



## **Quality in Gender+ Equality Policies**

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Integrated Project

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## **Report Analysing Intersectionality in Gender Equality Policies for France and the EU**

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## 1. Introduction

The present STRIQ-report, (QUING-Deliverable 47) aims to capture the implications of the intersection of multiple inequalities for the quality of gender+ equality policies. This question is both pertinent and complex in the current European context. First, the concept of intersectionality calls for different interpretations and utilisations. The question was not new in 1989, when Kimberlé Crenshaw introduced the actual term 'intersectionality' in "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Anti-Discrimination Doctrine"<sup>1</sup>. However, it was Crenshaw's article that conceptualised the notion of "intersectionality" and made it a known reference and thought about the implications of already existing inequalities within the French women's movement as well as abroad. The interest for intersecting issues largely depends of national history and political paradigms; it also involves the role of civil society and especially of the feminist movement. Thus, the introduction gives special attention to the historical and contemporary French context in which intersectionality issues have appeared, and to their different meanings and implication. To do so, special attention is given first to the actors, especially those from civil society and then, to the past and present political context. The introduction puts forward the history and the variety of the French feminist movement and its capacity to take into account multiple inequalities. From there, the issue of intersection in gender equality policies is redeveloped according to the research questions of QUING as listed in the Annex to the Contract. A description of the report gives the first paths to explore the various dimensions of intersectionality in relation to gender policies.

### 1.1. French context: why does the question of intersectionality matter?

1.1.1. Role and history of the feminist movement: concerns about the diversity of women's experiences.

Whereas mainstream French media flows often present the subjects and actors of French feminism as Franco-French, dominant individuals, the French feminist movement nevertheless presents a diversity of actors, shaping the intersecting dimension of society.

The sociological composition of the feminist movement and its strategies, have underlined the need for an understanding of the articulation of different types of inequalities and of the heterogeneity of women's experiences.

Within the feminist movement, the interest for the issue of the intersection of gender, class and racial relations is ancient. The French case is important in that the relation between women's and working class's oppression was considered very early on. The French feminist movement is based in the history of the revolutionary and the workers movement. Since the middle of the 19th century feminists, among them Flora Tristan or the St Simoniennes - socialists, anarchists, Marxists and radicals - have tried to capture the relation between gender and class, to fight against this double oppression (Benelli et al 2006-2). During the "second wave" French feminists also put forward the issue of sexual division of work as a central issue towards achieving women's autonomy. C. Delphy embodies the filiations between Marxism and feminism, theorising the division of work within the patriarchal system, in the way Marxists define the oppression of working class in the capitalist system. In the movement, a large subsection on "Lutte de Classe" (class struggle) tried to link the women's movement and larger strikes in the late 60's. They supported mobilisation and strikes of female workers. At the same time, many contradictions and disagreements between the women's movement and trade unions remained regarding the importance given to the specific oppression of women in the capitalist system, as well as about the priority claims of male and female workers.

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Furthermore, if the attention given to the articulation of sexist and racial issues is gradually developing in the French academic literature, the existence of an old movement of women coming from migration shows that this issue is not new in the French social, demographical and political context.

The history of women's movements of immigration is still little explored, although in the early 1970s foreign women, immigrants, exiles, living in France temporarily or permanently, as well as women claiming the legacy of immigration, formed groups or associations and took collective initiatives. These

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<sup>1</sup> Crenshaw, Kimberlé. 1989. "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Anti-Discrimination Doctrine, Feminist Theory, and Anti-Racist Politics" in *Chicago Legal Forum*, 139-167.

"women's movements of immigration" feature women as actors and subjects of collective initiatives and the development of different views and claims. These movements are at the crossroads between the dynamics of women's movements and movements of immigration, as well as at the crossroads between the movements in France and the struggles in the countries of origin. (Lesselier 2007)

The movement of migrant women faced the same problem as the Franco-French one regarding the issue of class. Claudie Lesselier reports that when the first "Black Women Day" was held on 29 October 1977 by the Coordination of black women - raising the question of the need for the liberation of black women, the fight against female circumcision, polygamy and the oppression of women- these women were the targets of serious attacks from the men of student movements as well as from African politicians. Moreover, for politics and left wing parties but also for French feminist, immigrant women were often invisible as they were maintained in the "shadow" of male migrant workers (even if they themselves were workers and represented 43% of the foreign population in 1975).

The victory of the Socialist party in 1981 brought hope and opened up political action. The provisions for foreign associations were repealed (October 81) and associations got more resources, particularly through the Ministry of Women's Rights entrusted to Yvette Roudy.

Circulars allowed the regularisation of many irregular residents. The resident permit of 10 years was won by the immigrant movement, but the procedures of deportation to the border and the limitation of admission were nevertheless reinforced. (GISTI). These years were also those of racist violence and the rise of the extreme right. In 1986 the right-wing victory in the legislative brought new threats to the rights of foreigners, including the Code of Nationality. Immigrant's children themselves, boys and girls, became major political players and holders of new issues regarding citizenship, equal rights and cultural pluralism. Between 1975 and 1982 the female share of Maghreb and African immigration increased considerably (multiplied by 1.7 between the two censuses) and it was the same between 1982 and 1990. The issue of training and professional insertion, legal status (residence permits, right to work), and place in society, came to the fore. In addition, because of economic changes, issues moved from workplaces to urban space, which eased women's involvement and actions relating to their concerns and daily life. Lesselier underlines the fact that, unlike "feminist groups" moved by the adherence to universal and political values, these movements were organised around a shared identity of women, originally from immigration. The movements led by immigrant women and French racialised women group disputed the idea that women are a homogeneous category sharing essentially the same life experiences. This argument stemmed from the realisation that white middle class women did not serve as an accurate representation of the feminist movement as a whole. Recognising that the forms of oppression experienced by white middle class women were different than those experienced by black, Arabic, poor, or disabled women, those feminists sought to understand the ways in which gender, race, and class combined to "determine the female destiny" (according to hook's terms). Between the specificity claimed and/or assigned and the "universality" of the demand of equality, freedom and civil rights, those movements often aim to rearticulate fixed categories and fixed identity.

The contemporary context creates new alliances and organisation among the women's movement bringing together, at the Maison des femmes de Paris<sup>2</sup>, women from various backgrounds and concerned by a different range of discrimination and inequalities. At the same time, a growing movement defending the possible alliance between women from various backgrounds underlines the need to take into account the intersecting inequalities and their articulation in the experience of women (Bachetta 2007). The *Le Groupe du 6 novembre* is a good example of the diversity and the evolution of the French feminist movement. It was formed in Paris, across the lines of national origins, languages, and generations. The founders first came together on the 6th of November, 1999, at a national lesbian activist conference in France attended mainly by Franco-French lesbians. It was born of racialised conflict in the context of the conference, and a desire to think and act together around issues of gender, sexuality, race- racism, and the effects of colonialism, slavery and immigration, inseparably. During its existence, the *Groupe* created spaces of expression (art exhibits, film showings), constructed group space for discussions and the production of theory, intervened in issues in Paris and the *banlieues*, spoke out on alternative immigrant radio, participated in conferences within France and beyond, and organised and participated in protests. Those alliances underline the fact

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<sup>2</sup> The Maison des femmes has included groups such as the Nanas Beurs, mouvement des Femmes Noires [Movement of Black Women], Groupes Femmes Algeriennes [Algerian women group], along with mixed collectives such as the collectif féministe contre le racisme [Feminist Collective against Racism] (from the mid 1980s), and collectives comprised solely of Franco-French subjects, together.

that it is important to take into account the various imbrications of the different systems of oppression (racism, patriarchal system and class system) in order to improve our analysis of sexist oppressions and to elaborate efficient policy/militant actions. They were the origin of many new autonomous and affiliated initiatives and of the apparition of the question of intersectionality on the political agenda.

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### 1.1.2. History, changes and hotspots in the political field

France has been committed to the principal of gender equality in law since 1946, when it enacted the preamble to the constitution of 27 October 1946 just after World War II. The last French constitution of 1948 proclaimed “all humans beings, without distinction of race, religion or faith, possess inalienable and sacred rights (...) the law guaranties women the same rights as men in all domains”.

However, French women were not given equal rights as citizens until a relatively late stage, later than in other EU member states. It is important to note that French women only obtained the right to vote in 1944 and that husbands retained formal rights over their wives' activities until the mid-1960s. As in many European countries, the 1970s marked a real shift in the construction of gendered citizenship. Feminist groups and women's movements started to lobby the state in order to change legislation in several social fields (the focus at that time was mainly on contraception and abortion rights) and at the same time, following pressure from the EU, gender equality issue entered the French political agenda. The French conception of State as one of the main welfare providers has contributed to legitimating its intervention in the private life sphere. The election of the socialist François Mitterrand in 1981 marked the growing polarisation of the childcare question and the development of various family allowances, parental leave (1985) and extension of the provision of full time nursery care for children under three years of age. Nevertheless, at time, French policies addressed to women have not been specifically concentrated on the question of equality as such and women's rights have long been mothers' rights rather than citizen rights.

In such a context, international bodies such as the UN and the EU have largely contributed to changing the conception of the legal framework of equal opportunities policies in France. Its gender equality objectives had a huge impact on the introduction of several measures designed to fight against gender based discrimination (Le Feuvre and Andriocci, 2002). Nonetheless, it has been more difficult to institute *positive actions* and *gender mainstreaming*, particularly in the field of equality between men and women on the labour market. Indeed, the French conception of equality, deeply embedded in the tradition of republican universalism, appears to be somewhat incompatible with the *Positive Action* principles promoted by the EU (Crompton and Le Feuvre, 2000).

Since the UN International Women's Conference in Beijing in 1995, the gender mainstreaming phase of the EU policy has significantly gained in influence: On 8 March 1999, France adopted the principle of gender mainstreaming in all domains. In addition, the 5<sup>th</sup> Action Program on gender equality from 2001 to 2006 was specifically focused on gender mainstreaming. From this period onwards, French legislations have progressively moved from the idea of protecting women as wives and mothers on the labour market to that of promoting gender equality in all spheres of society. In 1997, the new socialist government established political instruments that they could be used in an egalitarian perspective. However, French legislations and plans on gender equality are still perceived as inefficient because of the lack of a real implementation of existing laws and plans.

In 2002, the new right-wing government chose to return to a more 'protective' position. The non-employment and intimate citizenship areas were particularly affected by this shift. However, the European Union pressure seemed to guarantee the implementation of gender equality policy, particularly in the (non)-employment and gender-based violence issues.

The influence of the working class movement along the 20th century and the model of the welfare state led to the consideration of sexist oppressions at the intersection of other relations of domination,

In the political field, measures of social action and state intervention in the family sphere and the conciliation of work and family have been understood as social measures aiming to reduce inequalities

in the society at whole, after the second world war: organisation of the social security system insurance against unemployment, health insurance, pensions and help for large families according to the principle of national solidarity and social help (Bismarkian model). Nevertheless, those considerations of the social status of women in relation to various dimensions of social life do not equally concern all the dimension of intersectionality.

Nowadays, the question of intersecting inequalities is put forward in a new national and international context. Since the 80's, the continuous degradation of the labour market, and especially the development of non-employment and precarious employment have most strongly affected women from poor backgrounds. Moreover, the migrations phenomena have changed and are now more feminized, while policies and discourse about migration and security have become more restrictive and stigmatising. Ariane Pailhe (2008) shows how intersecting inequalities in access to employment are reinforced and how women from minority groups are victims of a double discrimination based on gender and race.

The contemporary context tends to both reinforce those discriminations and put new issues and new groups on the political agenda.

The reinforcement of the neo-liberal regime (International Trade) contributes to increasing the exploitation of a new female workforce, coming from ex-communist countries of Asia and Eastern Europe. At the same time, recent changes at the geo-political level have reinforced the stigmatisation of migrants and descendants of immigrant populations. (Belleni et al.) As underlined by Roggeband and Verloo (2007) the presumed "clash of civilization" that followed September 11 and subsequent events led to the stigmatisation of migrant (or considered so) population, especially Muslims. In that context, identity policies "re-assert national identity and stricter integration demands" (Roggeband and Verloo, 2007: 258).

In the political sphere, the concern for cultural and racial issues used to be less developed than the concern for class issues. The French model of republican universalism curbed the concerns and the interest towards the specific oppression of minority groups, especially those coming from ancient colonies or local cultures.

At the historical level, the inheritance of the specific colonial history of France also explains why the intersection between gender and race (or gender and culture) is one of the most important hotspots today. A number of scholars of French colonialism (Stora 1994 and 1999, Bancel, Blanchard and Vergès 2003) point to how France's elaboration of its "civilizing mission" enabled the formulation of its "special universalism".

According to Bachetta, this positioning reproduces the colonial situation in which colonising subjects imagined their own societies as inherently superior, through the trope of the civilizing mission. The concern for women's oppression becomes a way to justify colonialism. In 2005, the French law n° 2005-158 of the 23 February 2005 (concerning the teaching of the "positive role" of French colonialism<sup>3</sup>) puts forward the benefits of the colonisation process in particular for women. Indeed, women are at the heart of important debates in France. For some feminists, the veil fixation (see below) and the image of "Muslim women as victims" reiterate in displaced terms France's "civilizing mission," while tending to erase colonial violence, and the conditions of many Muslim women subjects in France.

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## **1.2. Raising questions addressed to the political field around intersectionality and inequalities.**

As a consequence of the women's movements, of demographical and structural changes in the French society and under the pressure of the European Union, the issue of social diversity and equality has been reintroduced and redefined on the French political agenda. The introduction of the concept of intersecting inequalities brings new challenges to the political field and to civil society. We will briefly present the question that emerged with the introduction of intersectionality policies and their relation to gender equality issues.

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<sup>3</sup> The article in question has been repealed on January 25<sup>th</sup>, 2000.

The concerns for multiple and intersectional inequalities addressed new questions for the implementation of gender equality policies in France. A special attention must be paid to other structural inequalities in the making and implementation of gender equality policies. Do equal opportunities and antidiscrimination policies endanger or hide gender inequality issue? Do gender equality+ policies form an obstacle for intersectionality in French equal opportunities legislation, and (re)produce or reinforce other inequalities? Or does it instead give the opportunity to work on intersectionality and take into account how inequalities mutually constitute and affect each other?

Those new questions must be answered in the light of the French contemporary context. Intersectionality, gender equality and equal opportunities have a specific definition in France. It varies according to political changes and differs for each area.

French literature and the social movement have introduced thoughts concerning the articulation of gender, race and class relations. The influence of the EU directives has, in the same time, put forward the needs for a fight against a wider range of discrimination and social exclusion based on disability, age and sexual orientation.

The introduction of policies aiming to tackle multiple inequalities in France is relatively recent. The introduction of anti-discrimination policy in France reveals a specific definition of multiple inequalities, mainly defined in term of exclusion (especially from employment opportunities).

How do scholars, members of civil society and the state conceptualise intersectionality in term of structures and mechanisms?

How does the knowledge of scholars and activists, who dwell upon the problems of inequality, tackle various forms of discriminations and social exclusions in public policies in France? How do the definitions of a policy issue take into consideration the intersection of various forms of inequalities? How are they defined? Which fields do anti-discrimination measures tackle? How do they aim to fight against discrimination?

Does it stand in the way for an intersectionality approach? Or does it rather open the way and create space for new possibilities?

Thus, political intersectionality 'indicates how inequalities and their intersections are relevant to political strategies'.

In parallel, gender remains in a specific position within the debates on multiple inequalities. Gender equality measures and gender mainstreaming have been introduced in the last two decades. Thoughts about gender regimes that regulate gender relations, political debates and institutions have been engaged in the political field in France and in EU.

Does this approach, which is centred on gender, hide the conceptual use of multiple inequalities? Does the concept of gender equalities allow the introduction of an intersectional approach? What are the implications of the intersection of multiple inequalities for the quality of gender+ equality policies?

The state intervention articulates or isolates some discrimination; it brings to the forefront sensitive issues and hides others.

- Which intersecting inequalities are taken into account in the implementation of gender equality policies? Does this idea of intersectionality systematically apply to the four issues the QUING-project concentrates on? Which intersectionality is uppermost linked with each issue?

Emanuela Lombardo and Mieke Verloo underline 'the necessity to address the interdependencies between intersecting inequalities because strategies on one axis of inequality are mostly not neutral towards other axes'.

Indeed, the main problematic is to understand how equality policies can tackle structural intersecting inequalities, or how they might reinforce other inequalities. For example: "How can employment policies reinforce ethnic discrimination?", "How do family policies amplify discrimination based on sex, economic inequalities?" "How are anti-discrimination policies likely to hide women's oppression?"

Not only political intersectionality is of concern here, structural (and sometimes representational) intersectionality also appears.

The report tries to interrogate the extent to which intersectionality is put into practice in French policy; how it is constructed/framed, and why it is considered, or why not. A key question of the report is to discuss the impact of multiple equality policies in the possible reproduction of inequalities. In order to address these questions it will be necessary to consider the possible range of meanings of gender equality; the range of forms and meanings (or frames) of intersectionality; and the implications of intersectionality for gender equality and *vice versa*.

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### 1.3. Description of the report

The second chapter of this STRIQ-report is a Literature review. It aims to contribute to the exploration of the appearance of intersectionality in the field of women's studies and to summarise the renewing of analyses on intersectionality in France. In doing so, it puts forward the needs and the obstacles to apprehend the intersection of inequalities and to promote gender equality in the French context.

The literature review focuses on the concept of intersectionality, it questions how French literature has used and relocated this concept, considering the specific French history, and how French researchers had already developed concerns about the articulation of oppression system and inequalities.

