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# The DSK Scandal : Transatlantic Reflections on Sex, Law and Politics.

1-2 december, 2001, New York City

## Return on political scandals in France Delphine Dulong, Université Paris 1, CRPS-CESSP

The aim of this communication is to clarify the uniqueness of the DSK 's scandal in french political life<sup>1</sup>. I base my purpose on history and sociology of political scandals, as well of media's sociology in order to answer the question: what had changed (and why)? To answer these questions, I would like first to make a point about the french singularity, what the New York Time called "the code of silence". Then I would try to explain under what conditions this code of silence has been broken.

To avoid any misunderstanding, I would like to start stating what is the French exceptionalism. In short, we use gender without sexuality. In fact, gender is a very common language of French politics. First, as "a primary way of signifying relationship of power" (J. Scott 1986), it is commonly used to locate the actors in the indigenous hierarchy and to measure their suitability for their positions. Second, as a non-partisan language, universally shared, it is an effective instrument of coordination of collective action : in a world as competitive as the political arena is, it is able to easily mobilize the "profane" and to bring together all the actors who usually disagree about everything in terms of political views (Dulong 2011).

But these political uses of gender are paradoxical – and there is the French specificity : as noted by Eric Fassin (2009), gender is completely disconnected from sexuality in french political life. That of politicians, especially, is never politicized, even when there is a complaint against a MP for "rape and threats with a weapon" (as for Patrick Balkany in 1996). And this is confirmed by an inventory of French political scandals : from the beginning of the fifth Republic to 1981, only 93 out of 1634 articles dealing with political scandals relate to sex cases involving politicians (5.69%)<sup>2</sup>. The other articles, the vast majority, relate to political and financial scandals.

Only two cases are an exception to the rule during this period:

1 / the case of the "Ballets roses" (pink dance parties) which broke out in 1959 when it was discovered that "pleasure parties" were organized by a policeman between underage girls and different personalities, in a mansion belonging to the President of the National Assembly (Andre Le Troquer, former Chairman of the Assembly)

2 /and the case of "bordels de Lyon" in 1972, which involves high-ranking police heads and a Gaullist MP (Edward Charret) in a procuring case.

However, these two cases never made the front page of the "serious " press, and almost always featured as news stories (such as Balkany case presented as "a very private complaint"). More important, the oppressive dimension of these case never became an issue :

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<sup>1</sup> I thank Marie-Hélène Bruhère for her help in this research and the translation of this communication.

<sup>2</sup> These data are based on the already made press kit at Science po.

the only debate provoked by the case of bordels de Lyon is whether or not to restore the brothels ; and in the case of "ballets roses" the fact that young minor girls consented to sexual intercourse in hope of getting small roles in movies made absolutely no problem. In other words, these 2 scandals did not lead to a politicization of sexual matters.

There is thus a form of censorship that can be explained in several ways. Of course, we have to rely this to the high level of protection of private life by french law<sup>3</sup>. But what prevents journalists is rather fear of moral sanctions than fear of legal sanction. What I mean here is the code of silence is due above all to the internalization of some norms deeply rooted in the history of the construction of the French political field (Dulong 2010).

In fact, the legitimacy of political power in France is based on the fiction of political autonomy, that is to say on the existence of a fictive border that: 1 / separate the space between the political activities and all others, 2 / establishes a hierarchy between different fields for the benefit of the political field. Above all, this norm is not only shared by politicians but also by political journalists because of their working conditions. In the words of a senior editorial of *Libération* : “The problem is that the political services [of press], consciously or unconsciously, are afraid of being excluded from the circles of power, or worse, of falling into the gutter press” (*Libération*, 18 mai 2011).

This quote is very interesting because it indicates that the code of silence is not only a cultural problem but also a structural one. Let me explain that point.

First, french political journalists maintain special relations with politicians: they have common social and academic background, and attend the same social networks (Rieffel 1993). All this forms the basis of a complicity which is also reinforced by work: journalists, which are dependent on their sources, sometimes follow for years the same politicians, meet them a lot, etc. As a consequence, some familiarity exist between them that sometimes turns into friendship or more intimate relationships – as we can see with the emblematic couple DSK/ Anne Sinclair. More important, this familiarity do not help to the unveiling of the "little secrets" : at the most, journalists talk about it « in off » in the register of "gauloiserie".

But, if they don't like to publish this kind of informations, it is also because of the hierarchy amongst french journalists : as we noticed, in the mind of a French political journalist, talking about sexuality is “falling into the gutter press”, that is to say losing his dominant statut.

