

# The Contemporary Conversation about the French Connection “Liberté, égalité, fraternité”

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# *The Contemporary Conversation about the French Connection “Liberté, égalité, fraternité”: Neoliberal Equality and “Non-brothers”*

Réjane Sénac

## Introduction

- 1 As the global crisis that began in 2008 takes the shape of a lost decade, Western neo-liberal democracies appear, more than ever, to be reproducing social and economic inequalities<sup>2</sup>. The promotion of parity and diversity in France must be scrutinised in this context. More specifically, this article aims to grasp what contemporary uses of parity and diversity say about the principle of equality in 21st Century French society. From this perspective, the resilience of gender, race and social inequalities, will not be seen as a mere imperfection in implementing the French principles of “*Liberté, Egalité, Fraternité*” in a “non-ideal theory”<sup>3</sup>, but as an illustration of the ambivalence inherent to these very principles. The promotion of parity and diversity will thus be analysed as a case study to understand the dilemmas affecting French republican thinking about equality<sup>4</sup> and the challenge of ensuring that singular individuals become *de jure* and *de facto* equal citizens. The principles of justification for parity and diversity will then be analysed in order to shed light on the dilemma faced by a republican equality which excluded those who were not considered as brothers<sup>5</sup> in the name of a gender and racially based hierarchy. France

embodies the dilemma of a principle of equality that promotes Human Rights, the exclusion of women from active citizenship and colonization.

- 2 Since the Paris terrorists attacks perpetrated in January and November 2015, these dilemmas have become crucial to the French republican order, as they determine to what extent this order can accommodate differences without breaching equality, and (re)generate the inclusion of all categories of citizens.
- 3 The purpose of this article is to show why equality has remained out of reach in contemporary France<sup>6</sup>. The analysis of the contemporary conversation about the French connection “*Liberté, Egalité, Fraternité*”<sup>7</sup> will draw on the study of the discursive politics of parity and diversity in France from the mid-2000s to the early 2010s. From a discursive perspective, diversity is often conceptualized as a fundamentally depoliticizing discourse<sup>8</sup> which avoids the contentious juridical repertoire of anti-discrimination<sup>9</sup> and the processes of racialization<sup>10</sup>. The main research question guiding this research can be framed as follows: how do the justifications of equality policies for “non-brothers” challenge a French republican equality that is entrenched in a universalistic tradition?
- 4 My hypothesis is that the aim of French parity and diversity is to shape a new social contract which shows former Republican meritocracy to be a matter of social effectiveness and economic performance<sup>11</sup>. Similarly to parity<sup>12</sup>, diversity framed as a driver of policy innovation, is not a French exception, but rather a discursive strategy to be understood in the light of at least two phenomena: the challenges posed to European societies by the growing recognition of differences, and policy transfers from the EU-level designed to address multiple types of discrimination (gender, age, race, sexual orientation, disability, etc.) using the same policy and legal paradigm for all of them.
- 5 From this perspective, the promotion of parity and diversity contributes to institutionalizing some sort of ‘conditional equality’, subject to the ‘performance’ of differences for “non-brothers”. Performance is meant here both as a *mise en scene* and a market value. In that sense, the politics of diversity and parity can be read as the meeting point of a sexist and racist legacy and a neoliberal rationale. Indeed, these politics legitimate the inclusion of women and “non-whites” for the same reason they were previously excluded: the fact that they were classed as different from the then norm (white men) led to a decrease in their value whereas this difference is now seen as an added value. However, this means that although they are positively distinguished and included in the name of their difference, they are still not recognised as equals.
- 6 Where gender-based and racial differences were once factors for exclusion, and subsequently discrimination<sup>13</sup>, they have now become factors for inclusion<sup>14</sup>, and even for resources<sup>15</sup>. The promotion of parity and diversity has become part of the institutionalization of an equality based on difference<sup>16</sup> which is expressed as the political rationality<sup>17</sup> of “neoliberal government”<sup>18</sup>.
- 7 This hypothesis was tested by cross-referencing analysis of policy documents with two qualitative surveys carried out at a time when parity and diversity were showing incipient signs of institutionalization. For analysis of the ‘ideological tinkering’<sup>19</sup> around the implementation of parity laws, interviews were carried out in 2005-2006 with 83 political and NGO leaders. For analysis of contemporary French use of diversity<sup>20</sup>, 163 personal interviews were carried out in 2008-2009 with political, institutional, economic, trade union, religious and NGO leaders, and academics.

- 8 This article will firstly present the specific features of French-style diversity as compared to the European and American versions. Secondly, it will explore the shift from parity to diversity politics, both in discursive and policy terms. Thirdly, it will briefly focus on the main arguments surrounding the rise of equality conditional to performance, analysing whether the accumulation of discrimination criteria could both constitute an asset for political, social and economic inclusion, and an obstacle to being fully recognized as a 'peer'<sup>21</sup>. In other terms, French diversity is interpreted as an 'ambivalent positive intersectionality'<sup>22</sup> which embodies the end of politics at the meeting point between a sexist and racist legacy, and a neoliberal rationale.

## Specificities of French-style diversity as compared to the European and American versions

### Diversity as a European and National Issue

- 9 The notion of diversity has gained increasing relevance at EU level<sup>23</sup>, with the shift from an inclusive and vague meaning addressing European diversity in general terms - including language and culture in the first place<sup>24</sup>, to a principle of justification for the application of EU provisions on concrete discrimination grounds such as those mentioned in Article 13 of the Amsterdam treaty (which became article 19 of the Lisbon Treaty in 2009). As underlined by Lanquetin<sup>25</sup>, the European Court of Justice (ECJ) has developed a comprehensive understanding of the notion of discrimination (including indirect discrimination), which has paved the way for binding and concrete implementation of the principle of non-discrimination.
- 10 In France, EU anti-discrimination directives have been transposed relatively quickly and quite comprehensively. Types of discrimination listed in EU treaties were thus complemented by discrimination as a result of civil status, surname, as well as party and trade union membership in the Anti-discrimination acts adopted in 2001 and 2008. Moreover, in order to comply with the 2002/73 directive, an institutional body, the HALDE (Anti-discrimination and Equality High Authority) was established in 2004 to address claims made on the basis of one or several of the 18 (later 20) discrimination grounds listed in domestic legislation. Specific acts were also adopted in 2005 to tackle age and disability-based discrimination. The considerable attention paid to ethnicity and discrimination based on national origin in the aftermath of the (sub)urban riots in 2005, led to a reinforcement of the HALDE. Between 2006 and 2012 when it merged with the newly established Ombudsman's office (*Défenseur des droits*), the HALDE was empowered to request information from organizations accused of discrimination, and granted a limited capacity to sanction offenders. Comparative analysis on the implementation of anti-discrimination policy in the French legal context shows that while some concepts, such as systemic discrimination pose problems for French judges, others, such as indirect discrimination, are increasingly drawn on by judges in their decision-making<sup>26</sup>.
- 11 As far as the legal framework is concerned, in the context of developing the EU's anti-discriminatory laws, France promotes equality through both hard and soft law (charter, label). Analysis of the French promotion of diversity and gender equality reveals tensions between managerial norms and legal-political norms<sup>27</sup>. The normative promotion of gender equality and diversity through soft law, stripped of any binding dimension, "is