The third chapter focuses on the range of meanings or frames concerning gender equality in gender+ equality policies. The discussion is divided according to the four QUING-issues: general gender equality, non-employment, intimate citizenship and gender based violence. It analyses how different political contexts and theoretical debates have given rise to a particular sense of gender equality in France. In the part on general gender equality, the historical perspective shows how French legislation have progressively moved from the idea of protecting women as wives and mothers on the labour market to promoting gender equality *in general*. A special focus on the changes in gender equality machinery illustrates the steps in the marginalisation or the promotion of gender equality issues. It underlines the variations between various strategies developed by the successive governments to seize and reduce inequalities between men and women, in all spheres of the society. The distinct sub-issues mirror the different forms of state involvement, their different conception of gender equality and sometimes their contradictions. Considering the issue of (non)employment, the different measures adopted reflect the ambivalence of state intervention and especially the conflicts between employment policy and family policy, between gender equality concerns and labour market issues. Policy intervention reveals both a model of equality through sameness and sometimes one based on differentiation (especially of parental roles). Concerning intimate citizenship issues, equality policies throughout the years show a major division between the specific intervention concerning women's rights, especially in the field of reproductive rights and in aiming to promote women's autonomy, and the acknowledgment of different family forms (in particular same-sex partnerships) and the need to redefine matrimonial regimes. It is noticeable that this sub-issue reflects important claims of the women's movement of the 1970's and is mainly de-gendered. Gender based violence, on the contrary, is treated as a problem in terms of gender, but also as an issue affecting the whole society. There is a sort of alliance and correspondence between the discourse about insecurity, the fight against delinquency and social exclusion and the protection of women.

The fourth chapter asks how inequalities between women remain in different areas in the contemporary French context. The section shows how intersecting inequalities are spread in the different sub-issues targeted by the QUING project. The frame analysis of the selected sub-issues shows how inequalities are related to each other and how some of them are particularly pertinent to understand the diversity of women's experience and the persistence of inequalities. Basically, the employment issue reveals a gap between women from upper social classes and women from poor social backgrounds on the labour market. The issue of intimate citizenship tends to underline the major inequalities based on sexuality criteria, especially regarding the concepts of family, couple and procreation. Finally, the section about gender based violence reveals intersecting inequality on the axis of gender and race/ethnicity. Next to this context and policy approach, civil society and its relation to intersectionality are exposed and compared to each other.

To go further, the fifth chapter questions the implications of different versions of intersectionality for the meaning and practice of gender equality. In each part, the effect of gender equality policies is questioned. First of all, if the French gender equality machinery takes into account some specific categories of women, all existing laws / programs (?) do not consider the same categories of

inequality and they do not use the concept of intersectionality to relate these categories. Whereas they pay little attention to the class axis, marital status and age are taken into account by the general machinery. More noticeably, the racial issue is questioned in term of discrimination and put at the same level as other inequalities, but not articulated. Ethnicity and cultural belonging are seen as aggravating factors for gender based violence, pointing to the existence of “double discrimination”. To give a more nuanced answer, the intersecting dimension is explored for each sub issue.

The sixth and last chapter intends to identify recent changes and the relevance of different forms of intersectionality. A large part is dedicated to the legislation and general machinery to outline the general tendency of the evolution of intersectionality in gender equality and its corollary, the effects of gender+ equality policies on the re-composition of inequalities. The sub-issues will be developed to illustrate what has changed (or not) in the recent context and the main hotspots and questions that reveal intersectional issues.

The seventh and final chapter concludes the report and tries to answer the questions raised in the introduction, using the findings concerning the frames, meanings and changes in intersectional inequalities in gender+ equality policies in France.

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## 2. The renewing of analyses on intersectionality

The first part of the chapter starts by reviewing the development of the analysis of intersectionality in French feminist studies. If the concept of 'intersectionality' is relatively new, the phenomenon it describes has been analysed, albeit quite recently in France, by researchers in social sciences.

The second part of the chapter deals with the renewing of analyses on intersectionality within the recent French context. This section partly draws on the State of the Art (Jarty, 2007) report that was produced in March 2007, in the framework of the Quing project.

The third part of the chapter takes a closer look at the different obstacles to include different social markers in the French gender equality analysis.

### 2.1. The contribution of French feminist theories and women's movement in the analysis of intersecting inequalities

The French feminist movement took a long time considering the diversity of women's experience and women's interest. However, the different approaches and theories elaborated in France by feminist during the 1970's and the 1980's enable current researchers a strong framework to understand the articulation of gender with other dimensions of social relationships. Indeed, if the rekindling and renewing of interest in intersectionality between sex, class and race issue is partly due to the valorisation of Crenshaw's analysis, it also find its founding in the specific French intellectual and political context.

One of the main contributions of the French materialist feminism was the apprehension of women as a product of naturalised social relations (see Delphy, Guillaumin, Mathieu, Tabet). Indeed, as Falquet, Lada and Rabaud nicely explains, the insufficiency of adapted tools to think and fight against current social, economic and politic inequalities is closely linked to the strong resurgence of naturalism and essentialism within the French society (Falquet, Lada, Rabaud, 2006). After the decline of the naturalisation of class relations (Mathieu, 1970), gender and race relations are marked by the common and growing idea of the biological and natural character of women's category, whether they are "black" or "white". Basically, the sexual division of work is the main expression of this phenomenon. Meanwhile, in the framework of a quotidian and structural racism, "racialised" women particularly face essentialism, which assign them to narrow religious and community belongings. Characterised by their homogenisation, exploitation and the perpetuation of "narratives of the-migrant-woman-as-victim", essentialism concerning migrant women can also be related to the discursive construction of foreigners as "impossible citizens", which date back to the beginnings of the French republic (Raissiguier, 2008).

A (often ignored or invisibilised, see Falquet, Lada and Rabaud 2006) part of the racialised feminist and lesbian movement is involved with the issue of racialised women's experience in France. Crossing women's movements and migration movements, those groups of Algerian, Latino American, Spanish and Portuguese's women were founded during the 1970s by young intellectuals, students and political refugees. As Lesselier argues, the evolution of this movement is in line with the political, cultural and migration changes in the French society. While they started by refusing the patriarchal system, they will progressively denounce the essentialist narratives around migrant women's experiences (Lesselier, 2006).

From the 1980s onwards, the French sociologist Danièle Kergoat has also contributed to the elaboration of an interesting framework to analyse the articulation of different forms of inequalities, more specifically gender, class and race. She develops the principle of *consubstantiality* of social relations (Kergoat, 1978). Hence, rather than understanding social relationships one by one, she proposes to understand and analyse them together. Drawing on her studies on domesticity, she points out a current phenomenon: while occidental women are subjectively vested with their professional career, they delegate domestic and care work to French or migrant women with low/poor economic backgrounds. This analysis highlights how each social relation structures the others and how the combination of class relations between employer women and servile women gives rise to conflicting interest between those women.

## 2.2. Renewing of analyses on intersections

In France, the interest for an analysis of the articulation of gender with not only class but also with race was particularly renewed during the last decades. The understanding of intersectionality permits to develop new tools so as to evaluate and analyse recent changes in the French society, as well as actualise our approaches and our scientific knowledge. The context was particularly favourable to the development of this kind of analysis. More than ever, feminist movements need to analyse the women's oppression that is characterised by the cumulating effect of sexism, racism, 'classism' and homophobia (Corbeil & Marchand, 2007).

Firstly, the deep economic crisis remains problematic in France: the labour market is ever deteriorating, precarious jobs are still growing. This phenomenon is partly responsible for feminist researchers' growing interest in analysing the consequences of class inequalities on gender equality. Indeed, women and unprivileged classes, whether they are immigrants or not, are the main victims of the flexibilisation of the labour market. Indeed, women's employment pattern is characterised by job insecurity, inferior wages in comparison to men's wages, involuntary part-time work, temporary employment, chronic long-term unemployment (Maruani, 2002) and sexist violence in the workplace (ENVEFF, 2003<sup>4</sup>). At the end of the 1980s, the sociology of work tried to theorise the intersectionality of different forms of inequality. In the continuation of Kergoat's analysis of gender and class relations, the division of women's employment patterns became one of the main aspects of the different studies dealing with intersectionality. The decline of the welfare state with respect to the regulation of the labour market conduces to an aggravation of social distances between women. On the one hand, the welfare states have permitted to achieve equality for some women, on the other hand it conduces to the exploitation of another part of women. While the numbers of senior executive women as well as women in intellectual occupations are increasing, precariousness and poverty simultaneously affect a growing number of women. According to the data from the National Institute of Statistic and Economic Studies (INSEE), if 10% of women are in the first position, they represent 52% of non-employed people and 79% of low-wage earners (Kergoat, 2000). For the first time, the interests of a growing part of women are opposed to another part of women particularly affected by the generalisation of part-time work, low remunerated and bad recognised jobs.

Today, the major studies concerning women's employment patterns stress the different impact of "employment" measures on women from different social backgrounds and occupational categories. Those studies reveal that the relative advantages of the French national model are better exploited by women from privileged social backgrounds, who can more easily access welfare services such as domestic "outsourcing" without being excluded from the labour market (Le Feuvre & Le Marchand 2007). Thus, two distinct categories of women workers can be identified in France: Those women who manage to maintain a continuous employment pattern, as opposed to those who experience different forms of marginalisation, including periods of unemployment, non-employment or under-employment (Laufer, 2003). Le Feuvre and Le Marchand outline how, in a context of economic crisis, new incentives for part-time work and the extension of parental leave have reinforced the gap in work/life experiences between men and women but also between women from different occupational categories. As a consequence, some groups of women (particularly from under-privileged backgrounds) are increasingly being excluded from the labour market and driven into non-employment at strategic periods in their life histories (Le Feuvre & Le Marchand, 2007). In the same vein, Silvera shows how experiments with reduced working time have contributed to accentuating discrimination between different categories of women, according to their family situation and employment circumstances (Silvera, 2002). Meanwhile, some studies also consider the category of age as important to cross with gender. For instance, Angeloff explains how women are encouraged to leave the labour market before the legal retirement age, so that part-time employment particularly affects women in older age groups (Angeloff, 2000).

According to Zaidman, this situation became more complex with the evolution of migratory processes. The feminization of migration and the growing presence of migrant women lead to a new division of women on the labour market based on race and origin. Whatever their nationality or status, migrant

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<sup>4</sup> ENVEFF (Jaspard, Maryse; Brown, Elizabeth; Condon, Stéphanie; Houel, Annik; Saurel-Cubizolles, Marie-Josèphe; SCHILTZ, Marie-Ange) (2003) *Les violences envers les femmes en France*, Paris, La Documentation Française.

women are assigned to caring activities (turned towards the others) (Zaidman, 2003). Thus, changes affecting the migratory phenomenon are particularly favourable to the study and the analysis of intersecting inequalities. The renewing of the migration process is characterised by the increase of women among the new migrants. According to the 2001 INSEE survey, whereas men and women are equally represented among migrants, the economic participation of migrant women is higher than the participation of migrant men (INSEE, 2001). What is clear is that they suffer from an intersecting discrimination, due to their double belonging to oppressed groups: migrants and women. They are more affected by unemployment and they are more often employed in low-qualified or precarious jobs. In such a context, one aspect of studies of intersectionality deals with the working conditions and working situation of migrant women, and more precisely, the relationship of migrant women with employment and immigration policies. Refusing to ignore their fundamental role in our society, the objective of these studies is to apprehend how migrant women are integrated within the French society. Hence, their participation on the labour market represents a major aspect of these studies. The recourse to migrant women by qualified working women to provide the domestic work that they are not able to provide anymore reflects a major society turn and a way for 'middle class women to achieve occidental modernity' (Oso, 2000). Finally, the improvement of the situation of one group of women conduces to the concentration of migrant women in non-qualified and bad remunerated jobs. In the meantime, the law prohibiting the wearing of the Islamic scarf in public schools adopted in 2004 also contributed to the development of reflections on the intersection of gender with race/religion. During the 2003s, women's rights suddenly became a first preoccupation of the government and the wearing of the Islamic scarf was increasingly seen to be the only obstacle to achieve equality between men and women. While this political debate traduces the new preoccupation/appropriation of the government for women's interests, it also created a deep divide within the feminist rank. As Christine Delphy argues, it was implicitly asked of feminists to choose between fighting against sexism and racism (Delphy, 2006). Whatever happens, Muslim women were strongly stigmatised both as victims of (violent) traditional and religious practices and as privileged agents of integration. However, as Catherine Raissiguier argues: "in both cases, women (as well as gender and sexuality) are conjured up to render problematic the presence of certain immigrants within the French national space" (Raissiguier, 2008).

### 2.3. Obstacles to apprehend the intersection of inequality and to promote gender equality

The French conception of equality, deeply embedded in the tradition of republican universalism, has served to limit the adoption of positive action in favour of specific groups of women (Crompton & Le Feuvre, 2000). Moreover, according to Gaspard, French universalism and the lack of reflection about colonialism constitute an obstacle to the reflection concerning the diversity of women's experiences in France (Gaspard, 1996). Indeed, migrant women's experiences have long been unknown. As for Zaidman, she denounces the invisibilisation of migrant women and the current restrictive immigration policies in European countries that contribute to make worse their situation (Zaidman, 2003). Despite this will to erase from our eyes the specific experiences of migrant women, some specific events reveal what really happen behind the scenes. Thus, Zaidman mentions the fight for the regularisation of illegal migrants in a forefront of media concerns and the victorious strike of chambermaids/hotel cleaners against the multinational ACCOR group in March 2002. Therefore, Zaidman underlines the interest of considering the gendered experience of migration and the specific structure of social relations between men and women in the different countries. She points out the need to give special attention to those specific experiences. Likewise, she highlights the specific persecutions they suffer either because of the reasons of their migration or because of their conditions of life in France.

In this context, numerous literature concerning gender and immigration policies have appeared during the last years, questioning their implication on gender equality. According to Claudie Lesselier, French migration policies are particularly detrimental to migrant women (Lesselier, 2003). By restricting the possibility to enter and settle in France, such policies contribute to increase women's dependency on their husbands and to develop violence and deep precariousness. Thus, because they do not succeed in getting a residence permit to join their husband in France, an increasingly number of women among illegal migrants is to deplore in France. On the other hand, Lesselier highlights how the legal migration process based on family criteria is also responsible for promoting a traditional and normative conception of gender relations, where the place of women is in the family, which reinforces again migrant women's dependency vis-à-vis their husbands. Furthermore, several studies denounce the development of 'strategic marriage' to obtain legal documents as another phenomenon particularly

detrimental to migrant women. Thus, North African and Turkish women are particularly likely to experience arranged or even forced marriages, which can conduce to different kinds of violent situations (sexual exploitation, domestic violence etc).

In the same vein, migrant women's legal status became a specific issue, particularly when considering studies on women's asylum right in France. The different forms of persecutions affecting women refugees and women asylum seekers in France was at the heart of the very interesting book written by the British researchers Jane Freedman and Carrie Tarr (Freedman & Tarr, 2000). This work inspired the research group TERRA at the Sorbonne University in Paris. The aim is to consider their needs and experiences: victims of rape and sexual violence, particularly in refugee camps. Concretely, some French NGOs are fighting against gender based violence against marginalised groups such as migrant women, e.g. the GRAF (Groupe Asile Femmes – Women Asylum Group). Their fight for asylum rights and for the improvement of the facilities offered to victims of gender-based violence is mainly focused on housing access. These studies insist on the fact that these women face an intersecting discrimination: as migrant and as victims of specific forms of violence, the specific violence is seen as a consequence, or at least, is linked to their condition as migrants. Even if the term is not always used, the analysis concerning asylum is close to Crenshaw's concept of intersectionality. In the same perspective, studies on female sexual mutilations, which are in keeping with the increasing political preoccupation for sexual violence against refugees or repatriates, also introduce a debate on the intersection of sex and race (Lacaze, 2006). These studies focus on the impact of migration policies and the treatment migrant women received from France as well as the reception process of migrant women victims of genital mutilation.

Meanwhile, various French literature in respect to gender and race are available, particularly as far as gender based violence is concerned. Indeed, migrant women are victims of specific forms of violence: forced marriage, rape, sexual exploitation, domestic violence, genital mutilation (Aïdan, 2006). As migrant women, they face specific and sometimes dramatic experiences, which are at the heart of an increasingly number of research by feminist militants, particularly concerning their specificity in respect to the law.

This outcome led researchers to put forward the articulation of race and gender through concrete research questions: Concerning the general legislation machinery, history and political science research aim to question how the French universalist conception of the Republic have built a the specific representation and status of migrant women and today: How the French conception of citizenship based on a secular white man model produce exclusion and invisibilise migrant women? (Guenif 2003, 2004, Dorlin) the research group TERRA analyses the migrations laws and process in the reproduction or reinforcement of gender inequalities. Concerning the (un)employment issue, the research tries to understand how migration and fragmentation of the labour market reinforce inequalities between women (Kergoat 2006, Scrinzi 2005, Gallioz 2007). The intersection of legal status and gender inequalities is finally explored to understand how legal status and precariousness of migrant women can expose them to gendered violence (Hamel 2003). Further explored is how the existence of a double marriage contract for migrant married abroad create a specific and more restrictive marital status for migrant is a part of the common French legal framework.

### **3. The range of the meanings or frames concerning gender equality in gender+ equality policies**

This section aims to understand the different meanings and frames of gender equality across the different issues studied in the QUING project, which are respectively: general gender equality, non-employment, intimate citizenship and gender based violence. This exploration will draw on the analysis of the way in which different political and theoretical debates have given rise to a particular sense of gender equality in the French context.

#### **3.1 The range of the meanings or frames of gender equality in general legislation and machinery**

##### **3.1.1 The range of the meanings and frame in general legislations**

Since the establishment of the European Community in 1957, the EU has been one of the most important forces for the implementation of gender equality legislation in France. Indeed, the EU has contributed to increasing the awareness of gender equality in some areas of French politics and particularly in Quing issues such as non-employment, intimate citizenship and gender based violence. Its gender equality objectives definitely had a huge impact on the introduction of several measures to fight against gender based discrimination but also to increase the effectiveness of existing laws that have failed to reduce gender inequality, particularly in respect of equality on the labour market (Le Feuvre and Andriocci, 2002). Since the UN International Women's Conference in Beijing in 1995, the gender mainstreaming phase of the EU policy has significantly gained in influence: On 8 March 1999, France adopted the principle of gender mainstreaming in all domains. In addition, the 5<sup>th</sup> Action Programme on gender equality from 2001 to 2006 was specifically focused on gender mainstreaming. From this period onwards, French legislation has progressively moved from the idea of protecting women as wives and mothers on the labour market to promote gender equality in all spheres of society.

