SEX EQUALITY POLICY IN WESTERN EUROPE

Edited by FRANCES GARDINER

ROUTLEDGE

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Sex Equality Policy in Western Europe

The idea of gender equality is now commonplace in international communities. It is adopted, adapted and enshrined in legislation by many nations, but implemented, monitored and evaluated by relatively few.

Combining theoretical insights with empirical examples, this study discusses the similarities and differences in levels of awareness, commitment to equality of opportunity, and readiness to turn rhetoric into reality in a number of West European countries, including Spain, the Netherlands, Britain, Norway and Ireland.

The first part of the book outlines the difficulties surrounding the initial stage of conceptualising equality in the political and economic fields. The contributors then survey the elements that combine, individually or collectively, to press for equality policy. The book concludes with an exploration of the cutting edge of policy drafting, investigating the many other factors outside the policy community that influence the adoption and implementation of equality measures.

With contributions from political scientists, sociologists, economic and legal experts from Europe and the US, *Sex Equality Policy in Western Europe* outlines the trends which explain why equality measures in some countries are further ahead and more readily embraced than in others.

Frances Gardiner is Research Associate in the Department of Political Science at Trinity College, Dublin.

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Sex Equality Policy in Western Europe

Edited by Frances Gardiner

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Series editor's preface

'Equality' is a prominent value and also a strongly contested issue in most, if not all, representative democracies. In most instances, however, political scientists tend to discuss equality either in terms of a philosophical debate or as a desired outcome in need of empirical verification. Few studies set out to combine both types of analysis, let alone carrying out such a combined approach from a comparative perspective. Even fewer studies exist that consciously set out to do so with respect to the—in my view underresearched, but often overpoliticised—topic of sex inequality.

In this respect, this volume, the third in the European Political Science Series, can be considered an important hallmark in the development of political science in (Western) Europe. Yet, there is more to this collection of papers, written by political scientists from various parts in Europe, which makes it both important and interesting.

First, it is an attempt to integrate the debate on a politically 'hot' issue into the process of democratic politics as well as its related political practice in terms of public policymaking. Where this has been done before, such analyses were often restricted to specific cases or issues, rather than attempting to take up sex equality as a comprehensive topic in need of explanation by means of a political scientific approach. Second, the methodology which is applied allows for the use of existing concepts and models in political science, which are, however, cogently and carefully discussed and upgraded to avoid potential 'malestream' biases and 'gender-blind' investigations. In fact, this practice implies not only a contribution to political science *per se,* but goes beyond much of what has been produced by feminists so far. In the second part of the book, which focuses on policy communities and the political process, for instance, the contributions render valuable insights with respect to the impact of women's movements in the policymaking process. The various case studies help us to understand how and to what extent political practices are institutionally constrained, and whether or not these outcomes are more or less the result of path-dependent development (e.g. the specific impact of the 'rules of the game', or the organised capacity of women's movements in policy networks). Third, and this is an extension of the

earlier observations, part of this book is devoted to applying the concept of sex equality to existing literature and views on the development of sex equality within West European welfare states. By using extant typologies and explanatory factors it appears possible to demonstrate the cross-national variation in public policy outcomes as regards sex inequality in a novel way. Finally, this volume is a valuable contribution to the field of comparative politics. On the one hand, it attempts to analyse the policy process across a number of clearly different cases, comparing actual outcomes and results; on the other hand, the book is organised in such a way that it allows the investigation of internal socio-political and economic pressures as well as the impact of the changing policymaking capacity of the state (e.g. resulting from privatisation and deregulation) in comparison with international developments (e.g. within the context of the EU and other international agencies such as the ILO). This interdependence, which also affects other policy areas, is an important aspect for understanding the feasibility of sex inequality policies and related performance.

The valuable insights generated in the different chapters and the approach that is utilised will make this volume essential reading for those who wish to extend their knowledge of political issues and practices that are currently under dispute within women's studies. The volume can therefore be considered as providing guidelines for future research in gender-related topics and themes as well as demonstrating a fruitful approach to be emulated within political science in Europe and beyond.

Prof. Dr Hans Keman
Haarlem, 1996

Illustrations

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Preface

This collection of papers from the workshop on 'Equality Policy in Western Europe' at the 1994 Joint Sessions of the European Consortium for Political Research in Madrid adds to the literature on sex equality policy and introduces several new avenues for future research. During the 1980s and 1990s equality is gradually claiming space as an integral sector of public policy. Government ministries charged with sex equality have, however, come and gone in several European states, indicating what we might call equality volatility. At the same time the equality sector has expanded to include discriminations in a host of different sectors and against different groups of people. Membership of inter/transnational organisations has encouraged a growing awareness of discrimination in national laws, while the communications revolution allows instantaneous intercontinental networking to share ideas and disseminate research findings.

Ultimately, governments will pursue an *à la carte* approach to equality which best fits their socio-cultural, economic and political environments. Threats to progress will persist. This should not discourage researchers from scrutinising, collating, classifying and reflecting, comparing and theorising on current and future trends and drawing attention to best practices. These papers chart the problems of definition, the array of forces needed to effect change and the internal and external pressures which can either expedite or impede progress.

The main strength of the workshop which discussed these papers lies in the marriage of theoretical insights with case studies. An added strength is the interdisciplinary nature of the research which draws on political science, sociology, law and economics.

For a majority of the authors, English is not their first language, which made writing and revising more taxing for them. Not all the papers could be included in this volume, and to the authors of those papers whose ideas and argument contributed to the success of the workshop, we owe thanks.

1
Introduction
Welfare and sex equality policy regimes

Frances Gardiner

The emerging literature on sex equality policy contains a challenging mix of concepts and theories arising from developments within the area of equal opportunities on the one hand, and analyses of welfare states on the other. From its contested conception, equality is now accepted as a valuable principle in West European liberal democracies. However, its legitimacy as a contender for scarce budget resources or policy innovation varies considerably between states. A range of equality measures have been adopted, adapted and enshrined in legislation by governments, but efficiency in implementation, monitoring and comparative evaluation is often lacking. Studies which evaluate such policies are mostly piecemeal analyses focusing on single nations or sectors, or alternatively, philosophical and social scientific debates about the meaning of equality.

Alongside this scholarship, mainstream welfare state analysis is subject to rigorous criticism due to its gender-blind methodology. The claim that malestream welfare state theoretical models are ill-equipped to accommodate a gender dimension also suggests that alternative perspectives are needed to identify variables that account for differing perceptions and treatment of gender differences for policy purposes. Others call for a synthesis of feminist and mainstream analyses to combine the best interpretive tools of both. What is increasingly clear, however, is the need for comprehensive assessment of equality policy as a substantive area, subject to evaluation in its own right, like other areas of government policy. Analysis is needed both within and between sectors (to which equality policies apply), within and between nations and an overall schema to chart the progress of equality policy within a comparative European framework.

In this collection of papers, the themes addressed provide an opportunity to assess the utility of selected welfare state models for analysis of sex equality policy, and to take the first steps toward constructing a comparative equality classification system. It is argued that, in terms of social policy, welfare frameworks cannot adequately accommodate sex equality policy due to their narrow base and gender-blindness. However, some of their classification

categories may be adaptable to accommodate and explain aspects of equality policy variation and to share theoretical frameworks.

The papers are grouped around three themes representing critical stages in the policy process:

1 revision and expansion of the debate on 'contested concepts' and selective implementation;
2 the relevance of policy networks;
3 the differential impact of state ideology, welfare regimes and international and transnational influences.

Six countries are examined, some single case studies, others comparative, set within a background of research on similar and different groups of states in Western Europe. In this section we will compare definitions of welfare and sex equality, highlighting difficulties surrounding their integration as elements of social and economic policy and political preference. We will discuss ways of viewing equality from different perspectives, assess the overlap in methods employed for both welfare and sex equality evaluation, and attempt a classification of European equality regimes.

DEFINITION AND DIFFERENTIATION

The linking of equality policy analysis with that of state welfare regimes by feminist scholars (Bussemaker and van Kersbergen 1994 and Chapter 10 in this volume; Lewis 1992; O'Connor 1993, 1996; Borchorst 1994; Sainsbury 1994) leads to attempts to understand cross-national variations in sex equality within an analytical framework developed by welfare state theorists. Initially it is useful to clarify what we understand by 'welfare state' on the one hand, and 'sex equality' on the other, before attempting to reconcile their amalgamation in typologies.

Most common definitions see a welfare state as involving state responsibility for securing some basic modicum of welfare for its citizens. For Mishra it represents government commitment and effort in western industrial countries to maintain a decent minimum standard of living through a high level of employment, general social programmes and anti-poverty measures (1993:36). Esping-Andersen deems it appropriate to require of a welfare state that it satisfies more than our basic or minimal welfare needs (1990:19). In general, most theorists envisage state intervention in the event of market failure. Usually this buffer or insulation against the vagaries of the market is seen as almost a contractual relationship between state and citizen, since the evolution of citizenship rights followed the development of capitalism with which the state is also involved.

Most interpretations of the welfare state concentrate on market-state relations, sometimes alluding to the family's role in social provision and the welfare needs of households and women's 'market status' *vis-à-vis* paid work, without incorporating them methodologically in the model. Inevitably where welfare is concerned, variations of scope and organisation arise, whether to do with the risks protected against, the population covered under a given programme, the criteria governing eligibility for benefits, level of benefits available, the ways in which programmes are financed and even in the different administrative procedures dealing with claims in different countries. It is now clear that the lens through which these variations are screened is gendered, revealing a significant blindspot in welfare state analysis.

Sex equality suggests that economic, political and social resources should be distributed equally between men and women. To favour one sex over the other for employment opportunities or to recompense one sex more so when market/state failure threatens their employment opportunities is regarded as sex discrimination. To force a mediated citizenship on one sex, to outrule a significant productive sector from official market status on the basis of their sex, or to recompense one sex at the expense of the labour of the other, is sex discriminatory. O'Connor summarises gender differences in social citizenship rights thus:

> A tiered system of access to social rights, comprised of a predominantly female stratum of welfare or social assistance clients who are granted benefits on the basis of need, generally household need, and a predominantly male stratum with individual benefit entitlements, associated with labour force participation…. A third category of beneficiary is comprised of those family members whose eligibility is dependent on the social insurance contributions of a family member in the paid labour force, in other words those with indirect social rights, who are predominantly women and children.
>
> (O'Connor 1993:504)

But sex equality covers a broader terrain than welfare equality although there is a distinct overlap between them. There is also a distinct link between the criteria governing initiatives in both areas and the scope and organisation of policies. Welfare rights are predominantly 'recipient-based' while sex equality in the wider sense encompasses apart from welfare, 'participation-based' or access rights in areas such as education, the law, health, environment, financial services, the media, public administration and agricultural, industrial, service and information sectors. Furthermore at structural level, public policy formulated predominantly by one sex cannot be expected to suit the needs of all citizens, so the under-

representation of women in decision-making represents an additional democratic deficit in liberal democracies.

VERTICAL AND HORIZONTAL COMPENSATION

Welfare programmes usually reflect a type of compensatory mentality. They can be seen as 'vertical compensation', in that protection and support are aimed at elevating the living standard of wageless people toward that achievable on minimum wages. On the other hand, as far as sex equalising mechanisms are concerned, both the axis of deprivation and the principle of compensation often differ. First, sex equality between men and women can be understood as 'horizontal', across-categories compensation although 'vertical' elements still persist, where pay differentials and equal value are problematic (see Kilpatrick, Chapter 2 in this volume). Second, at conceptual level the question of what constitutes equality, be it equality of opportunity or outcome, creates a strategic debate not so evident in malestream welfare state analysis. Welfare can also be interpreted as an attempt to redress 'inequalities of outcome', equality of opportunity supposedly having failed. In both the welfare and broader sex equality domain uncertainties exist in decisions over 'equality in what?' and 'equality with whom?', for instance, in countries where there is no legal minimum wage (for welfare) and in differentiated economies where equal value is contentious (for pay). In addition, wagelessness is always associated with paid labour while caring work or unpaid labour by women working in the domestic economy is not taken into account. Economic concepts of equality are based on economistic notions of maximising profit and using all a nation's resources in the pursuit of fiscal dividends. Paradoxically this reasoning could equally apply in arguments for the inclusion of women's domestic labour in gross national product.

If the principle of equity is that people should be paid in relation to their contribution to total social product (Anderson 1978:31) the exclusion of women's unpaid work (caring and servicing families) from GNP is anomalous. On the other hand women's paid work when identical to men's may still be paid at lower rates, and women's work considered equivalent to men's is not acceptable for equal pay rates. In malestream thinking, a norm for evaluating interprofessional wages is the maintenance of traditional differentials, and any wage adjustment as part of an incomes policy can have 'devastating consequences, since a recognised demand at any point in the system brings collateral demands for similar adjustments throughout' (ibid.: 31). Even before the gender dimension is introduced, an invisible agenda governs pay equality and compensation.

Part of the reason is that lifestyles and life chances are more differentiated among the female population than the male, since men's status tends toward

discrete categories—employed, unemployed, disabled or retired (and now lone parent). Women's status has always been more diffuse, varying from dependant, single, married, separated, divorced, deserted, disabled, widowed, lone-parent, part-time, temporary, fulltime, retired. There never was a male equivalent of the marriage bar, or resignation on parenthood or pregnancy, and no retirement age for mother domestic labourers. These anomalies help to perpetuate ambiguity over wage levels.

FROM EQUALITY OF ACCESS TO EQUALITY OF OUTCOME—THE ROLE OF THE STATE

Theoretical arguments about sex equality, relevant to policy analysis, can be conceptualised on a continuum involving access points and procedural regulations (see Buckley and Anderson 1988). They are also governed by ideological and philosophical preferences regarding equality, ranging from equality of access to equality of outcome and interventionist strategies toward their achievement (Lovenduski discusses these issues in depth in Chapter 5 in this volume). A liberal view of sex equality involves removing barriers to women's access to education, ownership of property, employment and political opportunity, and to benefits available to offset market failure in employment provision. Stemming from seventeenth- and eighteenth-century liberal ideas of equality, which challenged the divine right of monarchical rule, upheld individual autonomy and the concept of a public and a private sphere, these ideals were applied to male persons only. The dilatory tactics of European governments to evade their extension to women persisted into the twentieth century. John Stuart Mill's famous essay[1] argued cogently for the emancipation of women on the grounds that the intellectual advancement of mankind could not proceed in its absence. Liberal feminist support for equality of opportunity within a free market economic environment has stemmed from the idea that, by modifying socialisation processes, an ethic of joint responsibility for parenting can be inculcated, affording women more freedom to pursue careers, and delegating childcare to the private market. Equal access and equal treatment of the sexes will in this view eliminate discrimination and promote full citizenship for women.

Socialist feminists emphasise the white, middle-class bias inherent in this view of equality, pointing out that poor women can afford neither education nor childcare and do not own property, so equal access in itself is meaningless for most women. Progress along the continuum, toward the 'engineering equal opportunity' stage, requires state intervention. Socialism traditionally offered strong support for equality, stressing redistributive imperatives and equality of outcome. Here also we find arguments for women's personal self-autonomy. However, a third variant argues that 'concentration on the goal of equality of the

sexes in a man's world means acceptance of a status quo that overlooks important differences between the sexes, contending that women's values, lives and traditions are significantly different to those of men',[2] of commerce and politics, where competition and individualism dominate. Priority status, it is argued, should be accorded women's values and women's mothering and family role, reconciliation of work and family life in the form of parental leave, childcare facilities and flexible working time. This implies not only recognition of unpaid domestic labour, but recognises difference in female versus male worker-citizens, attempting to reconcile reproduction and production by encouraging father-workers in practices which have hitherto remained a predominantly female responsibility, i.e. parental leave and childcare.

A fourth position would accept inequality as natural, a market byproduct, on the premise that a free economic and political market in a meritocracy ensures competitivity which benefits consumers (see Forbes, Chapter 9 in this volume). The implication is that women should stick to what they are best suited to, typically wifedom and motherhood. It is now evident that the conditions governing policy choices in malestream welfare state thinking, discussed above, encounter fresh challenges over definition once gender is introduced. Vertical equality demands compensation in the event of market/state failure in classic welfare state theory, whereas horizontal compensation or sex equality demands not just women's inclusion in existing benefits, but also the expansion of the concept of equality (compensation mentality) to include obstacles to specifically female types of self-autonomy.

