010 and 2014. However, evaluation reports for NAP 1 (2005–2007) and NAP 2 (2008–2010), which pre-date the creation of the HCE, are not referenced in already published grey literature or in interviews with HCE members. The report on NAP 3 (2011–2013) is referenced in the report on the fourth (2014–2016) (Abu Amara and

Table 4 HCE evaluation of forced marriage actions in 4th NAP 2016

Implementation indicators	*Results*	*Lead*
To strengthen the GAMS-Voix de Femmes partnership	This partnership had been renewed	Ministère des Affaires Etrangères
To monitor the call volume on female genital mutilation and forced marriage to the 3919 helpline and training of helpline staff	The GAMS had trained 3919 helpline staff. In 2015, 51 calls to the helpline concerned forced marriage	FNSF
To map out and review local consular structures likely to receive forced marriage victims and training of consular agents	Consular structures had been reviewed. Consular staff had been trained	Ministère des Affaires Etrangères
To strengthen the regional prevention networks of the MFPF	In 2015, the Minister for Education had written to all head teachers regarding the prevention of and fight against forced marriage. This letter was resent to head teachers in 2016	Ministère de l'Education Nationale
To update the guide 'L'égalité entre les femmes et les hommes issus de l'immigration'	The Guide on Equality between women and men of immigrant origin had not been rewritten at the time of publication of the HCE evaluation report as they were awaiting the implementation orders for the laws on asylum and foreigners	Ministère des Affaires Etrangères

Hamel 2014). NAP 3 is recognised for placing a continued emphasis on combating violence in families and forced and polygamous marriages but is criticised for lacking clear priorities and ways of achieving greater inter-ministerial coordination and evaluation of its key objectives and intended outcomes. In contrast, the HCE produced a comprehensive report on NAP 4 in 2016. Its evaluation of forced marriage actions (Bousquet 2016) is summarised in Table 4.

Conclusion

Forced marriage was pushed onto the policy agenda as a result of intense campaigning by women's civil society organisations and key politicians (mostly women) with an interest in combating violence against women in all its forms. It has come to form part of broader gender-based violence

policy today although sometimes it is also addressed in relation to immigration policy, such as the 2003 immigration control law requiring relevant state officials to establish the validity of consent-based marriage between French citizens or permitted residents and their future overseas spouse. Its implementation, however, tends to be distinct in that it is carried out largely by civil society organisations such as Voix de femmes, GAMS and the MFPF.

The ability of these organisations to implement policy effectively is compromised by a severe lack of resources although some policy goals are easier to address than others. For instance, increasing public awareness of forced marriage and training professionals (teachers, social workers, etc.) to recognise at-risk girls and women has been achieved with some success in places where there are active forced marriage networks. However, the protection of girls and women, which constitutes a resource-intensive area of policy implementation, has been difficult. The ability of the above-mentioned organisations to provide accommodation, for example, is the biggest challenge faced and is very restricted. Where prevention is concerned, the picture is mixed and includes effective initiatives such as the national forced marriage helpline run by the MFPF in Montpellier although even in this case, success has not mitigated the threat of cuts to the service. However, the MFPF, along with the other organisations, continues to play a key role as network coordinator, service provider and producer of knowledge and expertise in the three sites in which our research was carried out.

Given the barriers faced by the civil society actors (and committed counterparts in local and national state agencies), the goal of removing the structural causes of gender-based violence, including forced marriage, remains impossible to reach. The multidimensional disadvantages faced by at-risk girls and women and victims of gender-based violence require huge and long-term commitment on the part of the state to provide ample resources to reduce social and economic disadvantage and encourage cultural change, and this within a holistic policy approach involves different areas of the state in partnership with civil society organisations. Until then, the gap between law enactment and intended policy outcomes, or 'symbolic reform', will remain the order of the day.

In the meantime, France is a signatory to the Istanbul Convention, which envisions combating all forms of gender-based violence through both cultural and structural changes. In 2017, the Convention's architect and backer, the Council of Europe's Committee of Ministers, declared the

need to intensify efforts to prevent and combat forced marriage (and female genital mutilation) in European states. It stated that:

> a comprehensive and integrated approach must lie at the heart of all efforts to eliminate female genital mutilation and forced marriage and must involve all grassroots organisations, social and education services, child protection services, the police, the justice system, the asylum system, health and other relevant professionals.

In this respect, coordinated actions in the parts of France selected for this study are meeting Council of Europe criteria. However, the Council of Europe emphasises that prevention requires awareness-raising in the affected communities, and this is not a practice which is being prioritised in France. The Council of Europe states: 'Within community-oriented awareness raising, the desired result is not just focusing attention and informing relevant parties on the effects and remedies, but to inspire and promote communication and reflection on the source of the practice and the underlying issues sustaining it' (Council of Europe 2017 Paragraph 10). In contrast, in France there has been a reluctance to work with communities and to consider underlying structural issues that contribute to forced marriage and other forms of violence against women.

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The Gender Equality Potential of New Anti-prostitution Policy: A Critical Juncture for Concrete Reform

Emily St. Denny

Introduction

In April 2016, France comprehensively reformed its policy on prostitution, passing a law that enshrined a conception of prostitution as a form of violence against women that needed to be 'abolished'. The new law established a complex policy framework comprising social policy measures to provide financial and social support to individuals involved in selling sex—predominantly assumed to be women and uniformly considered to

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be victims—and criminal justice measures aimed at preventing and punishing the exploitation of individuals in prostitution. The law's most high-profile measure was the criminalisation of the purchase of sexual services, making France the fifth country in the world to implement a demand-side ban on prostitution.

Those behind the policy hoped it would mark a watershed in the way France dealt with the issue of prostitution: 70 years of ambiguous regulation, low political attention, and lax policy implementation were to be replaced with a robust framework to rescue 'victims' and, in time, eradicate this form of 'gender violence'. Four years on, however, early evidence suggests that implementation issues pose a challenge in reaching these objectives. The policing and prosecution of clients is patchy and inconsistent between cities and regions. A combination of inadequate resourcing and authorities' unwillingness to grant migrants temporary residency means that very few 'victims' have been accepted into the exit programme. At the same time, sex workers' rights activists and community health groups argue that client criminalisation has had an adverse effect on individuals in prostitution by forcing them to accept riskier practices and hide from police and social workers.

Drawing on the Gender Equality Policy in Practice (GEPP) framework developed by Engeli and Mazur (2018) and presenting evidence from documentary analysis and interviews with policy actors, this chapter proposes the first systematic, if early, assessment of the implementation of France's new prostitution policy framework on a national scale. It argues that old habits, and especially a lack of government interest and commitment to funding and monitoring implementation, are re-emerging. This suggests that, at best, the policy is on track to being rendered merely symbolic, with little-to-no impact on gender norms and, at worst, it is having a detrimental effect on individuals in prostitution, especially the most vulnerable. The chapter is structured as follows: it first discusses the political framing of prostitution as a gendered morality policy issue; it secondly presents the historical evolution of contemporary French prostitution policy and discusses the conditions which brought about the 2016 prostitution policy reform, and it thirdly details the measures in the law and presents an analysis of their initial implementation, concluding with a discussion of the new law's potential impact on gender equality in France.

Framing Prostitution Policy

In France, as elsewhere, policy debates over prostitution and what ought to be done about it tend to be uncompromising and conflictual. The issue is framed as a moral one, via a process of morality politics that emphasises its association with fundamental social values, in particular those concerning sexual propriety and gender equality (Engeli and Varone 2011; Wagenaar and Altink 2012). To reflect the different and often antagonistic conceptions of prostitution, states have historically adopted one of the three approaches for dealing with it: prohibition, regulation, or abolitionism—a framework based on the abolition of regulation, the criminalisation of profiting from the prostitution of others, and the provision of social support to those involved in selling sex, who are inherently considered to be 'victims'. Since the late twentieth century, however, new models of national prostitution policy have emerged to address some of the perceived shortcomings associated with these original approaches. This includes the decriminalisation of voluntary sex work and, conversely, neo-abolitionism, which seeks the 'abolition' of prostitution by means of client criminalisation (Abel and Fitzgerald 2010; Skilbrei and Holmström 2011).

These national prostitution policy models constitute more than abstract ideal types; they represent the lenses through which states' legitimate involvement with the issue is imagined, interpreted, implemented, and justified. Furthermore, they tend not to be translated into simple laws and programmes. Rather, the values and objectives they aspire to are enacted by means of complex governance frameworks. These frameworks align ideas, institutions, and interests in order to structure and integrate policy goals and action concerning prostitution. In other words, these approaches amount to policy *regimes* that present and embody different interpretations of what prostitution is, why it is problematic, and whether/how the state should intervene (St.Denny 2017).

Moreover, prostitution policy is intrinsically linked to norms and beliefs concerning gender, sexuality, and women's bodily autonomy. The laws crafted, and the manner in which they are applied, directly affect the status and well-being of women, especially those involved in prostitution. Implementation of prostitution policy, however, is the result of a process of interpretation. Policymakers' initial intentions—the values and objectives they seek to communicate in the policy they have introduced—are never perfectly unambiguous. Consequently, implementation agents must make sense of policies before attempting to render them into practically

feasible programmes. This context-specific process of interpretation, translation, construction, and transposition of meaning into action can, and in the case of prostitution policy often does, lead to unintended outcomes. The issue's complexity and its association with issues of gender and morality, that is to say beliefs concerning right and wrong or 'good' and 'bad' behaviour, entail a high degree of reactivity and interpretation by local actors, who apply national policy through the lens of their personal experience, understanding, and values (Wagenaar 2017: 47). There is, in essence, as many prostitution policies as there are actors responsible for implementation.