When the socialist party came to power in 1997, Prime Minister Lionel Jospin introduced various significant measures to show his will to break with the preceding period that was characterised by the muffling of the equality policy agenda. Women's access to the labour market is perceived as a central issue to achieve gender equality. The government stresses the need for policy measures to help women maintain their presence on the labour market and established political instruments that they could use in an egalitarian way<sup>5</sup>. The Genisson enactment (Law 2001-397) that seeks to reinforce the measures provided by the 1983 'Roudy Act' was passed in 2001. The law highlighted the necessary development of negotiations on gender equality at industry, sector and company level in order to fight against discrimination between men and women in the professional sphere. However, French legislation and plans on gender equality are still perceived as inefficient because of the lack of a real implementation of existing laws and plans<sup>6</sup>.

The enactment of the Law on Parity (Law 2000-493) concerning equal access for men and women to holding elective office was another representative gender equality legal measure that the Jospin government introduced. Indeed, this 'pioneering' law reflects the potential turning point in French gender equality policies. The text permits to make efficient the principle of policy parity achieved in 1999 by fixing a 50 per cent candidate quota for national elections. However, the fear of 'Americanisation' of the gender quota system was relevant during the debates, the French Universalist tradition standing against the use of instruments to target a particular group (Lépinard, 2002).

The adoption of the PACS (law N°99-944), proposed by the socialist government in 1999, also constitutes an important progress in matter of equality. Indeed, when allowing same-sex unions, this law challenged the heteronormativity of the family as institutionalised by the State. Although the adoption of the PACS (Civil Pact for solidarity) offered the possibility for homosexuals to be recognised

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<sup>5</sup> CEDAW Committee, (26 September 2002), Consideration of report submitted by State parties under article 18 of the Convention on the Elimination of all Forms of Discrimination against Women. Fifth periodic reports of States parties, France, 77 pages.

<http://daccessdds.un.org/doc/UNDOC/GEN/N02/610/76/PDF/N0261076.pdf?OpenElement>

<sup>6</sup> French Coordination for the European Women's Lobby. Shadow report on France, Convention for the elimination of all forms of discrimination against women, April 2003. 31 pages.  
[http://www.womenlobby.org/site/1Template1.asp?DocID=483&v1ID=&RevID=&namePage=&pageParent=&DocID\\_sousmenu=](http://www.womenlobby.org/site/1Template1.asp?DocID=483&v1ID=&RevID=&namePage=&pageParent=&DocID_sousmenu=)

as a couple, this law expressed the political will not to deal with the question of homosexual marriage and filiations. In 2000 and 2001, the Jospin government revised the law on contraception and the 1975 Abortion Act. They wanted to make the last legislation in matter of reproductive rights more flexible. However, legislation on the access to artificial insemination was not revised and kept limited to women who could prove that they had lived in a heterosexual partnership for at least 2 years.

With regard to the gender based-violence issue, the founding of the *Enveff survey* published in 1998 shows the aim of the government to legislate on violence against women. Showing the high number of French women that are victims of violence, the survey contributes to confirm the need to legislate on this area. It is important to notice the relevant influence of the Beijing conference in 1995, which defined gender-based violence as a major issue for gender equality. As soon as the issue of violence against women started to be politically considered, it was included in various reforms and plans so as to fight against different forms of Gender based violence.

When considering the field of education, the 2000 Inter-Ministerial Action Plan for Equality in Education reflected the government's will to keep on considering equality between boys and girls and men and women in the educational system as essential. National steering committees were established in order to guarantee the implementation of various projects such as the set up of a study on sexist violence in schools or the creation of two working groups responsible for supervising measures for equal opportunity in primary schools and to promote the role of women in teaching.

In 2002, the new right-wing government chose to return to a more 'protective' position. The non-employment and intimate citizenship areas were particularly affected by this shift. However, the European Union pressure seemed to guarantee the implementation of gender equality policy, particularly in the (non)-employment and gender-based violence fields. Thus, in 2004, the Ministry of Parity created an 'equality label' to encourage equality on the labour market. This label concerned companies involved in the fight against gender equality. In addition, a charter led all French Trade Unions (NCPF, CFTD, CGC, CGT-FO, etc.) to sign an agreement to reduce inequalities between men and women on the labour market in 2004 and 2005. Regarding the reconciliation of work and family life, the 'childhood' plan' (2006-2011) was elaborated by the Ministry for Social Security, Elderly Persons and Family. It concerns families with children under three years of age. When considering gender-based violence, the *Global plan to fight against violence toward women* was implemented between 2005 and 2007, with the main objective of fighting against domestic violence by proposing social and economic responses and by ensuring a better juridical protection to women. In 2005, a report called *Women and migration* was elaborated by a specific commission and is partly focused on specific forms of violence affecting migrant women and women with immigrant parents.

### 3.1.2 The range of the meanings and frame in general gender equality machineries

In France, various governmental bodies have existed to promote gender equality. Most of the existing gender machinery was institutionalised during Valéry Giscard d'Estaing's and François Mitterrand's presidency (respectively 1974-1981 and 1981-1995). However, the administrative structure created to defend women's rights particularly changed during the different historical periods and the successive governments, making sometimes marginal their position in the French state structures (Le Feuvre & Andriocci, 2002). The title given to the person in charge of equality (delegate reporting to a Minister / full Minister / secretary of state) particularly shows the different importance accorded to gender inequalities. Not only do those changes reflect "the somewhat contradictory ways in which the French government intervenes in this area" (Le Feuvre & Andriocci, 2002), but they also reveal the variation of the importance of gender issues, independently of the political leanings of the majority in power at the time. Since 1974 two types of administrative structure have been in charge of the implementation of gender equality policies: a full ministry or Secretary of state and a delegation within a minister, a Secretary of State or a secondary affair (in such case, the person in charge of women's issue is linked to others fields: for example, family issues under a right-wing government, professional training under a left-wing government. Sometimes the delegation is responsible for several other types of discrimination).

At the end of 1997, the nomination of Geneviève Fraisse (a leading feminist academic) to the director of an inter-ministerial delegation for women's rights (a delegation of the Ministry of Employment and Solidarity) marked the will of the new Socialist government to increase the number of egalitarian legislative measures. However, this position was short-lived and the responsibility for women's rights and gender equality were once again attributed to the Secretary of State for Professional Training. In

the same way, the nomination of Nicole Ameline at the full Ministry for Parity and Professional Equality in 2004, which traduced the will to combat gender inequalities on the labour market, ended one year later. Thus in 2005 gender equality was placed in the shade of the Department for Social Cohesion.

Other structures of the gender equality machinery are present in France. The **Department for women's right and equality** is probably the most emblematic. Officially created at the beginning of the 1990s by the left wing government, the Department of Women's Rights (which changed its name in 2000 to the Department of Women's Rights and Equality<sup>7</sup>), is placed under the authority of the Ministry in charge of women's rights. The department of women's rights and equality is in charge of the implementation of gender equality policy and aims at promoting women's right in France. The department is also involved in the coordination of the network of regional delegates and departmental representatives for women's right and equality. Thus, the main objective of the Department of Women's Rights and Equality is to make existing gender equality policies as efficient as possible. Other relevant gender equality machinery structures are the different **Delegations for women's rights and equal opportunity between man and women** of the French National Assembly, the Senate and the Economic and Social Council.

Two other institutions in charge of promoting (gender) equality were created during the QUING period (1995-2007). In October 1995 (Decree 95-1114)<sup>7</sup>, the **Parity observatory** was created in answer to feminist mobilisation and international incitation. This institution permitted the institutionalisation of the concept of quota in France (Bereni & Revillard, 2007). The objective of the Parity Observatory is the analysis of gender inequalities in the political, economical and social spheres, the production and dissemination of data on women's situation at the national and international level and the elaboration of propositions, recommendations and advice for promoting parity between men and women. As for the **HALDE (High Authority to fight against discriminations and promote equality)**, this institution was created in 2004 with the aim of coordinating government actions in all fields of discrimination (gender, age, ethnic origin, disability and sexual orientation). Initially, it was essentially created to provide a forum for actions related to the situation of second or third generation ethnic minorities, following the urban riots across France (Statsi 2004). This institution is responsible for informing the general public and decision-makers on issues related to discrimination and for promoting equality by proposing legislative recommendations to the state authorities. The HALDE has the possibility to act directly for victims of discrimination in legal court cases. To date, the HALDE has rarely acted on gender discrimination cases, but has provided training tools to combat discrimination, which do include aspects of gender analysis. French feminist civil society did not react strongly to the creation of the HALDE. However, some pro-republican feminist NGOs claim the inefficiency of this governmental body in promoting gender equality, particularly as far as the problematic of the Islamic headscarf affair is concerned (Vianes 2007).

### 3.2 The range of the meanings or frames of gender equality in non employment

Non-employment is a specific issue for gender equality particularly concerning women's position on the labour market. It is currently accepted in France that women are particularly affected by unemployment, part-time jobs and career breaks, which is particularly detrimental to gender equality. Women's career evolution propsectives are lower than men's, their pay, and then, the amount of their pension is an economic obstacle to reach equality between men and women.

Despite that employment for women (including mothers of young children) is deeply embedded in contemporary French life, the French attitude towards gender equality in the non-employment issue is quite ambivalent. Although the State is perceived as a legitimate social actor in the (non)employment debate in France, its precise role has not always been very clear, 'particularly as far as women's employment is concerned' (Le Feuvre & Le Marchand, 2006). The different measures adopted by the successive governments mirror conflicts between employment policy and family policy, between gender equality concerns and labour market issues and between the different interest groups (family and pro-birth associations / feminist movements). Various issues can be distinguished and characterised by different forms of state involvement and different conception of gender equality.

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<sup>7</sup> Decree N°99-230 of the 23 March 1999 modifying the Decree N°95-1114 of the 18 October 1995, aiming at creating a parity observatory between women and men published in the Official Gazette, 1999, N°71, March 25<sup>th</sup>, replace the Decree N°95-1114 of the 18 October 1995, aiming at creating a parity observatory between women and men published in the Official Gazette, 1995, October 19<sup>th</sup>

### **Reconciliation of work and family life**

Reconciliation of work life and family life is one of the main focuses of gender equality policies. Indeed, the fact that women are required to combine both the (unpaid) reproductive and productive spheres is particularly relevant to understand difficulties they face on the labour market. The solution proposed to resolve the problem of reconciliation particularly reflects the contradictory visions of gender equality that illustrate the French context. Indeed, if France is characterised by a long history of State regulation of the reconciliation of work and family life (Hantrais, 1993), measures implemented to improve the 'work/life balance' did not have the promotion of gender equality as an explicit objective. Indeed, birth rate preoccupations were far more central to the 'work/life balance' debate in France. In this context, the legislation aims to make it possible for French mothers to "choose" between employment and non-employment at strategic periods of their lives. On the one hand, there is the development of childcare provision, tax relief on child care, collective and individual childcare allowances that are particularly favourable to the women's (full time) employment, even when they have young children. On the other hand, taking leave to raise children is still a possibility and a way to push mothers of young children out of the labour market. In 1985, France adopted a new **parental leave system**, which was strengthened by the 1994 reform and the PAGE reform in 2003 so that the parental leave grant is now extended to the first child, with the possibility to take it on a part-time basis. This "policy mix" has been highly effective in producing high rates of full-time employment for women, together with one of the highest birth rates in the EU. However, work life balance policies are specifically addressed to women/mothers rather than to both parents. From this perspective, those "family friendly" policies did not challenge the traditional division of labour between the sexes and France is far from being a "gender neutral welfare state" (Silius 2002). Referring to Walby's classification, such political strategy mainly offers a vision of equality as sameness, (Walby, 2005). Indeed, the political solution is to "include [women] in the world as it is, without challenging the underlying male norm" (Verloo and Lombardo, 2007:23).

In addition, the deep economic crisis has helped to legitimate 'short-term' non-employment for mothers. As Stratigaki has explained, gender equality objectives are shifted towards labour market issues (Stratigaki, 2004). In this context, measures that extend the conditions of parental leave and improve part-time work continue to address women's roles as mothers.

However, the pressure of the EU contributed to the development of a new form of State intervention that permits the progressive introduction of some little changes in the traditional organisation of private life. Those directives have had a positive impact on the orientation of French policies on work-life balance, particularly as far as the role of fathers in the care of children is concerned. The Paternity allowance, which was established in 2002 by the socialist government, has been seen as involving fathers in their parental role and as a way to improve women's career opportunities. Meanwhile, the generalised reduction of working time adopted in 2000 (the 35 hours measures) by the socialist government to reduce unemployment rates and create new jobs, has played some role in reducing tensions of the work/life balance (Silvera 2002).

### **Care work / Informal work**

It is widely agreed in French feminist analysis that the regularisation of informal work and the development of childcare services are conditions for gender equality. Indeed, as it has been previously explained, the presence of women on the labour market was accompanied by the development of public funded childcare institutions up until the 1970s, through the 'child care contract' (*contrat d'enfance*). France is characterised by the traditional state support to working mothers, notably through the extensive provision of full-time nursery education for the under-sixes. In such context, the tendency of promoting the individualisation of child-care services at the detriment of collective public services, such as crèches, is seen as particularly detrimental in those feminist analyses. Indeed, it leads to the increase of disparities between women and families. Thus, low income women and low income families, which cannot pay for individualised childcare services when they have children under-three, should represent a specific target group for gender equality policy otherwise they will be likely to adopt the poorly paid parental leave, which constitute a barrier for gender equality (Pérvier, 2003). Likewise, another problem is that migrant women are clearly used as a resource for solving the problem of care in this context of the individualisation of child-care services. According to the "global care chain" theory, this phenomenon creates new gender, class and nationality divisions between French women and men and foreign women who work as caregivers (Hochschild, 2000).

However, gender equality in care work issue is sometime far from being the main preoccupation of the successive governments. On the one hand, that parents are not satisfied by child-care services is all

the more seen as very important by the French government as it would explain the decline of the French birth rate, which is no longer sufficient to assure the replacement of generations. On the other hand, the development of 'black market', informal and unregulated child care arrangements, a shadow economy of childcare, is more an economic concern than a gender equality preoccupation.

### **Tax benefit policies**

In France, tax-benefit policies remain an issue for gender equality within non-employment. Indeed, the generalisation of social rights for all men and women is confronted with difficulties. The first one deals with the principle of 'generalisation', which is far from the French conception of family solidarities. Thus, it does not only imply to change the pension system but the whole conception of the 'male breadwinner / female carer model' that still structures social relations (Lanquetin and Letablier, 2003). In addition, demographic preoccupations and the increase of unemployment particularly affect the importance of the place of women within the pension system. In such a context, the measures initiated by the successive governments are concentrated on the question of gender equality on the labour market and on the work/life balance. More precisely, it includes working women but also retired women, who are financially penalised after interrupted professional careers.

From the beginning of the 1990s, various measures have been taken in order to ensure transfers between generations by the pension regime. Indeed, when the new Minister of Parity was nominated in 2003, she promised to re-examine the partner status in order to protect partners and to allow them to have individual rights. In addition, the EU directives oblige France to adopt legislation that includes gender mainstreaming, so that women's rights were introduced during the debates on the pension system reform of 2003, in particular through the knowledge of unpaid work mostly done by women after giving birth to children (Broca, 2004). Thus, one of the objectives of the reform is to promote equal rights between men and women.

### **Equal pay**

Equal pay is still a specifically "hot issue" in France. Indeed, despite the equal pay legislation of 1983 (within the "Roudy Act" on equality in employment) the gender pay gap persists and is still a primary preoccupation of women's NGOs and trade unions. In 1998, Prime Minister Lionel Jospin appointed Catherine Génisson to "draw up an assessment of existing inequalities and the effectiveness of current legal provisions" (Jospin, 1998<sup>8</sup>). Génisson insisted on the need to mobilise the social partners (trade unions, employer's organisations, women's associations, etc.) in order to guarantee the effectiveness of any public initiative in the field. Likewise, the purpose of the new law is to reinforce the measures that were provided for by the Roudy Act. In spite of the new 2001 legislation, the "Génisson Act" already seems to be insufficient. When President Jacques Chirac was re-elected in 2002, he expressed his aim to fight against the gender pay gap that is still persisting. He fixed the objective of implementing equal pay for men and women in France by December 31<sup>st</sup> 2010. Nicole Ameline was nominated as Ministry of Parity and Equality on the Labour Market. The first bill (in 2005) fixed a programme for companies to achieve gender equality. However, the fact that there are no sanctions for companies that do not reach the objective of equal pay in 2010 shows the lack of real involvement in gender equality issues in France.

### **3.3 The range of the meanings or frames of gender equality in intimate citizenship**

French intimate citizenship policies emerged during the 1960s and the 1970s, mainly through the debates on contraception and abortion. If reproductive rights debates are still considered as an issue for intimate citizenship in France (in particular through the modernisation of the laws voted during the 1960s and the 1970s), the debates were progressively opened up to other issues. Various factors explain this new concern: the mobilisation of women's groups and LGBT NGOs, the progressive autonomy of women (with industrial development and their massive entry on the labour market) and the increasing pluralisation of family forms.

Since the middle of the 1990s, and under the pressure of the EU and various NGOs (women's association, LGBT groups etc) the intimate citizenship debate in France has focused on thinking beyond the hierarchical model of the patriarchal marriage. In such a context, the acknowledgment of the different family forms (in particular same-sex partnerships) and the need to redefine matrimonial regimes are two of the main issues for gender equality. The 1997 Socialist Party election victory marked a new shift in French policy and particularly in the area of intimate citizenship. Indeed, Lionel

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<sup>8</sup> Jospin, Lionel. 1998. Lettre de mission à Catherine Génisson (Mission letter to Catherine Génisson), Letter N° 1324/98/SG, 21<sup>st</sup> December

Jospin's government was able to carry out a series of political actions in favour of women's rights and diversity, such as the passing of PACS in 1999 or the reform on contraception and abortion right in 2001. Furthermore, the socialist government also achieved a reform on 'filiation', which increased fathers' rights.