So far the discussion relates to women as domestic and market/state workers or as unemployed. Implicit is the notion of women as recipients but not architects of state policies. As Gardiner and Leijenaar argue (Chapter 4 in this volume), citizenship calls for full membership of civil and social institutions as well as full access to benefits and opportunities. As with employment/unemployment, inequality of access has long frustrated politically interested women. Parliaments, governments, international political organisations and delegations remain predominantly male spheres, virtual 'pyramids of exclusion' in many European countries. As yet throughout Western Europe, the development of policies to address sex inequality in access to election candidacies (the right to be allowed to compete), for example, remains at the infant stage. The domain targeted by such policies is more fortress-like than employment-related institutions because it is the pinnacle of official power and decision-making about redistribution and high office. In the economic marketplace it is possible to 'start up' as an individual and get access to trade; in the political market there are a fixed number of parliamentary seats, political parties monopolise the transmission route to parliament (although less than 5 per cent of the population are members), and in order to take a seat an incumbent must be dislodged. Sex equality policy therefore encompasses a terrain broader than

social welfare and requires a wide variety of explanatory and analytical approaches.

Equalising mechanisms in both economic and political spheres do not always require financial outlay, and returns on 'quality through equality' strategies need to be assessed against the opportunity cost of implementing them in labour and political markets. Clearly, although the inclusion of gender is essential to the conceptual framework of welfare analysis, existing typologies are based on a narrow range of variables and are thus inadequate to conceptually encompass equality regimes.

CLASSIFYING STATES—FROM WELFARE TO EQUALITY POLICY

Early welfare state analysis, in terms of the social protections offered to citizens, produced dichotomous, ideal-type models. States were graded either as *residual* with little or no safety net against the vagaries of the market, or *institutional,* where certain levels of protection were state supported (Titmuss 1974; Sainsbury 1991). References to social protection refer mainly to mechanisms which compensate for market failure in the employment domain governed by the principle of 'desert'. If the economy fails to create jobs or if it makes certain sectors redundant, the state is expected to step in and act to replace the benefits of which the newly unemployed become deprived, i.e. a living wage at the very least. Behind this reasoning lies the assumption that productivity deserves reward and that where market failure forces otherwise 'deserving' citizens (employed, productive) out of employment, onus falls to the state to compensate. The areas in which the state intervenes, the generosity with which it compensates, and the temporal rules attaching to compensation separates the residuals from the institutionals. We consider that residualism would favour equality of access rather than outcome, a minimalist position which may be 'rhetorical' rather than actively adopting and implementing such measures (see Norris, Chapter 3 in this volume).

In the early 1990s, welfare state analysts differentiated further between regimes, classifying systems on a variety of indicators: ideology (Esping-Andersen 1990), geography, language, religion (Castles 1993, 1994), ethnicity (Leibfried 1993), and provider status (Lewis 1992) for example, with considerable overlap between them. Among these, Esping-Andersen coined a concept to describe such compensation, calling it 'decommodification', i.e. the degree to which welfare states permit people to make their living standards independent of pure market forces. The catalysing effect which this concept generated on feminist scholarship and critique is such that 'decommodification has become the whipping boy of welfare regime theory' (Hobson 1994:172). Most feminist critics focus on the neglect of women's unpaid work, a dimension

virtually ignored by Esping-Andersen in his three worlds of welfare capitalism (see Langan and Ostner 1991; Lewis 1992; O'Connor 1993, 1996; Orloff 1993; Sainsbury 1991, 1994; Borchorst 1994; Bussemaker and van Kersbergen 1994 and Chapter 10 in this volume). Lewis identifies strong, modified and weak breadwinner states to explain high, moderate and low female economic dependence due to variations in women's workforce participation, which is facilitated by support services such as childcare. It is now widely accepted that the state-market-family triad is a more meaningful focus for welfare state analysis. A pay-pensions-unemployment mindset is blind not only to domestic labour but also to caring work in the family and the community, and totally oblivious to the gender deficit in access to other institutional rights (e.g. education, health, financial services) and to the production end of policy, i.e. decision-making and power-sharing. In order to successfully steer equality measures through the legislature, a network of collaboration between state feminists, political office-holders and women's movement activists seems essential (see Outshoorn Chapter 6; Valiente Chapter 7, and Reinalda Chapter 11 in this volume).

EQUALITY POLICY—CLASSIFICATION AND EVALUATION

Although equality policy concerns issues beyond the welfare sector, welfare state classifications nevertheless make a significant contribution to the development of a sex equality typology, offering many categories within which equality can be evaluated. The authors of these papers focus on equal opportunities at different levels, in a variety of sectors across six countries—UK, France, Ireland, the Netherlands, Spain and Norway, and also examine equality policy in Western Europe more generally. These six countries are a microcosm of West European nations, two strongly Protestant, three strongly Catholic and one mixed religion; levels of industrial development vary considerably, from the wealthy UK, the Netherlands, France and Norway to less developed Ireland and Spain; political and electoral systems vary, with majority/plurality rules in the UK and France, list PR in Norway, Spain and Holland (where the latter country acts as a large constituency), and PR stv in Ireland; geographically there is a representative spread among the countries.

On a residual-institutional axis, Norway and the Netherlands (in these papers) stand out as countries where equality has become institutionalised, whereas France, Ireland, the UK and Spain exhibit low levels of institutionalised sex equality policy, although options other than the residual category are needed for their precise classification. Considerable flexibility is needed in classification since countries may move from one category to another over decades, be it the Dutch upward mobility from having little equality legislation in the 1960s and

1970s to becoming a leader in the field by 1990, or British slippage from a leading post-Second World War welfare role; countries may be advanced in certain policy areas and backward in others; they may also adopt and implement equality policies, yet reap few dividends in terms of equality outcome (see Forbes, Chapter 9 in this volume).

Gardiner and Leijenaar (Chapter 4, Table 4.3 in this volume) identify 'leaders' and 'laggers' in equality policy for women as clients and partners in EU member states. The 'leaders' are Scandinavian followed by Holland, Austria, Luxembourg and Germany, while the 'laggers' are southern European—Italy, Spain, Portugal and Greece, joined by the UK, Ireland, Belgium and France, although the latter two score high on policies for women as beneficiaries as opposed to policymakers.

The Scandinavian 'leaders' on equality policy correspond to EspingAndersen's social democratic world of welfare, which makes sense, since the Nordic countries' historical attachment to equality as well as social democracy is well established. Their female parliamentary cohort has reached and exceeded a critical mass making a visible imprint on public policy and engineering change in policy direction to women's benefit. Their faith in state intervention places them at the 'advanced' end of the equality continuum discussed above. An expanded public sector acts as employer, childcare provider and generous education, health and welfare support. They exemplify Lewis's weak breadwinner model, which characterises states with high levels of female labour force participation and appropriate support services.

Norway deviates somewhat from the Swedish and Finnish pattern of generous spending on social security and maternal/parental leave. Always seen as more conservative than other Nordic states, religion was important and the church until recently had a relatively strong influence, reflected in more traditional Norwegian attitudes to the family (Kaplan 1992:73). Van der Ros in Chapter 8 of this volume describes the emergence of a childcentred concern among Norwegian policymakers, equating 'good equality policy with good family policy', which may not be in women's best interests. Hardly the functional equivalent of the 'new right' trend in the UK which legitimates cutbacks in equality policies, it still reminds us that leaders can respond but also cut back rapidly where sex equality policy is at stake.

The Netherlands (plus Austria, Germany and Luxembourg from Gardiner and Leijenaar's Table 4.3) can be accommodated in Esping-Andersen's conservative category, having Catholic or mixed-religion populations, well developed equality policy at client level, if less so at partner level; they fit at an intermediate stage of the equality continuum, and in Lewis's 'modified' breadwinner category since women's workforce participation is somewhat facilitated. The trend noted by van der Ros above is also noted by Outshoorn in Holland—the 'now we are all equal,

less needs to be done' approach. Different ideologies are invoked to allow leaders to excuse retrenchment over equality initiatives in different cultures.

The next group includes Ireland, Spain and the UK, as well as Belgium, France and Italy, whose weak scores place them in a low intermediate category for equality policy. Several anomalies remain, however: France and Belgium rank with the social democratic leaders in expansive social security, family and childcare policy and parental leave, but are weak on women's political representation. Given Belgium's 1994 initiative on gender candidate quotas (see Gardiner and Leijenaar in this volume Chapter 4), women's political representation may increase substantially over the next ten years, in which case Belgium may move closer to its Dutch sibling. The UK, Italy and Spain are marginal to this low intermediate group.

Greece and Portugal's extremely low score puts their equality policy in a rudimentary category. Although this group resembles Esping-Andersen's liberal category, it is not an appropriate comparison. The UK alone fits the liberal category, lacking childcare, with few women MPs but a strong female labour force and contested support for affirmative action. The Labour Party U-turn on 'safe seats for women' is a good example of 'liberal' (welfare) policy affecting women's political opportunities (discussed by Norris in Chapter 3 of this volume). The rest of this group—Belgium, France, Ireland and Italy, Greece, Spain and Portugal—do not fit into any of Esping-Andersen's categories.

Castles identifies distinct families of nations, defined in terms of shared geographical, linguistic, cultural and/or historical attributes which lead to distinctive patterns of public policy outcomes (1993: xiii). This was done by grouping countries historically sharing common ideas, customs and institutions, but rejecting those among them who reach the desired common outcomes via different routes of historical causation. For Castles, the family of nations concept is most convincing where a common route from the past is simultaneously reinforced by commonalities of culture, identity and a shared sense of belonging to a wider communality of nations in the present (ibid.: xvi).

An examination of the gendered nature of labour force participation shows that policy does matter, evidenced by the impact of the welfare state, taxation and childcare on outcomes in different countries. Religion and ideology emerge as significant indicators of female workforce participation. One of the most striking results is the strong positive correlation between Protestantism and increasing numbers of women at work (Schmidt 1993: 208). This is attributed to the effect of Protestantism's distinctive deep-seated belief system on family roles and on women's work outside the home, in contrast to Catholicism's opposition to the integration of women into paid work. Increases in female labour force participation in countries governed in the period 1946–59 by parties of the left were strongly positively correlated. Schmidt insists that centre parties, in Catholic countries such as Ireland, translate the conservative stance of

Catholicism in gender-related issues into public policy, such as in family policy, taxation, education, social security and care for children, the elderly and other dependants. This further explains the disparities noted by Gardiner and Leijenaar (Chapter 4, this volume) between the advances achieved by the Dutch compared with the Irish, particularly in the area of positive action for women election candidates. It is also interesting to note that in Kilpatrick's study (Chapter 2 in this volume), it is Catholic France which fails to develop the concept of equal pay for work of equal value, while the Protestant UK is exceptional in actively using it.

However, across Europe the incidence of low pay is at its highest in Ireland, Spain and the UK (see Lovenduski, Chapter 5 in this volume). In the UK and Ireland there is neither a national system of minimum wage protection nor enforcement of minimum rates by strong collective bargaining. In Spain, although there is a minimum wage, it is set at a low level and not comprehensively enforced. And although gender pay gaps exist in every member state, the largest pay gaps between men and women are found in the UK, Ireland and Luxembourg (*Bulletin on Women and Employment in the EU* 1994). On the other hand, although Irish women's workforce participation is low, Ireland's equality institutional arrangements and practices are regarded almost as a role model for other EU member states. Ireland is one of a few countries where judicial forums have been given specific powers to require the correction of discriminatory practices, and where powerful new remedies linked to positive action plans by employers have been instigated. As one of the countries with the highest levels of equality litigation (once quasi-judicial forums such as the Irish equality officers are taken into account), the role of the unions in invoking equality law, and the Employment Equality Agency in participating in the litigation process are cited as examples of good practice (Fitzpatrick *et al.* 1994).

Nevertheless, the governments of the above countries appear to place priority on the maintenance of traditional patterns of gender differentiation, which Lewis (1992) refers to as strong breadwinner states (see Bussemaker, Chapter 10 in this volume). Lewis sees Ireland and the UK as examples of strong breadwinner states, which at first glance seems to challenge Schmidt's positive correlation between Protestantism and women in the labour force as far as the UK is concerned. But Lewis concedes that 'the male-breadwinner model (in the UK) is reflected in the nature rather than the level of women's labour market participation' (1992:164), predominantly part-time, 'precarious', with short hours and few benefits, and little childcare provision.

In contrast to predominantly Catholic nations, left-wing party governments in general have tended towards a more liberal[3] stance in family policy, including areas of relevance for female labour force participation such as taxation (Schmidt 1993:204–5). The structure of taxation can also act as a disincentive to women in paid work, prompting Siaroff to construct an index of female work

desirability (1994:94). This helps to explain the low labour force participation of women in Ireland and Italy and the roots of opposition to affirmative action. It also supports Wilensky's (1990:3) claim, outlined in Gardiner and Leijenaar (Chapter 4 this volume), that social democracy and Catholicism are positive and negative predictors respectively, of women's workforce participation. Since women's political opportunity is closely linked with workforce participation, it is not surprising that these countries have low levels of women in parliament.

Several other welfare state interpretations offer explanatory categories which may be useful for equality policy. Leibfried (1993) discusses four social policy regimes: the Scandinavian category echoes Esping-Andersen's and Castles' groupings; the 'Bismarck' countries approximate Esping-Andersen's conservative group and Castles' German-speaking family; the Anglo-Saxon group is similar to Esping-Andersen's liberal world and Castles' English-speaking family of nations. The 'Latin rim' countries provide a new category in which to situate some of the 'homeless' nations discussed above—Italy, Spain, Portugal and Greece. Leibfried tentatively includes France in this group, characterised as a 'rudimentary welfare state' (1993:142). As already mentioned, the Latin rim and liberal English-speaking Anglo-Saxon countries resemble each other with residual equality initiatives and few women in parliament. However, their ideology differs: in the Latin rim countries, the Catholic doctrine of subsidiarity and corporatism delegates responsibility for welfare support to the family, and retards women's workforce participation, while their low GNP permits only a residual level of support. By contrast, the richer Protestant Anglo-Saxon states urge the 'self-help' ethic and reduce support mechanisms to a minimum.

Siaroff s typology offers an alternative classification option for this group of 'homeless' states, as far as equality policy is concerned. To begin Siaroff distinguishes between two groups of Protestant countries. He calls the Nordic group the *Protestant social democratic welfare states* based on high female work desirability and high levels of female workforce participation. In place of a liberal English-speaking Anglo-Saxon category, Siaroff refers to *Protestant liberal welfare states.* In order to resolve a classification dilemma similar to ours above, he divides the remaining countries into two groups: the *advanced Christian Democratic states* which include Holland and Germany, and the *late female mobilising welfare states,* in which he places Ireland and Latin rim countries. Ireland is difficult to classify but is quite unsuited to this category since Irish women were among the earliest to be enfranchised. Low levels of female workforce and political participation, and weak positive action by government, however, bring it close to countries such as Spain and Portugal.

Table 1.1 Equality rating of countries by religion and ideology

Equality rating	Religion, Ideology, Level of development	Nation
Advanced	Lutheran, Social Democratic, highly developed	Sweden, Norway, Finland, Denmark
Intermediate	Mixed religion (Cath/Prot), Christian Democratic, highly developed	Netherlands, Austria, Luxembourg, Germany
Low intermediate	Mainly Catholic, quasi-conservative, mixed development (high/low)	Belgium, Ireland, France, Spain, Italy, plus UK
Rudimentary	Catholic/Orthodox, conservative, less developed	Greece, Portugal

CLASSIFYING STATES BY SCORES ON EQUALITY POLICY

There is an impressive consensus in welfare state and equality policy analysis that the Nordic states merit top rating, whichever classification system is used. These leaders, Lutheran social democratic states, remain foremost in the field of equality, be it for women as clients/policytakers or partners/policymakers (see Table 1.1). They may vary internally on level of generosity but do not seem to suffer reverses to the same extent as countries such as the UK, whose liberal dogma on equality exemplifies Norris's 'rhetorical' strategies (Chapter 3 in this volume). Non-Scandinavian EU countries exhibit divergent patterns; some appear to resemble the UK with a limited equality policy repertoire (Portugal, Spain, Greece and Italy) but from different ideological, religious and development bases, and since their historical and cultural experiences diverge they cannot be seen as 'separated siblings' according to Therborn (1993). We can distinguish trends among the rest of the EU countries, for example the Netherlands converges on the Scandinavian constellation with quotas, positive action and increasing support for childcare.