I would like to add something else about this structural dimension of the French code of silence: the fact that political journalists are mainly male in France. This is not anecdotal, because as shown by Erik Neveu (2000), the few women who write political articles have a different approach to politics than their male colleagues : they have a more psychological than strategic approach, more sensitive to personality traits and behavior. In other words, for these women the private lives of politicians cannot be disconnected from their political behavior. But this is a marginal point of view : we find only one woman for three men in the newspapers (they represent only 37.5% of professionals who hold a press card in 1996). And the sexual division of journalism, both horizontal and vertical, confined women journalists in subordinate positions, that is to say away from the political pages (women represent only 16 % of executives, only one heads a policy).

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<sup>3</sup> The Article 9 of the Civil Code, states that everyone has the right to respect for his privacy, and the law on the protection of privacy makes complicated the release of any information on this privacy.

All these facts raise questions rather than they explain the DSK scandal : how can we then explain the huge scandal that broke in France around DSK ? With this case, there is indeed a lifting of the unspeakable, of which I propose now to explain the conditions.

As we learn from sociology and political science, political scandals are not an accident of history: they are the result of strategies implemented by successful entrepreneurs of morality in politics (Briquet & Garraud 2001).

First, the scandal does not happen in any context. On the contrary there is a strong coincidence between conjunctures of intensified political competition and the emergence of scandals. In the late 19th century, for instance, their multiplication is strongly linked to the rise of socialist and nationalist - then exacerbated by the financialization of the economy. (At the end of the 20th century, they accompany the emergence of political parties that made scandals their hobby horse (like the National Front).

Each time, competition between and within parties seems so decisive that it can be considered as a first condition of the scandal. It is checked at every presidential election where their number increases. And this is also true in the few scandals related to sexuality of political leaders : les “ballets roses” occurred when changing political system and help to bury the Fourth Republic, the case of "bordels de Lyon” has an internal rivalry in the Gaullist party as a background (Jacques Soustelle running against Edward Charret in the constituency of the Croix Rousse, electoral district of the city of Lyon). Last but not least, the DSK case broke in the context of a presidential campaign and primaries in the socialist party, at a moment when DSK was leading in all polls<sup>4</sup>.

From this perspective, scandals can be understood as the continuation of politics by specific means. In other words, those of Alain Garrigou (1992), they can be analyzed as a specific form of political coup that runs contrary to the investiture (as it serves to disqualify an opponent).

But if a scandal can be qualified a specific political coup, it is also because of the second condition for such coup to succeed : it must be carried by intermediaries, sort of delivery agents sufficiently foreign to the political field to be considered neutral and give credence to the alleged crime. In this logic, the scandals then might not refer only to conjunctural factors: they reveal some deeper transformations in intersectoral relationship between the political field and other related fields, and also into these related field (Dulong 2010).

For example, two factors explain the multiplication of political and financial scandals in the 1980s:

1 / the economic crisis that particularly affects the press and to a lesser extent the judiciary;

2 / the arrival of new generations of journalists and judges, which are much less familiar than their elders with local politicians and assert their independence.

These changes were then upsetting the relationship these two occupational areas had with the political field: on one side, an "anti-institutional mood" journalism developed (Dominique Marchetti) that helped move the judicial topical, once confined to the

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<sup>4</sup> It is also true with the famous scandal surrounding the death of President Felix Faure : in 1889, the death of F. Faure “in the arms of his mistress” is treated as usual in the mode of gauloiserie. Even the paragraphs on “Felix Faure intimate” in *Le Petit Journal* leave nothing to filter clear, merely to mention the good looks of the deceased, his sporting qualities and intelligence of his wife ... The scandal broke out a few years later, in full Dreyfus case, when the mistress, Marguerite Steinheil, is accused of murder (Ambroise-Rendu 2001).

conduct of the trial, toward the instruction ; at the same time, on the other side, there was a growing mediatization of justice and, simultaneously, a judicialization of politics.

In the DSK case, two changes are at work.

The first one is about the journalistic field. With the concentration of the media industry and more recently the development of the Internet, this professional sector is increasingly subject to the constraints of the market economy. So, a "repository marketing" was gradually established in the press (Eveno 2003), accompanied by a renewal of formats increasingly borrowed from magazines, which, in France, was a relative success (Chupin, Hube, Kaciaf). This change primarily affects the most commercial medias such as news channels (like BFM TV) but also weighs on the press *via* competition. As a political journalist said « From the moment the information loop turned on the web, we had to talk [about the DSK scandal] » (*Libération*, 18 mai 2011).