Due to the diversity of areas within the issue of Intimate Citizenship, it is nevertheless particularly difficult to distinguish any general pattern on gender equality.

### **Divorce, separation and marriage**

From the end of the 1990s, given the increase of divorce and separation rates, successive French governments considered the reform of divorce, separation and the redefinition of parental rights as essential and a condition for gender equality. Indeed, the last French Civil Code was far from improving gender equality between spouses and between parents. During left-wing Lionel Jospin's 1997-2002 government, the parental authority issue was raised. More precisely, child custody and shared parental authority debates were introduced with the objective to protect children's rights, to maintain the child-parent relationship after divorce or separation. According to civil society actors, these debates were characterised by the victory of the French fathers' movement (such as "SOS papa") that had really been working to make father's rights recognised. Indeed, the 2002 Law recognised the need to promote shared parental authority, mainly through the development of shared residence orders.

The first part of the second electoral mandate of Jacques Chirac (2002-2007) was characterised by a reflection over and a reform of divorce legislation in 2004. Then, reforms on 'filiation' in 2005 reduced the burden of marriage in family relations and contributed to the increase of father's rights. Meanwhile, the permanent debates on migration control have contributed to concentrate legislation to a change of matrimonial maturity/age for women (from 16 to 18 years of age) and to the reinforcement of control of valid marriages.

### **Civil partnerships and gay marriage, discrimination on the basis of sexual orientation**

The increasing preoccupation with gender equality has facilitated the promotion of gay and lesbians' rights. While the 1980s was characterised by the withdrawal of the last articles that discriminated against homosexual people, the 1990s and 2000s are marked by the progressive acceptance of same-sex partners as regular citizens. The legal institutional acknowledgement of gay and lesbian unions took place with the implementation of the PaCS (Pacte Civil de Solidarité) in 1999. Through this law that has divided French public opinion, the French government offered similar rights to same-sex couples as those already available through marriage (e.g. in relation to inheritance and housing rights). Although the adoption of the PaCS represented a significant gain in homosexual rights, it also translated the reluctance of successive French governments to modify existing legislative frameworks concerning (heterosexual) parenting issues. However, from the beginning of the 2000's onwards, same-sex marriage became a "hot issue" of intimate citizenship and many bill proposals were conducted by the left-wing to reform of marriage legislation.

Meanwhile, it is worth underlying that gender equality policies do not include lesbians in their actions so far, which do not challenge the norm of heterosexuality.

### **Reproductive rights**

From 1998, the socialist government has re-set contraception and abortion as an issue, and focused on involuntary teenage pregnancies and on contraception. Thus, successively in 2000 and 2001, two laws on contraception and abortion were voted on and later implemented by the Ministry of Employment and Solidarity and the Department of Health. The first one draws on the 1998 Michèle Uzan (Uzan 1998) report and permits minors to keep their abortion secret and authorises nurses to deliver morning after pills in public schools. It also gave rise to an advertising campaign to improve the knowledge of the different forms of contraception and the level of awareness.

The 2001 law on abortion changed the time-limit of abortion from 10 to 12 weeks.

Regarding the access to artificial insemination, the 2006 law proposals put forward by an LGBT association have failed to reform the 1994 Bioethic Law, which limited artificial insemination to women who can prove that they have lived in a heterosexual partnership for at least 2 years.

## **3.4 The range of the meanings or frames of gender equality in gender based violence**

Gender-based violence has long been insufficiently treated by French national policies and the evolution of the French legislation on gender-based violence is definitely due to the pressure of different feminist associations. Progressively and without any real policy frame, preventive actions

around sexual violence against women and children have been adopted. The aggravation of sentences for violence against children under the age of 15 is one example of this change. However, compared to northern European countries, French policy efforts on this question are still insufficient. Gender-based violence suffers more than any other issue from the dispersion and the lack of financial resources of French gender equality policies.

Since the middle of the 1990s, the social and political perceptions of gender-based violence have changed quite radically. This topic is now treated as a problem that affects the whole of the French society. Firstly, the Beijing conference in 1995 defined gender-based violence as a major issue for gender equality and encouraged governments to produce statistical data on this phenomenon. In 1997, the new left-wing government launched the idea of a quantitative investigation on violence against women in France. The first French statistical survey on gender violence was carried out in 2000 and constitutes the only study available in France to date on this issue. As a result, somewhat progressively and without any integrated policy frame, preventive measures around sexual violence against women and children have been adopted. Legislation and political regulation mainly concerning domestic violence have increased significantly since the end of the 1990s. French policy also concentrated on other areas to cover all aspects of gender based violence. The aggravation of sentences for violence against children under the age of 15 is one example of these changes. Likewise, violence against migrant women, such as forced marriage and female genital mutilation, has recently started to be tackled in the French legislation.

### **Domestic Violence and violence in partnership**

Domestic violence became an important area of political action of the last French government (2002-2007). Measures that include special sensitive training seminars for Police Officers and judges concerning referral process have since been developed. Meanwhile, the Ministry of Parity drafted an action plan against domestic violence, which was adopted in 2004. This plan strengthened the role of specialised NGOs in the support of victims of general gender-based violence, particularly domestic violence. In addition, partnership between associations, Police and Judges was promoted. In 2007, there was a widespread television campaign in order to increase public awareness.

### **Sexual assault and rape: protection of minors**

Significant policy in the area of rape has emerged during the Quing time period, particularly since 1998, when the results of the ENVEFF survey revealed that 48000 women had been raped during the last ten years. Thus, the principal aim of the new laws was to extend the legal statute of limitation (to engage in legal action), particularly in case of rape of a minor. The 1998 Guigou Law attempted to increase the prescription delays for rape victims who are minors. Sexual assault of a minor is addressed through this law, which fixed the statute of limitations at 3 years after they reach 18 and extended it to 10 years in case of aggravating circumstances. Furthermore, the 2004-2004 Law that was adopted during Jacques Chirac's presidency increased those delays. From then on, even if the rape was committed while the victim was a minor, the statute of limitations began once the person reached 18 and was extended to 20 years.

### **Trafficking and Prostitution**

As far as prostitution is concerned, France has adopted an abolitionist system. Indeed, the French government defended this strictly abolitionist position at the conference in The Hague in April 1997. Applicable since March 2003, the adoption of a law on Domestic security launched new debates on prostitution. This text, proposed by Interior Minister Nicolas Sarkozy, created a "passive soliciting misdemeanour". Moreover, a government amendment was adopted that planned for the placing of prostitutes in 'common law shelters in order to ease their reinsertion'. A provision was also created in order to criminalise 'trafficking in human beings'. Women's groups quickly reacted to this law, denouncing it as penalising prostitutes instead of increasing their rights and their own security.

### **Sexual harassment and stalking**

*Sexual harassment in the workplace* has also become increasingly addressed since the AVFT (European association against women's violence at the workplace) published a book on sexual harassment in the workplace in 1990. In addition, the growing pressure of the EU to combat sexual harassment at work (through a resolution in 1986 on sexual harassment in the workplace, sexual violence, trafficking, prostitution and pornography) has contributed to legitimise state intervention in this matter.

1992 marked a new shift through the adoption of two laws on these issues. A first law established sexual harassment in the workplace as a misdemeanour and another one introduced provisions related to “abuse of authority in sexual matters in the workplace” into the labour law. The scheme was supported by all trade unions and NGOs strongly involved in the fight against gender based violence, and the only reluctance to the law came from the right wing, which pointed out the risk of over-protection of victims.

*Sexual harassment in the universities* has also become (or is becoming) a gender based violence issue. The action of the CLASCHES<sup>9</sup> (Collectif de lutte anti-sexiste contre le harcèlement sexuel dans l’enseignement supérieur – Collective of anti-sexist fight against sexual harassment in the universities) is based on the denunciation of sexual abuse between teachers and students. They stress the lack of legislation and insist on the difficulties in applying the general law on sexual harassment in the universities because of the specific status of students.

The area of *bullying in the workplace* has also become an issue on which there is policy regulation development. Indeed, bullying in the workplace was introduced as an issue within the 2002 project of social modernisation. It is important to note the relevant role of the French communist party, which successively proposed two texts on bullying in 1999 and 2000. The texts, supported by all the French trade unions, were finally voted on in 2001 and adopted in the 2002 law.

In 2004, *sexist or homophobic statements* in public was introduced as a political issue in the French debate through a project that sought to increase the penalty for homophobic statements. However, this law project did not receive the support of feminist associations, which reproached the government not to include the gender criteria as aggravating circumstances. In 2005, the AVFT (European association against gender violence in the workplace) law proposition aiming at modifying the dispositions related to sexual harassment and slanderous denunciation proposed to include sexist and homophobic harassment in the law on sexual harassment. This proposition was based on international recommendations (CEDAW the declaration on the elimination of violence toward women, the Beijing action program, and an EU resolution).

### **Forced marriage, honour crimes, Female Genital Mutilation**

Even if France has traditionally been a country of immigration, there is still no specific law prohibiting female genital mutilation (FGM). However, in 2004 France took to court parents who were responsible for the excision of their daughter. They were convicted for complicity in ‘voluntary assault and battery’. The same year, the National Academy of Medicine recommended the implementation of efficient policies to fight against FGM and to promote the medical accompaniment of women who are victims of FGM.

Forced marriage have only recently started to be addressed and most notably through the 2006 law on gender based violence.

### **3.5 Summary and comparison**

In the last 25 decades, French legislation has progressively moved from the idea of protecting women as wives and mothers on the labour market to promoting gender equality in all spheres of society. Women’s access to the labour market is still perceived as a central issue to achieve gender equality. The wide debate around the parity law enacts the political will for a promotion of gender equality in the public sphere, and more precisely, in the political field. The measures aiming to promote women’s participation on the labour force and their representation at the national and local parliaments reveal that the main range of gender equality is based on the model of sameness. In the employment issue, this idea shapes the model of equality and should be achieved by the attribution of same rights for men and women (equal pay). However, in 2000, the Parity law introduced, for the first time in France, measures of positive actions, considering that unequal representation of men and women must be tackled by coercive and corrective actions. This point was a hot topic in the public debate as far as members of various political groups considered it to be contrary to the principle of a de-gendered citizen in the French Republic. Some feminists also argued against the law that would naturalise

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<sup>9 9</sup> CLASCHES ‘Pétition contre le harcèlement sexuel dans l’enseignement supérieur’ (petition against sexual harassment in higher education), Available on line : <http://membres.lycos.fr/clasches/clasches.pdf>

gender differences while acknowledging specific measures for dominated groups in the French constitution. The Parity law thus represents a major shift in the range of gender equality in France. Concerning intimate citizenship, the debate is, on the contrary mainly de-gendered, especially in the sub issue concerning reproductive rights and abortion. The fact that policies only target women is not questioned as far as reproduction and the family are still associated with women and seen as specific women's rights. Gender equality is here understood as equality based on the respect of differences, on the base of the specific role held by women in the reproduction process. The debate around the PACS and homosexuals' rights to adopt or procreate is surprisingly de-gendered (e.g. does not refer to men or women/gender inequalities). However, the range of meanings of equality in those sub-issues introduces the concept of heteronormativity and individual choice. It operates as a displacement of an analysis of inequalities in terms of male domination to the acknowledgement of the diversity of sexual orientation and family structures. Still the sub issue of homosexual rights and legal status is considered as partly degendered as far as homosexuals are seen as a homogeneous group, without paying attention to the specific issues and claims of lesbian or gay couples. In the discourse on gay and lesbian adoption it is clear that equality – between heterosexual and homosexual *couples* – is of utmost importance. Thus, in this issue, if human rights as well as capabilities/well-being and health play a role as frames, equality does not.

The existence of the issue of gender based violence has been denied for a long time within the French society and at the political level. Only in the end of the 1990's and after the 2000 ENVEFF survey, the issue was put in the forefront. If previously violence against women was denied or used to stigmatise some women as *natural victims*, this topic is now treated as a problem that affects the whole of the French society. Thus, the definition of gender based violence (GBV) as a *crime*; its financial cost and its sanitary consequences have raised the consciousness about GBV. The well being and the pacification of the whole society are seen as a major values and secondary, the fight against GBV is tackled as a path to gender equality. Since 2003, special attention is given to GBV against migrant women. Thus, the range of meaning of GBV is redefined and a special meaning and importance are given to the treatment of violence against migrant women (victims of specific forms of violence, often seen as more vulnerable).

The recent changes testify that intersecting inequalities start to be introduced in the definition of gender (in)equalities and may lead to a redefinition of the meaning of gender equality.

## **4 The range of intersecting inequalities**

### **4.1. Intersections within the non-employment issue<sup>10</sup>**

When regarding the non-employment issue, the first social marker that structurally intersects with gender is class. As many theorists have mentioned and as clearly shown by the previous literature review, there is a clear division between women in respect to their social and economic backgrounds. Indeed, French women with a high educational, social and economical level are less affected than others by the negative consequences of women's assignation to work/family reconciliation, of the growing flexibility of the labour market (through the development of part-time jobs) and by the individualisation of childcare services.

Regarding the working/life balance issue, a gap is growing between low qualified women and highly qualified women, particularly as far as parental leave is concerned. Thus, less qualified women are more likely to use parental leave when having young children than women who are not low qualified. Many authors have underlined the damaging consequences of this phenomenon that contribute to aggravating the economical situation of low qualified women and increasing disparities between non qualified women and qualified women (Périer, 2004, 2003). Indeed, the more women are qualified and have good working conditions, the more they will stay on the labour market after having children by using collective or individualised childcare services. On the contrary, less qualified women have better to receive the poor parental leave allowance, in spite of the strong difficulties they will face when re-entering the labour market after the three years of (badly paid) parental break.

The development of female part-time work is another very relevant example to needed to understand the deepening inequalities between women from different social groups with regard to employment. In France, this highly feminized form of employment affects one third of working women. However, whereas women in regular employment can choose to work on a part-time basis in order to adapt their schedule to their children, women in more precarious jobs adopt part-time because of the unavailability of full-time employment (Le Feuvre and Andriocci, 2003). In addition, as Battagliola has nicely explained, this kind of part-time jobs are far from being compatible with 'their' childcare responsibilities (Battagliola, 2000): It mainly concerns specific sectors of the labour market that requires a flexible working force, available late in the day or during the weekend. In addition, not only do part-time jobs tend to be associated with high levels of employment insecurity, they also tend to command lower levels of pay and benefits than do full-time jobs and to be clustered in the least qualified sectors of the labour market (Angeloff 2000). Furthermore, working part-time may not only contribute to increasing the proportion of women among the 'working poor' (Marunai, 2002), "it also leads to severe financial difficulties for women in later life, since part-time jobs, associated with very low incomes may lead to reduced retirement pension benefits for women" (Le Feuvre and Andriocci, 2003, from Ginn and Arber 1992).

Race and ethnicity are other social markers that intersect with gender and class, leading to specific inequalities within the non-employment issue. Thus, both politicians and researchers agree that migrant or racialised women are overrepresented in the lowest paid and least qualified jobs. They are affected by involuntary part-time employment and face its negative consequences with respect to the levels of pay and pension. Likewise, the previous literature review has also pointed out the fact that migrant women are also overrepresented among care and domestic workers, where working conditions are particularly unstable. They face a double naturalisation process that assigns them to those poorly paid and badly recognised jobs.

Meanwhile, discriminations in recruitment is another issue that particularly affects migrant women but moreover second and subsequent generation women born into immigrant families, a phenomenon that is highlighted by women's NGO and equality bodies such as the HALDE (High Authority to fight against discrimination and promote equality).

### **4.2. Intersections within the intimate citizenship issue**

As far as the intimate citizenship issue is concerned, it has been previously shown that that gender as a category is always relevant in the French context. Thus, the question of whether gender is intersectionalised by other inequalities does not always apply in the subissues on intimate citizenship.

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<sup>10</sup> The introduction of intersectional approach in the general legal frame and gender machinery as introduced will be widely developed in the 5th chapter (5.1) and discussed in section 6.1.

Within the marriage/divorce issue, the main inequalities intersecting with gender are marital status and class. Indeed, the problem of families headed by single mothers after divorce is a specific preoccupation of the French government, particularly in a context where the number of divorce is still growing. The most profound effect of divorce is economic deprivation for mother-only families: indeed, as is the case in many western countries, French women's chances of living in poverty are increased after divorce. Since mothers retain custody in the majority of cases, fathers are typically ordered to pay child support. However, many fathers do not pay court-ordered child support payments. As a consequence, the economics of single-parent family life mean that single mothers are disproportionately represented among the poor (Algava and al. 2005).

In this context, "nationality" may be a relevant indicator to cross with gender and class linked with the precariousness of female migrants' legal status in France (see below). Tough, the ethnicity/race inequality strand is completely absent, and migrant status and religion are never questioned or reported in enquiries concerning family and reproductive health.

The other inequalities seems to be at stake and to which extent depends on the sub-issues. Sexual orientation is the major inequality here, and is related to marital/family status as a less important, but present, inequality.

As we have shown in the previous section, the last debates concerning the reproductive area were mostly located in the field of unplanned teenage pregnancies.

Age remains the most articulated inequality in both political discourse and policy measures. Indeed, the level of teenage pregnancies, which gives rise to an abortion in one of two cases, is relatively high. In addition, the 1998 Uzan report emphasised the lack of knowledge of the different ways of contraception and the low level of awareness, particularly when teenagers are concerned. In addition, teenage mothers face economic adversity with the interruption of their education. As teen mothers move into adulthood, they often remain unskilled, unemployed, and unemployable.

Gender, age and education are considered as working together to limit women's independency when they become mothers. Unequal access to abortion also shapes those inequalities and is explicitly targeted by information campaigns and reforms of the rights to abortion and contraception in 2001.