Ireland fits best in a mixed north-south European group with low intermediate equality rating. Other members of this group include Belgium, France, Spain, Italy and the UK. As mentioned above, their weak equality strategies particularly at partner level determine their final score. France and Italy enjoy the dubious distinction of having legislation on gender quotas for election candidates declared unconstitutional. This classification represents a first step to creating an 'equality typology' which at best can reflect only a temporal, cross-sectional snapshot, given the impact of progress but also inevitable 'pendulum swings' arising from cutbacks. Nevertheless it provides a base for future classifications and may serve as a barometer for observing changes in scores across the EU.

PLAN OF THE CHAPTERS

The collection divides into three sections, each combining theoretical and empirical contributions: first, concepts relating to equality in employment and political participation are debated; next, the policy networks which assist in translating concepts into concrete policies are identified; finally, the national and inter/transnational influences which can shape policy and speed up, slow down or abandon adoption and implementation are charted together with an assessment of citizenship which highlights intellectual blindspots where gender is concerned.

Part I:
Contested concepts, selective practice

First, conceptual differences and difficulties are outlined within a legal framework using equal pay for work of equal value as an empirically testable example. Although a legally enforceable right since 1975, the problem of definition and practical application of equal pay for work of equal value bedevils most EU states because of difficulty in establishing the functional or value equivalence of certain occupations. Claire Kilpatrick examines the non-utilisation of the concept in France in contrast to 'the rich vein of equal value developments in UK during the same period'. She points to the creation of a virtuous equal value circle in the UK and a vicious equal value circle in France, with only four cases dealing with equal value in the French courts compared with the lodging of 780 such cases in the UK although the majority were dealt with through conciliation (or withdrawn). Part of the problem derives from parallel attempts at engineering gender equality in the labour force, particularly in France, with moves to desegregate horizontally in order to promote women into male-type jobs and out of overly feminised sectors. It is worth noting that equal pay for work of equal value can result in the levelling up of male work (and pay) too. Kilpatrick suggests that the frequency of litigation across nations on the matter of equal value may influence the degree to which equality legislation is pursued. Getting attuned to the aims of equal value law is often achieved via the process of litigation itself, as the relevant fora become used to the arguments and can develop or hone the concepts found in legislation. Kilpatrick contrasts the presence of strategic litigation and *litigotiation* in the UK with the paralysis of such intermediary instruments in France to explain the pursuance of equality legislation in the former and its neglect in the latter. In the final analysis however it is the widespread lack of education and training which seems to account for the active pursuit by British citizens of equal value cases and the lack of such mobilisation in France.

Going beyond definition, process and disposition, sanctions must be developed for infringements of equal value law. In an era when moves away from the ethos of retribution to that of reconciliation in sentencing policy appear to gain increasing acceptance in some areas of law, the French resort to criminal sanctions and even to imprisonment in cases of recidivism raises questions. The threat of such stringent sanctions may well contribute to the reluctance of the French to turn to equal value litigation, given that applicants may also get legal assistance in the process. It is worth considering if the threat of publicity or community service in appropriate form might not prove more effective for offenders and encourage potential litigants.

Norris focuses on the political arena to highlight how closely equality strategies correlate with existing cultural values. Moving along a continuum from simple rhetoric, through affirmative action to positive discrimination, she traces the incremental nature of the equality endeavour, using the example of the British Labour Party's selection process. Here, the shift from purely rhetorical commitment in leadership speeches and official party platforms to positive discrimination for women had raised expectations that more Labour women might be selected, but the policy of all-women shortlists was struck down. This raises the question of how affirmative action can best be pursued with an electoral system like that in the UK.

Gardiner and Leijenaar examine the case for ranking Ireland and the Netherlands as 'woman-friendly' states by grading their equality initiatives on two dimensions—for women as beneficiaries and as agents of public policy. They highlight the significant differences in governments' willingness to be proactive in strategies for more women in elective office—the boldness of the Dutch contrasts with the timidity of the Irish. The simple rhetorical approach (which Norris describes) is more characteristic of the Irish, while the Dutch embrace positive action with great success. In Holland the reluctance to opt for legislation contrasts with the Scandinavian experience, but with over a third of Dutch women MPs in 1996, it has been shown to work effectively. Clever networking helped to persuade parties to select women candidates—high ranking ministerial contact with senior political party personnel—citing 'who talks to whom' as the key. Gardiner refers to the enthusiasm in some Irish parties for positive action including quotas, but since it is the small parties, furthest from power centres, that take this 'bold' approach it can only increase the number of women in parliament by a few percentage points because the large parties still eschew interventionist measures. However, the funding which government contributes to the education and training of Dutch women candidates contrasts with the grants to local women's groups in deprived areas in Ireland. It is noteworthy that as far back as 1975 the Dutch government was funding women's groups (see Outshoorn in Part II).

Part II:
Elements in the policy community and process

Lovenduski's premise sets the tone for this section—that in contemporary Europe the ideals of democracy, while they favour the dominant sex, are a resource for the subordinate sex in that they invite women to demand and take up rights. She claims that the arrangements for making such demands and taking up rights are organised to ensure they are made from outside institutional channels of influence and according to rules designed to suit masculine lifestyles. Differentiating between symbolic and substantive policy she associates rhetorical strategies with symbolic policy, and suggests, using Lowi's (1964) categorisation that the redistributive imperative in substantive policy is highly controversial and meets high levels of continuing resistance. The sex equality policy community must be established, articulated and integrated. Thus campaigners for sex equality necessarily must ground their arguments to best accommodate the rules of the game and eventually to challenge those rules. This is a counter-argument to Forbes's analysis of government arguments to cut back on equality schemes and programmes. Campaigners can target and defeat new conservative thinking by grounding arguments in the manner suggested by Lovenduski.

Outshoorn attributes advances in equality policy in the Netherlands to the unique organisation of the national machinery. State feminism and the presence of a cohort of femocrats were essential ingredients, as was funding such as the 2 million guilders given to subsidise activities during the 1975 UN Women's Year. She discusses the strengths of the intersectoral approach, where a central unit is given the task of coordinating and monitoring activities in other departments and also charged with developing policy. Reducing the 'woman question' to a single issue in one ministry would have been at odds with feminist ideas and practice. The *iron triangle,* a policy network which entailed cooperation between the women's movement and civil servants and a close parliament-femocrat relationship was the preferred model for pioneering equality policy. Weaknesses in the women's movement were offset by overarching strengths at government level, such as the setting up of a Cabinet Committee for Women's Policy, chaired by the prime minister, in 1986. Threats to dismantle equality measures stemming from the vogue for 'small government' is taken up by Forbes in the next section.

We are more accustomed to studying the Scandinavian countries at national level as role models of equality policy. Here Janneke van der Ros expands the Norwegian repertory of policy initiatives to show how at local level what she calls the *welfare municipality* with its rallying cry *Good family policy is good equality policy,* stems from the Parliamentary Bill on Equality Policies for the 1990s. Emphasising that the citizen-worker has a family and the citizen-mother is in a family, policy is almost gender-blind. But, as van der Ros points out, the

thrust of current equality policy is to create the citizen-father, i.e. a man with caring responsibilities to legitimate the parental leave measure. However, the 'caring status' of this citizen-father is made dependent on the wife's labour market activity. The gendered nature of citizenship becomes problematic in that the dualist concept traditionally regards the man as citizen-worker and the woman as citizen-mother. Contradictions become serious when policies to improve women's 'individual well being' come into conflict with her family's well being, resulting in what van der Ros calls a *zero-sum game:* what women win, their children have to lose. She says the double concept of women as individuals and women as family members is 'baked' into organisational design in Norway with the government department responsible for the overall coordination of equality issues predictably subsumed under the Ministry of Child and Family Affairs. Clearly, Outshoorn's *iron triangle* can backfire. The intersectoral approach needs careful direction. Threats to equality policy in Norway then are different to those in the Netherlands, the 'small government' concern being replaced by a concern to focus strongly on child-centred policy.

By way of contrast to the other papers in this section, Valiente's contribution on state feminism highlights the structural political constraints on what is otherwise a potentially powerful element in the equality armoury in Spain. Established in 1983, following the Socialist Party's (PSOE) electoral success, the Institute of Woman (Instituto de la Mujer) is an autonomous body with its own director, facilities and independent budget. As an advisory agent in a country with a weak women's movement and an authoritarian political culture, the multiple functions of the IW, from government adviser to monitor of implementation of legislation, represent both a strength and a weakness overall. Strong support for state intervention among the electorate fosters the idea of femocracy and institutional support for equality. However, the close association between the IW and the PSOE constitutes a threat to innovative policy outside of established socialist policy on the part of the IW. Second, as the most important element in state equality policy in Spain, the IW may well be dependent on the goodwill of future administrations for its own survival. This contrasts with the situation in Norway, Holland and the UK where such agencies get cross-party support. It also places the gains made via the undisputed commitment of the PSOE to gender equality at risk of retrenchment, not due to a preference for 'small government', or increasing focus on 'the family', but due to the as yet unexamined equality credentials of a government replacing the PSOE.

Part III:
Privatising equality, gendered citizenship, inter/
transnational influences

However cohesive the policy community may be, many other factors influence the adoption and implementation of equality measures. In this section we focus on policy drafting and how initially agreed concepts can be revoked, elements of the policy community disestablished, and the dominant role of ideology as the ultimate arbiter of the fate of equal opportunity policy.

Forbes states that those with experience of implementing antidiscrimination policies know the difficulties of moving beyond agreement with principles and stressing legal prescriptions to the much more challenging and important stage of institutionalising practical and cultural change. As the equal opportunities movement has become professionalised and as the elements of anti-discriminatory practice have become better developed, so the interests of privileged groups in society come under scrutiny and challenge from within their own institutions and organisations. The challenge to the privileges and sensibilities of the (mainly white male) professional classes, according to Forbes, often results in denial and attempts to destroy anti-discrimination processes. Refuting the claim that conservative political thought—in both its traditional and New Right forms—has no room for a conception of equality of opportunity, he insists it does in fact offer a clear and compelling account based on core values of stability and order. Conservative proponents of equal opportunities in Britain believe that competition breeds improvement—the hierarchy is refreshed and strengthened by new blood, of the right kind, in his view. A commitment to merit as the foundation and the crucial role of incentives to achieve serves to defend a reduction of state interference in the lives of under-achievers—effectively cutting down on state welfare to encourage people to be active and to discourage dependency on benefits and the state. Change should thus be brought about by private initiative within an appropriate legal and social framework. This is as applicable to support for single parents as it is to affirmative action for women in decision-making office.

Bussemaker develops this structural analysis by reviewing the work of Esping-Andersen, notably his typology of welfare state regimes. Referring to the neglect of the gender dimension in Esping-Andersen's *The Three Worlds of Welfare Capitalism* (1990) she cites Leira's (1989) study of how his Scandinavian social-democratic model breaks down when gender is incorporated. Bussemaker sees the Norwegian system as closer in many respects to that of Britain than to Sweden because it has continued to treat women primarily as wives and mothers. She then sets out to examine what happens to the typology of welfare state regimes if attempts to integrate gender into it are made. Using Lewis's (1993) distinction between different types of welfare state in terms of gender and the relationship

between paid and unpaid work and welfare, she associates conservative, socialdemocratic and liberal welfare state models with various 'breadwinner models' in a gendered analysis. To begin, Lewis locates patriarchal control in collective institutions in the strong male-breadwinner model, e.g. Ireland and Britain; in the family, in modified male-breadwinner models such as France. The third type of gender welfare state is a 'weak' breadwinner model with Sweden cited as an example. Bussemaker highlights the gender gaps in Esping-Andersen's model. Ultimately she portrays the tension between the roles of women as worker-citizens and as mother-citizens, a theme which runs throughout the different sections.

Having examined the state structural limitations on equality legislation, Reinalda calls our attention to the interplay between two levels of decisionmaking—national and international. He depicts the evolution of ideas and international standard setting of the United Nations, the ILO, Council of Europe and the European Union as consisting of 'inputs' to domestic political institutions which are internalised by the lower political entity. National political decisions may also be seen as 'inputs' to the international level which through consultation and compromise create policy. These international compromises (e.g. international conventions on the traffic in women, maternity protection or non-discrimination) then feed back into the national system. According to Reinalda, the intention of international standard setting is that national states ratifying these norms should adapt their national laws and practices to such international norms. The inter dependency of nation states contributes to the acceptability of such policy decisions. He refers to the EU equality recommendations and directives by way of example and concludes that although often seen to 'fall from on high' or as *dea ex machina,* these supranational gender egalitarian measures create a mechanism such as the European Court of Justice to legitimate their existence and afford citizens an agency to resort to should the need arise.

The main themes throughout these chapters concern challenges to interpretations of equality—at the conceptual, procedural, legislative, adoption and implementation phases. Different conceptualisations of equal opportunity result in diverse approaches and schemata—broad and inclusive in Scandinavia but narrow and exclusive in the UK and France. This mental map of equality is comparable with that pertaining to welfare—in some 'residual' states (liberal) the safety net is low, thin and narrow. In Scandinavia (social-democratic) where equal opportunities are institutionalised it is high, wide and thick. In the former, the 'self-help' ethic is expected to win out, state assistance to be sought only as a last resort and benefits are pared down and have a shorter lifespan. A similar approach to sex equality measures means that little positive action on women's political opportunity is to be expected in 'liberal' (welfare) states while early state intervention in 'social-democratic' Scandinavia and Holland has meant

parliaments in these countries are now composed of between a third and two-fifths women.

What may ultimately make the difference to the future of sex equality and 'woman-friendliness' is whether their 'takeoff point came before or after 1980. Given the advent of new players to the equality field—those pertaining to race, disability, sexual orientation, what Forbes refers to as the 'equalities movement' has become a crowded arena. This has happened at a time when a New Right philosophy encourages cutbacks and privatisation. Economic recession also has an impact on the policy environment. There-fore in countries where equality has a history of institutionalisation, e.g. the Nordic states, women's personal power and subjective competence are well developed to counter moves to retreat on equality issues. On the other hand, countries where women's movements did not win early government support, or where the 'iron triangle' discussed by Outshoorn did not operate effectively, may face difficulties in maintaining focus on gender when other 'equalities' stake their claims. Similar constraints apply to welfare entitlements—in underdeveloped economies where the welfare state is rudimentary little progress may be forthcoming in the event of recession. Both welfare and the broader sex equality policy areas—sometimes overlapping, sometimes separate—are subject to structural constraints and there is a case to be made for comparative study of their progress and identification of 'best practice' which may be successfully applied to both.

NOTES

1 Mill, J.S. (1983) *The Subjection of Women,* London: Virago.
2 Buckley, M. and Anderson, M. (eds) (1988) *Women, Equality and Europe,* Houndmills: Macmillan.
3 Liberal hoe means less repressive and less moralistic, with resort to legislation, if necessary. This contrasts with Esping-Andersen's 'liberal' world of welfare which favours a *laissez-faire* approach and minimal state intervention.

Part I

Contested concepts—selective practice

2
Effective utilisation of equality rights
Equal pay for work of equal value in France and the UK

Claire Kilpatrick

In 1975, equal pay for work of equal value was introduced as a legally enforceable right at supranational level with the passage of the Equal Pay Directive. In 1983, under pressure from the European Community, the UK introduced, and France refined, the concept of equal pay for work of equal value in their national legal orders. This chapter will chart and investigate the non-development of the utilisation of this concept in France and contrast this with the rich vein of equal value developments in the UK during the same period. It begins to locate the constellation of institutional factors which have led to the creation of a virtuous equal value circle in the UK, and a vicious equal value circle in France.

While equal pay for work of equal value has been selected as the legal right to be compared, the same conclusion could be reached with equal validity for practically all other sex equality employment rights: in the UK they are used, while in France they are not. Furthermore, the value of this comparison is not restricted to perceiving France as an anomalous exception in its under-use of equal work for equal value in the EC. Rather, it is the UK which is more exceptional in actively using and developing the right to equal pay for work of equal value. This points strongly to the uneven utilisation and development of legal equality principles in the EC and raises questions as to the adequacy of the implementation methods employed in those member states where equal pay for work of equal value is clearly suffering from under-use.