also inevitably a *fuzzy law*. Formulated in terms of targets or recommendations, the law loses precision: not only do vague terms tend to multiply, such as ‘charter’ or ‘partnership’, but formulations such as ‘principles’ or ‘standards’ create an area of uncertainty and indeterminacy”<sup>28</sup>.

## The players and norms involved in French diversity politics

- 12 According to a number of authors<sup>29</sup>, the development of policies aimed at promoting diversity illustrates the adhesion of large French companies to a managerial model already strongly present in several countries. Alternatively, such development has been described as resulting from the efforts made by public authorities to increase diversity among the so-called ‘republican elites’<sup>30</sup>. This concern can be traced back to the early 1980s, when some changes were made to the competitive entrance procedure to the most prestigious French *grande école* that produces senior French civil servants (*Ecole Nationale d’Administration, known under its acronym ENA*) in order to increase diversity and tackle the problem of social reproduction. Focusing on these two alternatives, I have examined how this notion was mainstreamed in the French public sphere (including political parties and the media) and how it was translated in the business sector.
- 13 References to the notion of diversity can be found prior to the 2000s: the promotion of (ethnic) diversity was given some relevance after the centre right party, *Union pour un Mouvement Populaire - UMP* defeated the socialist Lionel Jospin, who was the champion of parity acts, to win the 2002 legislative election. Diversity showed its first signs of institutionalization with a Charter for Diversity initiated in the realm of private Human Resources Management in 2004 and was subsequently further endorsed by public institutions. However, it did not fully emerge on the agenda until the 2005 suburban riots<sup>31</sup>. From then to the end of the decade, the creation of a public-owned label for organizations promoting diversity in 2008, various institutional reports commissioned to academics and politicians<sup>32</sup> and the establishing of a High Commissioner for diversity reporting to the Prime Minister (2008) helped to bring diversity issues to public attention. This, however, did not entail that the notion itself had been fully and validly defined.
- 14 Instead, ‘the word diversity itself is relatively grey and does not belong to a conceptual lexicon’<sup>33</sup>. It is used to bring together two contentious issues: the recognition of cultural, religious or national identities in the public arena and of discrimination against members of the groups defined according to these identity criteria.
- 15 In that sense, French usages of the notion of diversity have some similarities with the notion as it first emerged in the United States of America<sup>34</sup>. Initially limited to the management of academic and teaching communities<sup>35</sup>, this notion was subsequently established as an underlying principle for affirmative action, and has been implemented since the mid-1960s. Affirmative action primarily targeted Afro-Americans and was progressively extended to other racial communities and to women during the 1970s. The Regents of the University of California v. Bakke case (1978) established the limits of its application. It also equipped affirmative action with a rationale potentially applicable to grounds of discrimination other than race or ethnicity, assuming that diversity is both an objective and a desirable feature of any human community<sup>36</sup>.

## French-style diversity: critical assessment of a formal equality model

- 16 However, unlike in the UK and the US<sup>37</sup>, emerging debate around diversity in France was not triggered by criticism of the multiculturalist model which is still unanimously rejected in France. It was due to the critical assessment of a formal equality model, which is considered to have failed to ensure both social and national cohesion. The notion of diversity was thus conceived both as a means to put *all* grounds for discrimination on the political agenda and to answer the challenge of ethno-cultural pluralism from a republican perspective<sup>38</sup>. It stands for the promotion of individuals belonging to groups at greater risk of discrimination due to their gender, age, origin or disability. These potential grounds for discrimination, together with the positive character of diversity for human communities, are presented as a justification for the greater social, economic and political inclusion of discriminated groups or individuals. While diversity politics discursively covers all grounds of discrimination contained in French and EU Law - including gender, disability and sexual orientation, its French implementation still primarily targets discrimination on the basis of country of origin and ethnicity and more specifically, addresses the situation of post-colonial migration.

## From parity to diversity politics

- 17 If diversity could so easily and so quickly impose its mark on the discursive framing of French anti-discrimination policies, this is not only due to the convergence of a contingent context (the aftermath of the 2005 suburban riots), and the intervention of external variables in the field of anti-discrimination, but also to the domestic legacy left by parity politics<sup>39</sup>.

## The legacy of parity politics

- 18 The new pathway for constitutional and political culture through the adoption of Parity Acts in 2000 followed a long and contentious process that started and ended with the Constitutional Council<sup>40</sup> and raised a great deal of criticism<sup>41</sup>. Many critics have been prompt to denounce the risk of opening a Pandora's Box by recognising differences between citizens. The next decade somewhat confirmed their apprehension, as parity debates have clearly been considered a starting point for the reframing of equality and anti-discrimination policies.
- 19 Parity is positioned politically and theoretically as an exceptional way to deal with specific disparities that does not call the republican model of equality into question. However, as Ann Phillips points out, a policy transfer from parity politics to diversity politics has occurred<sup>42</sup>.
- 20 This policy transfer is endorsed by advocates from other discriminated groups. The president of the National Council of Black associations (CRAN) thus considers that parity acts have paved the way for other claims and struggles against discrimination, in particular on the grounds of ethnicity. The 2008-2009 diversity survey show that the emergence of policies aimed at promoting diversity was made possible by the new discursive pathway opened by parity politics. Both parity and diversity policy have

contributed to unravelling the complexity of links between equality and identity policy, universalism, liberalism and essentialism<sup>43</sup>.