#### **4.3. Intersections within the gender-based violence issue**

Within the gender-based violence issue, the main inequalities that intersect with gender are race/religion and ethnicity. Whereas the proportion of women coming from the migrant population has remained the same since the 1980's, public discourses testify a growing preoccupation for specific forms of violence affecting immigrant women with Muslim origins. This specific issue receives more and more serious attention from politics and NGOs. Some feminist NGOs argue for the right of asylum on grounds of gender-based violence, especially as far as forced marriages and sexual mutilation are concerned. Despite that forced marriage appears as common in the French Muslim communities, there are only estimations of its extent. A report written by the Haut Conseil à l'Intégration<sup>11</sup> (High Council for Integration) estimated that 70,000 women would be threatened with forced marriage in France. According to the 2006 Geoffroy mission, in the French region of Val d'Oise, it is estimated that there are around 15 such cases in schools every year (Geoffroy and Blisko, 2006). The corresponding figure in Seine-Saint-Denis is thought to be closer to 30. As for female genital mutilation, the report of the Haut Conseil à l'Intégration estimates that 20,000 women or girls are victims or threatened with FGM on the French territory.

GBV targeting immigrant/Muslim women includes various kinds of violence being directed at women in the *suburbs*, such as gang-rapes, pressure to wear the *hijab*/veil, pressure to drop out of school, pressure to early marriage and discrimination. In 2002, the tragic death of Sohanne Benziane, a 17-years-old Muslim girl of North African origin burned alive in a rubbish depot by a 22 year old neighbour, also contributes to make gender-based violence facing Muslim women in French suburbs a political issue. It notably led to wave of feminist protests and to the creation of feminist organisation Ni Putes Ni Soumises (*Neither Whores Nor Submissive*). This mobilisation contributes to reveal the sexism of Muslim culture in the suburbs.

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<sup>11</sup> Haut Conseil à l'Intégration (2004) « Femmes de l'immigration : assurer le plein exercice de la citoyenneté, à part entière, à parts égales » <http://www.travail-solidarite.gouv.fr/documentation-publications-videotheque/rapports/rapports-concernant-champ-droits-femmes-egalite/synthese-du-rapport-femmes-immigration-assurer-plein-exercice-citoyennete-part-entiere-parts-egales.html>

Likewise, the high proportion of migrant prostitutes (around 80%) in France (Guillemaut 2008) makes nationality another social marker that have to be taken into account for studying gender-based violence in the French context. The problem is all the more important since the majority of migrant women prostitutes have entered French territory illegally and are victims of sexual exploitation.

Lastly, sexual orientation is a social marker that can be crossed with gender within the gender-based violence issue. Sexist or homophobic statements in public issue were introduced in the French debate in 2004 through a project that sought to increase the number of aggravating circumstance of penalties for homophobia. However, this law project did not receive the support of feminist associations, which reproached the government not to include the gender criteria as aggravating circumstances. In 2005, the AVFT (European association against gender violence in the workplace) law proposition aiming at modifying the dispositions related to sexual harassment and slanderous denunciation proposed to include sexist and homophobic harassment in the law on sexual harassment. This proposition was based on international recommendations (CEDAW the declaration on the elimination of violence toward women, the Beijing action program, and an EU resolution), whereas, it was never submitted to the parliament.

#### 4.4. Intersectionality in civil society organisations

All French women's organisations are not engaged with other intersecting inequalities. Hence, it is hard to state that women's organisation really engage with intersecting inequalities. When they do address this issue, feminist organisations are more likely to engage with other intersecting inequalities in a limited field. Currently, the major intersecting inequalities addressed in the feminist movement are race/ethnicity and religion. It fits both the emergent movement of racialised women and the French political agenda and debates (related to immigration, integration, urban segregation, etc.). It also creates strong disputes and hotpots within the feminist movement, one of the last was related to the so-called "veil affair"<sup>12</sup>. To a lesser extent, sexual orientation is an issue that has been dealt with by feminist organisations, particularly since the Civil Solidarity Pact was passed in 1999.

Thus, fighting on all fronts where women suffer discrimination and unequal treatment, violence, breach of their dignity.

The CNDF (*National Collective for Women's Rights*), one of the largest national feminist organisation, is sometimes engaged with intersecting inequalities. This coalition of feminist associations, trade unions and political parties appears in such varied fields as the reduction of working time, equal pay, night work, family, domestic work, violence, lesbophobia, women's place in public life, the struggle against the xenophobic parties, the struggle against sexism, education, neoliberal globalisation, international solidarity, etc. The coalition also supports the initiatives of the lesbian movement. It denounced the lack of political will to create a civil contract for same sex couple (PACS)<sup>13</sup>. It aims to push the state to put in practice formal equality that women have gained throughout the twentieth century.

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<sup>12</sup> The "veil affair" started in the October 1989, when three female pupils were suspended from school for refusing to remove their veils in class at the Gabriel Havez Middle School. Between 1994 and 2003, around 100 female students have been suspended or expelled from middle and high schools for wearing the veil in class. The "veil law", was finally passed by the French parliament in March 2004. The law led to an important controversy. Some organisations of the feminist movement were in favour of the law, considering the veil as a symbol of woman's submission to men and/or a danger for secular principles: The *Penelopes*<sup>12</sup>, les *Chiennes de Garde* (The guard-dogs)<sup>12</sup>, Sylviane Agacinsky (philosopher), and the NPNS. At that time, the collective *Une école pour tous et toutes* (A school for all)<sup>12</sup> brought together some groups of racialised women, women from suburban neighbourhoods (« *banlieues* »), activists from the sex workers movement, lesbian and radical feminists (for example Christine Delphy) and antiracist organisations (LDH – Human rights league). They later created the Feminist Collective for Equality (see above). They criticised the national and international context of the law, its practical consequences<sup>12</sup> and the discourses about it (in the media as well as in the political field). According to them, the "fear" of the veil at schools should be seen as a manifestation of racism. They denounced the hegemonic white western model of women's liberation. The Veil affair remains a controversial issue and created major divisions within the French social movement.

<sup>13</sup> CNDF « PACS, une dérobade honteuse » 8 oct 1998 [PACS, a shameful comardice]  
<http://collectifdroitsdesfemmes.org/spip.php?article17>

As far as intimate citizenship is concerned, the organisation Mix-cité played an important role during the French debate on PACS and on the reforms of the contraception and abortion laws. Today, this feminist association also plays an important role in the fight against violence against women, especially concerning migrant women.

More partially, the MFPP (*French Movement for family Planning*), which have been very active in debates regarding reproductive rights legislation, is involved in intersecting inequalities. Regarding gender and age, this organisation strongly supports reforms facilitating the access to contraception and abortion for girls, as well as early sexual education of boys and girls in schools. The MFPP also plays a moderate role in the fight against forced marriages that face migrant women. It launched an advertising campaign to fight against forced marriages.

Other feminist organisations are more specifically involved with the fight against multiple discrimination. Their interest is however quite exclusively focused on discrimination based on race/religion and ethnicity. Focused on migrant women or French women with foreign origin (most of the time with Arabian or African origin), they mainly act in the field of gender-based violence rather than (intimate) citizenship and employment. This is the case of the following NGOs:

The GAMS (*Women's group for the Abolition of sexual mutilation and other practices affecting the health of women and children*) consists of African and French women with expertise in the fields of health, social, education and has long experience in the prevention of female genital mutilation. GAMS act as a network of groups working on the same subjects in Africa and elsewhere in the world. GAMS is a member of the COGRADE (French Council of Association for the rights of the Child) and the CSIS (Superior Council for sexual Information). It is the French section of the Inter-African Committee. GAMS support research and trainings on sexual mutilation and seeks to understand and promote these practices. They provide support for victims, organise actions and prevention and raise awareness.

The RAJFIRE (Network for the autonomy of immigrant and refugee women) is a feminist collective for the rights of foreign women, immigrants, asylum seekers or refugees. It was created in 1998, building on previously existing feminist initiatives in this field. The collective promotes 'independence, equality, solidarity, freedom, human rights and equality for all women in all fields and all over the world'<sup>14</sup>. Located in The Women's Building in Paris, the collective aims to implant solidarity particularly for women's rights in France, migrant or exiled, to defend the rights of asylum for persecuted women, the right to stay, the regularisation of undocumented women, and the right to work. It also gives assistance to victims of violence against women and campaigns against violence against women.<sup>15</sup>

NPNS (Neither Whores Nor Submissive – Ni Putes ni Soumises) is a French feminist movement, founded in 2002-2003. There are 24 local groups spread across the largest cities of the country. It is generally dependent on public funding<sup>16</sup> and private patronage<sup>17</sup>. The movement fights against violence targeting immigrant/Muslim women. It focuses on the following areas: gang-rapes, pressure to wear the *hijab*/veil, pressure to drop out of school, pressure to early marriage and discrimination. NPNS was set up by a group of young French Muslim women in response to the violence against them in the suburbs (*banlieues*) and housing projects of cities. They organised the "March of Women from the housing projects against ghettos and for equality" in 2003. Representatives of NPNS were received by French Prime Minister Jean Pierre Raffarin. The organisation's message was incorporated into the official celebrations of Bastille Day 2003 in Paris. Since 2007, NPNS has a consultative status with the Economic and Social Council of the United Nations. The NPNS publishes a "Guide for respect".

Intersections between gender and racial are quite well developed in France, racialised group organisations are often women's group. The Indigenous Feminist 126 is a feminist collective (former "*Blédarde*" Collective) of racialised women within the "Movement of native-born of the republic". The Ifafe (*Initiatives of African women of France and Europe*)<sup>18</sup> founded in 1993, brings together 23

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<sup>14</sup> On their web site : <http://rajfire.free.fr/>

<sup>15</sup> RAJFIRE, Activity Report 2007 <http://rajfire.free.fr/spip.php?article143>

<sup>16</sup> Previsionnal budget for 2005 was 500 000 €. In 2004, the Mayor of Paris granted NPNS a grant of 30 000 € [http://www.v2asp.paris.fr/v2/la\\_mairie/subv\\_assos\\_ville\\_2004.pdf](http://www.v2asp.paris.fr/v2/la_mairie/subv_assos_ville_2004.pdf)

<sup>17</sup> Private funds : <http://www.niputesnisoumises.com/partenaires.php?section=partenaires>

<sup>18</sup> <http://www.federation-ifafe.org/>

organisations to defend equal opportunities and the rights of migrant women. It provides counselling and brings support to migrant women's initiatives. It also supports projects related to health, discrimination and international solidarity. Lastly, the "*Feminist Collective for Equality*"<sup>19</sup> is made up of women - Muslim and non-Muslim, wearing the headscarf or not. It acts to defend the rights of women without falling into racist and universalist bias. It is involved in the struggle for women's right in different areas (not only the Veil issue). Some anti-racist organisations are also interested in understanding the specific situation of migrant women or French women with foreign origin in France. As an example, the MRAP (*Movement against racism and for friendship between People*) gives special attention to the situation of illegal migrant women in retention camps such as the Sangatte Camp in the north of France. They have played a role in denouncing gender-based violence against women, paying specific attention to violence perpetrated in state institutions.

As far as the intersection between gender and sexual orientation is concerned, it is worth noting that women are represented in most LGBT associations except those focusing on gay rights. In most of the others there is a separate lesbian/women section. They work in alliance with some feminist NGOs such as the "Furieuses Faloppes". Likewise, LGBT organisations are also linked with organisations mainly working with other inequalities and intersections, such as race (*Association pour la reconnaissance des droits des personnes homosexuelles et transsexuelles à l'immigration et au séjour* - Association for the acknowledgment of homosexuals and transsexual persons rights to the immigration), BEIT HAVERIM, association of Jewish LGBT and their friends, Pink Panthers), class (Hosexualité et socialisme – *Homosexuality and socialism*), disability (ACGLSF - *Cultural association of deaf gays and lesbians*, AGLH - *Association for disabled gays and lesbians*).

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<sup>19</sup> <http://cfpe.over-blog.org/>

## **5 What are the implications of different versions of intersectionality for the meaning and practice of gender+ equality?**

### **5.1 Intersectionality in general gender equality legislation and gender machinery**

Except for the Parity Observatory, the French gender equality machinery take into account some specific categories of women. However, all institutions do not consider the same categories of inequality and they do not all use the concept of intersectionality to relate to these categories.

#### **The Department for women's rights and equality**

Regarding the SDFE (Department for women's rights and equality), a gender equality institution linked to the Ministry in charge of gender equality, the main intersections taken into account are, first, gender and age (one of the main tasks of the SDFE is to promote equality between boys and girls at school), second, gender and race (through the problematic of forced marriages or female genital mutilation).

When considering gender and age, the 25 February 2000 Inter-Ministerial Action Plan for Equality in Education reflected the government's will to keep on considering equality between boys and girls and men and women in the educational system as essential. This transversal plan involved four French ministries (the Ministry of Education, Research and Technology, the Ministry of Employment and Solidarity, the Ministry of Agriculture and Fisheries, and the Secretary of State on Women's Right and Professional Training) in order 'to cover a time-span that starts with the entry into school, through to getting a job and building a career' (Le Feuvre and Andriocci, 2002:245). In effect, an important objective is to sensitise people throughout a lifetime according to the following priorities:

- Developing training for girls and boys in order to fight against gender stereotyping and promoting diversity within profession orientations and employment prospects.
- Promoting education based on mutual respect between girls and boys / men and women.
- Strengthening the training of social actors and institutions involved in the promotion of gender equality in education.

National steering committees were established in order to guarantee the implementation of various projects such as the set up of a study on sexist violence in schools or the creation of two working groups responsible for supervising measures for equal opportunity in primary schools and to promote the role of women in teaching.

As far as the intersection of gender and race are concerned, "women from immigration" is named as a specific case of the Department for Women's Rights and Equality. This issue is in line with the aim of the government to ensure a full and equal access to migrant women's or women children of immigrant's rights, promote their access to employment, and fight against gender-based violence. Special attention is given to French women born by immigrant parents (second generation immigrant women) , who represent half of migrant women in France and face 'twofold discrimination'/multiple discrimination. Gender-based violence against racialised women (including forced marriage, female genital mutilations and polygamy) is one of the themes of the 'Respect of the human dignity' objective of the Equality Charter<sup>20</sup>.

#### **The Parity Observatory**

As for the Parity Observatory, it does not explicitly take intersectionality into account. However, because it is focused on the promotion of women in the political sphere, class is not directly considered as a relevant social marker intersecting with gender.

#### **High Authority to fight against discrimination on the labour market**

In the framework of the Employment Equality Directive 2000/78/EC, which implements the principle of equal treatment in employment and training irrespective of religion or belief, disability, age or sexual orientation in employment, France will (late in comparison to other European countries) create an equality body. The Law n°2004-1486<sup>21</sup> of the 30 December 2004 aims at creating the High Authority

<sup>20</sup> The Equality Charter, which was officially handed in to the Prime Ministry in 2004, federates about hundred actors involved with the promotion of gender equality.

See: [http://www.travail-solidarite.gouv.fr/IMG/pdf/charte\\_egalite.pdf](http://www.travail-solidarite.gouv.fr/IMG/pdf/charte_egalite.pdf)

to fight against Discrimination and promote Equality (HALDE). This High Authority has to know all direct and indirect discrimination prohibited by French law or by any international order signed by France (see below). Regarding its role and due to the fact that this body is not only focusing on gender, special attention is given to discrimination based on the intersection of gender, ethnic origin, sexuality/sexual orientation, disability and age.

### **The Delegation for Women's Rights and the delegation for Equal Opportunities Between Women and Men**

In the context of a deep economic crisis, class is obviously one of the main inequalities that intersect with gender. The different delegations for women's rights and for equal opportunities between women and men of the National Assembly, the Senate and the Economic and Social Council give specific attention to the intersection of gender and class. The 2007 report in respect to "women and precariousness" highlights the changes of poverty in France, characterised by the increasing number of women affected by precariousness (Zimmerman, 2007). In a context of a deep economic crisis, fragility of people regarding employment, housing and family relation is becoming a more and more common phenomenon that particularly affects women. Then, the delegation gives special attention to precariousness of the labour market through the development of precarious part-time jobs and temporary work contracts, lone mothers, elder women caught between solitude and exclusion. They insist on the negative consequences of maternity for women as well as on the persisting inequality between women and men on the labour market, such as for example the gender pay gap.

In the same vein, the Delegation for women's rights and equal opportunities between women and men of the Economic and Social Council published a report with the aim of promoting diversity within decision-making positions (Bourven, 2007). This report reflects the public preoccupation for improving women's status on the labour market, which is characterised by the low proportion of women in the best remunerated and qualified jobs.

The Delegations for women's rights and equal opportunities between women and men of the National Assembly and of the Senate also considers marital status as intersecting with gender and class. Indeed, in a report called "Divorce", the delegation of the National Assembly underlines the economic inequality that faces divorced women (Levy, 2004). Special attention is given to women lone parents, who represent 86% of single-parent families, and women of age, who have never or near never worked (Ibid). Indeed, these two categories of "divorced women" are particularly vulnerable to the risk of precariousness. As for the women's rights delegation of the Senate, it proposes a reflection concerning changes affecting the traditional model of the family. A special focus is given to lone mothers and specific measures are proposed in order to improve their access to the labour market (Gautier, 2006). In contrast, class is hardly seen as relevant for GBV.

With the growing consciousness of the damaging consequences of gender-based violence in France, race/ethnicity and religion as inequality grounds/social markers progressively caught the attention of the gender equality machinery. The 2004 report, called *Femmes de l'immigration (women for immigration)* shows the special attention given to migrant women's experiences with respect to gender-based violence (Zimmerman, 2004). Focused on traditional family practices such as repudiation, polygamy, forced marriage and female genital mutilations, this report makes a series of propositions so as to limit the damaging consequences of gender-based violence against migrant women.

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<sup>21</sup> Law N°2004-1486 of the 30 December 2004, aiming at creating the High Authority to fight against discrimination, published in the Official Gazette, 2004, N°304, Paris, December 31<sup>st</sup>

## 5.2 Intersections in non employment

### 5.2.1. Gender and race/religion within non-employment

Since the French government does not keep statistics on ethnicity, religious adherence or political affiliation, it is not possible to look at the different employment rates among women by minority ethnic or religious groups. The only statistical data available distinguishes 'French nationals' from 'Foreigners', occasionally including a difference between 'National by birth' and 'National by acquisition'.