Equal pay for work of equal value is a concept designed to recognise and tackle the systematic under-evaluation of female work in a profoundly segregated labour market. Unequal pay is predominantly the product of institutional structural discrimination in which feminised occupations and sectors are paid less than male-dominated sectors. The mode and facility of equal value implementation will evidently depend on a multiplicity of factors such as firm size, the degree of centralisation (or decentralisation) of pay bargaining, moves towards pay individualisation and performance pay, patterns of unionisation, the

existence of a minimum wage and whether the labour market is characterised more by intra-firm or inter-firm occupational segregation.

Unequal pay primarily concerns the underpayment, not of a single woman but a group of women, who carry out a job not generally performed by men. Employers and employees may often be unaware that their pay structures are discriminatory. Application of equal value therefore requires employers, unions and employees to possess the tools to rethink the grounds on which pay is determined—in particular whether female-dominated jobs are undervalued in terms of recognition and weighting of skills—and the incentives to redress discrimination whenever and wherever it is determined. It requires informed change of the current operation of pay structures. An operational equal value principle is, by definition, intrusive into the current operation of pay systems. To what extent do the equal value mechanisms employed at supranational and national level reflect the specificities of equal value?

EQUAL VALUE AT EUROPEAN LEVEL

The most striking aspect of the 1975 Equal Pay Directive (EPD) is its clear emphasis on *individual litigation* before an equal value forum as the central enforcement mechanism. The possibility for an individual to pursue an equal value action by judicial process (Article 2) and to be protected from dismissal as a result of taking this judicial action (Article 5) underpin the enforcement and realisation of equal value at EC level. While the possibility of attacking the discrimination at source is included (Articles 3 and 4), what Fitzpatrick (1992: 214) terms 'formal discrimination' (in the collective agreement, law or wage scale, for example) is less explicitly operationalised in the Directive. It is unclear who will be able to attack these sources of discrimination and before what type of forum.

Apart from the clearly pivotal role of individual litigation in the enforcement of equal pay for work of equal value, the EPD is more striking for its omissions than its inclusions. While the EPD tells us that work to which equal value has been attributed is included within the equal pay principle, it does not give any guidance as to what mechanism is to be used to decide if two jobs are of equal value. As the EPD's job evaluation clause makes clear, these schemes can be discriminatory: what then can the equal value forum which has to decide if two jobs are of equal value use as a measurement method? Second, the EPD provides no guidance on the permitted spatial comparisons of the equal value mechanism. Are only intraenterprise comparisons allowed?; are intra-establishment, intra-industry or cross-industry comparisons permitted? Third, the Directive makes no explicit statements about the availability, production or analysis of pay information. The employee is to find out about her right to equal pay for work of equal value through the publicity clause (Article 7), a necessary but scarcely

sufficient method of informing employees of a complex equality right. Finally, it does not clarify in what situations it will be legitimate to pay unequal pay for work of equal value: that is, how to determine whether the pay difference is based on discrimination or not.

The open texture of the Directive's provisions leaves open a large amount of interpretive space for the member states. On the positive side, the failure to pin down more explicitly the implications of an operational equal value principle had the political advantage of allowing the text to come into existence. As Hoskyns remarks,

> It was important that, on the whole, the officials and politicians who negotiated the women's Directives in the 1970s, saw the issues involved as marginal and as ones upon which concessions could be made...they clearly had no idea at the time of how far-reaching the effects of these Directives would prove to be.
>
> (Hoskyns 1992a: 22)

Furthermore, the interpretive space in the Directive has been used to great effect by the European Court of Justice (ECJ). The supranational level has been the motor for innovation and development of the equal value concept, with recalcitrant member states often being dragged into line by Community action. The ECJ has delivered a series of expansive judgments which have elaborated substantive and procedural concepts in the sphere of equal value. Finally, this space may be seen as necessary in an area such as equal value to permit national legal orders to adapt the implementation of the principle to the specificities of labour law enforcement. On the negative side, the interpretive space in the Directive left states with a potentially wide margin of manoeuvre to operate a minimalist definition of equal value.

PROBLEMS AND PROSPECTS WITH INDIVIDUAL LITIGATION

An individual litigation model is appropriate in the enforcement of certain aspects of sex equality legislation, particularly in cases where there is a clearly identifiable 'victim', for example, where a particular woman is subjected to sexual harassment, is refused a promotion or is dismissed because she is pregnant. In other words, in some instances it is an appropriate enforcement tool in cases of individual acts of discrimination. However, the demand for equal value is aimed at the structural underevaluation of women's work. Thus, in individual litigation on equal value, the individual becomes a 'hook' upon which the challenge to the payment system can be hung (Fitzpatrick 1992). The

structural pay discrimination is thus challenged not directly but obliquely. This makes the individual litigation model illadapted for use in equal value cases.

Yet in some ways this is the least of its problems. Enforcing equal value, according to an individual employment right model, accentuates the problems which arise in other individual enforcement cases. The inherent power imbalance between employer and employee is aggravated by the fact that unlike the most commonly invoked individual employment right—the right not to be unfairly dismissed—equal value cases are likely to take place during the course of employment. An isolated individual will find it very difficult to challenge the valuation of her work unaided, particularly when this will generally involve challenging pay differentials with a male comparator in the same enterprise. Perceiving potential pay discrimination is problematic for individuals. It requires, for example, a female cleaner working in a hospital to realise that while it is normal for her (and her cleaning colleagues) to be paid less than the male hospital porter she works alongside, it may be illegal. If a wider spatial application of equal value is considered, the difficulties of an isolated applicant finding a comparator in another enterprise cannot be underestimated.

Actually going to court presents a further set of difficulties. Equal value cases involve detailed consideration of payment systems. It will often be difficult for the applicant to have access to this information. Even if she succeeds, analysis of this information will be necessary and her analysis of the information and the valuation of her job will be contested by the employer. In short, it will generally be impossible for individuals to take an equal value case without the support and expertise of another body/bodies which possesses the knowledge and resources to assist the applicant. Hence, an individual method of redress for equal value is destined to remain an unoperationalised paper principle if these structures of knowledge and support are not in place. Therefore, only a *modified* individual litigation procedure will be adequate to provide effective access to the judicial remedy laid down in Article 2 of the EPD.

Further problems and prospects become evident when the role of the European Court of Justice is examined. The development of equal value as contained in the EPD at European level has not come about through further pieces of legislation but through the development of procedural and substantive concepts by the Court. While some of these have come about through action taken by the Commission against a member state (an Article 169 action), mostly the Court has refined and expanded the procedural and substantive principles of Community law obligations through the preliminary reference procedure (an Article 177 action). This is a procedure whereby a national judicial forum, faced with a problem concerning the application of Community law in a particular case, refers questions to the ECJ for clarification of the bearing which Community law has in a particular case. The Article 177 procedure has proved vital in the development of discrimination law. Three points can be made regarding this procedure. It

gives the court system, at national and supranational level, a central role to play in the incremental development of complex equality rights such as equal value. Second, it means that for equal value to develop in a European context, references from the national courts are essential. This requires litigation at national level plus a sufficient knowledge of national and Community equal value texts and developments by the national equal value forum to apply the relevant Community principles or make a reference where it is unclear how to apply Community law in a given factual situation. In the absence of national litigation and an awareness of the Community texts, the two-way pipeline between national and Community law is closed.

Hence litigation is important to build 'equal value knowledge' at national and supranational level. For litigation to take place, an organisation other than the individual must be actively involved in the pre-court and court stages of an equal value claim, and judicial fora must be aware of equal value precepts and of national and supranational equal value developments. To what extent have the British and French systems modified the individual litigation model or provided alternative enforcement models in the area of equal value? In particular, who is given a role in equal value enforcement and how can these individuals or organisations play their role?

LEGISLATIVE DEVELOPMENT OF EQUAL PAY FOR WORK OF EQUAL VALUE IN FRANCE AND THE UK

In France, the principle of equal pay for work of equal value was introduced in the first provision dealing specifically with equal pay in 1972. Inserted as Article L. 140–2 of the Labour Code, it stated that 'all employers are bound to ensure, for the same work or for work of equal value, equal pay between men and women'. In terms of promoting the dissemination and enforcement of the principle of equal pay, the law required the posting of the text in places of work, established an individual right to enforce, conferred an investigatory power on the Labour Inspectorate and imposed penal sanctions on employers found to be in breach of the equal pay provision. Thus, this equal value mechanism provided no criteria for the production of pay information and no criteria to guide the equal value fora in determining whether the jobs were of equal value or the scope of spatial application. No explicit enforcement role was given to any body other than the Labour Inspectorate. The period 1972–83 can be characterised by its paucity of litigation, and the reactionary and confused stance of equal value fora in the few cases that came before them (De Marguerye 1983:119).

The situation in the UK under the Equal Pay Act 1970 was much simpler, if even less encouraging. An equal value claim could only be taken if an employer had voluntarily introduced a job evaluation scheme, and the claimant was being

paid less than a man whose job had been evaluated under this scheme as of equal value to hers.

The EC intervenes

The European Commission, charged with ensuring that EC law is implemented, produced a report in 1979 on the implementation of the Equal Pay Directive. It concluded that only two member states, Italy and Ireland, had complied with their implementation obligations. It then initiated infringement proceedings (under Article 169 EEC) against all the other member states for failure to implement the Directive properly. However, the enforcement action against France was withdrawn due to the appearance in January 1981 of the first draft of a law. This 'Projet 1202' was realised in part in the Auroux Laws legislative package, which ushered in a significant revision of French labour law but was chiefly dealt with in the 1983 occupational equality law.[1]

The infringement proceedings against the UK were however pursued.[2] The judgment is of particular interest in expanding upon and deepening the EC concept of equal value. The UK argued before the Court that the concept of equal value was too abstract and would require compulsory job evaluation. The Court disagreed, stating that 'the member states must endow an authority with the requisite jurisdiction to decide whether work has the same value as other work after obtaining such information as may be required'. Thus, the Court underlines the need for access to an authority competent to make equal value determinations and introduces (unlike the provisions of the EPD) the need for information to be obtained by the equal value forum. Following the condemnation of the UK in this case, Equal Value Regulations were introduced in 1983.[3]

The new shapes of equal value

Rather than comprehensively dealing with all the institutions or groups which are given an institutional role to play in at least one of the systems, the focus will be on those which play, or could play, a significant role. These are courts and tribunals, official equality agencies, Labour Inspectorate and Public Prosecutor, unions, specialised pressure groups and experts.

Courts and tribunals

In both countries, the task of adjudicating individual equal value claims is entrusted to specialised labour tribunals. In France, the *Conseil de Prud'hommes* is composed of two non-professional judges (hereinafter labour judges), chosen through election by employers and employees respectively. The *Conseils*

adjudicate all labour disputes based on the contract of employment, although certain disputes concerning collective agreements and the internal works rules are dealt with by professional judges in the mainstream civil system. In case of disagreement between the two labour judges, a professional judge from the lowest-level court in the civil system (the *Tribunal d'Instance)* is called in to deblock the disagreement. Individual applicants may be eligible for legal assistance (legal aid) depending on their income. Unlike the British system, criminal sanctions play an important role in French labour law, including equal pay, and these are enforced through the criminal courts *(Tribunal de Police).*

Employers who contravene the principle of equal pay can be fined as many times as there are workers illegally remunerated. In case of recidivism within one year of a judgment, higher fines can be imposed and the employer may be imprisoned for two months. The criminal tribunal may also order publication of the judgment. Failure to display the equal pay provisions in a visible place in the enterprise is also susceptible to penal sanctions (Article R.154 Labour Code). Appeals, depending on whether they originate from a *Conseil de Prud'hommes* or a criminal court go to either the Social or Criminal Chamber of the Appeal Courts made up of professional judges with no particular labour law specialisation and on a point of law to either the Social or Criminal Chamber of the Cassation Court.[4]

In Britain, enforcement of equal value is through the Industrial Tribunal system. Industrial Tribunals do not have a general jurisdiction on matters relating to the contract of employment but can enforce a delimited number of statutory rights. Industrial Tribunals are made up of one professional judge, flanked by two lay members representing employers and employees respectively. In discrimination cases, by convention, one of the lay members is a woman. Appeals go to the Employment Appeal Tribunal (EAT), organised according to the same tripartite formula and from there into the general judicial system to the Court of Appeal and the House of Lords. Legal aid is not available for cases taken before the Industrial Tribunal but may be available if applicants fulfil eligibility requirements at EAT level, and on further appeal.

In France and Britain, the determination of equal value by the tribunal follows a distinctly different procedure. In Britain, the obligatory referral to an independent expert to some extent removes from the tribunal some of the burden of fact-finding and establishing if the jobs are of equal value, although ultimately the weight to be attached to the independent expert's report rests with the tribunal. In France, the tribunal must play a more active role in the equal value determination. Criteria which are to be considered by the tribunal in determining the issue of equal value are set out in Article L.140–2 Labour Code, and include experience acquired, responsibilities and physical or mental burdens. The employer is bound under Article L.I40–8 Labour Code to furnish the judge with any elements which may justify the inequality of remuneration.

Considering these along with those adduced by the equal value applicant, and after having made any other necessary inquiries (which may include an expert referral) the judge comes to a decision. Any remaining doubt benefits the employee and not the employer. In both countries, a reference may be made to the European Court of Justice by any of these courts to clarify a point of European law dealing with equal value.

Official equality agencies

While in France, the Superior Council of Occupational Equality (CSEP) is given the task by virtue of Article L.330–2 Labour Code of 'participating in the definition, in the implementation and in the application of sex equality policy', it is very unlike its British counterpart(s). It possesses no legal powers and thus cannot give legal or financial assistance to potential litigants or carry out investigations into employers. It can produce reports and is consulted on draft legislation in the field of sex equality. It produces a biannual report on the equality laws.

In the UK, two independent government-funded equality agencies, the Equal Opportunities Commissions (one for Nothern Ireland and one for Great Britain), have been endowed with a range of powers in relation to sex discrimination laws. The EOCs are given greater powers to aid and assist litigants than to litigate in their own right. Assistance by the EOC to individual litigants may include giving advice, arranging for the giving of advice or assistance by a solicitor or counsel, procuring or attempting to procure the settlement of any matter by dispute, arranging for representation by any person including all such assistance as is usually given by a solicitor or counsel in the steps preliminary or incidental to any proceedings, or any form of assistance which the EOC considers appropriate. Beyond these powers to aid and assist individual litigants, the EOC may carry out formal investigations into specific employers, issue codes of practice, fund research related to the elimination of discrimination and make recommendations regarding the legislation.

Labour Inspectorate and the Public Prosecutor

This applies only to the French situation, though Labour Inspectorates are an established and central part of labour law enforcement machinery in several member states of the EU.[5] The Labour Inspectorate is charged with ensuring the application of labour law, including the right to equal value. An employee who feels she has suffered pay discrimination can approach a labour inspector who can intervene with the employer on her behalf. Labour inspectors have wide powers of access to enterprises (Article L.611 Labour Code), and powers to demand pay information from employers. Article R.140–1 Labour Code states

that the labour inspector may require the employer to provide information on the different elements determining pay in the enterprise and, in particular according to the criteria used, to classify and evaluate jobs in the enterprise. Labour inspectors must also receive the annual equality report which employers are legally obliged to draw up under Article L.432–3–1 Labour Code (see below).

However, labour inspectors can play no role in the bringing of civil proceedings before the *Conseil de Prud'hommes* by an employee, and if she decides to bring such an action the inspector must remain neutral. The labour inspectors are however responsible for the enforcement of the penal sanctions in the sphere of equal pay. Where an inspector notes violation of one of these penal provisions, they have the authority to establish that a breach of equal pay has occurred by drawing up an official report. This report is passed to the Public Prosecutor who may use it as a basis for criminal proceedings against the employer. Pettiti (1993a: 87) notes that the power to take criminal proceedings gives the labour inspector a strong negotiating position with the employer *vis-à-vis* cases of pay discrimination.