### **Orderly pluralism<sup>44</sup>: the intertwining of actors and norms**

- 21 This process is strongly connected to the mainstreaming of diversity jointly implemented by private organizations – in particular in the area of human resources management, and among public actors. This is evidenced by the genuine promotion of diversity as part of a more general discourse on private and public management, initiated in 2004-2006, when the Secretary of State for Equal Opportunities, Azouz Begag, travelled the country to promote the Charter for Diversity. The Charter was launched as the result of a private initiative following the publication of a report entitled “*Les oubliés de l'égalité des chances*” (“Those left out of the equal opportunity equation”) by the Montaigne Institute think tank. Policy actors again endorsed private initiatives in the field of diversity in 2008-2009, when the ‘diversity label’, designed by the National Association of Human Resources Managers (ANDRH), was launched by the public certification body (AFNOR), under the patronage of the Ministry of Integration, National Identity and Solidarity. From those two situations, it can be inferred that the legitimization and dissemination by public authorities of a model for the management of diversity originally negotiated among private businesses, social partners and policy actors, have contributed to shaping the promotion of diversity as the underlying norm of equal opportunity and anti-discrimination policies<sup>45</sup>.
- 22 In the 2005-2006 survey on parity, left-wing political and NGO representatives rejected this approach which they see as the subordination of the republican model to neo-liberal norms. From their point of view, this process shows how policy and social actors are engaged in a re-framing of French republican universalism. Therefore, for the sociologist El Yamine Soum, the promotion of diversity does nothing other than assign identities in a ‘them vs. us’ model<sup>46</sup>. The president of the French Human Rights League, Jean-Pierre Dubois, qualifies French-style diversity as a euphemism which ‘covers our colonial racism with a secular hat’.
- 23 This re-framing which emerged in a context marked by a desire to restore the republican order after the 2005 riots, was thus fueled by economic arguments in a context created by the 2008 financial crisis, such as the need to draw upon the “full pool of talents”. From that perspective, diversity politics embodies a shift from a legal to a management approach to discrimination, also characterized by a blurred reference to ethnicity and origin.

### **Promoting diversity without fighting against discrimination?**

- 24 In the 2005-2006 parity survey, policy stakeholders tended to establish a link between the promotion of diversity and the fight against discrimination, assuming the superiority – both in theory and practice - of social and territorial criteria. In an interview after she had become State Secretary for urban policy, Fadela Amara, former president of the NGO ‘*Ni putes ni soumises*’, (Neither Whores Nor Doormats) stated that she considered the promotion of diversity to consist in “making the republic just as inclusive for Mohamed as it is for Benoît”. An explicit political objective was therefore ascribed to diversity politics: producing social and national cohesion.

- 25 Quoting himself as an example, Eric Besson, a former socialist who was born in Morocco and who served as Minister for Immigration, Integration, National Identity and Fair Development from 2007 to 2010 during Nicolas Sarkozy's presidency, underlined that although 'the French republic is not about uniformity, France is a melting-pot', it is 'more than just the mere sum of multiple identities'. Following a similar pattern, after mentioning her Italian origins, Nadine Morano, then State Secretary for Family Policies, explained that in France, characterized as it is today by multiple waves of immigration, 'diversity is part and parcel of the republican dynamic'. This French framing of the notion of diversity is better illustrated by Henri Guaino, former special adviser to President Sarkozy, who qualified diversity as 'ethnic secularism' (*laïcité ethnique*) which helps to guarantee national cohesion through 'a new social contract that recognizes individual talents and merits'.
- 26 While diversity was being mainstreamed by the centre right governments in office from 2001 to 2012, NGO representatives and left-wing parties frequently rejected it as a "*cache-sexe*" ("fig leaf")<sup>47</sup>, in other words, a euphemism which hides structural inequalities through tokenism. Sandrine Mazetier, the Socialist Party's National Secretary for Immigration, denounced it as introducing a division between 'good' and 'bad' migrants<sup>48</sup>, primary and secondary discrimination. Houria Bouteldja, founding president of an NGO called '*Les Indigènes de la République*' (Natives of the Republic), defined the promotion of diversity as 'a condom for the Republic' (using the term as a metaphor, in that diversity protects from the risk of social unrest, keeping outside post-colonial elements from entering the inner circles of French republican elites). In her view, French-style diversity is merely a safe means to address the frustrations and anger of those who feel discriminated against, without truly challenging inequality. From this perspective, for Yvette Roudy, first Minister for Women's Rights ever appointed in France (1981-83), diversity is thus similar to a process of *substitution*: 'when you erase the word equality, you also erase the notion itself, diversity is not the same as equality'.

## Equality conditional to performance for "non-brothers":

- 27 "Diversity is good for business", "Diversity provides added value", "More immigrants improve growth". These arguments are more and more frequently used by politicians, international organizations and NGOs both at the international and national levels. The survival of the Welfare State and equality policies is based on a reversal of creed: it is equality and not inequality<sup>49</sup> which is "better for all" to quote from the title of a book by the British authors Kate Pickett and Richard Wilkinson<sup>50</sup>. Numerous reports legitimize equality policies as an investment that costs less than it yields if economic and social "performance" is taken into account. By way of example, the OECD report<sup>51</sup> justifies policies of redistribution and gender equality as a lever to increase economic growth, in particular because it argues that education is an attractive investment for all and not only for those from the highest socio-economic background. The link between the international aims of development policies and investment in women is also defended by the World Bank in particular<sup>52</sup> and the International Monetary Fund<sup>53</sup>. The 2014 campaign run by the non-governmental organization 'Women Deliver' entitled "Invest in Girls: Everybody Wins" can also be cited here<sup>54</sup>.



- 28 Analysis of the French case provides evidence of the link between the promotion of parity and diversity and the rampant institutionalization of a principle of equality subordinated to how difference performs, both in terms of profitability and representation (standing for/acting for)<sup>55</sup>.
- 29 If simultaneously framed as a value, an objective and a right, how can the republican and politically liberal notion of equality<sup>56</sup> still be distinguished from this neo-liberal approach in terms of social investment<sup>57</sup>?
- 30 From the mid-1990s onwards, social investment policies became an inherent part of social policy both in Europe and in certain Latin American countries<sup>58</sup>. Social investment theories demonstrate that offering the best possible future to the underprivileged and to their children ensures that the human capital opportunities they represent will not be lost.
- 31 In *Investir dans le social*, published in 2009, Jacques Delors and Michel Dollé dedicate a chapter to a "more active family policy" which concentrates on the employment of women and ensuring that a work-family balance is respected. Latin America also offers an example of conditional monetary transfers, the privileged means of action in a majority of countries, which consists in providing financial support to underprivileged mothers conditioning them to expect that their children will get the medical care they need and attend school.