Attention to the problems of migrant women trying to enter the labour market in France is a very recent phenomenon, it was made visible through the 2007 report *Women and Precariousness*, elaborated by the Delegations for women's rights and equal opportunities between women and men of the National Assembly (Zimmerman, 2007). Migrant women's access to employment is described as being one of the main barriers to correct integration into the French society.

At the end of this report, different propositions are made so as to facilitate the access of migrant women to the labour market and to suppress the double discrimination they face (based on gender and race). It is proposed to improve the training of professionals in contact with migrant women within embassies, consulates, police stations and social offices. More concretely, the report asks for the development of statistics on diversity within companies. It also aims to encourage the diversification of migrant women's career orientations and career choices; to support migrant women in their professional trajectories; to implement real diversity in the recruitment of civil servants and to encourage diversity within companies through the adoption of an "equality and diversity charter"; to increase the role of the HALDE (High Authority to fight against discrimination and promote equality) in giving it the power of sanctions; to encourage magistrates to increase their vigilance when regarding discrimination misdemeanours (Zimmerman, 2007: 176). Concerning migrants, the report recommends that the delivery of a residency permit could be dependent on the integration to the French society, as demonstrated by a sufficient knowledge of the French language and of the principles that guide the French Republic. (Requirement introduced in the CESEDA law of 2006).

So far, some of these recommendations have been adopted by the French government in order to improve the access of migrants to the labour market: the bill of the 31 March 2006 concerning equal opportunities empowers the HALDE to sanction discrimination; the bill of the 24 July 2006 considers the command of the French language as a condition to obtain French residence permit.

However, it is worth noting that these two measures do not directly consider the problem of the intersection of gender and race within the non-employment issue. Indeed, political measures implemented so as to fight against racial discrimination on the labour market are always addressed to migrant workers, whether they are men or women. The debates around anonymous CVs also reflect the lack of political consideration as regards the double discrimination faced by migrant women and 'second and subsequent generation' women born in immigrant families. This issue was disputed at the National Assembly so as to fight against discrimination on the grounds of family name that face people having foreign consonance last-name. Despite that this problem of double discrimination was pointed out by women's NGOs and equality bodies such as the HALDE, the intersectional character of this issue has not been discussed by the French National Assembly.

### 5.2.2. Gender and class within non-employment

As it has been explained in the previous sections, the labour market crisis has been quite favourable to the consideration of the intersection of class and gender within the non-employment issue. Indeed, French women are particularly affected by the flexibilisation of the labour market and a growing number of women can be identified among the so-called "working poor" category.

However, the intersection of gender and class is not an explicit objective of labour market policies (just as the intersection of gender, race and religion is not). Most of the time, the analyses of texts made in the previous Quing report have shown that the policies that have been implemented in the area of work/life balance, reconciliation or care work are often denounced by feminist NGOs, researchers or left-wing parties as being detrimental to low qualified women. For instance, the extension of the French parental leave system and the promotion of individualised childcare services at the detriment of collective crèche would lead to increase disparities between women from different

social backgrounds (see the texts of H  l  ne P  ravier concerning parental leave and Mix-cit   concerning child-care services).

The 2005 Act reforming the status of maternal and family assistants is potentially favourable to low qualified women workers. This law institutionalises and recognises the job of maternal assistants, which is characterised by strong insecurity and very low wages. Bad working condition led many authors to denounce a 'new form of domesticity', where family/women from privileged social and economic backgrounds exploit low qualified (migrant) women (see the text written by the collective Mix-cit  ). Mix-cit  's main message is the need to increase the quality of childcare services in order to satisfy both families and childcare workers. Thus, the objective of improving the working conditions of childminders represents a guarantee of security for parents as well as for childminders themselves. It is nevertheless important to notice that the real aim of the French government was to fight against the black market/shadow economy and informal and unregulated arrangements within the childcare sector, as well as to promote new jobs in times of deep economic crisis. However, the implementation of this law is in keeping with the development of individualized childcare solutions, which makes inequalities between families of different economic backgrounds bigger.

### 5.2.3. Gender at the intersection of other social markers within non-employment

Under the pressure of the European Union and the recommendations of the HALDE the French government has adopted the law concerning the fight against discriminations. Even if the general aim of this law is to combat discrimination in different areas of social life, a more specific objective is to put an end to discrimination on the labour market. Hence, major changes brought by this law concern the burden of proof; in cases of discrimination, the employer rather than the employee has to prove his/her innocence. In addition, Trade Unions can press charges on grounds of discrimination on behalf of an employee. Although gender-based discrimination is included in the text, the main ambition of the government is to focus on types of discrimination that are not or insufficiently covered by the law, i.e. discrimination based on sexual orientation, physical appearance, age; and surname (seen as a social marker for ethnic origin) (see debates on the anonymous CV in the section 5.2.1).

## 5.3 Intersections in intimate citizenship

In the issue of intimate citizenship, gender is mainly located in the area of reproduction (abortion, contraception and reproductive rights issues) and marriage/separation (marriage and divorce legislation). Women, not men, are mainly addressed in the discussion, except during the debates concerning parental rights and the shared residence order, where fathers were at the heart of the debates. The main issues that have been discussed and considered as having an impact on gender equality are marital status, class and age, respectively in the area of marriage/divorce and reproduction. Issues in relation to immigration have not been discussed and as far as the common right is concerned, "race" does not figure/exist within intimate citizenship.

### 5.3.1. Gender, marital status and class within intimate citizenship

In France, marriage/partnership policies are partly framed in relation to the categories of gender and class. Despite that the negatives economic consequences of separation for women are not at the heart of the 2004 divorce reform<sup>22</sup>, the growing number of single-parents families living at the poverty level cannot be neglected by the government. Thus, it was clearly asked by the Delegation for Women's Rights and the Delegation for Equal Opportunities Between Men and Women that the government should ensure a decent standard of living for divorced women through alimony found, particularly when they have the custody of their children or when they have insufficient pension rights. Meanwhile, the reform of parental rights within the marriage/divorce issue can also be considered as an issue where "marital status" have an impact on gender equality. Focused on the increase of fathers' rights over their children after divorce, the 2002 law<sup>23</sup> recognised the need to promote shared parental authority, mainly through the development of shared residence orders. There is no consensus concerning the impact of this law, particularly as far as gender equality is concerned. On the one hand, men's groups argue that this law is a victory for the equality of fathers and mothers, on the other,

<sup>22</sup> Law N  2004-439 of the 26 May 2004 related to divorce, published in the Official Gazette, 2004, N  122, Paris, May 27<sup>th</sup>.

<sup>23</sup> Law N   2002-305 of the 4 March 2002 on parental authority, published in the Official Gazette, 2002, N  54, Paris, March 5<sup>th</sup>

feminist groups strongly condemn this 'anti-feminist' law, which reinforces the power of violent husbands over their wives (Dufresne & Palma 2002).

### 5.3.2. Gender and age within intimate citizenship

Regarding the reproduction issue, several measures have been adopted in relation to gender and age. The aim is to make women and especially young girls more sexually autonomous by suppressing the medical prescription for emergency contraception and reinforcing sex education and contraceptive advice available in schools. Thus, the 13 December 2000 Law<sup>24</sup> improving the access to emergency contraception was adopted. It makes the emergency contraceptive pill available without any medical prescription and free of charge for women under 18. It also allows secondary school nurses to give the emergency contraceptive pill to pupils. Likewise, the Aubry amendment of July 4th 2001<sup>25</sup>, supported by the Nisand report<sup>26</sup> and feminist associations, contributes to the modernisation of the 1975 abortion law and to the consolidation of women's right to abortion. If one of the principal aspects of the law is the 12 weeks authorised delay changed to 14 weeks, which places France on European average, other measures addressing women under 18 are particularly relevant. Indeed, the consent of one parent has been replaced by the presence of an adult during the consultation/conversation with a doctor prior to abortion, a consultation which is not compulsory anymore for women over 18.

### 5.3.3. The other social markers in intimate citizenship

Even if "race" or "nationality" cannot be strictly considered as intersecting with gender within the intimate citizenship issue, specific discussions around the legitimacy of legal recognition of intimacy makes the category of foreigners/migrants visible. Thus, the 2006 November 14th law that related to the control of valid marriage addresses migrant men and migrant women. Indeed, the permanent debates on migration control have contributed to make the legislation focus on a change of matrimonial maturity for women (from 16 to 18 years of age) and a reinforcement of control of valid marriages. This law, mainly introduced by the Department of Justice and the Interior Ministry, aims at reinforcing tools for fighting against fake or forced marriage by a control prior to the ceremonies.

Regarding the same-sex partnership issue, the intersection of sexual orientation and gender is quite marginal in the French context. There are very few references to gender. For instance, debates around the Civil Solidarity Pact (PACS) were mostly de-gendered: there were no specific references to lesbians or gay, but only to same-sex partners. Despite the continuing claims of LGBT organisations, debates concerning the access to assisted reproduction for lesbians seem to be closed since the adoption of the Bioethic law in 1994. In fact, the only issue that crosses gender and sexual orientation addresses gay men and refers to health: since gay men are recognised as the main risk group in contracting AIDS, specific national preventing actions are implemented so as to increase their awareness.

However, other intersecting inequality markers are discussed as far as the same-sex partnership issue is concerned. First, inequalities based on "sexual orientation" and "marital status" give rise to the vote and adoption of the Civil Solidarity Pact in 1999. Through this law, the French government offered similar rights to same-sex couples as those already available for heterosexual couples through marriage (e.g. in relation with inheritance and housing rights). "Disability" was also discussed during the debates concerning the PACS, since one of the changes of the Civil Solidarity Pact reform deals with the right for disabled people to sign a Civil Solidarity Pact.

## 5.4 Intersections in gender based violence

Despite that domestic violence is one of the main issues within gender-based violence, this area does not explicitly contain references to intersectionality. Indeed, debates have been "declassified" since several events have contributed to increase the awareness that domestic violence affects all social

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<sup>24</sup> Law N° 2000-1209 of the 13 December 2000 related to emergency contraception, Published in the Official Journal, 2000, N°289, Paris, December 14<sup>th</sup>

<sup>25</sup> Law N°2001-588 of the 4 July 2001 related to the voluntary interruption of pregnancy, published in the Official Journal, 2001, Paris, July 7<sup>th</sup>

<sup>26</sup> Nisand Israël, L'IVG en France. 2000 Propositions pour diminuer les difficultés que rencontrent les femmes : rapport remis à la ministre de l'emploi et de la solidarité et au secrétariat d'Etat à la santé (proposals to reduce the difficulties encountered by women : report sent to the Ministry of Employment and Solidarity and to the State Department of health). Paris. Department for employment and solidarity, 1999, 55 pages.

classes. Indeed, the result of the Enveff survey shows that violence against women exists with the same intensity regardless of social class and cultural background. At the same time, the case of the French actress Marie Trintignant, whose death at the hands of her rock-star boyfriend was in the forefront of media attention during the summer of 2003 also made a significant contribution to confirming the variety of women facing GBV. However, the other issues are more likely to analyse the intersections of gender equality with other social markers: this is more particularly the case of some specific forms of gender-based violence that affect migrant women and women with immigrant parents/second generation women immigrants.

#### 5.4.1. The overlapping of issues in gender-based violence and the prevalence of race/religion

After the publication of the Enveff survey in 1998, violence against women became one of the main issues of the Department for women's rights. And if domestic violence remains the major policy action area of the *Global plan to fight against violence toward women*<sup>27</sup>, the specificity of violence against migrant women and women of immigrant parents progressively become a growing preoccupation of the French government. Thus, within the political plan called *Women and migration*, the fight against gender-based violence and the promotion of fundamental rights are two of its four main goals (the other two are the renewing of French immigration policies and the improvement of the access to information and employment). The fight against forced marriage, repudiation and female genital mutilations remains a priority for the government. Likewise, sexism and sexual abuse facing young (Muslim) women living in the French "banlieues" (suburbs) became part of gender based violence, particularly since the French media give them an intense and recurring attention (see 4.3). In the meantime, the fight against trafficking and sexual exploitation of prostitutes from Eastern Europe is currently discussed.

However, what is defined as gender violence in France is not univocal and largely depends on the different actors involved with the question of GBV and more generally with the question of migrants' experiences on the French territory. The main and more controversial example remains the wearing of the Islamic headscarf, which is considered as a form of violence against women by French republicans (including some feminists who argue that it is first of all a symbol for archaic patriarchal oppression).

Thus, this kind of gender-based violence, where women are discussed as the only victims, included various intersecting inequalities. In addition to gender, it includes race/nationality (immigration from North Africa, Africa, Eastern Europe and Turkey), religion (Muslim), age (generally young people) and class (people living in the French "banlieues" –suburbs- of the largest cities and primo-migrant in precariousness). However, customs and traditional practices associated with Islam are basically the major social markers, and the group is generally perceived as responsible for a large part of this gender-based violence. Indeed, forced marriage, FGM, the wearing of Islamic headscarves as well as sexist practices are described as a symbol of patriarchal and archaic traditions and thus described as a main form of violence toward women and an offence to human dignity. Gender inequalities are strongly linked to cultural differences between France and migrants' home countries. The idea that second generation Muslim women are victims of tradition and religion, as well as the idea that they are a relay/intermediary for integration policies circulate widely in France. It is however worth noting that in both cases, women render problematic the presence of certain immigrants within the French national territory.

#### 5.4.2. Political answers around gender based violence directed at specific groups

When regarding forced marriage, the law of the 4<sup>th</sup> April 2006 related to the fight against domestic violence fixed Matrimonial majority at the age of 18 for all sexes instead of 15 for women. Before that, the February 21<sup>st</sup>, 2006 law reinforced the control of valid marriage and created tools for fighting against forced marriage by an audit of the future spouses prior to the ceremonies. Nevertheless, measures adopted against forced marriages are denounced as particularly frail to fight efficiently this violence against migrant women (see the 2005 MFPF civil society text<sup>28</sup>). In 2005, a report called

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<sup>27</sup> The *global plan to fight against violence toward women* was implemented between 2005 and 2007 by the Ministry of Parity and Professional Equality. The main objective of this plan is to fight against domestic violence by proposing social and economic responses and by ensuring women better juridical protection. The plan seeks to modernise public action through the reinforcement of partnership between governmental, juridical and social actors.

<sup>28</sup> MFPF (Movement for family planning), Cimade LR, CICADE, 'Reflexion sur la problématique des mariages forcés' (Reflexion on the forced marriage problematic), December 2005, 4 pages.  
<http://www.planning-familial.org/documentation/Documents/mariage.pdf>

"Immigrant women: to insure the exercise of full and equal citizenship" was published by the Women and Migration task group<sup>29</sup>. The measures targeting victims aim to consider forced marriage and repudiation as GBV and to give them common benefits of existing action towards female victim of violence. The report proposes to create an offence of relatives pressuring victims into forced marriages.

Nonetheless, some of the recommendations received strong critique from women's organisations. First, the fact that migrant women are refused French nationality when married with a foreigner is seen as very detrimental. Second, the penalisation of women's families is seen as problematic because it reinforces women's culpability so that they keep silent. On the contrary, actions proposed by feminist NGOs are most importantly the creation of measures to guarantee the return of women victims of forced marriages to France and the implementation of a clear definition of 'forced marriages'. Prevention and awareness-raising are suggested as measures to more efficiently fight against forced marriages, as well as the implementation of a national study on forced marriages.

When considering FGM, even if France has traditionally been a country of immigration, there is still no specific law prohibiting female genital mutilation. However in 2004, France convicted parents who were responsible for the excision of their daughters. They were convicted for complicity in 'voluntary assault and battery'. The same year, the National Academy of Medicine recommended the implementation of efficient policies to fight against FGM and to promote the medical accompaniment of women victims of FGM.

The French law on *laïcité* forbids the wearing of ostentatious religious signs in French public schools. The Islamic headscarf was undeniably the main target of this new law and has rekindled the debate on France's secularity (*laïcité*) principle, its republican tradition, and its relationship toward the French Muslim community. According to the research team commissioned to study the issue in 2003 (*la commission Stats*), *Hijabs* particularly represented the rise of radical Islam in France and the oppression of women within Islam in general. Both were deemed unacceptable within the bounds of a Western secular and democratic nation like France.

Regarding prostitution, the 2003 law on Domestic Security is not explicitly addressing migrant prostitutes, its impact on this category of the population is however particularly important. The law created the crime of "passive soliciting misdemeanour" and perpetrators were liable to a maximum of two months of prison and of a €3.750 fine. This act of soliciting extends to 'all persons who make available prostitutes in vehicles, the same sentence will apply as in hotel-based prostitution'. A government amendment was also adopted, which planned for the placing of prostitutes in 'common law shelters in order to ease their reinsertion'. Likewise, a provision was created in order to incriminate 'trafficking in human being' punishable by 7 years of imprisonment and a €150.000 fine. It is important to note the strong disapprobation of women's groups and the CEDAW vis-à-vis this law. On the one hand, they particularly protested against the penalisation of prostitutes and argued for the broadening of their social rights and for a legal framework that could protect them. On the other hand, they pointed out the negative consequences for foreign migrant prostitutes, who have often entered French territory illegally. Instead of taking positive measures for migrant women, this law would mainly lead to the arrest of undocumented women.

During the Quing period (1995-2007), other policy initiatives within the gender-based violence issue have taken different social markers/inequalities into consideration. When regarding sexual harassment, the policy documents refer to discrimination against lesbians and gay men. Thus, in 2004, the UMP Prime Minister, Jean-Pierre Raffarin, presented a White paper related to the fight against sexist or homophobic statements in public. The aim of the project is to adapt Justice to the evolutions of criminality. In the continuity of the 2004 Law on interior security (Law 2004-204), the project sought to increase the aggravating circumstance of penalties for homophobia. However, this law project did not receive the support of feminist associations. Indeed, the project provoked indignation from various feminist associations involved in the fight against harassment and stalking and who viewed the project as impossible to defend. The problem that was underlined is the proximity with French media-concerns. In addition, sexual orientation criteria have been considered as aggravating circumstances in case of harassment at the detriment of gender criteria.