Unions

In the UK system, unions have no legally defined institutional role in the assistance or substitution of individuals who wish to enforce their right to equal value before the Industrial Tribunals. Recognised trade unions have a right to obtain information from an employer, the absence of which would impede them in their collective bargaining activities (McCrudden 1993a: 152). Unions formerly had a right, under section 3 of the Equal Pay Act 1970, to refer explicitly discriminatory agreements or pay structures to an adjudicatory body, established under statute (the Central Arbitration Committee or CAC) for amendment. The CAC interpreted this provision as allowing them to test for anything amounting to sex discrimination in pay structures, even where the discrimination was not explicit, an approach disapproved of by the High Court in 1979.[6]

The jurisdiction was abolished in the Sex Discrimination Act 1986 which provides instead (in section 6)[7] that discriminatory provisions in collective agreements are rendered void, though no mechanism is explicitly provided whereby this voidness could be judicially established. In section 32 of the Trade Union Reform and Employment Rights Act 1993, provision is made for individuals to challenge collective agreements before an Industrial Tribunal, with the government rejecting an opposition amendment which would have allowed unions, the EOC and other interested organisations to challenge collective agreements (Ewing 1993:171).

In France, by contrast, the unions are given a number of institutional roles specifically related to the application of employment equality laws. Under

Article L.123–6 Labour Code, French unions which are represented in the undertaking, 'may file any lawsuits arising out of the articles [on sex discrimination and equal pay] on behalf of any worker employed in the undertaking without having to prove that they are authorised to represent the person concerned, on condition that the latter has been informed and has not objected within 15 days'. Unions may also attack discrimination at source by seising the *Tribunal de Grande Instance* or, in certain instances, the criminal courts.

The 1983 law in France, part of a swathe of laws designed to implant and promote union activity at enterprise level, viewed as a central part of its equality strategy a move away from a breach-sanction model to a 'delegalisation' (Junter-Loiseau 1987:151) model, chiefly aimed at empowerment of the bargaining partners. The provisions aiming to effect this change may be placed in a threefold classification—information, analysis and correction provisions. Important antecedents to the annual equality report required, following the 1983 law, are to be found in the Auroux Laws. Thus, Law 13.11.82 states that when the employer is fulfilling his obligations to provide the union representatives with information in order to enable bargaining at enterprise level to proceed more effectively, the information given must allow the comparative analysis of the situation of men and women in the areas of jobs, qualifications, remuneration, hours worked and organisation of working time. Furthermore the information must make clear the reasons for these situations.

Thus, this provision requires not merely the production of information, but the explication and analysis of the difference in situations between men and women. Sutler comments on this provision,

> Although it is true that the principle of…equal value flowing from the Law of 20th December 1972[8] is not explicitly recalled here, the lien operated between job-qualification-pay suffices in itself to drive the annual negotiation towards the realisation of this equality. From this point of view, both texts share the same objective and mutually support each other.
>
> (1983:687)

At branch level, the employer is obliged to provide similar information in the context of obligations to negotiate wages annually, and to revise the system of classifications in use each five years (Article L. 132–12 Labour Code). Furthermore, branch agreements may not be extended unless they contain the means of application of the principle of equal pay (Article L.133–5–3-d Labour Code). This law also requires the National Commission of Collective Bargaining to follow annually the application of the equal pay principle in collective agreements, to note the inequalities still existing and to analyse their causes.

These information and analysis requirements were consolidated in the requirement under the 1983 law for enterprises with at least fifty employees, for the employer to present to the enterprise committee each year a written report on the comparative situation of men and women in the enterprise (Article L.432–3–1 Labour Code). The first part of the report is of an informational nature and requires a statistical breakdown of seven areas enumerated within the law including qualifications, job classifications and pay. The second part of the report requires the employer to record the measures taken in the enterprise in the previous year towards attaining occupational equality, and an outline of the objectives for the year ahead, including a quantitative and qualitative definition of the measures to be taken as well as an evaluation of their cost. The enterprise committee may add their opinion to the report which must then be transmitted to the work inspector within a fortnight, and given to any employee who requests a copy.

Specialised pressure groups

These are given an institutional role in the implementation of equal value only in the French system. French associations with at least five years standing and whose statutes contain an express clause aimed at defending women's rights can take actions before the criminal courts.

Experts

Experts play a central role in the industrial tribunal determination of equal value in the British system, in turn reflecting the heavy emphasis on job evaluation in the British equal value mechanism (McCrudden 1991:179). If the equal value application is not rejected on preliminary grounds, an independent expert's report must be ordered by the tribunal, which makes a determination as to whether or not the jobs being compared are of equal value. The experts are appointed by the Advisory Conciliation and Arbitration Service on a part-time basis, and are selected on grounds of their experience of job evaluation, industrial experience, understanding of the legislation and available time to undertake the work.

The costs of employing the independent expert are covered by the Secretary of State for Employment. The results of the report are used by the tribunal in determining whether the jobs are of equal value and often play a decisive role in the making of this decision by the tribunal. In France, the decision whether or not to appoint an expert, unlike the British system, rests in the hands of the tribunal. If an expert report is ordered, the costs are initially borne by the employee, but will shift to the employer if she wins.

Evaluation

The legal topography of equal value reveals that in both countries there is a strong emphasis on individual litigation as the principal enforcement method. In Britain, this method is almost exclusive. In both countries, a number of features of the equal value mechanism are dealt with in the same way as the enforcement of other individual employment rights. Thus, they go through the same court system, chiefly through the labour tribunals and not to specialised equality tribunals. A number of modifications are made to this individual enforcement process. However, these modifications are patterned differently. In Britain, the modifications in the tribunal procedure consist of including a female tribunal member in all discrimination cases, and the central role played by the independent expert. In the field of assistance, information and support, the existence of the Equal Opportunities Commission (EOC) is the chief institutional bolster to the individual litigation enforcement process. Unions are not given an institutional role as equal value enforcers.

In France, by contrast, unions are given legal standing to substitute for individuals in the legal process, and unions (and individuals) are empowered to effect change through the imposition of obligations on employers to produce 'equal value' information which can be utilised for negotiation or litigation. The Labour Inspectorate is also placed in a privileged institutional position to effect change. It has unrivalled access to enterprises, and the power to impose criminal sanctions to strengthen its equal value negotiating arm. The possibility for specialised pressure group litigation constitutes a further important institutional enforcement method. Despite the multiplicity of institutional equal value options in France, not only has individual litigation failed to develop, but European equal value developments have not been integrated and 'para-legal' applications (employer-led or collec tively negotiated re-evaluations of feminised pay structures) of equal value have not taken place.

Despite the reluctant and niggardly implementation of equal value in the UK, the individual litigation mechanism has been actively used, developed and 'subverted' to build up an equal value jurisprudence which uses access to the ECJ as part of its strategy. Moreover, the threat or selective use of individual litigation has been exploited by a significant number of unions to 'litigotiate' equal value. To investigate these issues further, litigation levels are examined more closely. Litigation is then examined as part of a broader strategy.

LITIGATION POST-1983

Levels of equal value litigation

In France, during the period 1983–93 the Cassation Court decided four cases dealing with equal value, two decided by the Criminal Chamber and two decided by the Social Chamber.[9] Publication of, and information relating to, cases below Cassation level in French labour law is not systematically produced and their dissemination depends on articles or case notes in labour law journals or in publications by employer organisations and trade unions, which constitute an important source of information about case-law developments. The leading labour law journal in France, *Droit Social,* has contained no analyses of equal value litigation under the 1983 law. *Le Droit Ouvrier,* the legal review published by one of the main unions, the CGT (Trade Union Confederation) has published three equal pay decisions in the period 1983–93. In 1987, the labour inspectors in ten regions report the pursuit of twenty-two discrimination cases; of these, two concerned pay (CSEP 1990:29).

The 1992 evaluation of the 1983 law carried out by the Superior Council of Occupational Equality reports that a warning had been sent to the Public Prosecutor (the first step in criminal proceedings) in one case dealing with equal pay, and that three warnings had been issued by the labour inspectors against three Parisian enterprises for failing to display the equal pay provisions in their enterprises (CSEP 1992:39). In the agriculture sector, ten observations (the stage preliminary to an official warning) had been made in the field of equal pay (ibid.: 40). As the labour inspectors are concerned with the enforcement of the penal provisions, this makes it clear that there is practically zero litigation using penal sanctions. It is more difficult to state with any precision how much litigation may actually be going on before the *Conseil de Prud'hommes,* but it would appear that this is also numerically insignificant; it is also clear that any cases that do occur are 'invisible', and therefore thinking about, or grappling with, the complexities of equal value is unlikely to take place. No associations have taken advantage of the special standing given to them in the enforcement of equal value. There have been no references concerning equal pay by a French court to the European Court of Justice.

The hope that the information and analysis provisions discussed above may instead have given employers sufficient incentives, or the unions sufficient tools, to negotiate equal value without going to court, is also misplaced. When the most important of these, the annual report required by the 1983 law, is examined, it is clear that employers do not take this obligation very seriously nor do unions put pressure on employers to secure its fulfilment. For example, in the transport sector in the period 1990–1992, only 25 per cent of employers sent the report in spontaneously. The main activity of the labour inspectors seems to be

observations against enterprises for failing to hand in the annual report (CSEP 1990:31). The Superior Council's 1992 evaluation of law comments:

> It must be recognised that a certain number of enterprises do not consider this report to be a priority, particularly when they are operating with a reduced administrative structure. It must also be recognised that the social partners rarely mobilise around this issue.
>
> (CSEP 1992:40)

While an interprofessional national collective agreement on occupational equality was signed in 1989, equal value is not prioritised as one of the main areas of action in the agreement, which concentrates on measures to reconcile family and work life, open access of all jobs to women and training for women (Jobert 1993:11). The legal obligation for extended collective agreements (the decision to extend being taken by the Ministry of Labour) to contain the means of application of the equal pay principle is minimally complied with, in less than half of extended agreements—the vast majority of these merely stating the principle and not the means of application (Salvi 1989:19). Jobert notes that the re-evaluation of feminised jobs is not a central priority in negotiations on the reform of job classifications (1993:36).

A strikingly different picture emerges in the UK, which has one of the highest levels of anti-discrimination litigation in the EU. Since the equal value regulations have come into force, 7,837 applications have been made against 565 employers. Many of these claims are multiple applications against a single employer: thus 1,115 applicants lodged complaints against British Coal in 1986 and 1,395 applications were lodged by speech therapists against health authorities (Equal Opportunities Review 1995:3). Most applicants in equal value cases are funded either by the EOC or their trade union. In total, 119 cases covering almost 1,000 applicants have been referred to an independent expert since the law came into operation. Types of comparisons which have been successful before the tribunals include typists and secretaries with messengers in a bank; a cook with a painter; and a joiner with a thermal insulation engineer (EOR 1994:18).

There are significant procedural problems with the British equal value mechanism, including a plethora of time-consuming preliminary procedural hurdles and long time delays in obtaining independent experts' reports. These are currently the subject of two complaints to the European Commission by the Trades Union Congress and the EOC. Furthermore, tribunals and appeal courts have often shown a willingness to interpret employer defences to equal value in a manner which incorporates the discrimination the mechanism is designed to eliminate (Kilpatrick 1994: 311). However, the EOC and the unions have devoted a considerable amount of funding and expertise to appealing cases in an

attempt to change the interpretation of the case-law, and the ECJ decision in *Enderby v. Frenchay Health Authority10* constitutes a recent strategic achievement. The diffusion of European law equality principles is facilitated by the large number of references from British courts to the ECJ and by the widespread reporting and analysis of the impact of references, including those from other member states, on British equal value law. One periodical in the UK—the *Equal Opportunities Review*—is devoted exclusively to national and supranational discrimination law developments. It produces regular and detailed reports on equal value law and practice in the United Kingdom and relevant ECJ decisions.

Strategic use of litigation by UK unions

Trade unions have played an essential role in the funding of individual equal value litigation in the UK. However, looking only at litigation statistics neglects the important dynamic some British unions have developed between litigation and negotiation. Equal value litigation has been used as a bargaining tool to get employers around the table to resolve issues concerning the under-evaluation of women in pay structures. Union attitudes to the relationship between law and negotiation are encapsulated in this statement by a Transport and General Workers Union representative: 'A legal framework is essential in winning equal pay for women. Litigation is a powerful lever to negotiations and a means of resolving a claim when no mechanism for negotiation exists or negotiation fails' (National Pay Equality Campaign Conference 1991).

The equal value campaign by UNISON in the electricity industry illustrates the continuing dynamic in equal value disputes between litigation and negotiation. The union represents 30,000 workers in the recently privatised electricity industry, now made up of nineteen companies. The union first attempted to open equal value negotiations with the still nationally controlled industry. When this was unsuccessful, the change to company-level bargaining was accompanied by the lodging of equal value claims, backed by the union in seventeen of the companies, the remaining two having agreed to negotiate the disputed pay structures. Of the seventeen cases brought, twelve were settled, generally following an independent expert's finding of equal value and, in eleven of these companies, new grading structures are being negotiated. The individual applicants involved in the cases have received backpay totalling over £70,000. According to the union, over 10,500 of its members in the electricity industry have won pay rises of up to £2,000 and improved pay scales as a result of the union's equal value activity in this industry (EOR 1994:13). Union awareness of equal value is widespread. A SERTUC survey (1994) of thirty-eight TUC (Trades Union Congress) affiliated unions found that twenty-four included equal value as part of their union members standard training course, and many of the

unions and the TUC itself have produced guides dealing with DIY (do-it-yourself) equal value and detailing how to use the tribunal system if the employer involved proves intransigent (TUC 1991).

DECIPHERING THE UTILISATION PUZZLE

McCrudden (1993b: 1) has noted that in the field of European equality law, the focus has shifted from ensuring that member states have incorporated basic Community equality texts and principles into their national systems to examining whether the national systems are interpreting these complex principles properly (in line with European developments) and whether the rights are effectively practised. Here, the focus has been on the latter issue: it has looked at the practical application of equal value and, in particular, *access* to enforcement of this right. However, it is evident that the practical utilisation of this legal right in sufficiently high numerical terms is a prerequisite for the *substantive* development of the concept of equal pay for work of equal value and central to the development of 'para-legal' methods of enforcing this principle, for example, through union-led claims for pay reevaluations.

In France, the bodies entrusted with the institutional support or substitution of the individual, principally the unions and the Labour Inspectorate, have clearly not developed the expertise necessary to discover the content of equal value. The application of equal value requires sustained and focused interest. Unions and labour inspectors need to be alert to possible situations of unequal value; they need to be able to construct a solid argument that one job is of equal value to another. To be able to do this, they need to be given, or have the desire and capacity to acquire, the tools necessary to carry out an equal value analysis. To utilise or generate this information, the institutional enforcers need to see the value of equal value, they need to want to own and exploit its legal potential. Unions in particular need to see equal value as a right worth vindicating and to sell its potential, not only to female applicants, but also to male comparators.

When these conditions are present, as the UK case shows, equal value can become self-sustaining and self-reproducing. Enforcers (unions, HOC, specialised groups) learn from their own mistakes, devise new tactics and invent techniques to circumvent or neutralise unsympathetic decisions. Judicial fora are likely to learn about equal value only through hearing a sufficient number of cases, to build up a certain familiarity with the contours of equal value. This is particularly important where the judicial forum itself, as in France, carries out the equal value determination singlehandedly. The media publicity derived from successful outcomes informs the general public, and in particular women, of the tenets and practical relevance of equal value and may lead some to rethink the comparative evaluation of their own jobs. In the same way, when these conditions

are not present, equal value is destined to remain a formal, unoperationalised, undiscovered principle.

Thus, explaining why equal value has taken such different paths in France and the UK requires explaining why equal value was latched onto by British, but not by French, unions or by the French Labour Inspectorate. First, it is important to dismiss a number of possible explanations based on litigation cultures or union litigation strategies. French employment litigation levels are generally higher than those in Britain (Cousins 1993:44) and while both French and British unions have been traditionally reluctant to use law, in both systems some unions have been prepared to develop strategies which include litigation to achieve certain union objectives (Supiot 1987:47). Therefore, plausible explanations must be sought elsewhere. Here, the importance of the existence of an agency exclusively devoted to equality with sufficient resources and legal powers to provide a constant point of reference, is considered.