The second change affects the relationship between the political field and the French feminist movement. One of the features of this movement, as shown by Caty Achin (2005) in her PHD, lies indeed in its political weakness : until recently, it was not at all integrated into the political field. Unlike the American movement where radical feminism results of splits within reformist feminism – like “Women's Lib” –, MLF adopted in the 1970s a radical and unconventional strategy, which led a large majority of feminist to lose interest in a political system judged as archaic and patriarchal. As a consequence, priority was given to the social conquest and the empowerment of women and politics was viewed as subordinate to the social. For its part, the political order remained impervious to social movements, and despite the integration of some leaders, it became very unattractive for activists of these movements, especially women. This strong imperviousness between the feminist movement and the political field explains in particular the low register of feminism in French politics – where this label is more often applied as a stigma than claimed as a banner (Achin Bargel, Dulong et alii 2007).

But DSK scandal (after the parity law<sup>5</sup>) shows that things are changing. The chronology of the journalistic coverage of the event is very interesting on this point.

1/ from May 15 to 16, if the case made the front pages of every newspaper, it is treated as a single perspective: that of presidential election. In other words, the only issue raised by the scandal at this point is whether DSK may be a candidate in this elections and he is perceived as the victim.

2/ May 16, Cécile Duflot (the National Secretary of the green party) demand on a French radio (RMC) "justice for the young woman who made the complaint" and Clementine Autain (a young leader of the radical left) calls in a statement to AFP for "a thought for the maid New York who must benefit from the presumption of victim "

3/ May 17, three women's organizations (Osons le féminisme, Paroles de femmes et Mix-cités) denounced the sexist speech on the case held by a number of french personalities (BHL, JF Khan and Lang).

4/ May 20, women's organizations (Osez le féminisme !, La barbe et Paroles de femmes) launch a "Call against sexism. Ils se lâchent, les femmes trinquent" which will be signed by many personalities of journalism (A. Pulvar) and the political field (C. Autain, R. Bachelot, V. Péresse, etc.).

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<sup>5</sup> Parity was put on the agenda of political reform when, under pressure from feminists in 1995, it has become an issue of electoral competition.

In fact, the first women who cry out the journalistic coverage of this case are young feminists who, unlike their elders, are highly politicized<sup>6</sup>. Besides, two of them – Cécile Duflot (36 years old) and Clementine Autain (38) – are best known as political leader. As for associations following their interventions, 3 out of 4 present themselves as political activists.

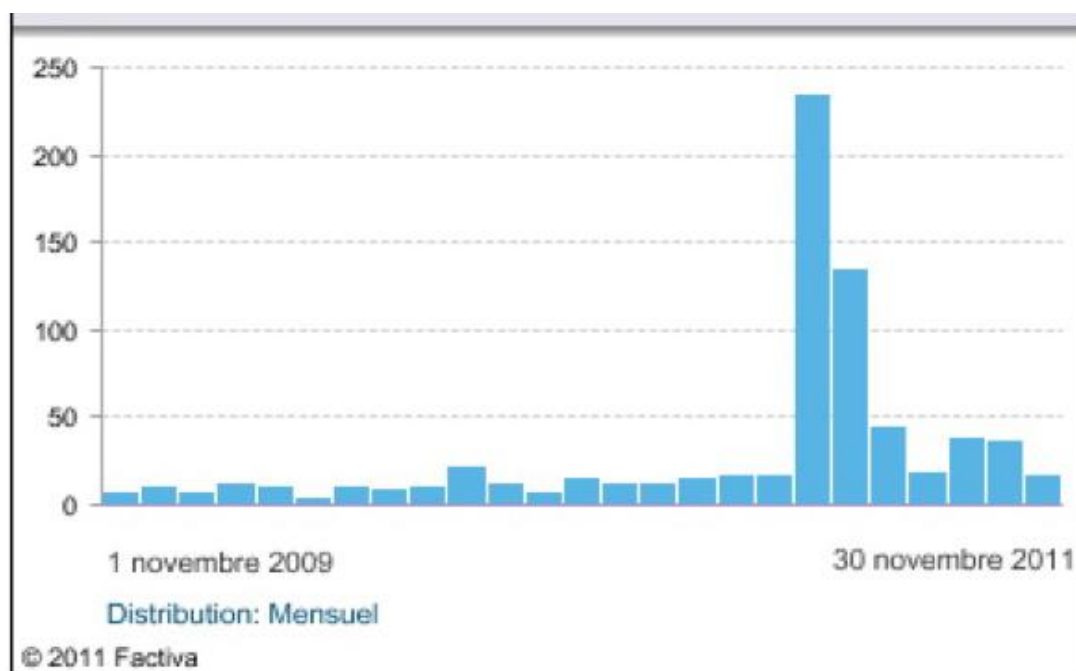
- Osez le féminisme!<sup>7</sup>, founded in 2009 by young activists from Family Planning, Socialist Party and UNEF (student union of the left) in order to increase feminism in society";