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<sup>29</sup> This group is composed by members of each Ministry, civil society actors (almost 50 persons) affiliated to the migrant's and women's movements and two Public organisms related to immigration issue.

## 5.5 Summary and comparison

In the general gender equality machinery, intersectionality is almost absent. The consideration of different social markers/inequalities in the promotion of gender equality is however progressively becoming more and more frequent within the French context. Thus, the different institution making up the gender equality machinery make more and more references to intersecting inequalities. It seems that there is a general consensus around the fact that considering other social markers than gender would contribute to achieve gender equality. However, it is hard to say if this focus on intersectionality is ephemeral or not. On the one hand, gender (equal pay and parity laws), is singled out as an inequality that needs extra attention in the French legislation (and machinery). On the other hand, the remaining inequalities are joined in a special law (anti-discrimination law) in which they are considered independent and not merged (multiple but separate or additive). In any case, the intersection of gender with other inequalities largely depends on the issue.

While the intersection of gender and other social markers/inequalities is less frequent in the area of intimate citizenship, it seems to be more common when considering non-employment and more specifically gender-based violence.

For instance, the consideration of “race” and “religion” in the gender-based violence area is quite controversial in the very specific national and international context regarding migration phenomenon (see Verloo 2007). On the one hand, the focus on migrant women or more particularly women from immigrant parents largely contributes to stigmatise them as well as the Muslim population. On the other hand women (as well as gender and sexuality) are conjured up to render a problematic the presence of certain immigrants within the French national space.

If the Ministry of Work (in charge of the implementation of gender equality) is aware that attention is needed for ‘gender and migration’ (in the GBV issue), it does not look more closely at the relationship of these two inequalities. They are seen as naturally or culturally additive. On the contrary, the non-employment issue seems to imply intersectionality (regarding class, unequal education, age, marital status) but does this always apply in the government when the non-employment issue is at stake? Measures aiming to promote gender equality at the work place do not consider economic background, legal status or even age as intersectional when they promote equal pay and balance between work and family life.

Throughout this comparative discussion, it clearly appears that the use of intersectionality takes on different forms based on which issue is at stake. In the general gender equality legislation and machinery, almost no intersectionality takes place: multiple inequalities do come across, but they are treated separately. Thus, the 6<sup>th</sup> chapter will try to explore how the (non)consideration given to intersecting inequalities can produce or reinforce inequalities between women as well as lower the efficiency of gender equality policies.

## 6 Identifying changes and the relevance of different forms of intersectionality

This chapter will describe the general trends and some recent changes around the issue of intersecting inequalities. Special attention is given to the emerging debates and the new measures in gender equality policies and the fight against discrimination. Moreover, a summary for the four specific issues will be given.

Whereas there are changes as well as continuity in the heterogeneous discourse and politics concerning the intersection of inequalities, the most notable turning point concerns the general legislation and orientation of policies when, in 2002 the new French government policies aimed to lower the public expenses, especially in the social, education and health fields and adopted a global strategy to target discrimination. Those political choices have consequences for all gender equality policies and intersecting issues.

### 6.1 Changes in general legislation and machinery

The department and state offices in charge of the promotion of gender equality and women's rights have been the targets of critics since the end of the 1990's, but the recent history shows the weakness of their legitimacy in the general machinery. In addition to that change several structural reforms and the new organisation and orientation of public policies in France have pushed to cast doubt over the state machineries aiming to tackle gender inequalities.

According to Dauphin (2006) several elements have contributed to the "legitimacy crisis" of the gender equality machinery: the comeback of conservative governments qualifying women's concerns as particular interests, the decline of feminist movements, the context of economic crisis which put concerns for equality into the background, and the liberal mobilisation that pushes the State to adopt a culture of evaluation and to rationalise its activities. The Organic law for budgeting policies (LOLF) was adopted in 2005 and is based on the principle of budgeting of public action considering the result of public policies according to predefined goals. As showed by Sénac-Slawinski, this reform had as consequences the diminution of the credits dedicated to gender issue and their dilution in each state department. A first revealing change in the general machinery is the integration of the SDFE (Women's Right Service) under the authority of the large Ministry of Work, Social Relations, Family and Solidarity in 2007. This change enacts a new political strategy which links gender equality policies to work and family issue. The gender issue is thus put at the same level as disabilities, age or family. It is also made more invisible, which reflects the little attention paid to gender equality by the new government. Since July 2007, the general revision of public policies (RGPP) even pushed many representatives and the government to put into question the existence of the Department for Women's Rights and Equality. The department in charge of the implementation of gender equality policies, and with it, all the local delegation of the SDFE, is thus now condemned to disappear. The adoption of the integrated approach of gender mainstreaming in all social policies justifies the lower budget dedicated to the SDFE and questions the necessity of a state machinery specifically dedicated to gender issues. For example, in 1998 a report of the General Inspection of Social Affairs (IGAS) interrogated the opportunity and efficiency of the SDFE: "The existence of a particular structure would be completely redundant and probably irreconcilable with the inclusion of this concern by others. (...) What would be its action, since all other Administrative structures would clearly identify in their missions, the objective of promoting equality between men and women?" (IGAS 1998: 14). The mobilisation of the employees of the SDFE, feminist organisation, trade unions, left wing political parties and researchers tries to maintain the existence of the SDFE by lobbying the state<sup>30</sup>.

At the same time, the development of the HALDE represents the major change regarding general legislation and machineries. It puts forward the stake of the concerns for intersecting inequalities and discrimination. Indeed, in 2001, following the framework of the *European Racial Equality Directive* (2000/43/EC), France adopted the Law on the fight against discrimination and established by law by the end of 2004 the HALDE – The French Equal Opportunities and Anti-Discrimination Commission, an independent authority, as a main tool to promote the fight against discrimination. The HALDE aims to coordinate actions in all fields of discrimination (gender, age, ethnic origin, disability and sexual orientation). The HALDE is supposed to organise sensitisation and to give support to complainants in all the fields of discrimination.

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<sup>30</sup> <http://www.servicedroitsdesfemmesendanger.org/>

A few parts of its activity is linked to discrimination against women whereas discrimination based on sexuality/sexual orientation, political and religious belongings and race are put forward and occupy a larger part.

Thus, the report of the SFDE concerning the treatment of gender based discrimination by the HALDE underlines the limited efficiency of the new authority to tackle gender discrimination. As far as they are more effective when they are discrete, discrimination based on gender is not necessarily perceived as such by victims. If most women feel less well treated than men in their jobs, only a minority of them are considered as victims of discrimination (Hamel 2008)

It is significant in this regard that claims filed by the HALDE on gender based discrimination have accounted for 6% and 5% of all claims in 2005 and 2006. Yet the claims made by *women* feeling discriminated because of their gender are a small minority and represent only 3.5% of the total number of claims. Almost half of those claims were made by men denouncing, for example, the asymmetrical nature of the increases and bonuses, which indirectly reward mothers having more than three children. Four men were defended because they had been discriminated in the access to a job usually occupied by women (child minder); one other made a complaint because he was a victim of bullying at workplace by his female colleague<sup>31</sup>.

In 2007, ethnic origin and disability remained the most frequently-quoted grounds, the health-disability ground made a jump, from 18.6% to 21.6%. Employment accounts for over 50% of the claims filed; the reported increase came from the "career" segment of private employment, which increased from 18% of the claims recorded in 2006 to 24% in 2007 (HALDE 2007).

According to Dauphin, the risk is that specific discrimination faced by women and the historical, cultural specificity of gender issue might be occulted. Heinen (2004) denounced the renunciation of specific policies to promote gender equality to the benefit of a global approach, which contributed to "neutralize with a progressive dilution of the issue".

Since 2001, a range of laws have been passed in order to promote "equal opportunities" and to fight discrimination. This legal frame targets an individual level rather than a collective. This allows taking into account the multiple and cumulative personal experiences of citizens, but it also limits the collective and global legal change. For example, the law against discrimination gives the opportunity to every single woman to complain in case of discrimination at workplace whereas few wills and means are used to insure equal pay or equal job opportunities for every woman for example. In addition, in 2006 the deliberation of the HALDE led to general and individual recommendations (non restrictive) in 218 cases, to a mediation in 24 cases and to legal sanctions from the court in only 27 cases (HALDE, 2007). According to Dauphin, the shift in the state machinery creates a special focus on discrimination that might be detrimental to the women's organisations' claims that aim to achieve equality whereas at the same time, machinery specifically dedicated to gender inequalities are about to disappear and no specific actions dedicated to women is budgeted yet.

At the same time, the ability to use the HALDE to complain is not the same for every woman. No data are available on intersectional discrimination. Are people who complain on the base on racial discrimination mostly men or women? What is their citizenship/legal status? Their economical background? The HALDE does not provide precise data about the complainants, but, according to the deliberations of the high authority available online, we can make the hypothesis that women who use the court have the higher socio-economical background. On the contrary, migrant women, depending on their husbands' legal status in France have less possibility to defend themselves through an individual legal procedure. This machinery and legal frame may tend to reinforce inequality between women, and to reinforce discrimination against poor and migrant women.

Thus, the authority in charge of multiple discrimination issue does not consider discrimination as intersectional and can even create a concurrency between them.

Parallel to the creation of the HALDE, the Agency for Social Cohesion and Equal Opportunities (ACSE) was created by the law n° 2006-396 of the 31 march 2006 for Equal Opportunities. It is a public national establishment that contributes to take actions in favour of people facing difficulties of social or professional insertion. It is mainly active in the areas of integration, the fight against discrimination and urban policy. In addition, it manages interdepartmental crime prevention. State supervision over the agency is exercised jointly by the Ministry of Immigration, Integration of National Identity and the Ministry of Housing and the Urban Policy. The promotion of diversity, age diversity and, more noticeable, of gender equality are included in all transverse devices. The creation of an

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<sup>31</sup> [http://www.halde.fr/spip.php?page=recherche\\_generale&secteur=28&mot=sexe](http://www.halde.fr/spip.php?page=recherche_generale&secteur=28&mot=sexe)

agency to promote equal opportunities is primarily dedicated to migrants or to ethnic minority groups. This new public device aims to articulate urban policies, the fight against poverty and the racial issue and thus tackles intersecting inequalities and issues. Gender inequalities are clearly described as intersectional. The ACSE is one of the main providers of public funding for actions dedicated to women in the poor areas and for migrant women. Even if gender issues are not fully integrated in all the ACSE's initiatives, the model of this agency can be seen as new path to articulate multiple inequalities in the French *banlieues*.

It is noticeable that the considerations for intersecting issues are, in a sense, contradictory. Intersectionality is almost completely absent in the texts on discrimination legislation and machinery. Through the antidiscrimination law, inequalities are tackled jointly but are considered independent and not merged (multiple but separate again). While, the HALDE describes discrimination as isolated and unarticulated, the ACSE links the issue of migration to class and, secondarily, to gender. The agency was created after the riots that hold in France in November 2005 and primarily works for social cohesion, the fight against discrimination is related to public (in)security issues rather than to feminist or anti racist views. This focus on gender inequality issues within urban policies and the fight against ethnic/racial discrimination tends to assimilate discriminations against women and the migrant population or the population living in the suburbs. The veil affair recalled previously is a hotspot, which testifies to the growing attention paid to Muslim women, may be to the detriment of general gender issues (Gaspard 2006).

## 6.2 Changes in non employment

A special attention is paid to the (non)employment issue in the gender equality policies in France (the Department of Women's Rights and Gender Equality is placed under the authority of the Ministry of Work). The changes in the employment policies affect women in various ways. Many actors from the civil society as well as politicians have criticised the lack of implementation of the law to promote equality at work. Here, some examples tend to demonstrate how both the structural intersecting inequalities and the lack of consideration of intersectionality in employment policies, reinforce discrimination among women at work place, or, at least, limit the efficiency of governmental action programs.

First, to promote equality at the work place, several actions and strategies have been engaged in. The tripartite conference on equal pay and professionals in November 2007, adopted a plan for equal pay in companies with more than 50 employees. They must put in place by 31 December 2009, a plan to eliminate the pay gap between men and women. The violators will only risk financial penalties from the beginning of 2010.

### 6.2.1. The (non)implementation of equal pay policy and the class issue.

A part of that, the remarkable and publicised measures aims to encourage female entrepreneurship. The Secretary of State for Business and Foreign Trade has established ten lines of action to facilitate creation of companies and business activity. For example, the FGIF (Guaranteed fund for the creation of companies) is a device to encourage access to bank credit. It was created in 1989 and reinforced in 2007. The "Equality label"<sup>32</sup> rewards 40 large companies. Their evaluation is made considering the actions within the companies to promote equal opportunities, evaluation of management of human resource, and the place given to family issue in the companies. The measures to reduce inequality in the professional field tend to favour regulation within companies whereas direct intervention of the state or local authorities is postponed.

If no big turn can be observed, the tendency to the incentive measures targeting women or companies is enforced to the detriment of sanctions against companies or sectors that maintain pay gap between men and women or that do not favour careers of women. Moreover, those measures do not consider the economic dimension. Women with low qualifications are less likely to set up their own businesses. At the same time, negotiations around wages and careers take place in each company, which might reinforce inequality among women at the work place (thus depending on the wills of the social partners and the importance given to gender issue in the company).

More considered, the efficiency of conciliation policies, is also limited as far as class and racial issues and domestic work are not enough considered. We have seen how French traditions and political

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<sup>32</sup> [http://www.travail-solidarite.gouv.fr/IMG/pdf/cartographie\\_19\\_06\\_08.pdf](http://www.travail-solidarite.gouv.fr/IMG/pdf/cartographie_19_06_08.pdf)

conciliation managed to enable women to enter the labour market (to a greater degree than in the rest of Europe). A high rate in women's labour market participation is often seen as a sign of greater economic empowerment of women compared to the matrimonial injunction and a path to achieve gender equality. However, the participation of women in the work force can be perfectly compatible with their confinement to a social role existing firstly to ensure the well-being of the family, sometimes at their own expense since this implies that women bear a double burden (paid and domestic work). That is why the challenge is to see to what extent the work of and reproductive care, traditionally performed at home by women is valued and distributed between men and women within family. (Fagnani, 1995) In France, the government supports investment in professional women, in a "passive way". Financial benefits are expected to offer a "free choice" to families, even if this freedom is largely conditioned by their income level. At the same time, the State does not interfere in the distribution of roles and responsibilities between men and women within the family, which remain a choice of couples. Support for children is externalised to the market but remains primarily in the private sphere (Jönsson and Morel 2005).

This low valuation of the work of childcare is illustrated by the relatively small amount of parental leave. As a result, the capacity of conciliation to promote gender equality is one more time determined by the economic status of families. Women with modest income are implicitly relegated to their domestic roles as mothers and women with higher incomes can invest in the labour market as men purchasing the services of a childminder. Moreover, the racial division of work and the intersection of ethnic and class issues make those policies doubly discriminating (Kergoat, 2006).

#### 6.2.2. Migration policies and employment: contradictions and limits of a degendered approach

Ariane Pailhé, (2008) shows that French women whose parents migrated to France from North Africa are favourably considered by the media; they are also more successful in education than their brothers. However, they suffer from both gender-based and race-based discrimination. Men of comparable background experience more racial discrimination, but in the case of women, the combination of the ethnic and the gender handicap makes them more vulnerable than their brothers in the end: they enter the labour market later in their lives and spend more time in insecure jobs.

Though, as showed before, the introduction of laws to fight multiple discriminations mainly target discrimination at work place. The cases reported by the HALDE are, on that point, revealing given the major attention given to the employment issue.

However, the containment of immigrant women in precarious jobs or unemployment is persisting (Pailhé) and largely linked to their legal status. The reform of the CESEDA Code (Code for the entrance, the stay and asylum right) in 2006 established that a work resident permit (for non-EU immigrants) is delivered for a limited range of occupations, depending of the country of origin. Most of the occupations offering a resident permit are highly qualified and/or masculine. The denominations "employee of services" or "domestic servant" (employée de maison) do not allow for seeking regularisation on the French territory. Women's exploitation in informal work or precarious jobs and their confinement to the domestic sphere is thus reinforced by measures of treatment of foreigners always being more limited and based on a de-gendered approach (to the benefit of an economical logic).

In the merger of the employment policies, the reform of the social benefits for unemployed also fails to tackle intersecting inequalities. The bill creating the RSA (Active Solidarity Income) includes on the contrary discriminatory provisions for non-EU foreigners.

The RSA, adopted by the deputy chambers on 10th October 2008, is intended to replace the RMI (Minimal wage for insertion) and the API (lone parent allocation). The explanatory memorandum states that the rules for applicability in respect to the RMI and the API will remain the same. Indeed, this is not the case with regard to the rules' access for foreigners.

Seized on September 11 by the Gisti (Group for information and support to migrants), which considers the conditions for non EU foreigners to benefit of the RSA as "excessive and discriminatory", the HALDE emphasised several points that are a problem. The law imposes them to have held "for at least five years a residence permit allowing them to work". The HALDE believes that this requirement "is a difference of treatment, between French nationals and foreigners and among foreigners, which is prohibited by the International Labor Organization (Convention 118 of the ILO) and contrary to international conventions (European Social Charter of the Council of Europe, European Convention of Human Rights, law and directives, EU-third country agreements' Evian, etc)" HALDE, Deliberation N 2008\_228 of the 24th of October.<sup>33</sup> This requirement also concerns the partner whereas before, only

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<sup>33</sup> [http://www.halde.fr/Deliberation-relative-au-projet-de\\_12589.html](http://www.halde.fr/Deliberation-relative-au-projet-de_12589.html).

the proof of the regular stay on French territory was necessary. The difficulties faced by women migrants to obtain a residence permit of a worker is thus doubly discriminating as far as they will not be allowed to benefit from the minimal allowance if they came to France following a family reunification procedure.