The importance of an equality agency or its functional equivalent

The importance of an equality agency can be usefully subdivided into (1) the functions it carries out and (2) its actual institutional existence. The functions: dissemination of information, the training of enforcers, assistance of individuals wishing to enforce, ability to investigate enterprise pay practices, production of detailed information on equal value developments, the existence of a well known institutional organ which will provide help and support in equality disputes, could be realised without the existence of an official equality agency. Indeed, a certain number of benefits could accrue from a policy which decides to train normal institutional enforcers in equal value precepts rather than create a specialised agency which runs the risk of being viewed as partisan, and whose budgetary allocation may not permit it to be proactive. For example, in the UK it is unacceptable for the HOC to run equal value training courses for Industrial Tribunal members as it is not seen as a neutral independent training body. This means, in practice, that the only 'equal value' training that equal value fora have in the UK is that built up on a case-by-case basis. While equal value litigation is high in the UK *vis-á-vis* other member states, it is relatively low *vis-à-vis* employment litigation.

Therefore, tribunals may not hear many equal value cases and may not become familiar with its concepts or with national and European developments in the field of equal value (Fitzpatrick *et al* 1994:28). Where a decision is made to train normal enforcers rather than create a specialised agency, equal value can be incorporated in the training courses of unions, labour inspectors, and judicial equal value fora. Furthermore, no agency is likely to have, or should have, the resources and scale of presence in the enterprise that unions or labour inspectors

will have. An equality agency is not essential to train or provide the information which can be used by unions or the Labour Inspectorate in their own training programmes.

A major explanatory factor for the non-operationalisation of equal value in France is that none of the institutional enforcers are trained in the concepts of equal value or its supranational development through ECJ jurisprudence. Pettiti (1993b: 86) notes that labour inspectors in France are given no specialised training in equal treatment or equal pay. It is thus unlikely, in the absence of extremely motivated individual labour inspectors, that any action will be taken beyond the noting of simple breaches, such as the failure to display the equal pay provisions in the enterprise. Unions in France have scarcely mobilised around the issue of equal value in general, and none discuss in their publications the possibility of using Article 140–2 of the Labour Code as part of a female job re-evaluation strategy. Within the CFDT—the union which shows most interest in using law imaginatively to achieve union objectives, and which has produced the most union literature on equality—while there are signs of union support for equal pay disputes (Rastoul 1991:13), there are no signs of an active comprehensive 'litigotiation' strategy being developed.

When the training of the *Conseil de Prud'hommes* is examined, the repercussions of this lack of union involvement become even more pronounced. First, the *conseilleurs* receive very little training. They have the right to six weeks of training during their five-year mandate (Chanut 1992:45). While this may accord with the informal, non-legal approach adopted in France for the resolution of labour disputes, the chances of the *conseilleurs* possessing adequate legal training to deal with the complicated aspects of equal value, let alone the legal knowledge to keep abreast of supranational developments, are very slim indeed. Furthermore, the training that they do receive has, since 1981, been provided by employer and employee organisations respectively. Unions and employer organisations draw up training agreements with the Ministry of Labour concerning the content and duration of training. Given the lack of union interest in equal value in other spheres, and the limited amount of time devoted to training, it is unlikely that these training programmes deal with equal value in any detail.

Therefore, a basic first step for the effective realisation of equal value in the French system would be the incorporation of equal value training, including its European aspects, into the training programmes of each of these institutional enforcers. This would not require the existence of an official EOC-style equality agency. However, broader European comparisons show that, while this is a necessary step, it may be far from sufficient to set in motion the institutional alchemy required for an operationalisation of equal value. In both Belgium and Greece, significant efforts have been made to attune the Labour Inspectorates to equality principles and equality laws. In Belgium, the government has

endeavoured to educate inspectors in equality law questions, and a special system of administrative fines has been introduced, which can be imposed on employers where the Public Prosecutor decides not to proceed with a prosecution founded on a breach of equality law provisions. In Greece, specific labour inspectors are given equality law responsibilities. These measures do not seem to have noticeably enhanced the prioritising of equality law enforcement by the Labour Inspectorates (Fitzpatrick *et al.* 1994:80).

In a similar vein, Herbert (1993:70) notes that giving a right of action solely to unions in the equality sphere seems to leave the utilisation of equality laws on a purely theoretical level. Hence, in the three member states where significant levels of union involvement in equal value disputes are to be found—the UK, Ireland and the Netherlands—either a strongly empowered official equality agency exists or significant modifications have been made to the normal enforcement model. Thus, in both Ireland and the Netherlands many equal value disputes are decided by 'semi-judicial' specialised equality institutions, and in the Netherlands, significant powers to take legal equality actions are given to, and are used by, private groups.

This brings us to the specific benefits which can be attributed to the actual existence of an equality agency, as distinct from a consideration of each of its separate functions. An equality agency, which achieves a significant degree of autonomy from the whims of changing administrations, may possess a number of features which can help to foster an environment in which legal and para-legal aspects of complex and opaque equality rights—such as equal value—can gradually develop. The first and most important of these is its continuity over time. It provides a constant reference point for up-to-date information on matters dealing with equality. In so doing, it also recognises the work of other bodies actively engaged in equal value work and will chart their developing engagement —or lack of engagement—with equality law. Its existence—and its ability to assist individual litigants and thereby demonstrate that practical legal solutions are available to counteract the under-evaluation of women's work—contributes to giving equal value a stamp of legitimacy as a 'real' employment right which can lead to concrete gains for groups of underpaid workers, rather than it being viewed as a vague unenforceable principle.

This practical demonstration of how equality rights can work undoubtedly makes them much more attractive to unions, who can then refine and rubber-stamp their own equal value approach. If unions run into difficulties in their development of equal value strategies, the equality agency can always be turned to. An official equality agency keeps the issue of the enforcement of equality laws alive beyond the few weeks or months following the passage of a new piece of equality legislation when it may receive considerable attention. It helps to encourage long-term, coordinated and complex equality strategies, in part because it can initially demonstrate their benefits, and in part because it can

guarantee publicity and media attention for other enforcers who undertake equal value work. 'Equality expertise' becomes a valued skill which can be used to obtain practical and often substantial gains. Thus, while an equality agency is certainly not the only method of fostering the growth of an equal value culture, up to now it has proved the most effective.

NOTES

1 Law no. 83–635 of 13 July 1983.
2 Case 61/81, *Re Equal Pay for Equal Work: EC Commission v. United Kingdom* [1982] European Court Reports 2601.
3 Equal Pay (Amendment) Regulations SI 1983/1794.
4 Public employees take their cases through a separate administrative law system, starting with an administrative tribunal and possibly going as far as the *Conseil d'Etat.*
5 In the field of equality law enforcement, Labour Inspectorates also play a role in Belgium, Greece, Luxembourg, Portugal and Spain.
6 *R. v. CAC ex parte Hymac* [1979] Industrial Relations Law Reports 461 (Divisional Court).
7 Section 6 was introduced following infringement proceedings against the UK on the ground that the Equal Treatment Directive was being breached as national law provided no means whereby non-legally enforceable collective agreements (as all collective agreements are in the UK) could be declared void or be amended; Case 165/82, *EC Commission v. United Kingdom* [1983] European Court Reports 3431.
8 The law introducing equal pay for work of equal value as an individually enforceable right.
9 Cass. Soc. 19 février 1992; Cass. Soc. 16 mars 1989; Cass. Crim. 6 nov.1990; Cass. Crim. 31 mai 1988.
10 *Enderby* v. *Frenchay Health Authority and Secretary of State for Health* [1993] Industrial Relations Law Reports 591 (ECJ).

3
Equality strategies and political representation

Pippa Norris

The aims of this chapter are threefold: first to compare democracies to see where positive discrimination strategies have proved most effective; second, to understand the politics of implementing these strategies within the British Labour Party; and lastly, to consider the possible consequences of these strategies on the representation of women in the British House of Commons.

EFFECTIVE STRATEGIES OF POSITIVE DISCRIMINATION

A comparative perspective suggests considerable variations in the use of positive discrimination measures by political parties (Inter-Parliamentary Union 1992). Quotas are enacted by legislation in a few political systems, for example where religious groups, ethnic minorities, and/or women are entitled to a certain proportion of places on party lists of candidates, or reserved seats in parliaments. More commonly, quotas are implemented by internal party rules, constitutions, and procedures. A recent worldwide review by the Inter-Parliamentary Union (1992) found twenty-two parties employed binding or indicative gender quotas for legislative elections, while fifty-one parties used them for elections to internal party posts. Variations in the implementation of positive discrimination measures can be explained by three main factors: party ideology, organisational structures and party competition.

Party ideology

Positive discrimination policies were most commonly introduced in Western Europe during the 1980s by Social Democratic, Labour, Communist, Socialist and Green parties (see Table 3.1). Greater intervention in the recruitment process in left-wing parties, via different mechanisms, is evident in the use of positive gender discrimination in candidate selection, i.e. quotas, by the socialists in France (20 per cent), the socialist left and Labour in Norway (40 per cent), Labour (PvdA) in the Netherlands (25 per cent), and the Social Democrats in

Table 3.1 Parties using gender quotas in EU countries (1992)

		Party quotas	Candidate quotas	%
Belgium	CVP	Y	Y	–
	PS	Y	N	20
	PVV	Y	Y	20
Denmark	SDP	Y	Y	40
	SPP	Y	Y	40
France	PS	Y	N	–
Germany	SDP	Y	Y	40
	Greens	Y	Y	50
Greece	NDP	Y	N	–
	CPL	Y	N	40
Ireland	Labour	Y	N	20
Italy	DC	–	Y	–
	CP	Y	Y	30
	Greens	–	Y	50
Luxembourg	GAP	Y	N	40
	Socialist	Y	N	–
Netherlands	PvdA	–	Y	33
	Groen Links	–	Y	40
	CDA	–	Y	26
Portugal	Socialist	Y	N	25
Spain	PSOE	Y	N	25
	CP	Y	N	25
UK	Labour	Y	Y	–
	Lib Dem	Y	N	33
	PC	Y	N	–

Source: Women and Political Power, Geneva: Inter-Parliamentary Union

Germany (40 per cent). Such mechanisms are used in candidate recruitment, and in appointments to internal party bodies.

One reason why left-wing parties have been more willing to implement positive discrimination policies is their more egalitarian ideology. Social Democratic and Green parties are more likely to believe positive discrimination is justified to bring about short-term change. Most advocates admit that quotas are not procedurally 'fair' for individual applicants. Some groups are ruled into the recruitment process, while others are automatically ruled out, by virtue of their gender, race or religion. The process discriminates positively in favour of individuals on the basis of characteristics seen as common to their group. Nevertheless, proponents argue that minorities consistently under-represented in politics need positive discrimination, at least as a temporary stop-gap measure, to overcome disadvantages which they face in winning elected office.

In contrast, parties of the right and centre are more likely to rely upon rhetorical strategies, and possibly affirmative action, in the belief that women

	Central	Regional	Local
Informal process			
Formal process			

Figure 3.1 Decision-making agencies (specimen typology)

should be encouraged to stand, and party members should be encouraged to select them, but the recruitment process has to involve 'fair' and open competition. Just as right-wing parties favour a minimal role for government in the free market economy, so they tend to prefer non-intervention in the recruitment process. In addition, most parties within Central and Eastern Europe are against positive discrimination, largely in reaction to the old communist regimes, where gender quotas were common. This practice fell out of favour in the first democratic elections in 1989–90, leading to a dramatic, short-term fall in the number of women in elected office in this region.

Party organisations

The second factor influencing the use of quotas is the structure of party organisations. As argued elsewhere (Norris and Lovenduski 1995), decision-making in the recruitment process varies depending on the degree of institutionalisation and centralisation within parties. This produces six main types of recruitment process (see figure 3.1). In this classification, the first criterion is the *institutionalisation* of the process. In formal systems the application process is defined by internal party rules which are detailed, bureaucratic, explicit, standardised, implemented by party officials and authorised in party documents. The steps in the decision-making process are relatively transparent to outside observers. There are formal appeal procedures. The significance of the rules for the distribution of internal party power may produce heated conflict over proposed changes.

In contrast, in informal systems the nomination procedure is relatively closed, the steps in the application process are familiar to participants but rarely made explicit, and procedures may vary from one selection to another. Any guidelines in official party regulations or constitutions tend to have de jure, not de facto, power. Since formal rules are rarely implemented, there are few effective courts of appeal. The process is less bureaucratic and more open to personal patronage by 'party notables'.

The second dimension of this typology concerns the *centralisation* of decision-making. In centralised systems, the key players are national authorities within the party. This category can be defined as including executives, party and faction leaders at the national level. In regional systems the key players are party leaders

at state or regional level. In contrast, in localised systems the key players are within constituencies (that is, district, riding or branch), including local officers, constituency executives, local factions, grassroots members and voters. Defining the key players is a complex issue, because power over selection can be exercised by many bodies which interact. Systems vary on a continuum from the highly centralised to the highly localised, rather than as discrete categories. The selection process will be influenced by those who set, implement and adjudicate over the rules of the game, as well as those who participate at different stages in directly picking individual candidates.

Implementing equal opportunity strategies

What are the implications of this typology for changing the outcome? Each type of party can employ rhetorical and affirmative action strategies in recruitment processes, but positive discrimination operates most effectively in formal-localised systems. It makes little sense to think about using positive discrimination for recruitment in the major parties in the United States or Canada. And, even if rules are passed, they are not likely to be implemented in the French UDF or the Italian Christian Democrats. Accordingly, positive discrimination quotas are taken seriously in a rule-bound and bureaucratic culture where decisions by different bodies within an organisation need to be standardised. In the German Social Democrats the decisions about who gets nominated are taken at local level, but they are taken within a framework of positive discrimination which has been effective in raising the proportion of women candidates, and their position on party lists. In Sweden positive action guidelines have been equally effective in most parties. Accordingly the nature of party organisations is one factor, among others, which helps explain the strategies groups can employ to increase their representation.

Party competition

Lastly, in addition to political ideology and party organisations, the use of equality strategies is influenced by party competition. Once positive discrimination is successfully implemented by left-wing and Green parties, others within the political system may follow suit. As Sainsbury suggests, in Sweden the Social Democrats were the first to favour women's elections in the late 1960s, setting advisory guidelines where each sex should have representation of at least 40 per cent, and their dominant position led the other parties to compete, and even outbid, the Social Democrats as champions of equality (Sainsbury 1993). The result has been a convergence of trends across Swedish parties. In Norway, however, Skjeie (1993) notes the Conservatives and

Christian People's parties have not, so far, followed the gender quotas adopted by the left and centre.

POSITIVE DISCRIMINATION STRATEGIES IN
BRITISH PARTIES

The politics of equality strategies can be illustrated by the problems of their implementation in British political parties. During the 1980s, Westminster gradually started to reflect greater social diversity. In the 1992 election the number of women MPs rose from forty-one to sixty, or 9.2 per cent of parliament. Nevertheless, Britain continues to lag behind most European Union countries in the representation of women, and the general pace of change remains slow. If past trends continue on a linear basis, without any intervention, the total number of women MPs would be only 100 by the year 2000. Women would not achieve parity with men until the middle of the twenty-first century.

One key barrier to change is the structure of opportunities in British political life. About 140 new MPs enter the House every general election; opportunities are restricted by the rate of retirements from the Commons and the limited number of marginals won or lost in general elections. If women fail to become candidates for these type of seats, they have almost no hope of electoral success.

In an attempt to speed the process of change, the 1993 Labour conference approved a policy of positive discrimination for women. When selecting candidates Labour decided to introduce all-women shortlists in half their 'inheritor' seats (where a Labour MP retires), and half their 'strong challenger' seats (defined in the conference motion as Labour's 'most winnable' seats). The measure passed after relatively little debate by a solid majority of conference votes (54 to 35 per cent). Conference was distracted at the time by heated controversy over one-member-one-vote (OMOV) and the appropriate role of trade unions in the selection process (Lovenduski and Norris 1994; Lovenduski 1994).