### **The new spirit of capitalism: subverting the principle of equality into a neo-liberal framing**

- 32 In a European context marked simultaneously by supranational anti-discrimination policies and the crisis of multiculturalism, the use of diversity in contemporary France was designed by members of centre right governments as a neo-republican answer to the crisis of the integration model and by economic stakeholders as a sort of 'virtuous liberalism' in answer to the economic crisis. In response to the growing fragmentation of French society the political function of diversity was thus intended to preserve social and national cohesion by framing difference as an asset. The 2005-2006 parity survey underlines that French-style diversity combines community-based calls for recognition and the virtues of the self-made individual. It can be analysed through the challenges it poses to the coherence of the social and national contract, showing that 'Marianne (France) needs to see a psychoanalyst to figure out who she is' as the businessman and founding president of Business Angels of the Cities Aziz Senni said when interviewed.
- 33 Left-wing political and NGO leaders have frequently linked the appointment of female ministers, Fadela Amara, Rachida Dati and Rama Yade, to a post-colonial Sabine's rapt syndrome. For former minister Azzouz Begag, this embodies 'the colonial idea according to which "we shall vanquish them by taking their women"'. As the historian Pap Ndiaye<sup>59</sup> specifies: 'the conjunction of gender-based and racial criteria is in keeping with the political aim to decrease the visibility of ethnic minorities and women in the public sphere'. Similarly, sociologist Nacira Guénif argues that 'indigenous women' who are appointed to positions of power in fact find themselves in a weakened position given that they are chosen precisely because of their gender and race. This creates a subordinate relationship with them in a context where the norm is the following: "non-white women being co-opted by white men". The empirical data used to support this analysis show that

the promotion of parity and diversity can be understood as an ‘ambivalent positive intersectionality’ as it brings a neo-liberal conception of republican merit and the reactivation of the post-colonial framework together.

- 34 From this perspective, left-wing political and NGO leaders and academics denounce the discursive shift from republican equality to a ‘new capitalist spirit’ as fundamentally political<sup>60</sup>.

### **A new brotherhood or Dial M for Murder: killing equality in the name of equality?**

- 35 What Fraternity, Parity and Diversity have in common is that they concretely address the issue of creating a citizen-based and national community. All three provide an essential pathway to implement the fundamental principles of equality and freedom. It is indeed necessary that citizens be recognized as brothers in the sense of Arendt’s concept of being seen as similar<sup>61</sup> and therefore being treated as equal and free.
- 36 However, the relations between diversity and fraternity are ambivalent. Indeed, although promoters of diversity claim a connection with social justice in the name of successful inclusion, they distance themselves from a Christian conception of fraternity as charity. Can diversity be considered as the implementation of a secular and inclusive fraternity?
- 37 For Malek Boutih, former president of SOS Racism (1999-2003), and in charge of the societal issues portfolio there at the date of the interview, parity and diversity are part of the “cunning of history”<sup>62</sup> towards equality. According to him, “society moves forward as a result of its contradictions, and the role played by ideology accelerates the process. In the case of parity, the assertion that women create peace is false in the short term, but true in the long term because parity opens the door to diversity.” However, he underlines the contradiction between the fight against structural discrimination and the fact that advocates of diversity adhere to the ultraliberal discourse of individual responsibility. He specifies that “we cannot go from the end of discrimination to nothing, discrimination will persist as long as it is not replaced by a new order”. When interviewed in the 2009 diversity survey (see above), Pap Ndiaye, Professor of History at the School for Advanced Studies in the Social Sciences (EHESS) echoed this warning by focusing on the long term and underlining that “it is a political moment, not in the sense of Hegelian deployment, but as the expression of the shifting balance of power in politics”. Along with Pap Ndiaye, Sihem Habchi, then president of the NGO “*Ni putes ni soumises*” and member of the HALDE, begins her interview by qualifying diversity as a “portmanteau word, a junk word”. She goes on to discuss the tensions between the virtues and problems it poses. Thus, she prefers “to understand it as the echo of a racially mixed French Republic (*République métissée*)”. In her view, “the issue of diversity should not blur the notion of equality, but on the contrary should build up the pragmatic foreground to go beyond multiculturalism towards a universalism which leads to racial blending (*mixité*) and serves the general interest”. For her, diversity is part of “a dynamics of construction which integrates the complexity of feelings of belonging for those who were born over there and whose fruits grow over here”.
- 38 Far from being neutral, French-style diversity reveals diverging ideological positions depending on how the French republican model is defined. The point is not to denounce differential (affirmative) treatment but to underline the centrality of how these policies

are justified. It is essential to differentiate between the human capital idea which is applied to all and the idea that differences or even 'female capital', increase value, which revives the narrative of sexual and racial complementarity. The differential (affirmative) treatment of individuals is thus justified both in the name of recognizing individual merits and talents, and of the substantive representation of discriminated groups. My analysis underlines that the exclusion and inclusion of those who are potentially discriminated against resonates from a neo-liberal perspective by which public policies in general, and equality policies in particular, can only be legitimated as a social investment aimed to create both social and economic added value.

- 39 Analysis of the French case underlines the impossible cohabitation of the republican and neoliberal approaches. Indeed, legitimation through economic profitability leads to the subordination and conditional value of the principle of equality. The issue is to question to what extent, the principle of equality is still being upheld when the inclusion of discriminated groups is justified in the name of profitability, not only in economic terms but also in social and political terms. The challenge is to shed light on the political meaning of the alliance between adjustment to new economic environments and the possibility of social progress. The "Do Well Do Good" and the "Win Win" narratives are analysed as a neoliberal framing of the issue, where the very principle of equality is conditional to a demonstration of profitability. The horizon of such politics is not equality but a modernized form of complementarity for "non-brothers" - women and "non-whites".

## Conclusion: the cherry dilemma: the dangers of a consequentialist approach

- 40 The above analysis highlights the shift from a collective responsibility to fight against inequality to an individual responsibility to ensure that grounds for discrimination become assets for success.
- 41 Dressing up "in the colors of 'freedom' and 'democracy'"<sup>63</sup>, neoliberalism depoliticizes the heart of the republican political order, i.e. the principle of equality. In a resignification of the instruments of government, equality is thus promoted by soft law which itself is based on promoting the wealth created by diversity, and in particular gender-based and racial diversity.<sup>64</sup>
- 42 Contemporary uses of parity and diversity are thus fundamentally political because they question the position of equality as the first principle in 'the lexicon of the republican order'<sup>65</sup> from a neoliberal perspective. By calling for differentiated treatment in the name of equality, parity and diversity become part of a 'paradoxical citizenship'<sup>66</sup> that reactivates the 'Wollstonecraft dilemma'<sup>67</sup>.
- 43 To use a deontological rather than a consequentialist approach, the end does not justify the means, because the means conditions the end. In other words, there is a cherry dilemma here: we cannot merely say that diversity-based profitability is the cherry on the equality cake because the risk is that the cherry will devour the cake.
- 44 In order to eliminate this risk, equality must be conceived of and implemented without conditions by freeing<sup>68</sup> it from notions of the brotherhood and the market. Such liberation has a twofold dimension: liberation from the universalist republican

inheritance in its critical re-foundation and from the neoliberal re-appropriation of an equality conditional to the performance of the “non-brothers”.