This chapter utilises the Gender Equality Policy in Practice (GEPP) analytical framework (Engeli and Mazur 2018) to assess the potential of France's new prostitution laws for influencing gender equality and the status, welfare, and rights of women. The framework invites us to consider the gender equality potential of policies beyond that initially intended by lawmakers at the policy formulation phase and into their enactment and evaluation. A policy's influence on maintaining, advancing, or degrading gender equality is therefore decanted into three 'conceptual components': the nature of the policy's outputs and their congruence with gender equality goals; the empowerment (or not) of women's policy actors by and during the implementation process; and the ultimate influence of its outputs on women's status and gender equality more generally. In the case of contemporary French prostitution policy, this requires answering three questions:

1. Has the law been transposed into outputs that are amenable to improving the condition of women, especially women involved in prostitution?
2. Have the actors responsible for delivering and evaluating the law's measures been empowered in the process?
3. Has the law measurably improved the condition of women, especially those involved in prostitution?

The case study is informed by documentary analysis and interviews with *département*-level women's rights delegates responsible for implementing key aspects of prostitution policy. The documentary data comprise over 1000 media and policy documents from 2010 to 2019, including news articles, parliamentary debate transcripts, and official government publications, and is supplemented by historical and documentary analysis of over

Table 1 Geographic and demographic diversity represented by interviewees

	Rural/urban	*Population density*	*On a border/migratory path*
Interview 1	Mostly rural	Low	Yes
Interview 2	Mostly urban	High	Yes
Interview 3	Mostly rural	Low	No
Interview 4	Very urban	High	No
Interview 5	Mostly urban	High	No
Interview 6	Mostly rural	Mid	No
Interview 7	Very urban	High	No
Interview 8	Mostly rural	Mid	No

another 2000 such texts covering the period from 1946 to 2016 undertaken in the context of a doctoral dissertation (St.Denny 2016). Semi-structured interviews were undertaken between June and December 2018. Respondents were invited from across the 33 first *départements* in metropolitan France to enact key measures of the new law. Ultimately, eight respondents, representing a geographically and demographically diverse range of areas (Table 1), agreed to participate in audio-recorded interviews.

Gender Equality and Prostitution Policy in France Until 2011: Symbolic Policies Implement a Piecemeal Abolitionist Regime

Until the end of the Second World War, France lurched between prohibiting and regulating prostitution, at which point it began to abolish its regulatory framework. The country's extensive and historically entrenched system of municipally licensed brothels was dismantled in 1946 (Adler 1999: 51; Corbin 1996: 347; Maugère 2009: 162; Solé 1993: 23). The compulsory medical and police registration of women in (or suspected of being in) prostitution continued until 1960 when France signed the 1949 United Nations 'New York' convention on the 'Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others'. The 'New York' convention sets out the parameters of an 'abolitionist' stance on prostitution, by requiring all signatories to 'abolish' any vestiges of regulation, including obligatory medical or police registration.

The abolitionist policy framework erected in France in the wake of signing the 'New York' convention was founded on two principles. First, it considers prostitution to be a social blight and regards all individuals in

prostitution as 'victims'. Second, those who organise, facilitate, encourage, or exploit it are subsequently considered to be criminals. These principles were rapidly transposed into law, forming the two policy 'pillars' underpinning France's new abolitionist stance on prostitution (Allwood 2006: 51). Consequently, since 1960, the French state has essentially sought to deal with prostitution on two fronts: pimping, procuring, and brothel-keeping are criminalised, and 'victims'—who are uniformly assumed to be women—are to be offered support to exit prostitution and become 'rehabilitated' members of society. To do so, new laws were created to punish the exploitation of prostitution and establish social and medical services tasked with providing support and rehabilitation to 'victims'.

From its inception, the story of France's abolitionist policy regime is one of the partial and inconsistent implementations. The police often used laws criminalising public indecency and soliciting to arrest and harass women in prostitution rather than punishing those who exploited them (Mathieu 2001; Mazur 2004). This tendency was exacerbated by the visible increase in street-based prostitution from the 1990s onwards, at a time when public order was particularly securitised (Allwood 2003, 2006; Deschamps 2005; Guienne 2006; Mathieu 2011; Vernier 2005). At the same time, very few local authorities ever dedicated the requisite time and resources to assisting individuals in prostitution, with abolitionist non-governmental organisations (NGOs), such as the *Mouvement du Nid*, stepping in to fill the gap.

For these reasons, France's post-war abolitionist regime, and in particular its social 'pillar', is best identified as a symbolic policy. Symbolic policies are those created to give a sense that a problem is being addressed, but without resources or energy being dedicated for actual implementation (Mazur 1995: 2). Policies with strong moral components are particularly prone to being symbolic (Wagenaar et al. 2017: 45). With such policies, the announcement of the law, with an emphasis on its normative value, matters more to policymakers than its sustained implementation over time (Mazur 1995: 3). Consequently, from the mid-1980s, in the midst of this implementation vacuum, groups began emerging which did not recognise prostitution inherently as a 'social ill'. These groups comprised mainly sex workers' rights activists, some of whom were or had been involved in prostitution, and community health groups dedicated to providing medical support to individuals in prostitution. These actors called for the decriminalisation of prostitution and an end to police harassment. While they

were unsuccessful in their attempt to erode the existing dominant abolitionist orthodoxy, they nevertheless contributed to elevating the issue of prostitution policy reform onto the political agenda (Mathieu 2000, 2004).

Getting Criminalisation on the Parliamentary Agenda in 2011

A window of opportunity for reform concretely emerged in the mid-2000s as a result of French feminist policymakers being sensitised to the issue of prostitution first during clashes with sex workers' rights activists wishing to introduce a distinction between putatively 'forced' and 'voluntary' prostitution in international debates (Allwood 2004, 2006; Deschamps 2007; Mathieu 2004) and second in response to the introduction of punitive anti-prostitution laws as part of the 2003 Domestic Security law (see Allwood 2003, 2006; Danet 2006; Mathieu 2011, 2012; Maugère 2009; Mayer 2011). The consequence was a strong reaffirmation of the state's commitment to abolitionism in French policy discourse and the gradual institutionalisation of new feminist interpretations of prostitution as a form of violence against women (VAW) (Guiraud 2009). This redefinition of the policy 'problem' allowed feminist policymakers and their abolitionist coalition partners to demand reform and promote alternative policy solutions. In particular, calls to hold clients responsible for the role they played in perpetuating prostitution gained increasing political traction. Inspired by the Swedish law to this effect, client criminalisation was presented as a policy 'panacea' (Mathieu 2013a: 241, 2013b: 17): a single and overarching solution to the complex problem of prostitution. The criminalisation of the purchase of sexual services (CPSS) would enable the de facto prohibition of prostitution without punishing the 'victims' involved. Moreover, proponents argued, punishing clients could help address the seemingly antagonistic demands of different constituencies: it would eradicate prostitution, and therefore visible street-based soliciting in residential neighbourhoods, while at the same time allowing 'victims' to be identified and helped by the state (Mathieu 2013b: 19).

Ultimately, a window of opportunity for advocates of CPSS to initiate a legislative debate over the future of French prostitution policy arose in 2010. That year marked the official recognition of prostitution as a form of violence against women and a national policy priority ('*grande cause nationale*') by the French state, as part of its third national anti-VAW

programme (*Ministère des Solidarités et de la Cohésion Sociale*2010), as well as the launch of a vast campaign for client criminalisation by a vast abolitionist coalition (*Mouvement du Nid*2010: 9–10). The campaign brought together over 200 organisations and prominent public figures, including abolitionist NGOs such as the *Mouvement du Nid*, the Coalition Against Trafficking in Women, the French committee of the European Women's Lobby, and the *Fondation Scelles*; feminist activists, including members of *SOS Sexisme* and *Regards de Femmes*; trade unions; and a wide range of feminist politicians who supported CPSS. The aim of the campaign was to transform what policymakers and the public understood 'abolitionism' to mean. Specifically, they wanted to replace the historical interpretation of 'abolitionism' as the abolition of state-regulated prostitution with a new meaning that denoted the political will to abolish prostitution itself (Lemettre 2010; *Mouvement du Nid*2010: 1).

In this context, a number of parliamentarians with strong ties to this abolitionist campaign announced their intention to create a cross-party committee to review the country's prostitution policy framework. From the outset, the committee announced its interest in studying the possibility of France adopting a demand-side ban on prostitution. The final report, published in April 2011, emphasised the need for France to renew its commitment to achieving abolitionism's 'ultimate goal' of a world without prostitution (Geoffroy 2011: 97). The authors argued that France's existing abolitionist policy framework, while laudable in intention, often failed to provide sufficient support to 'victims' (ibid.: 16). The committee set out 30 recommendations to improve France's prostitution policy, including training police officers to better identify and support 'victims'; allowing victims a rebate on unpaid taxes; guaranteeing residency rights to foreign victims of trafficking; and holding internet providers responsible for hosting sites that promote exploitation. The report's flagship recommendation, however, was that France introduce a law criminalising clients of prostitution.