Nevertheless, after adoption as official policy, the issue of all-women shortlists quickly attracted a strong backlash, with criticism expressed in public by Labour leaders like Neil Kinnock and Roy Hattersley, and by union officials such as Arthur Scargill. Commentators predicted that the policy would be difficult to implement at grassroots level, and would produce legal and procedural wrangles within the party. The policy of all-women shortlists was implemented in thirty-five constituencies in the next couple of years. In January 1996, however, the process was challenged successfully under the 1975 Sex Discrimination Act. Rather than contest the ruling of the industrial tribunal, the initiative was abandoned by the party leadership. Labour decided not to rerun the meetings where women had already been selected under this procedure, but no further meetings would use all-women shortlists.

We can identify a series of interrelated reasons to explain the adoption, then reversal, of positive discrimination policies in the British Labour Party. Long-term factors leading to their adoption include the widespread acceptance of these measures in European social democratic parties; the predominant culture within the Labour Party; and the party's organisational structure which made quotas an effective strategy. Short-term factors include the mobilisation of Labour women activists around this issue; the broader process of Labour Party modernisation; the move towards a 'catch-all' party generated by successive electoral defeats; and the politics of recent party conferences, including the particular events, leaders and debates surrounding this issue. The initiative was eventually abandoned because of the legal interpretation of the 1975 Sex Discrimination Act.

The dominant ethos in the Labour Party

When Labour adopted positive discrimination policies this brought them into line with many other parties of the left in Europe, as already discussed. The move was also consistent with the dominant culture within the Labour Party. Some suggest that the adoption of all-women shortlists was due to a small, well-motivated radical faction in the Labour Party, a combination of the feminist 'harridans' and the middle-class 'shoulder-pad tendency', which managed to achieve its goals at the expense of the more moderate majority. But is the grassroots membership hostile to quotas? The evidence is mixed. In personal interviews undertaken for the British Candidate Study 1992,[1] some Labour politicians expressed private reservations about how gender quotas work in practice. Some felt women might desert the party:

> This is why I worry about the quota system because putting pressure on some of our women will drive them out, it'll drive them out of the party. If you sit in a big ward, and there's sixty men and two women, and you've got to have half your officials women, half of them going to constituency as delegates, you'll have to go, and the women don't want to go. They want to be part of the movement but they don't want the spotlight on them, they don't want to be forced into positions like that.

One woman MP, asked about all-women shortlists, thought quotas unfair to men who had spent years in party service:

> I think it's barmy and so do women in my party. They don't believe in this nonsense. It's crazy: why should we have an all-women shortlist? It's the same as an all-male shortlist. One woman on the shortlist, yes. All women on the shortlist, definitely not. I'm against quotas too. I think the idea the party has that party officers should be women is crackers. Why should men

who've been doing the job for years stand down so that they can have half
the women as officers, when you can't find a woman who wants to do it?
It's crazy. Give women the chance by all means, encourage them. But not
at the expense of men.

Another MP thought it would only benefit the professional lawyers and teachers,
who would probably make it anyway, at the expense of workingclass candidates:

I'm all for positive discrimination but I think what you've got to be careful
of is you don't just make fast tracks for certain, well-heeled, middle-class
people inside our party, whether they're black, women, or whatever. And
that's the danger. I've got West Indian and Asians within my constituency.
Some of my best friends. They don't want black sections.

Others expected it would cause conflict within the grassroots:

I've got great reservations now about the quota system, because anything
you can't carry along with your members…it doesn't work. I think that it
has been rushed into—I think you get a backlash then, when anything is
imposed…very, very unpopular.

Some approved in principle, but expressed more ambiguous feelings about how
quotas would be implemented in practice. As one ex-MP remarked:

The danger is, bluntly, that not very good women will be selected, and that
won't help the position of women in parliament. The plus side is you've got
to do something like that, otherwise you are just not going to get women
there. But the problem is, it has not been thought out properly …the
mechanics have not been thought through, and the mechanics are going to
be the downfall of the system if we're not careful.[2]

Yet others expressed more positive views, seeing the principle of quotas as a
necessary, albeit temporary, move in the right direction:

I think the idea of having quotas is a good one because at least it provides
the party with a target. If you have a target that's achievable, and you see
examples that show it is achievable, that's all to the good.[3]
    I used to think that women didn't need positive action, that we didn't
need to have quotas, that we didn't need to have reserved seats and all that.
Because I genuinely felt that a woman with ability would be able to come
through no matter what. But my experience is that that just doesn't work.
…I genuinely feel now that the NEC of the Labour Party do have the right

to impose an all-women shortlist. …A constituency party should choose, but they should choose from five women…they get a real choice, then at the end of the day we would have a female candidate, and that's the situation I think we should have until such times as we have a good representation of women.[4]

Many dismissed the argument that there were not enough good women to become party delegates or candidates:

A lot of socialist parties have direct discrimination and certainly I do think increasingly you ought to have quotas in some form. I mean, people always resent it, because they say you've got a stupid woman doing that instead of an intelligent man. But, frankly, we have so many stupid men at all levels, that I don't see why we shouldn't have a few stupid women. You've got to have a bigger representation of women, and therefore to start off with (positive) discrimination is the best way to do it. …But it won't last forever.[5]

I think that [the shortlisting rules for women] is a step in the right direction in terms of trying to encourage women to come forward. In trying to overcome some of the suspected bias that there is among the male members, even if it's not apparent, it's there, I suspect, so that is a useful way of overcoming it.[6]

Some women felt that it might not be necessary where women were already doing relatively well, such as in London, but quotas would help give women opportunities with safe seats in the Labour heartland:

I'm still worried about the lack of female Labour Party candidates for safe seats…you look at places like South Wales and Scotland, but it's very hard. I get a bit worried about quotas within the part of the Labour Party I operate in. And I think we must have a democratic process and not impose things. But then I get out and see how other bits of the Labour Party operate and I then become a rabid convert to quotas and things because I think, well, if that is really the situation we have to use something like that.[7]

More representative survey evidence suggests that, despite some reservations, the principle of gender quotas was consistent with the mainstream attitudes and values which predominate among Labour activists. This was found in the consultative exercise, *Representation of Women in the Labour Party* (1990), carried out by the NEC Women's Committee. The results were confirmed in the *British Candidate Survey, 1992* when Labour Party members and politicians[8] were asked: 'Do you approve or disapprove of the following proposals for

Table 3.2 Support for gender quotas among Labour Party members

	Strongly approve	Approve	Disapprove	Strongly disapprove	N.
All	33	33	26	9	419
Men	26	36	21	11	255
Women	42	27	24	6	164
Middle class	33	31	28	8	344
Working class	25	39	21	14	56
Graduate	36	29	28	7	196
Non-graduate	27	36	26	11	186
Union member	33	32	27	9	314
Non-member	30	35	25	11	84
Older	20	39	30	12	122
Middle aged	37	30	26	7	195
Younger	35	27	25	13	79

Note: Do you approve or disapprove of the following proposals for increasing the number of women in Parliament? Positive quotas/affirmative action for women
Source: British Candidate Study 1992

increasing the number of women in Parliament? …Positive quotas/affirmative action for women'.

Tables 3.2 and 3.3 suggest that support for the principle of positive quotas/affirmative action proved widespread among most groups within the party; approval was expressed by two-thirds of all members and three-quarters of all politicians. Support was strongest, as might be expected, among women, the middle-class, the better-educated, and younger groups within the party, but on balance no group proved negative. According to this evidence, the policy passed by conference was broadly in line with grassroots opinion, and reflected the strength of the egalitarian culture within the Labour Party. In interviews, people often revealed themselves to be somewhat ambiguous about how quotas worked in practice, but the *principle* received widespread support. In contrast Liberal Democrat, Scottish National, Plaid Cyrnru and Green politicians proved evenly divided between those who approved and disapproved of this proposal, while there was almost no support (6 per cent) for positive discrimination among Conservatives, who favoured more meritocratic policies.

Party organisation

Whether quotas are approved is strongly influenced by party ideology. Whether quotas are implemented depends largely upon the type of party organisation. The third factor leading to the introduction of gender quotas is that the Labour Party ethos strongly emphasises formal constitutions, structural solutions, and the power of the rule-book. Changing the party rules often can, and does, change the internal power structure. Positive discrimination operates most effectively in

Table 3.3 Support for gender quotas among Labour Party politicians

	Strongly approve	Approve	Disapprove	Strongly disapprove	N.
All	44	31	18	7	534
Men	35	35	21	9	395
Women	69	20	9	3	137
Middle class	45	30	17	7	479
Working class	24	36	31	10	42
Graduate	46	32	16	6	368
Non-graduate	38	28	23	10	163
Union sponsored	38	32	23	7	136
Non-sponsored	46	31	16	8	397
Older	34	33	25	8	110
Middle-aged	44	33	16	7	225
Younger	50	27	16	7	199
MPs	31	31	32	5	96
Candidates	49	30	15	6	316
Applicants	40	33	14	14	125
South	51	27	15	7	231
Midlands	39	38	16	7	102
Wales	40	30	25	5	20
North	34	31	24	12	130
Scotland	51	27	18	4	45

Note: Do you approve or disapprove of the following proposals for increasing the number of women in Parliament? Positive quotas/affirmative action for women
Source: British Candidate Study 1992

'formal-localised' parties, such as Labour, where the selection process is rule-bound and decentralised. In these organisations, decisions about candidates are taken primarily at constituency level, under binding, standardised procedures established by national bodies. Quotas implemented by party rules have proved most effective in formal-localised parties.

SHORT-TERM FACTORS LEADING TO INCREMENTAL REFORM

Given the party culture and organisation, the context was opportune for change. Equally important was the gradual mobilisation of women activists around this issue during the last decade (Atkinson and Spear 1992; Brooks, Eagle and Short 1990), and the opportunities provided by party reform. Labour women were able to take advantage of the process of party modernisation, initiated by Neil Kinnock in the mid-1980s, and continued under the leadership of John Smith and Tony Blair, to advance their concerns onto the mainstream agenda. One of their most persuasive arguments, after successive Labour Party defeats in the polls, were the electoral rewards of reform. In the conventional wisdom Labour needed

to break out from its declining working-class and inner-city base, expanding voting support among women voters. The way to achieve this aim, research for the Shadow Communication Agency suggested, was for Labour to develop a less male-dominated image. This argument seems to have carried weight among the leadership, particularly since other pressures were opening the door to reform of the selection process.

The introduction of quotas at all levels of the party was a gradual process of incremental change. Traditionally Labour have always been more sympathetic than the Conservatives to using affirmative action. In 1918 four places were reserved for women in Labour's National Executive Council (increased to five in 1937), in early recognition that special arrangements were needed to facilitate female participation. But it was not until the 1980s that the patterns of race and gender politics led to demands for quotas at all levels of the party. It was easier to establish gender quotas over internal party offices than for parliament. It remained difficult to persuade party conference that reform in the selection process should be given high priority since this threatened the established interests of union affiliates and party activists. Members of constituency Executive and General Committees wanted to safeguard the principle of local autonomy in selecting 'their' prospective parliamentary candidate. Since the mid-1980s Labour women used the issue of party reorganisation to advance proposals for increasing women's representation.

In April 1983 the NEC published its *Charter to Establish Equality for Women within the Party,* stating the objective of increasing women's involvement at all levels of the party. This was the first significant step in recent years to recognise the issue, although proposals were essentially voluntary. Subsequent attention passed to the policy of developing a Ministry for Women, and further internal reforms lay in abeyance. Then in 1987 conference passed the compulsory shortlisting rule for women, implemented two years later. The rule specifies that, where a woman is nominated in a constituency, at least one woman must be on the final shortlist for interview. If no woman has been shortlisted by the regular procedure followed by the Executive Committee, the final name on the shortlist is dropped, and a ballot is held to determine which of the nominated women should be included.

In 1989 conference overwhelmingly carried Composite 54, which accepted in principle that quotas were the way forward, and called on the NEC to present proposals for how they could be implemented at every level, on all party committees and local delegations, on the NEC and for Shadow Cabinet. The rule-book establishes that women should be at least half the statutory branch officers and branch delegates to the constituency party. Constituencies have to select a woman delegate for party conference at least every other year. Affiliated trade unions are required to include women as conference delegates in proportion to their membership in the union. The NEC has three different quotas: there are five

reserved places for women; three CLP-elected members must be women; and four union-elected members must be women. For elections among the parliamentary party to the Shadow Cabinet, four votes must be cast for women.

By 1990, after a process of consultation, the party endorsed the aim of women forming 40 per cent of Labour's MPs by the year 2000. To achieve this ambitious goal the 1993 conference took this process a step further, with the decision to implement all-women shortlists in 50 per cent of Labour inheritor and strong challenger seats. Once quotas had been accepted at all other levels of the party organisation, it seemed difficult to resist the logic of using them for elected office. In addition, the earlier move to increase the number of women as conference delegates from constituency parties, as well as their increased membership among trade union affiliates, caused a significant shift in the composition of conference. Many women recognised this sea-change, opening speeches with 'I'm a quota' as their first statement. As a result of all these developments, the composite motion for all-women shortlists passed comfortably, overshadowed by controversies over union powers, although it quickly produced some bitter attacks. Conference briefly debated the adoption of all-black shortlists, but the NEC decided to consider the matter further before accepting this principle.

THE IMPLEMENTATION OF GENDER QUOTAS

To implement the policy, in 1994 and 1995 the Labour Party held 'consensus meetings' in each of the regions, to identify target seats for all-women shortlists. Labour 'targets' were defined as seats which could be won with a 6 per cent Con-Lab swing under the new boundaries. This definition provided a list of constituencies, stratified by degree of marginality and geographic spread within regions. Labour aimed to adopt all-women shortlists in half these seats. Official party policy was quite widely accepted at regional meetings, although greater controversy arose at constituency level. The new process was implemented relatively easily within a constituency where the candidate in the previous general election was a woman who was standing again. In contrast, the most bitter criticism of the policy arose where the previous candidate had been a man, who could no longer be shortlisted under the new rules. The selection of all-women shortlists within a region also proved controversial where there were few target seats. In constituencies like Cambourne, strong arguments against the policy on the grounds of merit, fairness and choice were expressed by male local councillors interested in pursuing nomination. In Slough, the policy had to be imposed against the wishes of the local party. The initiative produced damaging internal conflicts in some constituencies. The principle of local autonomy in the selection process is fiercely guarded, and there has always been considerable grassroots distrust of NEC interference.

The policy of all-women shortlists was initially challenged in 1993 by the National Union of Mineworkers. The Equal Opportunity Commission ruled that the proposal did not contravene the 1975 Sex Discrimination Act, since parties do not fall under its remit. Yet in January 1996 this ruling was overturned by an industrial tribunal, and the use of all-women shortlists was declared illegal. Rather than challenging this ruling, the Labour National Executive Committee, under the leadership of Tony Blair, abandoned the policy, although refusing to rerun the selection process in thirty-five constituencies which had already adopted women under this procedure. The party also established a committee, under John Prescott, the Deputy Leader, to consider alternative ways of getting more women into parliament. There are currently thirty-nine Labour women MPs. The party estimates that with ninety-three other female candidates, Labour remain on track to have more than ninety women in the next parliament, although this clearly depends on the size of the two-party swing in the next general election.

CONCLUSIONS

We can conclude that the politics of affirmative action remains controversial under British law. Gender quotas are used for internal party bodies, but the use of all-women shortlists for parliamentary recruitment has been declared illegal under the Sex Discrimination Act. The representation of women at Westminster remains far below the average for comparable European parliaments, and far below the 30 to 40 per cent prevailing in most Scandinavian countries. The difficulties Labour has encountered with the use of gender quotas will prevent this strategy as a way of speeding the process of change. It will take successive general elections before the number of women in the British parliament will look anything like a microcosm of British society.

NOTES

1 Data and interviews for this research are derived from the British Candidate Study, 1992, funded by the ESRC (R-000–23–1991), co-directed by Pippa Norris and Joni Lovenduski. The author is most grateful to Joni Lovenduski for providing support and ideas for this article. Full results from the project are forthcoming in Pippa Norris and Joni Lovenduski (1995) *Political Recruitment: Gender, Race and Class in the British Parliament,* Cambridge, Cambridge University Press. The author is also most grateful to Peter Coleman and Deborah Lincoln at Labour Party headquarters for information on recent developments.
2 Interview no. 13.
3 Interview no. 9.
4 Interview no. 34.
5 Interview no. 12.