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## BIBLIOGRAPHY

- Amar, Micheline (coord.), *Le piège de la parité. Arguments pour un débat*, (Paris, Hachette Littératures, 1999).
- Anderson, Elisabeth S., *The imperative of Integration*, (Princeton and Oxford, Princeton University Press, 2010).
- Bereni, Laure, « Faire de la diversité une richesse pour l'entreprise: La transformation d'une contrainte juridique en catégorie managériale », in Laure Bereni, Alexandre Jaunait (eds), *Raisons politiques*, « Usages de la diversité », n°35, (2009), pp. 87-106.
- Bessone, Magali, « Beyond liberal multicultural toleration: A critical approach to groups' essentialism », *European Journal of Political Theory*, n°12, (2013), pp. 271-287.
- Boltanski, Luc, Chiapello, Eve, *The New Spirit of Capitalism*. (London-New York, Verso, 2005) (French original version 1999).
- Brown, Wendy, « Le cauchemar américain : le néoconservatisme, le néolibéralisme et la dé-démocratisation des Etats-Unis », *Raisons politiques*, n°28, (novembre 2007).
- Calvès, Gwénaële, « Réfléter la diversité de la population française : naissance et développement d'un objectif flou », *Revue internationale des sciences sociales*, n° 183, (2005), pp. 177-186.
- Cluzel-Métayer, Lucie, Mercat-Bruns, Marie, *Discriminations dans l'emploi. Analyse comparative de la jurisprudence du Conseil d'Etat et de la Cour de Cassation*, (Paris, La Documentation française, Etudes & Recherches, 2011).
- Delmas-Marty, Mireille, *Le flou du droit*, (Paris, PUF, « Les Voies du droit », 1986) (rééd. PUF-Quadrige, 2004).
- Delors, Jacques, Dollé, Michel, *Investir dans le social*, Paris, Odile Jacob, 2009.
- Delmas-Marty Mireille, *Orderly pluralism. A Conceptual Framework for Understanding the Transnational Legal World*, (Oxford, Hart Publishing, 2009).
- Dobbin, Franck, *Inventing Equal Opportunity*, (Princeton, Princeton University Press, 2009).
- Dulong, Delphine, Lévêque, Sandrine, « Une ressource contingente, les conditions de reconversion du genre en ressource politique », *Politix*, (15), 60, (2002), pp. 81-111.
- Edelman, Lauren B., Riggs Fuller, Sally, Mara-Drita, Iona, « Diversity Rhetoric and the Managerialization of Law », *The American Journal of Sociology*, vol. 106, n°6, (2001), pp. 1589-1641.

- Epperson, Lia, « Legislating inclusion », *Harvard Law & Policy Review*, vol. 6, n°1, (2012), pp. 91-114.
- Esping-Andersen, Gosta, *The Incompleteness Revolution: Adapting to Women's New Roles*, (Cambridge, Polity, 2009).
- Fabre, Cécile, *Justice in a Changing World*, (Cambridge, Polity, 2007).
- Fraser Nancy, « Identity, Exclusion and Critique - A Response to Four Critics », *European Journal of Political Theory*, n°6, (2007), pp. 305-338.
- Fraser, Nancy, « Capitalism and the Cunning of History. Do Feminism and Neoliberalism Share a Secret Affinity? », *New Left Review*, n°56, 2009, pp. 97-117.
- Gaspard, Françoise, « Du patriarcat au fratriarcat. La parité comme nouvel horizon du féminisme », *Cahiers du genre*, hors série, (2011), p. 135-155.
- Geisser, Vincent, El Yamine, Soum, *Discriminer pour mieux régner. Enquête sur la diversité dans les partis politiques*, (Paris, Éd. de l'Atelier, 2008).
- Guénif-Soulaimas, Nacira, « The other French exception: virtuous racism and the war of sexes in postcolonial France », *French Politics Culture and Society*, vol. 24, n°3, (2006), pp. 23-41.
- Guiraudon, Virginie, « La diversité en Europe: une évidence? », in Bereni, Laure & Jaunait, Alexandre (eds), *Raisons politiques*, « Usages de la diversité », n° 35, (2009), pp. 67-86.
- Hachimi, Alaoui Myriam, « L'intégration sous condition : valeurs non négociables et égalité des sexes », *Femmes et droit / Canadian Journal of Women and the Law*, (24) 1, (2012), pp. 114-134.
- Jenson, Jane, Saint-Martin, Denis, « Building blocks for a new social architecture: the LEGOTM paradigm of an active society », *Policy and Politics*, vol. 34, n°3, (2006), pp. 429-451.
- Junter, Annie & Sénac-Slawinski, Réjane, « La diversité : sans droit ni obligation », *Revue de l'OFCE*, no. 114, (2010), pp. 167-196.
- Kriszan, Andrea, Skjeie, Hege, Squires, Judith (eds), *Institutionalizing Intersectionality. The Changing Nature of European Equality Regimes*, (Basingstoke, Palgrave-MacMillan, 2012).
- Kritzman, Lawrence D. (ed.), *Michel Foucault: Politics, Philosophy, Culture. Interviews and Other Writings, 1977-84*, (New York, Routledge, 1988).
- Kuznet, Simon, « Economic Growth and Income Inequality », *American Economic Review*, vol. XLV, n° 1, March 1955, p. 1-28.
- Laborde, Cécile, « The Culture(s) of the Republic: Nationalism and Multiculturalism in French Republican Thought », *Political Theory*, vol. 29, n°5, (october 2001), pp. 716-735.
- Laborde, Cécile, Maynor, John (eds), *Republicanism and Political Theory*, (Oxford, Blackwell Publishing, 2008).
- Lacroix, Justine, « Communautarisme et pluralisme dans le débat français. Essai d'élucidation », *Ethique publique*, vol. 9, n°1, (2007), pp. 50-56.
- Landrieux-Kartochian, Sophie, « La contribution des femmes à la performance des entreprises: une revue de la littérature ». Document d'études de la Direction de l'Animation de la Recherche, des Etudes et des Statistiques (DARES), n° 83, (2008).
- Lanquetin, Marie-Thérèse, « Egalité, diversité et... Discriminations multiples ». *Travail, genre et sociétés*, 'Egalité et diversité' n° 2, (2009), pp. 91-106.
- Lagasnerie, Geoffroy (ed.), *La dernière leçon de Michel Foucault. Sur le néolibéralisme, la théorie et la politique*, (Paris, Fayard, 2012).