The Adoption of the 2016 Law: A Neo-abolitionist Regime Is Born

While delayed by the 2012 presidential elections and its contentious nature, a bill inspired by the committee's recommendations and prepared by the National Assembly's Women's Rights Delegation was tabled in

October 2013. The proposal received very mixed reactions. Some politicians on the Left, along with community health groups and sex workers' rights activists, voiced strong opposition against client criminalisation as posing a risk to individuals involved in prostitution by forcing them to work out of sight and reach of social workers and the police (e.g. Brigaud 2013; Benbassa in Pacione 2014; Cavard in *Le Nouvel Observateur*2013a; Jeunes Radicaux de Gauche 2013; STRASS in Guérin 2013). Conversely, many politicians on the right argued that the bill's proposed decriminalisation of passive soliciting, a key and controversial element of the 2003 Domestic Security Bill's anti-prostitution measures, would increase street-based prostitution in their constituencies and encourage human trafficking networks (e.g. Jacob in *Le Nouvel Observateur*2013b; Pécresse in *RTL*2013).

After fraught and protracted parliamentary debates, the bill nevertheless was passed on 6 April 2016 and was introduced into the statute books one week later, on April 13, to mark the symbolic 70th anniversary of the law abolishing brothels. Much like the policy framework it succeeded, the new law rests on two policy 'pillars': a social policy pillar comprising measures to support 'victims' to exit prostitution and a criminal justice pillar intended to criminalise the exploitation, and now also the purchase, of sexual services. The new law transformed France's prostitution policy framework from a traditional abolitionist regime based on abolishing regulation to a neo-abolitionist one intent on abolishing prostitution itself.

The Policy Instruments of the 2016 *Loi Visant à Renforcer la Lutte Contre le Système Prostitutionnel*

The law's flagship measure to criminalise clients of prostitution was undoubtedly the most salient and hotly debated in the media. In reality, however, the law, which comprises 23 articles spanning 5 thematic chapters, represents a much vaster and more comprehensive overhaul of France's abolitionist policy regime. The law broadly contains two types of measures, which form its two policy 'pillars':

- Administrative and social measures aimed at supporting 'victims' of prostitution and preventing entry into prostitution;
- Criminal justice offences to tackle and punish exploitation, human trafficking, and the purchase of sexual services.

The law's social pillar is made up primarily of 'incentive instruments', that is to say outputs intended to encourage certain behaviours without regulatory constraint (Engeli and Mazur 2018: 115). Specifically, it opens up new social entitlements for 'victims' seeking to exit prostitution, including individualised assistance; the provision of sheltered accommodation; support to exit prostitution; support to re-train and secure employment; access to certain welfare benefits, such as a €330 per month stipend; and, for migrants, support to obtain temporary residency (six months and renewable). Individuals can access these rights by applying to be part of an 'exit programme' (*parcours de sortie*). Responsibility for delivering this programme rests at the *département* level, with the *Préfets*, who are tasked with creating and chairing commissions bringing together public sector partners, including the police and social workers, to review and approve applications. However, operational responsibility for organising the commissions and overseeing the delivery of the exit programme is handed down to the *département*'s women's rights delegate (*déléguée départementale aux droits des femmes*)—a position usually held by a single person, often within a broader department dedicated to social policy, and whose role it is to co-ordinate all gender equality policy across the whole *département*. In practical terms, these women's rights delegates organise meetings of the commission; co-ordinate partnership working to support 'victims' in accessing the rights and services they are entitled to; and subcontract and support at least one specialised not-for-profit organisation to accompany 'victims' through their exit journey.

By contrast, the law's criminal justice pillar is primarily comprised of 'authority instruments' (Engeli and Mazur 2018: 115): a series of bans and regulations prescribing behaviour. These measures are intended to deter and further punish the exploitation of prostitution, including by clients, who are recast as perpetrators of violence against women. It introduces harsher penalties for violence against individuals involved in prostitution as well as measures to protect victims of human trafficking when they choose to press charges against their abusers. However, the law's most high-profile measure, and its most contentious, namely the creation of a new offence for the purchase of sexual services, stands out as *both* an authority and a *symbolic* policy instrument. As an authority instrument, this measure introduces a fine of up to €3750 (€1500 for a first offence)

for clients of prostitution, along with the possibility of a custodial sentence for repeat offenders and the requirement in some cases to attend 're-education' sessions led by abolitionist organisations to learn about how prostitution constitutes a form of violence against women. This measure, however, was also intended to be symbolic (Engeli and Mazur 2018: 116), in the sense that it communicates strong normative beliefs concerning the unacceptability of prostitution and the non-commercial nature of women's bodies.

Learning and capacity instruments, intended to support or enhance actors' knowledge and co-ordination, with a view to embedding policy learning and improvement, did not feature prominently in the law though a requirement for the government to publish an implementation evaluation within the first two years of the law's enactment was included. Together, these policy instruments were intended to embody and deliver the law's fundamental neo-abolitionist values. The 'exit programme' is the translation into policy action of the belief that individuals involved in prostitution are inherently 'victims' and require support from the state and society. The criminalisation of clients alongside the more robust penalisation of exploitation transposes the conviction that women's bodies are not objects that can be bought. The law's implementation is therefore likely to be of great significance for the condition of individuals in prostitution, as well as for the advancement of a particular conception of women's rights and gender equality.

Implementing the Social Pillar in Practice: The Exit Programme

Despite a requirement to publish an evaluation of the new law's implementation by the spring of 2018, no such study has yet been produced at the time of writing,[1] though a state-commissioned case study of the law's application in four major cities was been released in 2019 (Guillemet and Pohu 2019). As a result, official implementation data remain fragmentary and impressionistic. Nevertheless, early reports from actors involved in policy delivery, including the 2019 local evaluation, as well as the findings from the 2018 Senate Women's Rights committee inquiry into the law

[1] In April 2019, the Inspection Générale des Affaires Sociales (IGAS) was instructed to produce the evaluation.

(*Délégation aux Droits des Femmes du Sénat* (DDFS) 2018a, b), suggest extreme differences between *départements*.

Nation-wide, implementation was initially delayed as a result of the late publication of ministerial guidelines on how to set up commissions (including a list of actors with statutory membership) and run the exit programme (including a list of eligibility criteria for organisations bidding to deliver the programme) (Ministère de la Famille, de l'Enfance et des Droits des Femmes 2016; Ministère des Affaires Sociales et de la Santé 2017). The first commissions dedicated to setting up the exit programme therefore only convened in early 2017, and the first candidates for the exit programme were proposed at the end of that year (Caradec and de Rugy in *DDFS*, 2018a, n.p.). Today, there is evidence of commissions having been convened in 71 of the 96 *départements* in metropolitan France, with a further 7 having taken steps to accredit a not-for-profit partner organisation for future delivery of the exit programme (Fig. 1).

Interview data suggest a link between the salience of the issue of prostitution among *département* policy actors and the ease with which a commission can be established and run. In particular, the pre-existence of networks aimed at tackling prostitution and supporting 'victims' appears to facilitate this process (Interviews 2 and 4). Conversely, where prostitution is a new or low salience policy topic, and in particular in more rural *départements* with little historical experience of visible and street-based prostitution, establishing a commission and developing a basis for partnership working have been challenging. One delegate recalls:

Fig. 1 Commissions established 2017–2020

> I started bringing up the topic of prostitution as soon as I took up my post, in 2013 […]. Immediately there was resistance. I was told: "Are you crazy? There is no prostitution [here]! It doesn't exist". (Interview 3)

To make sure they fulfil their statutory obligations, some *départements* operating under the perception that there is no prostitution in their area have established commissions by prefectoral degree which, in reality, have never met and are wholly dormant (Interview 6). These 'paper' commissions skew the impression of how extensively the law is being applied across the country: most of the *départements* are now endowed with a commission, but it remains unclear whether they are all actively working towards preventing prostitution and supporting 'victims'.

In areas where the issue of prostitution is perceived as unimportant, especially among local public service partners such as the police, delegates may nevertheless try to use the law as a lever to raise awareness, even in the absence of 'victims' to put forward for the exit programme (Interviews 1, 3, 6). Establishing and maintaining interest among such partners is challenging. One delegate evokes her experience:

> We started out in 2017 with around 20 people. It's not a big number, but it's pretty good for a *département* this size. Now only about 10 people show up to commission meetings. Last time we were supposed to meet, 15 people begged off, I was very disappointed (Interview 3)

Moreover, setting up a commission, organising meetings, and processing exit programme applications depend heavily on support from the *Préfet* (Caradec and Slimani, in *DDFS*2018a, n.p.; Dupont 2018: 21; Interviews 3, 4, 5, 8). The French government had initially pledged to allow 1000 applicants per year into the exit programme. It has since reduced that number to 600 and decreased funding accordingly (Caradec in *DDFS*, 2018a: n.p.). The number of successful applications remains very low, even in the context of shrinking government targets: there were 29 people involved in the programme by the end of 2017, 64 by April 2018, and only 183 by April 2019 (Dupont, 2018: 19; Moran, 2019). *Préfets* refusing to validate applications remains the primary reason behind low participation (DDFS 2018a, b; Moran, 2019). In particular, *Préfets* have demonstrated a strong reticence to granting temporary residency permits to the many migrants applying to the programme (Interviews 1–8). Lack of adequate resourcing, and especially a dearth of specialised

sheltered accommodation (Interviews 4–6, 8), has also put pressure on women's rights delegates to limit the number of applications they put forward for consideration (*DDFS*, 2018a).