Another revealing recent example demonstrates how social policies might interfere with each other. The veil affair (at school place) is considered as a major turning point in terms of intersectionality. A recent law proposal aims to prohibit the wearing of the Hijab /Islamic veil and other religious signs in a large range of occupations. The law proposal of the 14 October 2008 N°1080 (not ratified yet): the law proposal prohibits the wearing of religious and political signs to every person "entrusted with public authority, in charge of a mission of public service or to participants to a public service"<sup>34</sup>. The goal invoked is to reaffirm "the principles of equality and mutual respect". The examples quoted to support the proposal are the prohibition of the Islamic Veil at the university in Turkey and the problem of Muslim mothers who seek to participate in pedagogical activities in French public schools<sup>35</sup>. One more time, the defence of secularism and the defence of women reinforce the "neutrality of public authority". But here, the measure officially bans Muslim women wearing a veil from public occupations, from being elected and, in a broader sense, to participate in those activities addressed to the public. Worse, it excludes Muslim women from a range of visible feminized activities, in particular education, health, and social work etc. and ratifies current practices of discrimination against Muslim women. Thereby, it contradicts the EU directive 2000/78/CE which prohibits, concerning employment, the discrimination based on religion, disability, age and sexual orientation. It is also opposed to the mission of the HALDE, which has already condemned perpetrators (universities, employers, services providers) of discrimination against women wearing a veil.

### **6.3 Intimate citizenship: still an unarticulated approach**

As said before, in intimate citizenship it is first of all worth noting that gender as a category is not always revealed/made visible as an intersectional category in France. We can assume that the essentialisation/ the naturalisation of health and sexualities maintain intimate citizenship in a de-gendered, de-racised perspective.

Except when referring to the cost of the health services or the legal restriction of public health insurance (especially for migrant and the poorest women), all the issues related to intimate citizenship refuse to consider intersectional dimensions. Thus, assisted reproductive technologies are still only dedicated to the treatment of infertility and prohibited to gay and lesbian couples. Adoption by homosexual couples remains prohibited in spite of the condemnation of France by the European court for Human rights on the 22 of January 2008. Except concerning the PACS, the lack of consideration for LGBT people exclude them from basic rights. From here, the possibility for gay and lesbian couples will depend of their economic capacity to go Belgium or Spain for adoption or insemination procedures. Concerning foreigners, the invisibilisation of LGBT people creates a juridical problem. LGBT partners are not eligible for family reunification procedures.

In the field of reproductive health issue, there is no articulation of intersecting dimensions in the discourse and the gender issue often remains unquestioned. Concerning abortion, the latest studies concerning voluntary interruption of pregnancy published on the website of the Ministry does not provide data about social, economical or cultural background of the seekers. (DRESS 2008) However, the last propaganda campaign led by the Ministry of Health and the INPES (National Institute of Health Education and Prevention) concerning contraception aimed to promote a large range of contraceptive options, and is addressed to both men and women. The slogan chosen reveals a breakdown with the previous campaigns: "The best contraception is the one we choose". The campaign put forward the diversity of women's and couples' experiences and the need for contraception. The price of the contraceptive devices are also mentioned. According to the Movement For Family Planning, this campaign mirrors an effort to acknowledge the various experiences of women throughout their lives and marks a breakdown with the traditional conception of couple and sexuality.

In the intimate citizenship issue, intersectionality is not much considered. The intersection issue on the

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<sup>34</sup> <http://www.assemblee-nationale.fr/13/pdf/propositions/pion1080.pdf>

<sup>35</sup> No reference to other religious signs (especially those worn by men) is mention in the text supporting the law.

contrary rejected in the recent debate on family, as far as it excludes homosexual couples from most of the basic rights concerning adoption and reproduction. Thus, marital/family status is the primary inequality axis and sexual orientation and age as well as gender are related to the marital/family status. In the area of health, age and marital status are now taken into account to create contraception and abortion policies whereas class is indirectly targeted in the debate on the price of reproductive health. Here, the concerns for various forms of inequalities are not mentioned *per se*, but as a way to take into account a wider range of women's experience. Still, it is noticeable that migrant and racialised women are not considered in the issue of intimate citizenship as far as they are primarily considered as "victims" of gender based violence and whereas (even though) their legal status largely depends on their marital one.

#### **6.4 Gender based violence: the favourite spot for the production of a discourse on alterity and double discrimination.**

The second "12 Points Plan to Fight Violence Against Women" was published in 2008<sup>36</sup>. It tackles violence through prevention programs, professional trainings and measures in favour of women's autonomy. This plan does not take into account forced marriage and genital mutilations and does not pay special attention to migrant women victim of domestic violence. A part of the Mail Policy Action Plan, a specific section dedicated to "immigrant women" only focuses on gender based violence, described as "contrary to the Republican values". There, only forced marriage and female genital mutilation are considered and the prohibition of polygamy is recalled. Without recalling here the legal dispositions described earlier, it is noticeable how a specific group of women is designated and associated with specific forms of violence. General and "common" domestic violence concern all women whereas only immigrants would face the forms of violence seen as contrary to the Republican Principles. Moreover, FGM, forced marriage, and polygamy do not exclusively concern migrant women. Thus, under the term "migrant women", the government designs violence faced by women abroad and by non-migrant female French citizens. Migrant women are seen 'in terms of a range of social problems' (Roggeband and Verloo 2007, 263) within the issue of gender based violence.

Concerning the U.S., Leti Volpp (2006) shows that behaviour tend to be ascribed to individual violence when the actor is white; whereas when the actor is an immigrant of colour, the behaviour is assumed to characterise the culture of an entire nation. The result of such discourses might be an exaggerated perception of ethnic difference and the denial of the reality of gendered violence prevalent in the mainstream white French population. Two parallel movements are finally detrimental for the reduction of gender based violence for every woman.

As far as non EU migrant women face a French migration policy which establishes very restrictive conditions for entering and settling, and that gender inequalities frame the experience of migration, it is obvious that female and exiles in France face complex situations, especially concerning violence, at the intersection of oppression faced by women and discrimination faced by immigrants. The lack of concern for gender issue in the migration policies makes migrant women more vulnerable when they face domestic violence (Lesselier 2003). Indeed, to keep their temporary resident permit, women in France with a "private life and family life" permit, that is most of the immigrant women-, are subordinate to the continuity of the "joint life" of the couple. The proof must be done every year, with the husband being present. In each instance, it the very meaning of "joint life" ("communauté de vie") assimilated to "cohabitation" as applied by the Prefectures, is not questioned. It is an outdated concept of the family and of conjugal ties, out of touch with social realities, it denies family reunification outside marriage, and it does not recognise homosexual couples' rights (DoubleViolence 2004).

Thus, women victims of violence divorcees, lose the resident permit and can be deported by the French authority. Most of the shelters for victims of violence are not allowed to host them. Whereas domestic violence is a social concern and a legal offence, immigrant women cannot leave their homes without becoming illegal themselves

This brings the discussion back to Kimberlé Crenshaw's 1991<sup>37</sup> article about the difficulties faced by women of colour victims of domestic violence. She shows the invisibility and the isolation of coloured women victims of violence when the political discourses on race and gender stigmatise minority groups whereas political intervention does not create the social condition which would allow them to complain or resist.

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<sup>36</sup> [http://www.travail-solidarite.gouv.fr/IMG/pdf/plan\\_VL-2.pdf](http://www.travail-solidarite.gouv.fr/IMG/pdf/plan_VL-2.pdf)

<sup>37</sup> Crenshaw, Kimberlé W. (1991). *Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color*, Stanford Law Review, Vol. 43, No. 6., pp. 1241-1299.

## 7. Conclusion

The history of equality policies in France reflects various influences and historical trends. During the emergence of the economical crisis in the 1980's France developed a frame of equal opportunities policies integrating concerns for gender issue, but still, in the frame of the social security system established after the WWII. It is only recently, at the beginning of the 2000's, that a shift towards an "anti-discrimination policy" that aims to tackle a wider range of inequalities took place.

The literature review explains how researchers and feminists have had consideration for the articulation and the intersection of inequalities since the late 1970's and how they continue to address this question today. Their approach to intersectionality tries to examine the ways in which various socially, historically and culturally constructed categories interact on multiple levels to manifest themselves as inequality in society. Intersectionality holds that the classical models of oppression within society, such as those based on race/ethnicity, gender (included sexuality), religion, nationality, sexual orientation, class, or disability do not act independently of each another. Instead, these forms of oppression interrelate, creating a system of oppression that reflects the "intersection" of multiple forms of discrimination. Those categories are used for analysis and the research aims to reveal their permanent reconstruction and articulation. They claim the need for a holistic approach that takes into account all dimensions in the analysis and when tackling inequalities.

The implementation of the 2003 anti-discrimination law reveals the acknowledgment of multiple inequalities in the political field in France. Nevertheless, the law does not address multiple inequalities as intersecting in the sense as developed by researchers and feminists. The machinery implemented in France (the HALDE) considers *discrimination* faced by individuals or "minority groups" as the base of inequalities. Discrimination is, in general, considered as unarticulated and additive. Inequalities issues are recast in terms of discrimination. Nevertheless, this shift represents a big turning point as far as the state tackles discrimination according to a large range of criteria (sex, disabilities, religion, origin, age, sexualities). In the context of economical crisis, high rates of unemployment, the main area of intervention and prevention of discrimination is the labour market. It implies that employment is seen as the privileged path to decrease inequalities.

The consequences of the anti-discrimination approach for gender equality are still ambiguous and remain dependant on the general political context. Did that approach reduce the implementation and efficiency of gender+ equality policies? To what extent does it hide and normalise gender inequalities as a form of discrimination like any other?

Since the creation of the HALDE, the body dedicated to gender+ equality policies implementation (The SFDE, -Body for women's rights and equality) has been integrated in a large ministry. Its purpose is questioned since the creation of the HALDE and the adoption of the transversal gender mainstreaming approach. A strong resistance is organised by civil society, but the definitive disappearance of the SFDE would confirm the worries of feminists concerning discrimination policies (after the successive disappearing of the Ministry and the general secretary of women's rights in the last 3 decades). In 1983 F. Picq underlined that gender inequalities cannot be completely tackled through antidiscrimination approaches. Antidiscrimination actions can not be sufficient to take into account all the dimensions of women's oppressions, and especially their specific needs and concerns.

But as this report has shown, the introduction of the HALDE may not lead to the conclusion that gender disappears from the policy agenda or is endangered by a multiple inequalities approach. In fact, by separating gender from the other inequalities in legislation and equality bodies, gender perhaps receives more attention than it would had it been treated as one among others on the long list of inequalities.

As examined in the third chapter, gender equality policies mainly consist in equal opportunity policies that have focused on employment and reconciliation issues. At the same time, two global action plans to fight gender based violence have been implemented (notably thanks to the lobbying of civil society). Fouquet et al. (1999) noticed the shift in the political model of gender (gender regime) from one based on both an individual/feminist perspective (women's emancipation) and a family oriented one, to the promotion of a conservative approach based on a family oriented universalist approach and gender complementarity.

Globally, policies consider that groups or individuals suffer from "extra discrimination" whereas gender equality remains the base for action. In fact, if other inequalities are tackled by the law against discrimination, they are unarticulated and do not result to an intersectional approach. Other

discriminations have been also been integrated in the gender equality policies, especially concerning gender based violence, still, multiple discriminations are seen as additive/cumulative.

Considering structural intersecting inequalities (and mainly gender, race and class), the question emerged from the last chapters was: how do gender policies and the promotion of equal opportunities for women tackle other inequalities? Does gender mainstreaming contribute to the production or the reinforcement of other inequalities? Those questions are linked to the concerns for structural inequalities, their forms and the political construction of social groups.

Observing intersecting inequalities, the gap between reality and policies looks huge. Organisations and researchers have underlined for many years the need for an intersectional approach in equality policies considering that they can reinforce inequalities while obscuring their dependency. For example, gender policies in employment, aiming to promote individual entrepreneurship and job opportunities adapted to the current crisis of the labour market do not tackle, and can worsen, the situation of women from low economic background. The promotion of equality at the work place and the reconciliation policies can reproduce class inequalities when the deterioration of working conditions and general employment are not resolved, or at least considered jointly. In this view, the law that aims to guarantee a status and a minimum of qualification to care workers mirrors an intersectional approach although it also results in a low level of income of those female workers and does not solve the problem of migrant women who are not allowed to work legally.

The attention paid to the effects of gender equality policies on the migrant population looks contradictory. Whereas discourses about poverty and discriminations denounce the lack of integration and lack of autonomy of women from minority groups, many measures and legal codes de facto limit access to employment and social benefits for non EU (female) migrants. The legal frame of immigration remains de-gendered and most of the reforms of the last 20 years aiming to limit settle immigration have reinforced migrant women's dependency on their husbands. After the 2001 events, and more so since the new right wing government of M. Sarkozy came to power, the increasing concerns of gender based violence within the immigrant population tends to construct migrant and radicalised women as victims, and to designate some ethnic minority groups (especially the Muslim ones) as the main perpetrators of gender based violence. The equating of migrant women, French women belonging to ethnic minorities on one side, and of violence of origin countries of migrants on the other side, maintains confusion and hinders attempts to tackle gender based violence. Moreover, the discourse on otherness, cultural difference and migration (often equating to violence abroad, FMG and to domestic violence and rape) can hide or marginalise violence faced by Franco-French women. As pointed out by Roggeband and Verloo (2007, 268) for the Netherlands, "the problem of the emancipation of [...] women dissolves as migrant women have become a new point of reference for emancipation policy" and might "invisibilise" the remaining or emerging problems among French women. It conceals the work of feminists and researchers to analyse violence in a gender perspective by creating a discourse on cultural difference and religion/traditions.

In spite of the 2003 law and the consideration for a large range of inequalities, an intersectional approach is only partly explored; intersecting inequalities are not all considered in general policies. Whereas ethnicity, religion, gender, and, to some extent, class issues are considered and sometimes articulated in legal frames, it is noticeable (and denounced by organisations from the civil society and the left wing parties) that disabled, old people and LGBT persons are not targeted in recent political devices and thus remain victims of higher discrimination. Doing so, anti-discrimination policies also tend to fuel the political "competition" between inequalities.

The criticisms directed towards the multiple approach and intersecting policies recall that the policies are still not built on the observation of structural inequalities. First, no tools are available to evaluate other aspects of inequalities. The debate around ethnic statistic has rejected the collection of information about ethnic background, religious belonging and sexual orientation of French citizens (Fabian 2007). This sensitive topic in France reveals the difficulties to tackle racial and ethnic inequalities while the acknowledgment of ethnic/cultural belonging is contrary to the Universalist republican definition of the "French citizen". The lack of data about racial and sexuality/sexual orientation based inequalities reveals both the ideology of sameness embedded in the French political frame and ideology and the fear to essentialise/naturalise ethnic relations. Still, if discriminations against men and women from non-EU background remain, they are still scientifically difficult to evaluate. The articulation of race and gender issues can only be perceived through the immigration

and the spatial location. Discrimination against citizens and foreigners living in the banlieue/suburbs as well as inequalities between immigrants and French citizens are the main entrances to tackle the articulation of race and gender inequalities, even if they cannot take into account many situations.

Secondly, the concern for multiple discriminations does not manage to understand their articulation and their mechanisms. Thus, addressing the idea that all the discriminations are treated on the same level, antidiscrimination policies do not mirror the reality of political choices and policies that do not target every discrimination with the same strategy; their interdependency; their heterogeneity and different dynamics.

Since numerous structural intersectionalities play a role by creating a context for discussion, revealing people's experiences within society and structuring social relations, Crenshaw puts forward the importance of political intersectionality and the core role of public policies in the production/reproduction of inequalities. Crenshaw allows us to analyse class, gender, sexuality, age, disabilities and ethnic/racial relations in a geometrical perspective rather than in a cumulative one: the multiple positions of women in these relations produces various experiences and social positions which can be tackled through intersectional and identity policies and concepts. Still, French researchers have always tried to fight against the naturalisation/essentialisation of (gender) inequalities (Delphy 2008, Mathieu 1970, 1981) and are sometimes reluctant to the acknowledgment that various "identities" can be, in a sense, opposed to Crenshaw's analysis of discrimination (seen as individual experiences) and tend to renaturalise other dimensions of inequalities .

Elsa Dorlin (2005) and Kergoat (1978, 2006) criticise the definition of intersecting inequalities in terms of "hot spot" or "target for action" raised up by the anti-discrimination policies which isolate women "located" at the junction of two intersectional inequalities. This position might naturalise those discriminations and standardise various social positions. This criticism also addresses Crenshaw's intersectionality which might fix the social positions and isolate social and political intervention creating predefined categories.

According to Hirata et al. 2003(1994) the failure to achieve gender equality and to fight all forms of discrimination is not a consequence of the denial of women's and minorities' experiences. It is first and foremost a symptom of failure of a political model based on the reproduction of a one and indivisible sovereignty, unable to integrate concrete human beings who are sexually/culturally differentiated. The law concerning the veil is the most revealing example of the limitation of the anti-discrimination policy. Thus, the way intersecting inequalities are dealt with in policies shows that France is not engaging in a diversity policy and does not shape the ideas of differentiated citizenship or a multiculturalist approach. It is particularly noticeable that, far from being really articulated in policy action, gender issues are often used to legitimate political intervention around different issues: secularism, security policies, urban policies etc. "We are thus confronted with an instrumentalisation of gender based on logics that are both racist and sexist" (Roux et al 2007).

The rapid observation of the construction, the discourse and the effect of intersectional approaches in social policies aiming to fight (gender) inequalities testify to the need for a better intersectional approach. But the counterpart is an integration of intersectionality in all the fields of political intervention as it has already been engaged around urban policies in the French *banlieues*. If gender equality policies fail to integrate all dimensions of inequalities, their difficulties and limits are above all due to the unarticulated approach of general employment policies, immigration policies, health policies etc. Whereas the isolation and individualisation of social positions - in the multiple antidiscrimination approach - are unable to effectively reduce inequalities, the articulation of inequality systems looks more able to seize the dynamism and the recomposition of inequalities and to draw paths to reduce them. At least, it aims to avoid the (re)production of exclusions.

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