- Mix-cité, founded in 1997 by students of both sexes, presents itself as "feminist," "anti-sexist," "mixed," "internationalism," "political" and "solidarity";

- La Barbe, created in 2008, "intends to denounce the hegemony and monopoly of power, prestige, money, privileges for a few thousand white men, mocking their tackiness codes, their mannerisms, their values"

As you know, the involvement of these actresses is a turning point in the case – because it forces political leaders to change their speech<sup>8</sup> and, more important, it lead to a politicization of sexual issues in the media : from May 17, the problem is not only electoral but social ; it no longer concerns only the PS but all women as potential victims of harassment and of abuse.

**« Sexual Harassment » in national press over 2 years (nov 2009-nov 2011)**



<sup>6</sup> Gisèle Halimi only intervenes on May 18, when she is interviewed by Le Parisien. What she said – « I am very disappointed by left » – indicate the gap between her generation and the young feminists.

<sup>7</sup> Caroline de Haas, one of its founding, was national secretary of the UNEF (a student union on the left). She now manages the communication of Benoit Hamon, spokesman of PS, and she is one of the responsible of theme Women.

<sup>8</sup> On 17 May, the leader of the PS said that “we must wait for the fact”, but also "we want to respect the young woman." The same day, the PCF demands "respect for the two protagonists" and suggest that "the reputation of DSK can be used to minimise rape."

But the question is whether this politicization of sexual issues will have long-term structural effects<sup>9</sup>. Regarding the DSK scandal, it is too early to say. Therefore, I would only like to say in conclusion why the question arises.

There are of course elements suggesting that things are moving in addition to the above mentioned structural changes :

1 / DSK case seems to have freed the talking of harassment victims: for an illustration, last May, two harassment complaints were filed against G. Tron (Secretary for Public Service, Mayor UMP), who was forced to resign. In addition, some cases that had been smothered were reactivated: the Balkany case from 1996 case is recalled due to his deputy (denouncing his repeated advances) and journalist Tristane Bannon complaint in July against DSK for acts dating back to 2003

2 / the DSK scandal appears as a starting point for the integration of the feminist movement in the political field: many political actors (men and women) have signed the petition « Ils se lâchent les femmes trinquent », some have demonstrated with feminists on May 22 at the Centre Georges Pompidou (A. Montebourg, spokesman for the PS and Eva Joly, Green candidate for presidential elections) ; and more interesting, on November 5, a demonstration against violence against women has been organized in Paris by the national Collective for the rights of women which includes women's associations, trade unions and leftist political parties (NPA, EELV, PS, PCF, FG).

3 / the DSK case helped publicize the problem of violence against women : over the last 6 months (from May 17), there are on the database Factiva nine thousand and ninety (9090) articles in which the problem of rape is discussed. The press also talk about sexual assault (646), violence against women (453), sexual harassment (625), there is even talk of feminism (591) and male domination (88)!

However, a closer look at the French press suggests other evidence :

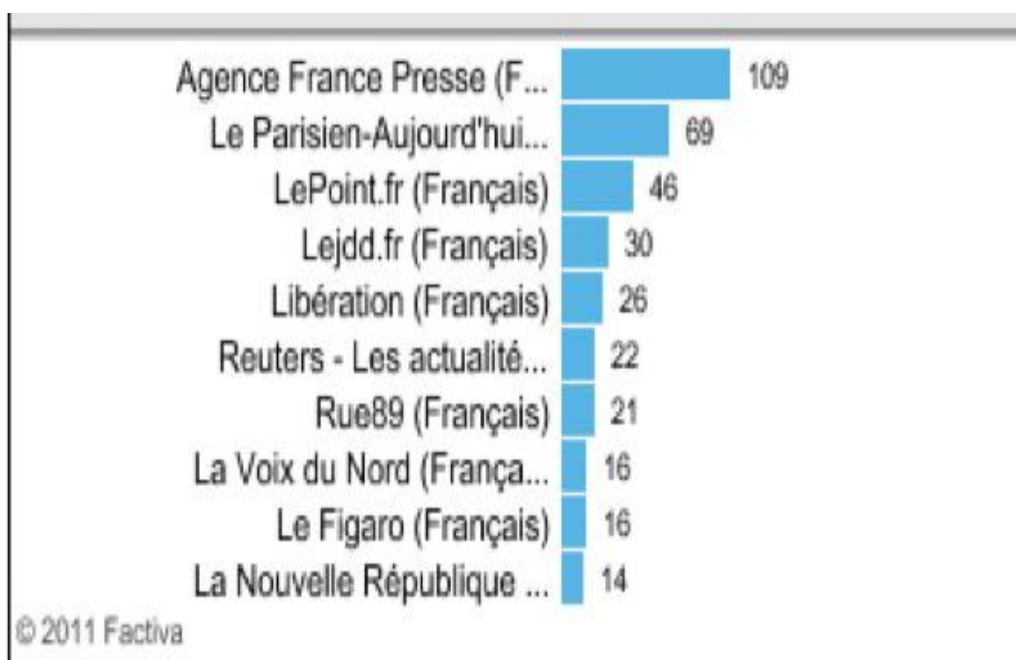
1 / If the number of items related to violence against women increases in the medias, articles are very often short and superficial