While low overall, the number of applications approved also varies significantly between *départements* (*DDFS*, 2018a, b; Moran, 2019; Interviews 1–8). In some *départements*, such as the *Hérault* and *Drôme*, almost all applications put to commissions have been successful (Dupont 2018: 22; Moran, 2019). In others, such as the *Alpes-Maritimes*, success rates are closer to 35% (ibid.). This is blamed on *Préfets*' wildly differing interpretation of eligibility (DDFS, 2018a; Interviews 2, 3, 7), which is facilitated by the absence of clear and unambiguous guidance:

> There are serious questions that need to be clarified and that are currently simply a matter of interpretation at the *département* level: what does an 'exit programme' entail? If a person has already 'exited' prostitution but requires help to acquire residency papers, do they qualify for assistance? Does a person need to stay out of prostitution for good? At what point in the application process do they need to demonstrate they've exited? Etc. […] I don't think the lawmakers really asked themselves these questions, that concern practical application and which only emerge when you try to implement measures. (Interview 3)

Another delegate remembers having to manage and repair relationships with third sector partners after exit programme applications were rejected by the *Préfet*:

> We were encouraged to put forward applications. I […], and the organisation I work with […] spent a lot of time and energy putting everything together. […] In the end, the applications were refused on the grounds that the women should apply for asylum in Italy, where they arrived in Europe. The fallout from the organisation I work with was significant—they felt deeply betrayed: they had gained these women's trust, encouraged them to apply, laboriously helped them get hold of many documents, and in the end they had to tell them their claim was rejected. [The organisation] currently refuses to work with us towards any new applications … and I don't blame them. (Interview 2)

In other cases, building and managing relationships with partners is difficult because of the absence of specialised organisations (Interviews 3, 6, 8). To be eligible for the contract, an organisation must demonstrate a

historical link with the locale (usually a presence of more than three years in the area) and a specific understanding of the issues facing individuals involved in prostitution. Because they embody precisely these requirements, historical abolitionist organisations such as the *Mouvement* and *Amicale du Nid* have been very successful in their bids for partnership (e.g. see Amicale du Nid 2019: n.p.). Nevertheless, these organisations are not present in all *départements* (Caradec in *DDFS*, 2018a). As a result, a number of delegates have therefore had to stretch their limited time and budgets to either support specialised organisations in setting up a local branch in their area or help generalist women's rights organisations gain specialist understanding of the issue of prostitution. In a context where the state funding to civic organisations is being cut, the latter often have a strong incentive to compete for the public contract, which comes with its own funding package. This can, however, lead to mission drift and unintended consequences:

> We didn't have any specialist organisations in my *département* so I worked with the local branch of [a women's rights association] […] so they could gain the necessary specialist knowledge and put in a bid for the accreditation, which they obtained. The problems started when they began working with women involved in prostitution: it turns out that, while the management had been active in putting together the bid, they hadn't consulted the front line staff who did not take to this new aspect of their job—they were very afraid of going to visit the women, afraid of being attacked by pimps […]. It's made it very difficult to deliver any support services. (Interview 8)

Moreover, regional budgets for delivering the exit programme are unevenly distributed among the region's *départements*, with large urban hubs often getting the lion's share because of the perception that prostitution is more prevalent there (Interviews 1, 3, 4, 5, 6). For instance, a delegate from a densely populated and mostly urban *département* reports receiving 40% of the region's budget, with the remaining 60% shared across 11 other *département*s (Interview 5). Overall, both *département*-level delegates and national-level state feminists, such as those in the Senate Women's Rights committee (DDFS, 2018b), perceive a disconnect between the rhetorical commitment the government has made to implementing the law and the lack of financial and human resources it has dedicated to its actual delivery. In effect, the prostitution policy 'portfolio' has

been delegated to a handful of actors wielding small budgets, with limited time and constrained by their lack of authority:

> When you're the only person, at the level of the *département*, and you're trying to be the 'hub', the 'brain', the 'spokesperson', the person who links every element in the network, it can become very heavy. You quickly feel solitary. (Interview 3)

> 'It's a huge amount of work, because we're effectively alone in the *département*. We do it all ourselves: organisation, logistics, report-writing, budget requests. Meanwhile, we're also responsible for delivering all other aspects of gender equality policy, including domestic violence prevention. It can be a very heavy load to carry' (Interview 5)

Nevertheless, despite recognising significant challenges to implementation, these actors unanimously claim the programme has been beneficial to those few who have received it, often sharing emotional anecdotes of individuals having been able to exit prostitution, re-train professionally, find work, and 'regain their dignity' (e.g. de Rugy in *DDFS*, 2018a; *Mouvement du Nid*2017: 9).

Implementing the Criminal Justice Pillar in Practice: Client Criminalisation

The implementation of the new law to criminalise the purchase of sexual services has garnered a great deal of media attention since its introduction. To date, no official data have been published concerning the number of individuals either having been arrested and fined or having been made to attend a re-education session. Estimates, however, remain relatively low: approximately 4000 convictions by October 2019 (Freynet 2019; see also Fig. 2). To place this number in context, an estimated 12–18% of men in France are thought to have purchased sexual services at least once (Barret 2013).

This low number is primarily explained by divergent practices by police forces, with a few applying the law systematically but most preferring to caution rather than charge first offenders. To date, over half of all convictions (2263) have taken place in Paris alone (*L'Union*2019). By contrast, between 2016 and 2018, there have only been 49 recorded convictions in Toulouse (*ActuToulouse*2018). Moreover, even when offenders are

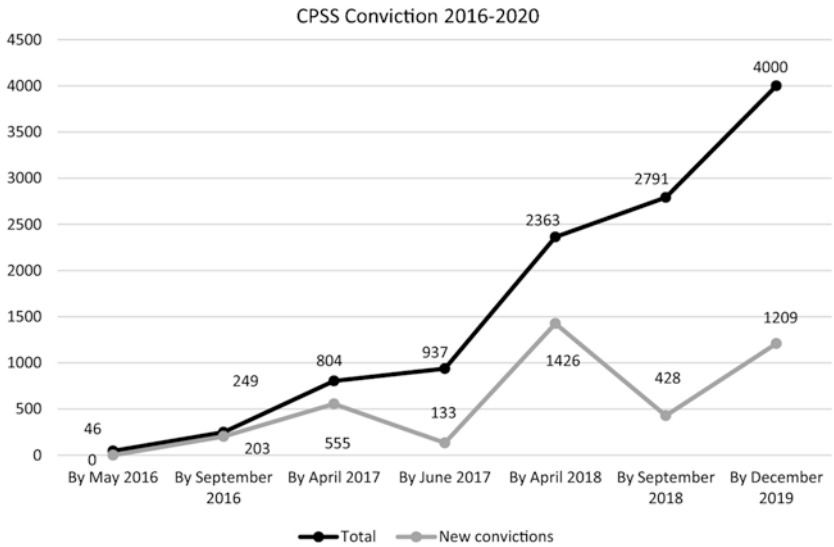

Fig. 2 CPSS convictions 2016–2020 (Villeboeuf and L.C. 2016, Massonnet 2016, Milhat 2017, Vantighem 2017, Colcombet 2018, Goldmann 2018, Freynet 2019)

charged, their convictions tend to bear light penalties, with fines in the range of €300–€550 (Charkaoui 2018; Bize 2019). Finally, very few offenders are referred to 're-education' sessions. This is because of the lack of accredited programmes: by January 2018, only three *départements* were in a position to deliver this service (*Le Parisien*2018). The leniency against clients is seen as particularly problematic in the light of evidence that some local councils, such as Toulouse and Lyon, still criminalise passive soliciting despite the offence having been repealed by the 2016 law (Maréchaux and Burlet 2018; Arsac in *La Dépêche*2018; Le Bail et al. 2018).

Unlike the exit programme, which policymakers and civic actors broadly tend to agree benefits those involved, the impact of client criminalisation on individuals in prostitution is much more contested. Initial studies, as well as reports from specialised community health organisations, suggest a negative impact on many individuals involved in prostitution, as a result of losing clients (Le Bail et al. 2018; Acceptess-T et al. 2019). These outcomes include a detrimental loss of earnings; the need to accept unsafe sexual practices in order to attract and retain clients; more frequent

negative interactions with the police; increased stigma; and increased experience of violence (Le Bail et al. 2018). As a result, many community health and sex workers' rights organisations have called for a repeal of the law. Recently, a coalition of such actors lost their case to have the law repealed on constitutional grounds, having claimed it infringed the rights to a private life and to free enterprise (*Médecins du Monde* et al. 2019; *Seronet*2019).

Proponents of the law, and especially state feminists, however, remain strongly in favour of client criminalisation, claiming that it has helped 'change hearts and minds' and educate male clients, and society more broadly, about the unacceptability of prostitution (e.g. Rossignol in *DDFS*2018b). When confronted with the argument that this measure is harming precisely those individuals they consider 'victims', these advocates respond that prostitution itself is the violence they suffer from, not the law penalising clients (e.g. Goldschmidt in Colcombet 2018).