- Laufer, Jacqueline, « L'égalité professionnelle entre les hommes et les femmes est-elle soluble dans la diversité? ». *Travail, genre et sociétés*, « Egalité et diversité », n° 21, (2009), pp. 29-54.
- Lépinard, Eleonore, *L'égalité introuvable: la parité, les féministes et la République*, (Paris, Presses de Sciences Po, 2007).
- Le Bras-Chopard, Armelle, *De l'égalité dans la différence : le socialisme de Pierre Leroux*, (Paris, Presses de la Fondation nationale des sciences politiques, 1986).
- Le Texier, Emmanuelle, Esteves, Olivier, Lacorne, Denis (dir.), *Les politiques de la diversité - Expériences anglaise et américaine*, (Paris, Presses de Sciences Po, 2010.)
- Mercat-Bruno, Marie, *Discrimination at Work: Comparing European, French, and American Law*, (California, University of California Press, 2016). DOI: <http://dx.doi.org/10.1525/luminos.11>
- Benn, Walter, *The Trouble with Diversity. : How We Learned to Love Identity and Ignore Inequality*, (New York, Metropolitan, 2006).
- Mills, Charles, « « Ideal Theory » as Ideology », *Hypathia*, 20/3, (2005), pp. 165-184.
- Möschel, Mathias, Nivard, Carole, « Discriminations indirectes et statistiques : entre potentialités et résistance », in REGINE, *Ce que le genre fait au droit*, (Paris, Dalloz, 2013), p. 77-91.
- Moses, Michel S., Chang, Mitchel J., "Toward a Deeper Understanding of the Diversity Rationale", *Educational Research*, vol. 35, n°1, (2006), pp. 6-11.
- Myrdal, Gunnar, *An American Dilemma : The Negro Problem and Modern Democracy*, (New York, Harper & Row, 2009) (1944).
- Ndiaye, Pap, *La condition noire: essai sur une minorité française*, (Paris, Gallimard, 2008).
- OECD, *In It Together: Why Less Inequality Benefits All*, Report (2015).
- Pateman, Carole, *The Sexual Contract*, (Stanford Calif., Stanford University Press, 1988).
- Pateman Carole, *The Disorder of Women. Democracy, Feminism and Political Theory*. (Cambridge, Polity Press, 1989).
- Pettit Philip, *Républicanisme. Une théorie de la liberté et du gouvernement*, (Paris, Gallimard, 2004).
- Piketty Thomas, *Le capital au XXI<sup>e</sup> siècle*, (Paris, Seuil, 2013).
- Pitkin, Hanna Fenichel, *The concept of representation*, (Berkeley, Calif., University of California Press, 1967).
- Phillips, Anne, *Multiculturalism without culture*, (Princeton, Princeton University Press, 2007).
- Rawls, John, *Theory of justice*, (Harvard, Harvard University Press, 1971) (French translation: 1987).
- Revault d'Allonnes, Myriam, « À l'épreuve des camps : l'imagination du semblable », *Fragile humanité*, (Paris, Aubier, 2002), p. 145-168.
- Sabbagh, Daniel, « La transparence comme obstacle : les déterminants de l'euphémisation de la "discrimination positive" en France et aux États-Unis », in Serge Paugam (ed.), *Repenser la solidarité : l'apport des sciences sociales*, (Paris, PUF, 2007), pp. 585-598.
- Sabbagh, Daniel, « Itinéraire contemporain de la « diversité » aux Etats-Unis », in Bereni Laure & Jaunait, Alexandre (ed.), *Raisons politiques*, « Usages de la diversité », n°35, (2009), pp. 31-48.
- Scott, Joan Wallach, *La citoyenne paradoxale : les féministes françaises et les droits de l'homme*, (Paris, Albin Michel, 1998).

Sénac-Slawinski, Réjane, “Justifying parity in France after passage of the so-called parity laws and the electoral application of them: The “ideological tinkering” of political party officials (UMP and PS) and women’s NGOs”. *French Politics*, vol. 6/3, (2008), pp. 234–256.

Sénac-Slawinski, Réjane, « De la parité à la diversité : entre deuxième sexe et discrimination seconde », *Modern & Contemporary France*, vol. 18, n°4, (2010), pp. 431-444.

Sénac, Réjane, *L’invention de la diversité*, (Paris, PUF, 2012).

Sénac, Réjane, *L’égalité sous conditions. Genre, parité, diversité*, (Paris, Presses de Sciences Po, 2015).

Simmons, A. John, « Ideal and Non-ideal Theory », *Philosophy and Public Affairs*, 38/1, (2010), pp. 5-36.

Tuot, Thierry, *La grande nation pour une société inclusive*, Rapport au Premier Ministre sur la refondation des politiques d’intégration, (1<sup>er</sup> février 2013).

UNESCO, *Policy Guidelines on Inclusion in Education*, (2009): <http://unesdoc.unesco.org/images/0017/001778/177849e.pdf>

Veil, Simone (ed.), Rapport du Comité de réflexion sur le Préambule de la Constitution présidé par Simone Veil, *Redécouvrir le Préambule de la Constitution*, remis au président de la République en décembre 2008, (Paris, La Documentation française, 2009).

Versini, Dominique, *Rapport sur la diversité dans la fonction publique*, (Paris, Documentation Française, 2004).

Wieviorka, Michel, *La diversité – Rapport à la Ministre de l’enseignement supérieur et de la recherche*, (Paris, Ed. Robert Laffont, 2008).

Wilkinson, Richard, Pickett, Kate, (Préface de Pascal Canfin), *Pour l’égalité est meilleure pour tous*, (Paris, Les petits matins, 2013).