2/ Most of the media coverage is the product of news agency (AFP and Reuters), the web versions of newspapers and, to a lesser extent, the Regional press. For example, for the item "sexual harassment" (for the last 6 months), the AFP published 117 releases (out of 634 products), against 75 articles for Le Parisien, 17 for Liberation and 17 Le Figaro. Same type of distribution for the item "sexual abuse" : 155 are from AFP out of 635 articles, 37 articles from Ouest France, 35 in Paris, 17 for le Figaro.

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<sup>9</sup> As explained by Cyril Lemieux and Damien de Blic (2005), the scandal can be understood as a test where the attachment to certain social norms is collectively revalued. In this third perspective, it may have a structuring effect. For instance, political and financial scandals of the past - starting with the most famous, that of Panama – did reinforce the political empowerment vis-à-vis the private business sector.

## Sexual Harassment – Sources over 6 month (may 16th- nov 16th)



3 / This coverage is mainly provided by women. For example : between May 18 and 31, 15 out of 23 articles relaying the feminist speech are signed by women, four are signed by men and four are not signed. So, on one hand the DSK case increased the proportion of women in the editorial surface; but on the other hand it did not change the division of labor in the french press. In other words, I am not sure that French political journalists have change their mind about sexe and believe today that it has to do with politics. As one of them said in May, « as a political journalist, what interests me is what politicians will do, not what is happening in their plumard » (*Libération* 18 mai 2011).

### Articles « féministes » dans la presse 18-31 mai

Date	Journal	Titre de l'article	Sexe du journaliste	Nb de mots
18	Le Figaro	« Rééquilibrage »	F : Anne Fulda	288
		« Regards de femmes politiques »	F : Anne Rovant	847
	Le Parisien	« Respect des femmes doit prévaloir »	F : Corinne Thébaud	560
	La voix du Nord	« D'une victime à l'autre »	Non signé	481
	Le Berry républicain	« Ne pas se tromper de victime ! »	Non signé	598
19	L'Humanité	« Violences : les féministes dénoncent les stéréotypes »	Lina Sankari	652
	Le Figaro	« Cyrus Vance Jr, un procureur sensible à la cause des femmes »	Constance Jamet	616
21	Médiapart	« Les violences faites aux femmes ne sont toujours pas prises au sérieux »	Carinne Fouteau	1508
		« Au hit parade des beauferies machistes et de ces puissants qui se protègent »	Mathieu Magnaudeix	2382
22	Rue 89	« Contre le sexisme : nous sommes tous des domestiques »	Estelle Faure	96
	Libération	« C'est pas les domestiques qu'il faut troussez,mais le sexisme »	Véronique Soulé	366



25	L'Express	« Des femmes en colère »	Claire Chartier	1185
26	Le Point	« Le déni français »	Nicolas Baverez	932
		« Pour en finir avec le machisme »	Franz-Olivier Giesbert	302
		« Les médias sont-ils coupables d'omerta ? »	Emilie Lanez	1378
		Interview d'Audrey Pulvar	Emilie Trévert	
		« La grande colère des féministes »	Emilie Trévert	950
		Interview aussi de Marcela Yacub	Violaine de Montclos	712
	Le Figaro	« Carla Bruni signe l'appel contre le sexisme »	Anne Rovan	166
	Ouest France	« Solidaires des femmes victimes de violences, toujours ! »	Non signé	194
27	La nouvelle République du Centre Ouest	« La parité va devenir un enjeu présidentiel »	Olivier Pirot	517
31	Médiapart	« La suppléante de Balkany dénonce ses avances répétées »	Marine Turchi	2356
	Libération	« Etre une femme politique, c'est pas si facile »	Non signé	436

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