On the ground, however, women's policy actors, such as *départemental* women's rights delegates, tend to disaggregate the effects of client criminalisation from that of the law's social support measures. For example, one argues that:

> [T]he way client criminalisation is applied really isn't perfect and most likely has negative consequences for certain populations, but […] the efforts we're making to create *département*-level policies and develop partnership working to deliver support programmes improves outcomes for certain individuals. (Interview 3)

Co-ordinating the law's social and criminal justice measures in order to improve outcomes for 'victims' is part of their work. Yet bridging the two aspects of the policy, especially in terms of developing a common understanding of priorities and practices between the police and other actors, remains one of the biggest challenges these delegates face: 'Of all the partners, the police are the ones who are hardest to work with. They worry that the exit programmes, through which people can access temporary residency permits, will be used by traffickers to get more people across: smuggle the people and tell them that if they prostitute themselves, they can then ask for support to "exit" and maybe get residency rights' (Interview 7). As a result, many local police forces prefer to concern themselves with dismantling trafficking rings rather than arresting clients. As a result, the new law banning the purchase of sexual services has not had a

clear or notable effect on reducing the prevalence of prostitution. While visible street-based prostitution has declined in certain areas, such as near the southern city of Narbonne, it has remained stable in other big cities such as Bordeaux, Strasbourg, and Paris (Guillemet and Pohu 2019: 32, 80, 121, 151). Moreover, authorities caution that while street-based prostitution may be gradually decreasing, a growing number of individuals appear to be moving indoors and using the internet to solicit clients (e.g. ibid.: 39).

Nonetheless, initial data suggest that the law may be starting to have the desired effect of transforming broader social norms. French society has traditionally been in favour of a return to a regulationist system of licensed brothels. Public backing for brothels has historically been based on a widely shared belief that prostitution is inevitable and that regulation helps prevent the spread of sexually transmitted diseases (Mathieu 2000). Support for regulationist ideas peaked at 75% in 2013 when the prostitution policy reform bill was tabled, up from 55% in 1970 (IFOP 2013). Three years after the introduction of the new, however, a recent survey found that up to 78% of people now support client criminalisation and 73% now perceive prostitution as a form of VAW (Ipsos, in *Le Parisien*2019a).

Assessing Empowerment and Gender Transformation in the Context of the 2016 Law

The implications of the 2016 law for gender equality are complex and potentially profound. Currently, however, all the evidence suggests that the policy is facing a critical juncture, both in terms of its continued capacity to empower the feminist actors involved in shaping and delivering its implementation and in terms of its capacity to transform gender norms and relations. Put simply, without adequate resourcing and renewed political commitment from the French government, the reform will be permanently 'hollowed out' and rendered little more than symbolic, much like the post-war regime it was meant to replace.

Firstly, there is a clear contrast in the pre- and post-legislative presence and role of feminist policy actors in this policy domain. Prior to the law's adoption, these actors led efforts to set the policy agenda and open a window of opportunity for reform. In particular, abolitionist state feminists were instrumental in reframing prostitution as a form of violence against

women and securing a reform that included client criminalisation, in the face of considerable public and political contestation. In the immediate post-legislative phase, *département*-level feminist actors, in the form of women's rights delegates, were also substantively empowered to shape and deliver key measures of the new law. This includes operational responsibility for setting up and running the partnerships through which individuals wishing to exit prostitution can access practical and specialised support.

Nevertheless, insufficient resources, reluctance from police and immigration authorities to work in partnership, and the overall decline of the salience of prostitution on the national policy agenda have contributed to eroding women's policy actors' empowerment in the implementation process. On the one hand, state feminists are struggling to replace the issue of prostitution on the national policy agenda. In November 2017, the French government declared gender equality a national priority (*grande cause du quiquennat*) but has remained largely silent about the issue of prostitution, despite it having officially been recognised as a form of VAW. Feminist policy and abolitionist NGO actors' calls for renewed political commitment, steering from the central government (e.g. Olivier in Colcombet 2018; Slimani, in *DDFS*2018a), and a budget increase have been largely ignored.

Secondly, and as a consequence of its piecemeal implementation, the law's transformative ambitions have yet to be realised. The result is a high degree of policy continuity rather than divergence. The reform was supposed to herald a step change in the way the state dealt with prostitution. Decades of government inaction, poor implementation, and lack of support to 'victims' were to be replaced by a robust neo-abolitionist framework intended to provide not only concrete measures to eradicate the violence and hardships faced by individuals in prostitution, but also a strong symbolic statement on the unacceptability of women's commercial sexual exploitation. Instead, we are witnessing a similar pattern of regional divergence in the application and interpretation of policy and difficulties in setting up effective partnership among public services. In the absence of central government steering, interpretations about who can and should benefit from exit programme have often varied significantly between, on the one hand, *Préfets* and police authorities and, on the other, women's rights delegates. Ultimately, only the former are officially empowered to decide, often opting to put policing and immigration control priorities ahead of support for those wishing to exit prostitution. The result has

been that a small number of individuals have been able to benefit from state support to exit prostitution, while many have been turned away. At the same time, the ineffectual policing of the purchase of sexual services and a move away from street-based and towards internet-based prostitution have not led to an overall decrease in the phenomenon, let alone its 'abolition'. In GEPP terms, the policy has had a low direct gender transformative impact.

Finally, there has been a conspicuous exclusion of non- or anti-abolitionist voices from discussions about the law both before and after its adoption. Many sex workers rights and community health groups are particularly critical of the law's measure to criminalise clients and have been since the option first emerged in the policy debate a decade ago. Their position rests on the belief that this measure makes prostitution less safe for those involved. During the legislative debate prior to the law's adoption, such criticism was comprehensively rejected by policymakers as unreasonable. Today, claims that these early fears have been borne out by a notable increase in the violence and precarity experienced by individuals in prostitution since the law's introduction continue to be dismissed by a dominant coalition of abolitionist actors who remain profoundly committed to the policy, considering it 'a political project at the heart of the humanist values of our Republic' (Olivier in Caradec and Goldschmidt 2017; also see: cf. Rossignol and Billon 2018; *Le Parisien*2019b; Coutelle et al. 2019). As a result, and despite consensus over its inadequate implementation, the law's symbolic value continues to be held above the reality and lived experience of individuals involved in prostitution.

The GEPP framework considers that in order to be considered progressive, a policy must empower women during the implementation process, and that to be considered empowering, the implementation process must be intersectional. Intersectionality in policy and implementation is that which 'reflects the variety of demand of the groups and actors who make claims in the policy process' (Engeli and Mazur 2018: 117). While it has, at times, descriptively empowered a range of feminist actors at both national and subnational levels, the new French anti-prostitution policy nevertheless falls foul of this principle. The law was designed and is now being delivered exclusively by women's policy actors with avowed abolitionist beliefs. The corollary has been the automatic exclusion of voices that propose a different point of view on the validity and impact of the law. Currently, and in the absence of concrete evidence that the welfare of individuals in prostitution or societal gender norms have improved, the

policy must therefore be classed as accommodating long-standing patterns of gender relations and historically uneven power constellation.

Conclusion

In April 2016, France became the fifth country to introduce a demand-side ban on prostitution as part of a reform intended to 'abolish' prostitution. The sweeping reform was the fruit of a long campaign to reframe prostitution as a form of violence against women. The new law comprised a social 'pillar' with measures to support individuals exit prostitution, and a criminal justice 'pillar' further punishing sexual exploitation and introducing a new penalty for the purchase of sexual services. The reform had a very strong normative component, signalling the state's belief that women's commercial sexual exploitation is unacceptable.

Advocates had high hopes for the new law. The country's post-war abolitionist regime had been notorious for its inconsistent and weak application, resulting in the further stigmatisation of individuals in prostitution. Yet, four years since its adoption, the new law is showing similar signs of being unevenly and incompletely applied. The 'exit programme' at the heart of its social 'pillar' has been difficult to introduce. Insufficient and inequitably distributed resources, and resistance from the police and immigration services, have led to very low numbers of programme beneficiaries. At the same time, regional police forces have weakly and inconsistently applied penalties against clients, undermining the law's normative and pedagogical intent. Overall, there is no evidence that the policy has had a significant direct impact on transforming gender relations. Despite early surveys hinting at growing public support for the new policy, there has not been a substantial decrease in prostitution, especially when much of it may have moved online.

The implementation process has also seen the decreasing empowerment of feminist policy actors. The state's disinvestment from the issue signals a loss of salience as a priority on the policy agenda, and the once central role played by feminist actors in driving the policy debate has been stripped away. Meanwhile, *département*-level women's rights delegates substantively empowered to implement key elements of the law's social 'pillar' have struggled to deliver their operational responsibilities. Finally, the post-adoption phase has featured the continued exclusion of dissenting voices, predominantly from community health groups and sex workers' rights activists who criticise the criminalisation of clients. Claims that

this measure has placed individuals in prostitution at greater risk by forcing them to operate in the shadows have been systematically rejected by a still-dominant abolitionist coalition for whom the law's symbolic value outweighs the poor implementation of its concrete measures to reduce prostitution. The result is a policy whose implementation largely accommodates existing gender relations, with low direct impact on reducing overall prostitution and some evidence it has contributed to degrading the welfare of some of the more vulnerable individuals in prostitution. Nevertheless, the sustained dominance of abolitionist norms and values has crowded out alternative voices, in the continued defence of a policy regime often prized more for its symbolic value than its substantive one.