World Bank, *World Development Report 2012: Gender Equality and Development* (2012)

## NOTES

1. The author would like to express her warmest thanks to Chantal Barry (CEVIPOF) for helping her revise the final English draft of this article.
2. Thomas Piketty, *Le capital au 21ème siècle*, (Paris, Seuil, 2013).
3. Elizabeth S. Anderson, *The imperative of Integration*, (Princeton and Oxford, Princeton University Press, 2010), p. 3 : « Knowledge of the better does not require knowledge of the best ». ; cf. Charles Mills, « « Ideal Theory » as Ideology », *Hypathia*, 20/3, 2005, pp. 165-184 and A. John Simmons, « Ideal and Non-ideal Theory », *Philosophy and Public Affairs*, 38/1, (2010), pp. 5-36.
4. Gunnar Myrdal, *An American Dilemma : The Negro Problem and Modern Democracy*, (New York, Harper & Row, 2009) (1944).
5. . Françoise Gaspard, « Du patriarcat au fratricat. La parité comme nouvel horizon du féminisme », (*Cahiers du genre*, hors série, 2011), p. 135-155 ; Carole Pateman, *The Sexual Contract*, (Stanford Calif., Stanford University Press, 1988.)
6. Eléonore Lépinard, *L’égalité introuvable – La parité, les féministes et la République*, (Paris, Presses de Sciences Po, 2007).
7. Philip Pettit, *Républicanisme. Une théorie de la liberté et du gouvernement*, (Paris, Gallimard, 2004).
8. Laure Bereni, Alexandre Jaunait (eds.), *Raisons politiques*, « Usages de la diversité », n°35, 2009.
9. Annie Junter, Réjane Sénac-Slawinski, « La diversité : sans droit ni obligation », (*Revue de l’OFCE*, no. 114, 2010), pp. 167–196.

10. Walter Benn Michaels, *The Trouble with Diversity. : How We Learned to Love Identity and Ignore Inequality*, (New York, Metropolitan, 2006).
11. Réjane Sénac, *L'égalité sous conditions. Genre, parité, diversité*, (Paris, Presses de Sciences Po, 2015).
12. The French laws on *parité* (1999 constitutional reform and laws drafted in 2000) were the first in the world to stipulate that by law in an election, all candidate lists must achieve gender balance, with fifty percent of candidates being male and fifty per cent female.
13. Geneviève Fraisse, Entretien, « De l'exclusion à la discrimination – Une généalogie historique, philosophique et politique », dans Françoise Milewski, Hélène Perivier (dir.), *Les discriminations entre les femmes et les hommes*, (Paris, Presses de Sciences Po, 2011), pp. 39-56.
14. On the uses of the term inclusion in the public and private spheres concerning education, integration and professional equality: cf. in particular Lia Epperson, « Legislating inclusion », *Harvard Law & Policy Review*, vol. 6, n°1, 2012, pp. 91-114 ; UNESCO, *Policy Guidelines on Inclusion*, 2009 ; Thierry Tuot, *La grande nation pour une société inclusive*, Rapport au Premier Ministre sur la refondation des politiques d'intégration, (1<sup>er</sup> février 2013).
15. Delphine Dulong, Sandrine Lévêque, « Une ressource contingente, les conditions de reconversion du genre en ressource politique », *Politix*, (15), 60, (2002), pp. 81-111.
16. Armelle Le Bras-Chopard, *De l'égalité dans la différence : le socialisme de Pierre Leroux*, Paris, Presses de la Fondation nationale des sciences politiques, 1986.
17. Lawrence D. Kritzman (dir.), *Michel Foucault: Politics, Philosophy, Culture. Interviews and Other Writings, 1977-84*, (New York, Routledge, 1988).
18. Cf. Geoffroy de Lagasnerie, *La dernière leçon de Michel Foucault. Sur le néolibéralisme, la théorie et la politique*, (Paris, Fayard, 2012).
19. Réjane Sénac-Slawinski, "Justifying Parity in France after the Passage of the so-called Parity Laws and the Electoral Application of them: the 'Ideological Tinkering' of Political Party Officials (UMP and PS) and Women's NGOs", *French Politics*, 6 (3), 2008, p. 234-256.
20. Réjane Sénac, *L'invention de la diversité*, (Paris, PUF, 2012).
21. Nancy Fraser, « Identity, Exclusion and Critique - A Response to Four Critics », *European Journal of Political Theory*, n°6, 2007, pp. 305-338.
22. Andrea Kriszan, Hege Skjeie, Judith Squires (eds.), *Institutionalizing Intersectionality. The Changing Nature of European Equality Regimes*. (Basingtoke, Palgrave-MacMillan, 2012).
23. "Unity in Diversity" has been the motto of the European Union since 2000.
24. Virginie Guiraudon, « La diversité en Europe: une évidence? », in Laure Bereni & Alexandre Jaunait (eds.), *Raisons politiques*, « Usages de la diversité », n° 35, (2009), pp. 67-86.
25. Marie-Thérèse Lanquetin, « Egalité, diversité et... Discriminations multiples ». *Travail, genre et sociétés*, « Egalité et diversité » n° 2, (2009), pp. 91-106.
26. Lucie Cluzel-Métayer, Marie Mercat-Bruns, *Discriminations dans l'emploi. Analyse comparative de la jurisprudence du Conseil d'Etat et de la Cour de Cassation*, (Paris, La Documentation française, Etudes & Recherches, 2011); Marie Mercat-Bruns, *Discrimination at Work: Comparing European, French, and American Law*, (California, University of California Press), 2016. DOI: <http://dx.doi.org/10.1525/luminos.11> Mathias Möschel, Carole Nivard, « Discriminations indirectes et statistiques : entre potentialités et résistance », in REGINE, *Ce que le genre fait au droit*, (Paris, Dalloz, 2013), p. 77-91.
27. Annie Junter & Réjane Sénac-Slawinski, « La diversité': sans droit ni obligation », *Revue de l'OFCE*, no. 114, (2010), pp. 167-196.