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The Search for the Elusive Recipe for Gender Equality: Comparative Lessons from Policy Practice in France

Isabelle Engeli and Amy G. Mazur

Introduction

With the rich case analyses presented by our team of experts in terms of the Gender Equality Policy in Practice (GEPP) model (Fig. 1), we can now answer the larger questions of this book.

- Does policy post-adoption make a difference in the promotion of gender equality and, if it does, what are the combinations of ingredients or conditions that lead to the level of that success, measured in terms of different levels of gender transformation—gender rowback,

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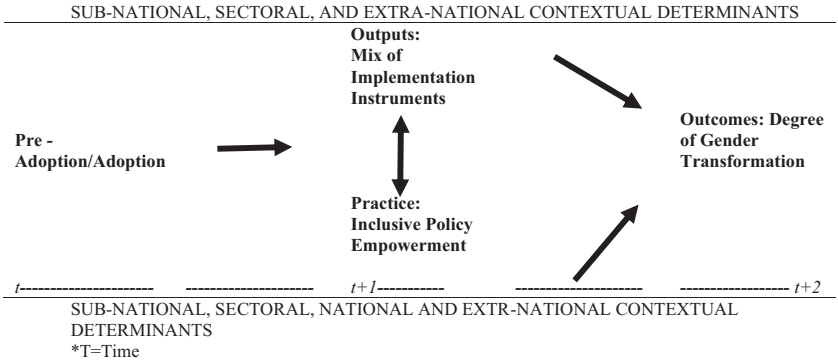

Fig. 1 Gender equality policy in practice: an analytical model and framework. (Source: Engeli and Mazur (2018))

gender neutral, gender accommodation and gender transformative—simple and complex.

- Does the recipe for success include a particular mix of policy instruments with a certain level of authority? Or a high level of policy empowerment?
- Which ingredients in the recipe for success that emerges from these seven cases are from the larger policy context—the level where that policy implementation took place? The presence of a left-wing majority in power? Critical actors through the presence of strong state feminism, an active feminist triangle or a critical mass of women deputies in the National Assembly? Path dependency or institutional bias?
- Does the pattern of success correspond with the sector of policy in which the post-adoption unfolded?

Returning to the within-country similar systems design of the study discussed in "Introduction: Goals, Research Questions and Comparative Framework", the French case as a whole provides controls for path-dependent factors of gender-biased universalism and strong state feminism. The seven cases of policy post-adoption, as Table 1 shows, furnish variation on all the key potential ingredients for success, expressed in terms of the hypotheses for the study presented in introductory chapter: policy sector (political representation, reconciliations, equal

Table 1 Seven cases of policy implementation by sector/type, time period, governing majority and level of government

Political Representation (Status)		
Party Parity Penalties 2002, 2007, 2014	L/R	National
Quotas in Administration 2012	L	National
Reconciliation (Class)		
Elder Care Allowance 2014	L	Department
Equal Employment (Status)		
Pay Equity 2006	L	Firm level
Gender-Based Violence (Status)		
VAW Training 2005	R	Region
Forced Marriage 2006	R	City
Anti-prostitution 2016	L	Department

Dates indicate when the policy was formally adopted and/or significantly reformed. L or R indicates left-wing or right-wing governing majority in power at the time of adoption

employment or gender-based violence); policy type (status or class), government level (local, departmental, regional or national), majority party in power (left or right) and time period of adoption (early 2000 or the mid-2000s).

The analysis in this chapter answers these questions in the next section through the lens of the GEPP model in the comparative analysis of the seven cases—mix of policy instruments, inclusive policy empowerment and then gender transformation. A major finding is that with the exception of quotas in administration, the level of gender transformation in the results of the policies in 2019 only reached gender accommodation, thus only partial success. This finding of an imperative of gender accommodation puts into question the argument of sectoral differences in the performance of gender equality policies. In the third section of the chapter, the issue of what was actually driving this partial success imperative across the cases is discussed: first in terms of the tricky issue of whether the practice of the post-adoption processes was what contributed to these moderate outcomes or something else, GEPP's "what if problem", and then in terms of the line-up of causal factors that produced those outcomes—the "winning combination of ingredients". We conclude the chapter and the book with a discussion of the comparative lessons to draw from these findings in relation to other GEPP studies and recent implementation research in terms of larger theories of gender equality policy success. Implications

of this study's findings are also examined from a more practical perspective with regard to looking toward the future with policy recommendations and good practices. The chapter ends with a discussion of where do we go from here in both future scholarship and the practice of gender equality policy.

Comparative Findings Through the GEPP Model

The Mix of Implementation Instruments: Approach, Scope and Authority

Comparing the mix of policy instruments in the seven cases across three main dimensions is part of the larger GEPP project of opening the black box of government in the post-adoption stages to systematic analysis (see Table 2). The paper record of the policy outputs does not necessarily imply a direct translation when the policy is implemented and used in practice. The particular mix of instruments (Column 2 of Table 2) can differ according to: (1) the regulatory approach (column 3 of Table 2)—legislative, mixed or self-regulation; (2) the scope (column 4)– how comprehensive is the policy coverage and authority—low, medium or high; and (3) whether policies used coercive or more voluntary measures to get compliance groups to implement policies—policy authority in column 5. The dimensions can be formally set up at the time of the policy adoption. They can also be adapted or more radically transformed at the time of the implementation.

What is immediately striking from mapping out formal outputs established by policy statements in the seven cases is the variety and complexity of the instruments and tools for implementation and evaluation—column 2 in Table 2. The possible types of instruments and tools are Authority, Incentive (negative or positive), Capacity and Learning Instruments and Symbolic/Hortatory Instruments. No clear systematic pattern of mix of policy instruments across sectors or time emerges. Instead, each policy case displays a specific mix of tools. Only Clémence Ledoux and Annie Dussuet identify the use of one single tool in the practice of elder care policy in "Elder Care Allowances in Action: Missed Opportunities for Gender Transformation"—a "capacity tool". In contrast, Gill Allwood and Khursheed Wadia show that all four different policy instruments were used in their chapter on forced marriage policy. Moreover, there is no recurrent mix of policy instruments that corresponds with a certain

Table 2 Comparing implementation instruments

Policy	*Mix of instruments*	*Regulatory approach*	*Scope*	*Authority*
Political Representation (Status)				
Party Parity Penalties 2002, 2007, 2014 (L/R)	Authority Negative Incentive	High	Medium	Moderate Light Coercion
Quotas in Administration 2012 (R)	Negative Incentive	High	Medium	High Full Coercion
Work and Family (Class)				
Elder Care Allowance 2014 (L)	Capacity-money	High	Since 2014 Low	Low Full Voluntary
Equal Employment (Class)				
Pay Equity 2012 (L)	Negative Incentive Capacity	Moderate	High	Moderate-Light Coercion
Gender-Based Violence (Status)				
VAW Training 2005 (R)	Capacity and Symbolic	Low	High	Low-Full Voluntary
Forced Marriage 2006 (R)	All Instruments	Moderate	High	High-Moderate Coercion
Anti-Prostitution 2016 (L)	Authority Positive Incentive Symbolic	High	High	High-Full coercion

Years indicate when the policy was formally adopted and/or significantly reformed. L or R indicates left-wing or right-wing governing majority in power at the time of adoption

approach, scope or authority across sectors. Similarly, as the authors of the parity policy chapters show, a state-driven approach through legislation was taken in both cases. The authors of the three chapters on gender-based violence indicate that these policies spanned all three types of approaches—state-driven, self-regulation and mixed. There were no recurrent patterns by time period of adoption for the instruments either—policies that were adopted in the first period 2002–2007 and those adopted from the period 2012–2016 covered all three approaches as well.

The authority dimension also reflects this absence of convergence across sectors or time. The Elder Care Allowance (adopted in 2015) and the Violence Against Women (VAW) Training policy (adopted in 2006) are fully voluntary with low authority. All three parity penalties and the pay equity policy (adopted in 2012) achieved a moderate level of authority with light coercion. The 2012 administrative quotas, the 2006 forced marriage policy and the 2016 anti-prostitution law are at the highest level of authority at full or moderate level of coercion. The extent to which policy instruments had comprehensive coverage in terms of the compliance or target groups shows the highest level of convergence out of the three dimensions with the two parity levels at medium coverage and the three gender-based violence policies at the highest level of policy comprehensiveness.

The presence of a left-wing majority in government does not necessarily ensure authoritative or comprehensive policies either. In all of the cases, the authors showed that feminist demands for more authoritative and comprehensive policy tools were systematically downgraded and/or diluted by nonfeminist actors, regardless of the party in control of the governing and parliamentary majority—at least for the formal content of policy and implementation instruments. The Senate in particular has proven to be a bastion of resistance to demands for formally authoritative policy that contains challenges to the status quo on gender roles and gendered distributions of resources and power.

Practice and Inclusive Policy Empowerment: Weak Intersectional Representation

Turning to the actual practice of the policies and the level of inclusive policy empowerment in that practice allows for the crucial assessment of whether words were turned into deeds—whether the paper record of the policy outputs were actually followed through on the ground. Table 3 maps the policy instruments put into place formally through policy outputs (columns 2–4) alongside both the degree of inclusive policy empowerment (IPE) in column 5—low, medium or high in the practice of post-adoption in each case and level of gender transformation in column 6—Gender Transformation (GT)—simple of complex; Gender Accommodations (GA); Gender Neutrality (GN) and Gender Rowback (GR). The arrows indicate the movement, if any during the time period of

Table 3 Comparing outputs, inclusive policy empowerment and level of gender transformation

Policy	*Mix of instruments*	*Approach*	*Authority*	*IPE*	*Level of gender transformation*
Political Representation (Status)					
Party Parity Penalties 2002, 2007, 2014 (L/R)	Authority and Incentive Negative	High	Moderate Light Coercion	Moderate	→ GA
Quotas in Administration 2012 (R)	Incentive Negative	High	Full Coercion	Low	→ **GT (Simple)**
Work and Family (Class)					
Elder Care Allowance 2014 (L)	Capacity-Money	High	Low Voluntary	Low	GN → GA
Equal Employment (Status)					
Pay Equity in Firms 2012 (L)	Capacity Negative Incentive	Moderate	Moderate Light Coercion	Moderate	→ GA
Gender-Based Violence (Status)					
VAW Training: Regional 2005 (R)	Capacity Symbolic	Low	Low Full voluntary	High	→ GA
Forced Marriage 2006 (R)	All Four	Moderate	High-Moderate Coercion	High	→ GA
Anti-prostitution 2016 (L)	Authority, Incentive and Symbolic	High	High Coercion	Moderate	→ GA

Years indicate when the policy was formally adopted and/or significantly reformed. L or R indicates left-wing or right-wing governing majority in power at the time of adoption

implementation, since the policy was formally adopted and the instruments set up until 2019.

Similar to the absence of patterns for outputs, when examining inclusive policy empowerment on its own, there are no patterns by sector, time

period or governing majority in power. There are two instances of high inclusive policy empowerment where not only did both women's policy agencies and nongovernmental groups participate in the implementation and/or evaluation processes, but they spoke for more than just the upper-middle-class white women including: VAW regional training and awareness campaigns about forced marriage. Demands were partially reflected in the unfolding of implementation: in the actual content of the VAW training and in the consultation regarding the evaluation of the measure regarding forced marriage in the 2016 National Action Plan (see Table 4.1 in the chapter by Allwood and Wadia). As Emily St Denny shows in her chapter, the 2016 law that promoted both exit programs for sex workers and punishment for clients of sex work had a moderate level of IPE along with the parity penalties on parties.

As the authors of the parity chapter show, state feminists in government and parliament played crucial roles in drawing attention to the parity sanctions: by naming and shaming political parties who were not in compliance with parity and filing the formal evaluation requested by the legislation of parity in the National Assembly. They nevertheless only spoke for upper-middle-class white elites. Similarly, the coalition of feminist groups and femocrats in the department-level delegates of women's rights that mobilized around both the social programs to help sex workers exit and the criminalization of clients tended not to speak for the sex workers themselves who were from vulnerable populations both economically and socially, often being immigrants. As St. Denny asserts in "The Gender Equality Potential of New Anti-prostitution Policy: A Critical Juncture for Concrete Reform", this became even clearer in the voices that came forward when criminalization of clients had the unintended consequence of making it much more dangerous and less profitable for sex workers who did not choose the exit option. None of the interests of sex workers were brought forward by the state feminists or feminist groups at the local level either.

There was also a moderate level of policy empowerment in the collective negotiation over equal pay at the firm level as Brochard and Pochic recount in "Pay Equity Through Collective Bargaining: When Voluntary State Feminism Meets Selective Business Practice". While femocrats, representatives of trade unions and even citizen movements came forward to represent women from lower socio-economic groups, their demands were not heeded in the implementation and evaluation processes. The structural impediments based on dominant gender norms that contribute

greatly to existing pay gaps between men and women were not addressed in the final equal pay agreements.

Finally, we find low cases of IPE in all of the different sectors. In the implementation and evaluation of the quota for upper-level civil servants, there was some presence of femocrats and groups that spoke for women in the upper-level civil service as Jacquemart, Revillard and Bereni demonstrate in "Gender Quotas in the French Bureaucratic Elite: The Soft Power of Restricted Coercion". The femocrats only spoke for upper-class white women and had no real impact on the implementation or evaluation given that the successful implementation of the quota occurred outside of the typical state feminist circles. In "Elder Care Allowances in Action: Missed Opportunities for Gender Transformation", Ledoux and Dussuet show a slight turn away from the gender-blind approach of the health care and social work infrastructure occurred after 2004. Gendered statistics of elder care givers and clients started being collected by the health care administration and women's policy offices. The fact that care workers tend to be mostly women was somewhat taken into account in the 2014 law through the mandated additional paid time for respite for elder care workers. That said, there still has not been much significant involvement of feminist groups or femocrats in how elder care is delivered or in practice of the various elder care policies and programs across the department where Ledoux and Dussuet conducted their extensive fieldwork. It is also significant to note that in all of the cases feminist actors from all vantage points never raised the interests of any other groups of women than cisgender women. Heteronormativity remains a dominant organizing principle in French gender equality policy.

Gender Transformation: Glass Half Full or Empty?

At first blush, the glass is half empty for the overall assessment of the impact of French gender equality policy. There is an imperative of gender accommodation across all of the cases, but one. Policies are thus not entirely symbolic and have made some gains. In the practice of the policies and in the outcomes, the gender-established norms that construct men and women in differential positions are however still operative for implementors, evaluators and powerful nonfeminist, typically white male stakeholders. As Jacquemart, Bereni and Revillard assert in "Gender Quotas in the French Bureaucratic Elite: The Soft Power of

Restricted Coercion", there has been an increasing broad-based acceptance of the "parity grammar" by stakeholders, elites and decision-makers. Pursuing 50–50 representation in politics, on corporate boards and in administration is increasingly legitimized but as long as women do not take away positions of power from men. Also, when women's interests are represented in a more intersectional fashion, they tend to mostly be the ones of upper-middle-class white cisgender French women, except in the cases of forced marriage and anti-prostitution covered in the chapter by Allwood and Wadia. At the same time, this high level of inclusive policy empowerment for both instances did not push the policy outcomes beyond the imperative of gender accommodation. It is important to note that, in all of the cases, this elite resistance to gender transformation seems to lag behind public opinion that has progressed at a faster pace.

This rather pessimistic view of French gender equality policy is further punctuated by the fact that there is only one case of gender transformation—only simple transformation in the case of implementation of parity in the upper civil service. Simple, because as the authors of "Gender Quotas in the French Bureaucratic Elite: The Soft Power of Restricted Coercion" show, the coverage of the law was quite narrow—placing a quota for new hires or "first appointments" of recruitment for senior executive positions in the civil service. Moreover, not all of the administrations obeyed the quota; with departments in the Ministry of Economics receiving fines for noncompliance. As a result, 36% of new appointments were women across all administrative agencies; 4% points short of the required 40%. Despite this limited scope, Jacquemart, Bereni and Revillard argue that there has been a significant change in the gender norms of the male elite in charge of making civil service appointments. They show that many men in the office in charge of appointments has been through a "feminist" conversion. They follow through on the hiring quotas for women in most departments and have also suggested that fines paid by the noncompliant departments should apply to gender equality programs. Real gender transformation occurred in the upper civil service that had put into question previous gender-blind universalism and goes beyond the more symbolic acceptance of the new "parity grammar". As the authors emphasize,

> the most conservative attitudes toward the gender equality agenda were delegitimized, men holding executive positions were to redefine their professional identities in relation to gender equality norms.

The gender accommodation imperative and this incremental gender transformation in a small yet powerful part of the French bureaucracy can also be seen in terms of the glass half full. Gender accommodation includes some advancement of policies away from symbolic reform to the material and concrete end of the continuum. In all of these cases of equality policy, some progress has been made, and that progress has occurred clearly within the past 20 years. In the context of the path dependency of gender-biased universalism, this accomplishment indicates that we may be witnessing a critical juncture in the past several years. In two cases, there has been significant grassroots and group mobilization against backlash on existing policies. The right-wing efforts to turn back the clock on equal pay negotiation in 2015 and to reverse the schedule of the Sauvadet quotas were blocked. Moreover, the accomplishment of gender transformation, albeit piecemeal, at the very pinnacle and elite part of the French state can be seen as a preliminary indicator that gender equality policy can succeed in the face of deep-seated gender biases. Success may also happen without the strong support of the femocracy. For example, elder care policy has moved from being gender neutral—where gender was not even mentioned in any of the policy statements on elder care and the optic of gender equality was completely missing—to gender accommodation. This evolution happened with virtually no help from femocrats in the department or at the national level.

In the same vein, the progress made in the arena of gender-based violence in areas that are quite challenging in French society—forced marriage, anti-prostitution and violence against women—indicates that there is a significant foundational movement afoot. That said, developments occurring after the analyses of policy outcomes for this book were completed on gender-based violence including the mobilization of tens of thousands in Paris to protest Macron's government budget cuts on anti-violence policies and in reaction to 121 cases of femicide in 2019 indicate that policy reversal is never far away (*New York Times* 25-11-19). Similarly, the unintended negative consequences of the criminalization of clients and the continued pursuit of pimps by law enforcement on sex workers, often non-hetero and from non-white marginalized communities, further confirm that, actually, the glass may switch back soon to half empty again.