28. Mireille Delmas-Marty, *Le flou du droit*, Paris : PUF, « Les Voies du droit », 1986 (rééd. PUF-Quadrige, 2004), pp. 143-144.
29. Sophie Landrieux-Kartochian, « La contribution des femmes à la performance des entreprises: une revue de la littérature », Document d'études de la Direction de l'Animation de la Recherche, des Etudes et des Statistiques (DARES), n°83, (2008) ; Laure Bereni, « Faire de la diversité une richesse pour l'entreprise : La transformation d'une contrainte juridique en catégorie managériale », in Laure Bereni, Alexandre Jaunait (eds.), *Raisons politiques*, « Usages de la diversité », n°35, (2009), pp. 87-106.
30. Dominique Versini, *Rapport sur la diversité dans la fonction publique*, (Paris, Documentation Française, 2004) ; Gwénaële Calvès, « Réfléter la diversité de la population française : naissance et développement d'un objectif flou ». *Revue internationale des sciences sociales*, n° 183, (2005), pp. 177-186.
31. Jacqueline Laufer, « L'égalité professionnelle entre les hommes et les femmes est-elle soluble dans la diversité? ». *Travail, genre et sociétés*, 'Egalité et diversité', n° 21, (2009), p. 29.
32. Simone Veil (dir), Rapport du Comité de réflexion sur le Préambule de la Constitution présidé par Simone Veil, *Redécouvrir le Préambule de la Constitution*, remis au président de la République en décembre 2008, (Paris, La Documentation française, 2009); Michel Wieviorka, *La diversité - Rapport à la Ministre de l'enseignement supérieur et de la recherche*, (Paris, Ed. Robert Laffont, 2008).
33. Michel Wieviorka, *op. cit.*, p. 19.
34. Daniel Sabbagh, « La transparence comme obstacle : les déterminants de l'euphémisation de la "discrimination positive" en France et aux États-Unis ». In Paugam, S. (dir.) *Repenser la solidarité : l'apport des sciences sociales*, (Paris, PUF, 2007), pp. 585-598 ; Franck Dobbin, *Inventing Equal Opportunity*. (Princeton, Princeton University Press), 2009.
35. Michel S. Moses, Chang Mitchel J., "Toward a Deeper Understanding of the Diversity Rationale", *Educational Research*, vol. 35, n°1, (2006), pp. 6-11.
36. Daniel Sabbagh, « Itinéraire contemporain de la « diversité » aux Etats-Unis », in Laure Bereni & Alexandre Jaunait (eds.), *Raisons politiques*, « Usages de la diversité », n°35, (2009), pp. 31-48.
37. Emmanuelle Le Texier, Olivier Esteves, Denis Lacorne (dir.), *Les politiques de la diversité - Expériences anglaise et américaine*, (Paris, Presses de Sciences Po, 2010).
38. Cécile Laborde, « The Culture(s) of the Republic: Nationalism and Multiculturalism in French Republican Thought », *Political Theory*, vol. 29, n°5, october 2001, pp. 716-735; Cécile Laborde, John Maynor (ed.), *Republicanism and Political Theory*, (Oxford, Blackwell Publishing, 2008); Justine Lacroix, « Communautarisme et pluralisme dans le débat français. Essai d'élucidation », *Ethique publique*, vol. 9, n°1, (2007), pp. 50-56.
39. Réjane Sénac-Slawinski, « De la parité à la diversité : entre deuxième sexe et discrimination seconde », *Modern & Contemporary France*, vol. 18, n°4, (2010), pp. 431-444.
40. In 1982, the Constitutional council dismissed a first attempt to include quota provisions in electoral law. In 1999, it opened the way to a revision of the Constitution of the Vth Republic, in order to allow the adoption of the so-called "parity laws" in 2000.
41. Micheline Amar (coord.), *Le piège de la parité. Arguments pour un débat*, (Paris, Hachette Littératures), 1999.

42. Anne Phillips, *Multiculturalism without culture*, (Princeton, Princeton University Press, 2007), p. 167.
43. Magali Bessone, « Beyond liberal multicultural toleration: A critical approach to groups' essentialism », *European Journal of Political Theory*, n°12, (2013), pp. 271-287.
44. Mireille Delmas-Marty, *Orderly pluralism. A Conceptual Framework for Understanding the Transnational Legal World*, (Oxford, Hart Publishing, 2009).
45. Lauren B. Edelman, Sally Riggs Fuller, Iona Mara-Drita, « Diversity Rhetoric and the Managerialization of Law », *The American Journal of Sociology*, vol. 106, n°6, (2001), pp. 1589-1641.
46. Vincent Geisser, El Yamine Soum, *Discriminer pour mieux régner. Enquête sur la diversité dans les partis politiques*, (Paris, Éd. de l'Atelier, 2008).
47. Literally, a conceptual device hiding something that cannot be named.
48. Myraim Hachimi Alaoui, « L'intégration sous condition : valeurs non négociables et égalité des sexes », *Femmes et droit / Canadian Journal of Women and the Law*, (24) 1, (2012), pp. 114-134.
49. Simon Kuznet, "Economic Growth and Income Inequality", *American Economic Review*, vol. XLV, n°1, (March 1955), p. 1-28.
50. Richard Wilkinson, Kate Pickett, *The Spirit Level: Why More Equal Societies Almost Always Do Better*, (Paris, Alan Lane, 2009).
51. OECD, *In It Together: Why Less Inequality Benefits All*, report (2015).
52. World Banks, *World Development Report 2012: Gender Equality and Development*.
53. International Monetary Fund, *Causes and Consequences of Income Inequality: A Global Perspective*, (June 2015).
54. .WomenDeliver.org.
55. Hanna Fenichel Pitkin, *The concept of representation*, (Berkeley, Calif., University of California Press, 1967).
56. Cécile Fabre, *Justice in a Changing World*, (Cambridge, Polity, 2007).
57. Gosta Esping-Andersen, *The incompleteness revolution: adapting to women's new roles*, (Cambridge, Polity, 2009); Nathalie Morel, Bruno Palier, Joakim Palme (eds), *Towards a Social Investment Welfare State? Ideas, Policies and Challenges*, 'Bristol-Chicago Ill., Polity Press, 2012).
58. Jane Jenson, Denis Saint-Martin, « Building blocks for a new social architecture: the LEGOTM paradigm of an active society », *Policy and Politics*, vol. 34, n°3, (2006), p. 429-451.
59. Cf. Pap Ndiaye, *La condition noire: essai sur une minorité française*, (Paris, Gallimard, 2008).
60. Luc Boltanski, Eve Chiapello, *The New Spirit of Capitalism*. (London-New York, Verso, 2005) (French original 1999).
61. Myriam Revault d'Allonnes, « À l'épreuve des camps : l'imagination du semblable », *Fragile humanité*, (Paris, Aubier, 2002), p. 145-168.
62. Nancy Fraser, "Capitalism and the Cunning of History Do feminism and neoliberalism share a secret affinity?", *New Left Review*, n°56, (2009), pp. 97-117.
63. Wendy Brown, « Le cauchemar américain : le néoconservatisme, le néolibéralisme et la dé-démocratisation des Etats-Unis », *Raisons politiques*, n°28, (novembre 2007), p. 80.
64. Mireille Delmas-Marty, *Le flou du droit*, (Paris, PUF, « Les Voies du droit », 1986) (rééd. PUF-Quadrige, 2004), pp. 143-144.
65. John Rawls *Theory of justice*, (Harvard, Harvard University Press, 1971) (1987 for the french translation).

66. Joan Wallach Scott, *La citoyenne paradoxale : les féministes françaises et les droits de l'homme*, (Paris, Albin Michel, 1998).
67. Carole Pateman, *The Disorder of Women. Democracy, Feminism and Political Theory*. (Cambridge, Polity Press, 1989).
68. Philip Pettit, *Républicanisme. Une théorie de la liberté et du gouvernement*, (Paris, Gallimard, 2004).