St Denny's analysis in "The Gender Equality Potential of New Anti-prostitution Policy: A Critical Juncture for Concrete Reform" of anti-prostitution policy emphasizes that France may be even further away from a critical shift in gender equality now than prior to the landslide victory of Macron in the 2017 presidential election.

Similarly, the steady progress of women in parliament attributed in large part to the Party penalties, from 12.1% in 2002 to 26.8% in 2012 to 38.7% in 2017, has not continued in the 2022 parliamentary elections where the women's share of deputies declined to 37.3%. Additional developments since 2019 suggest that the core driver behind this slow and steady incremental change may be being phased out: the downgraded Deputy Ministry of Women's Rights and Fight Against Discrimination (no longer gender equality), the placement of a state feminist outsider at its leadership and its reduced budgets. Thus, backsliding under the two Macron presidencies appears to be threatening the progress made across all areas of policy implementation. Similarly, the recurrence of heteronormativity as an organizational principle of policy action further confirms the salience of the French national context over sector-specific dynamics.

Explaining the Partial Success Imperative

With the comparative analysis of the seven cases across the three components of the model in hand, we can now return to the larger questions at the core of this book and posed at the beginning of the chapter.

Does Post-adoption Matter?

To be sure, the direct causal effect of policy implementation in practice remains difficult to isolate. At the same time, as the chapter authors assert, the progress that has been made in the policy cases where it could be numerically measured in the two cases of parity laws was in some part due to the actual practice of the implementation and evaluation of the policies. Even in the clear case where progress in women's appointment to upper civil servant positions had begun prior to the adoption and implementation of the Sauvadet law, its effective implementation was shown to have continued and perhaps even sped up the numerical progress and also the value shift that occurred in the past 15 years in senior executive services. Put in a counterfactual logic, this progress might not have happened

without these policies. Despite gender-neutral norms in Elder Care Allowances, Ledoux and Dussuet agree that the introduction of gendered statistics through the 2014 law and their application brought a gender perpsective into the evaluation process; thus, a change in evaluation pushed the policy result into gender accommodation.

What Is the Combination of Ingredients for Success?

Complete gender transformation through the implementation of policies is not an easy task and will not be reached in the near future. Incremental and piecemeal policy changes sometimes produce simple transformation and gender policies shifts lead to slow progress from gender-neutral policy outcomes to gender accommodation. Moreover, contrary to the GEPP hypothesis that if more excluded groups are represented substantively and descriptively through inclusive policy empowerment in the practice of policy post-adoption, in the two instances of high IPE in job training and anti-prostitution, the policy outcomes did not incorporate that intersectional approach in their outcomes, stagnating at the level of gender accommodation. Similarly, progress was made in the upper civil service quotas and in elder care allowances, with low inclusive policy empowerment. Time will tell which way this momentum will take gender equality, given on one hand the potential for a real critical juncture to change institutionalized gender-biased universalism and, on the other, current political developments that signal a reversal and even gender rowback.

Given that gender transformation occurred across all levels of government, across all policy sectors under governments of the left and the right and with the practice of a wide range of policy instruments, what seems to be the most important ingredient for success in combination with policies that are actually put into action is the presence of a critical actor or actors more than any other ingredient, and these can include powerful gender equality ministries, male and female allies in administration and government, and women's movement actors and gender experts. Whereas in some cases, particularly the parity penalties, the state feminism alliances between the gender equality machineries and women's movement actors were quite important, Keck and Sekink's "boomerang affect (1998)" where national-level advocates use extra-national leverage, called a "ping pong affect" in the EU by Zippel (2006), is not in play at all. Thus, within-country forces are much more important for understanding policy successes in France. Gender-biased path dependencies are slow to change, but

with the presence of critical actors and the accumulation of effective gender equality policies, it is possible to break these path dependencies. However, these critical junctures are slow to occur and can experience reversals, particularly when patterns of national politics are disrupted by unexpected political developments, like the Macron phenomenon in 2017.

Where Do We Go from Here? Scholarly and Practical Perspectives

This complex analysis of the seven implementation cases in France has much to offer in the comparative study of gender equality policy implementation. The findings confirm what previous studies have found. In line with the other GEPP studies on care (Ciccia and Lombardo 2019), corporate gender equality (Engeli and Mazur 2022) and political representation (Lange et al. 2023), concrete post-adoption does matter in promoting gender equality but not necessarily with any specific mix of policy instruments or policy approaches. Success and failure can occur through any output. It is rather what is done with these instruments by the actors that appears to count. The French study also corroborates that gender transformative outcomes are highly difficult to achieve. If gender equality policies do progress, they get stuck in gender accommodation cycles of change with little attention to intersectional issues of class, race or sexual orientation. Critical actors—including gender experts, gender equality machineries, male allies and women's movement actors—are also shown to be crucial ingredients for success, more important than any critical mass of women in elected office or the presences of left-wing majorities. Thus, institutionalized path dependencies, in France the gender-biased universalism, can be changed by individual actors and their actions in the use of a wide range of instruments and approaches, but the actors spearheading that change need to include more than just the usual select few.

This "interplay between actors, ideas and institutions" has also proven to be key in promoting authoritative gender equality policies in other recent comparative studies of ideas and institutions in policy implementation (Bustelo and Mazur 2023; Gaines and Lowndes 2022) as well as the emergence of new resistances to gender equality through populist right-wing mobilization and anti-feminist forces that stymy gender equality policy implementation (Verloo 2018; Lombardo et al. 2021; Krizsán and Roggeband 2021). As Gelb and Palley's (1982) classic study of feminist

reform in the USA in the 1970s shows, the awareness of this resistance gives cause to feminist advocates to define policy proposals and draft legislation in terms of "gender role equity" and gender adaptation rather than "gender role change" and gender transformation—thus a movement away from progress.

The French findings also challenge comparative gender and policy research. The most surprising finding is that countrywide path dependencies and dynamics are much more important than any sectoral specific dynamics. The within-country cross-sectoral design of this study provides powerful evidence against the importance of sectoral patterns of success and failure that had been identified in a wide range of gender policy studies, including the other GEPP findings and a recent comparative study of ideas in policy implementation in Spain, the Netherlands, France, the UK and the Council of Europe that concluded: "Who comes forward and the ideas and political meanings those actors advance ultimately matter, dictated in certain policy sector by the institutional micro-foundations" (Bustelo and Mazur 2023). In France, these institutional micro-foundations seem to be a part of the French state and elite decision-making culture across all policy fields. The absence of critical actors being organized in feminist triangles or state feminist alliances across the board in France in the march toward partial success in France, as well as any strong connection to extra-national policy influences like the EU, the UN or the Council of Europe, also defies a large body of research that shows these forces to be important ingredients for success. Although, the GEPP study on corporate board gender equality showed it was more important to look inside one's country for the right implementation design.

Ultimately, what this study of French gender equality policy implementation brings to the table for the emerging theory of gender equality policy implementation is that policy implementation is crucial to the pursuit of gender equality. It serves as a terrain for changing gender-biased frames and approaches for individual actors within their given country with an agenda and the political capital to promote the successful implementation regardless of the specific sector, but this is slow and limited, without bringing in previously excluded voices into the process in a meaningful way and can be reversed in the face of rising political resistance. Of course, there is still much work to be done before any definitive theory of policy implementation can be forwarded. For example, future studies of the French case need to delve deeper into the specific design of policies, which other GEPP studies have shown are extremely important in policy success, not

the mix of instruments, but how they are used. The national imperative of gender accommodation with no sectoral patterns should be examined in future within-country studies of policy implementation. Given that this finding might just be an artifact of focusing on one country.

From a practical perspective of policy actors in the field of gender equality, these findings provide hope to individuals who pursue gender equality in a wide range of settings within government, both men and women, inside gender equality machineries and sometimes but not always with women's movement groups. While high levels of women's representation in national parliaments do not have to be achieved to pursue moderately successful policies, women's policy agencies need to be supported and nurtured at all levels of government as potential advocates, particularly given their position in the machinery of administration and evaluation by the powers that be. Confirming the findings of a recent Organization of Security and Cooperation of Europe (OSCE) study that identify gender equality machineries as critical actors in promoting gender equality policy (2023), it is not necessarily that these offices need to have large budgets or powerful portfolios, but they need to be open to listening to a wide range of actors and stakeholders from different political perspectives and backgrounds and have legitimacy and influence with top government decision-makers. Moreover, that deeply entrenched path dependencies are not determined by a policy sector but rather by more general government-wide institutions might make it easier for critical actors to enter into different arenas to promote gender equality policy in practice. The message here is also policy actors must keep their eye on the prize within their countries and spend their limited resources seeking partnerships from the full range of policy partners inside of their countries perhaps before going to the international level. The polyvalence of these critical actors is primordial in terms of both openness to a full range of friends and enemies and being open to listening to voices that are typically excluded.

In the final analysis, while this study has not come up with any definitive conclusions about a theory of gender equality policy success and implementation, it has moved forward understanding and knowledge, through the GEPP framework and approach, about the central role of policy implementation in gender equality policy success and has brought theory-building closer to answering core questions about equality, policy implementation, power and representation at the center of healthy and vital democracies in the twenty-first century.

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