6 Interview no. 33.
7 Interview no. 6.
8 Note 'politicians' includes Labour Party MPs, prospective parliamentary candidates and applicants. For details see Pippa Norris and Joni Lovenduski (1995) *Political Recruitment: Gender, Race and Class in the British Parliament,* Cambridge: Cambridge University Press.

4
The timid and the bold
Analysis of the 'woman-friendly state'[1] in Ireland and the Netherlands

Frances Gardiner and Monique Leijenaar

A culture of equality is increasingly detectable in Europe, nurtured by certain leading organisations whose agenda-setting activities keep the goal of sex equality to the fore. The United Nations, Council of Europe, International Labour Organisation, and the European Parliament and Commission, through conventions, resolutions, recommendations and directives press for action and reform, although directives alone are binding on EU member states. National governments and parliaments proclaim their intent to translate many of these measures, binding and non-binding, into public policy. Is this espousal of equality mere rhetoric or does it mirror tangible changes which have occurred over the last twenty years to equalise opportunities between women and men? A culture of equality may be defined as state and society willingness to identify and implement policies to achieve an equal distribution of economic, social and political resources between women and men.

In this chapter the concept of a 'woman-friendly state' encapsulates the broad range of options available to European governments to improve the status of women, the adoption and implementation of which reflect the existence of a culture of equality. Anomalies surrounding women's rights are usually seen in the context of woman as consumer, employee, mother or wife, but increasingly as an individual in her own right rather than collectively subsumed under 'family' or 'dependant'. Nevertheless the overall image is that of recipient of conditions, allowances, benefits or assistance rather than as the architect of such policies. Analysis seems to focus on the consumption rather than production phase, on 'the share of the pie' women receive rather than their control of its shape, size and make. Since the beliefs and values of personnel involved in policy construction inevitably colour the finished product, women's unequal share of input as well as output therefore amounts to a double disadvantage. The importance of the distinction between women's status as beneficiaries of public policy as opposed to agents in its formulation has been emphasised by the UN (1989:121) who recommend action at both levels.

BENEFICIARIES AND AGENTS—A TWIN-TRACK APPROACH TO MEASURING EQUALITY

In this study of the 'woman-friendly state', women's status as policytakers and policymakers is analysed. Where reforms affect women as consumers of, for instance, employment opportunities, welfare benefits or childcare facilities, they are referred to as client policies. This reflects state willingness to equalise access to economic resources as well as benefits arising from market/state failure in employment provision. On the other hand, schemes which include women in decision-making structures, reflecting state openness to empowering women, are termed partner policies. To begin, we list a range of policy initiatives designed to improve women's status as clients and partners across Western Europe, with theoretical frameworks summarising disparities between countries. Next we select two north European countries, Ireland and the Netherlands, where similar historical and cultural perceptions of women's role have evolved along distinctly different trajectories, and whose choice of sex equality strategies also differs. The development of equality policy is traced using this twin-track approach to evaluate women's status as policytakers and makers. We analyse client and partner opportunity structures in these countries and suggest reasons to account for differences. To qualify as a country with a culture of equality, 'woman-friendliness' should be demonstrated in policies for women as both clients and partners.

Client policies—women as beneficiaries or policytakers

Government attempts to equalise opportunities for women as beneficiaries are typically carried out through equal pay, equal treatment, social welfare entitlements such as unemployment benefit and assistance, pension rights, maternity/parental leave and childcare provision. Most attention goes to equal opportunities in the paid labour force, but domestic rights for women are met in legislation on domestic violence, joint ownership of the family home and pension rights.

Over the past twenty-five years, of all European countries, Sweden is most often looked to as a model for equality legislation, having scores of policies and programmes to increase gender equality and family well being. In devising an index of innovative and expansive family policy, Wilensky constructed a scale for each of three policy clusters for eighteen OECD nations: existence and length of maternity and parental leave, paid and unpaid; availability and accessibility of public daycare programmes and flexibility of retirement systems (1990:2). Sweden, France, Belgium, Norway and Finland were high scorers in terms of innovative and expansive family policies; medium scorers included Denmark,

Table 4.1 Client policies for women among European states

Nation	Social security spending	Family policy spending	Wilensky rank order		Overall average
			Childcare	Mat. Pat. leave	
Sweden	5	5	4	5	4.75
France	4	5	5	4	4.50
Finland	5	5	3	5	4.50
Belgium	4	4	5	4	4.25
Norway	4	5	4	4	4.25
Denmark	5	5	4	3	4.25
Austria	4	4	2	4	3.50
Netherlands	5	4	2	2	3.25
Luxembourg	3	3	2	4	3.00
Germany	4	2	2	4	3.00
Iceland	2	5	2	3	3.00
Ireland	4	2	2	2	2.50
Portugal	1	2	n.d.	4	2.33
UK	2	3	2	2	2.25
Greece	2	2	2	3	2.25
Italy	1	1	3	3	2.00
Spain	2	1	2	3	2.00
Switzerland	2	1	2	2	1.75
Mean over 23 OECD democracies					2.84
Mean over 18 European democracies					3.19

Source: Siaroff, A. (1994) 'Work, welfare and gender equality: a new typology', in D. Sainsbury (ed.) *Gendering Welfare States,* London: Sage

Germany, Austria, Italy, the UK and the Netherlands; low scorers included Ireland.

In updating and expanding Wilensky's model, Siaroff includes social welfare spending on the premise that a more generous welfare state is likely to benefit women as much as men, or perhaps even more (1994:90). The twenty-three OECD nations fall into two groups, those scoring above a mean of 2.84, which includes the Netherlands, and those falling below the mean, which includes Ireland (see Table 4.1). If we apply an early welfare state typology classifying countries as residual or institutional according to whether their general level of social service provision is marginal or comprehensive (Wilensky and Lebeaux 1958; Sainsbury 1991), the Netherlands joins the institutional group while Ireland joins the residuals. We consider the high scoring 'leader' countries to have institutionalised client policies, promoting a culture of equality, while the 'laggers' level of equality remains residual.

Wilensky claims the differential demand for social services depends on several critical factors, e.g. the more women in paid work, the more aged the population and the prevalence of Catholicism and democratic corporatism. The presence of large cohorts of women in the labour force brings demands for

government help in balancing the demands of family and work, 'and a party would face political suicide to go against either family policy or gender equality in Sweden' (Wilensky 1990:2). A substantial body of women legislators, in our view, is also crucial, since they push these issues to the top of the political agenda.

Suggestions that young parents with small children might be a political force for innovative family policy apparently lack foundation since a young population of non-affluent parents are at a stage in the family life-cycle where they experience least job satisfaction, lower participation in community life, greatest financial and family burdens and the greatest psychological tension—a condition of life-cycle squeeze hardly conducive to intense political action, even on behalf of their own interests (Wilensky 1990:3). By contrast, old populations support and lobby for family policies due to their desire to relieve pressures on their working adult children, since, having been through it themselves, they are more sensitive to the troubles of harried parents.

Data in Snyder (1992) and Lewis (1993) confirm the presence of large aged populations in Sweden, Denmark and Finland, combined with high workforce and political participation by women. Sweden today has the largest elderly population in Europe (Kindle, Kindle and Worthington 1994: 39) and the most generous family policy. Women legislators in these countries constitute between 33 and 40 per cent, the critical mass for women's visible impact on policy. The pattern in Belgium and France, however, shows that different permutations of these factors can produce similar results. France, without a large aged population but with significant numbers of women in paid work, and Belgium, with fewer women in the workforce but a high aged population, both score high on family policy. Ireland and the Netherlands each have low aged populations, comparatively fewer women in paid work and score low on childcare and maternity/ parental leave. Dutch generosity on social security and family policy spending elevates them to the 'leader' group. After the Nordic states, Holland also has the most women legislators, while Ireland ranks tenth among the fifteen EU states.

Corporatist democracies, according to Wilensky, tend to resolve conflicts and respond more quickly to the universal troubles of the modern family, and more effectively implement a wide range of family policies (op. cit: 3). A combination of egalitarian ideologies among elites, combined with democratic corporatism translates into keen attention to family issues in Sweden, Norway, Finland and Denmark. Another source of family-policy difference is the power and ideology of mass-based political parties, Catholic and left. Because Catholic and left parties share a strong interest in family well being, but differ in their ideas about women's place, Catholic corporatist and left corporatist states produce differing policy outcomes. Leftism strongly fosters female labour force participation, which in turn expands family policy; Catholicism discourages female

participation and 'is a drag on family policy'. However, both Catholicism and leftism foster corporatist bargaining arrangements that are strongly related to innovative and expansive family policy. This confirms the ambivalence of Catholic parties: they are not enthusiastic about releasing women from the home, but they do not want old folks or children neglected.

The corporatist countries with Catholic and left parties, e.g. Austria, Italy, Holland and former west Germany, share medium ranking on family policy. Belgium and France are also in this category with strong family policies, attributed to a strong leftist influence on Catholic parties, especially in Belgium. The UK and Ireland rank low on corporatism (Gallagher, Laver and Mair 1995: 361) and family policy, although the UK, with relatively high female labour force participation and aged population, and also some degree of left power post-Second World War, is deviant in its parsimonious allocation to social/family support. Although the Dutch are 'leaders' and the Irish 'laggers', the gap between them is only half as large (0.75 compared with 1.5) as that between Holland and Sweden, although these two are 'leaders'.

Partner policies—women in decision-making

Women's participation in political decision-making began with the arrival of universal suffrage. In ten of the fifteen EU countries plus Norway,[2] women's right to vote was granted at the beginning of this century, often after extended struggles. Through parades, sit-ins, demonstrations, hunger strikes and marches on parliament, women demanded equal political rights, and in most countries their demands were met around 1920. In three countries, women's suffrage was established immediately after the Second World War (France, Belgium, Greece), while in Spain and Portugal suffrage was extended to women when democracy was reinstated in mid-to-late 1970s.

At the civic/political level, policies for women's empowerment include education, training facilities and affirmative action policies for selecting women as candidates for political leadership, e.g. targets, quotas or reserved seats. In Table 4.2 we present summary values for women's political representation at various levels,[3] and some examples of the use of affirmative action policies for the empowerment of women.

One of the highest levels of political leadership is a post in the national government. The average proportion of women cabinet ministers in 1995 in the fifteen EU member states is 16 per cent; among the 537 members of EU governments there are eighty-four women. There are four frontrunners among these states: Sweden has a balanced government, with 50 per cent men and women (as does Norway); in Finland, Denmark and the Netherlands more than a third of cabinet members are women. But in Greece, Italy, Portugal and the UK, women compose less than 10 per cent of government members. Northern

Table 4.2 Partner policies for women in decision-making in West European nations

| Nation | Right to vote | % Women | | | Government | EU Parl. | % Women | | Overall average | Equality in constitution | Legislation directed parties | Parties with quotas |
		Lower House	Upper House	Government			Reg. Parl.	Local councils				
Sweden	5	5	–	5	5	5	5	5	5.00	no	no	yes
Norway	5	4	–	5	5	–	–	5	4.75	yes	yes	yes
Finland	5	4	–	4	5	–	–	4	4.40	yes	no	yes
Denmark	5	4	–	4	5	4	3	3	4.17	no	no	yes
Netherlands	5	4	3	3	4	–	–	3	3.83	yes	no	yes
Austria	5	3	3	3	4	2	2	–	3.33	yes	no	yes
Luxembourg	5	2	–	3	4	–	–	2	3.20	yes	no	no
Germany	5	3	2	3	4	3	3	3	3.14	yes	no	yes
Belgium	3	2	3	2	4	2	2	3	2.71	yes	yes	yes
Ireland	4	2	2	2	3	–	–	2	2.50	yes	no	yes
France	3	1	1	2	4	2	2	3	2.29	yes	no*	yes
Spain	1	2	2	2	4	2	2	–	2.17	yes	no	yes
Italy	3	2	1	1	2	2	2	3	2.00	yes	no*	yes
UK	4	1	1	1	2	–	–	–	1.80	no	no	no
Greece	2	1	–	1	2	–	–	1	1.40	yes	no	no
Portugal	1	2	–	1	1	1	1	2	1.33	yes	no	yes
Mean									3.00			

European countries are again frontrunners while southern Europe predominates in the lower group (joined by the UK) with fewer client policies and fewer women policy partners. The 'leader' and 'lagger' countries are the same for women policymakers as for women clients. In contrast to their leading position in Table 4.1 for client policies, France and Belgium lag significantly as far as women in political office is concerned (see Table 4.2).

There seems to be a correlation between the number of women in parliament (MPs) and in cabinet: the Scandinavian countries have the highest number of women in their parliaments, between 33 and 40 per cent, followed by the Netherlands, Germany and Austria. Three countries have less than 10 per cent women MPs: Greece, France and the UK, two of whom have equally few female ministers. Ireland's position is just ahead of this latter group with 14 per cent of women parliamentarians and over 20 per cent cabinet ministers. Much of the research on women and parliament shows that countries using proportional representation (PR list system specifically) tend to elect most women MPs (Bogdanor 1983; Norris 1987; Rule 1987; Darcy *et al.* 1991), while those with plurality/majority formulae elect fewest. Multimember constituencies, where more than one candidate is selected and elected, seem to favour the inclusion of women compared with those electing only one member. Two of the three EU countries with the fewest women MPs—France and the UK—use single-member constituencies. Party list PR does not, of course, guarantee election since women can be placed so low on a list (decorative position) that their chances of election are nonexistent.

The average percentage of women in EU upper and lower houses is 18 and 10 respectively. Interestingly enough, compared with the national parliaments, there is a far higher representation of women in the European Parliament. In nine of the fifteen EU member states, women are one-third of the Euro-delegation. Eleven member states have elected more than 25 per cent of women to the EP. The differences for countries such as Greece, France and the UK are striking, where women's representation in the EP is double the figure for their national parliaments. The wider use of PR for electing MEPs is singled out as an important reason why more women get elected to the European than national parliaments. In this context it is notable that France uses PR for Euroelections, while the UK does not.

The representation of women at the regional and local level fluctuates for most countries between 10 and 25 per cent. Outliers are Sweden, with more than 40 per cent women in the regional and local councils, and Greece with only 4 per cent women councillors, again illustrating the north-south gender cleavage. The suggestion that seats in local councils are easier for women to win than in national assemblies, because eligibility criteria are less stringent and because, since these are not fulltime jobs, council positions are easier to combine with rearing children, seems to be true for countries like Belgium and France. In the

other member states there are more women in senior political office, perhaps because it is easier to use affirmative action policies given the more centralised candidate selection procedures in these countries (see Lovenduski and Norris 1993).

The considerable variation between countries in women's numerical representation owes much to the fact that, in some countries, affirmative action policies are used by governments or parties, while in others there is a total absence of policy. Countries with a relatively large number of women legislators have all introduced some kind of affirmative action policy. As in Scandinavia, political parties and governments are willing to intervene to promote women's political advancement. By the 1980s, most Scandinavian parties had introduced quotas, while the Swedish and Danish governments are both very committed to making equality between women and men a guiding principle of their policy (Lorentzi 1995:1). The Dutch government's decision in 1992 to take additional measures to increase the number of women in politics and public office marks a significant step in womanfriendly initiatives. In a policy programme submitted by cabinet to parliament, nineteen specific measures were tabled (Plesch 1995: 12–15). In a similar spirit in 1994, the Belgian legislature adopted a law which makes provision for a legal disposition aimed at promoting women on candidate lists. From 1994, by law, a party's list of candidates may only consist of a maximum of two-thirds of candidates of the same sex.

The positive effect of affirmative action policies can also be demonstrated by the increase in the number of women in local councils between 1993–5 in Italy. There, two electoral laws were adopted in 1993, one law stating that: 'on the lists of candidates, neither of the two sexes may be represented in an amount greater than two-thirds', while the other law adopted new norms for the election of the House of Deputies. This law made the provision that henceforth elections for the House of Deputies would be on a mixed system: 75 per cent of seats to be elected by a first-past-the-post system and 25 per cent of the seats by a list system. For the latter category, Article 4, paragraph 2 of the legislation stated that: 'Male and female candidates will appear alternately' which means in practice a 50–50 split between men and women candidates. In July 1995, however, both laws were annulled by the Italian Constitutional Court, citing the fact that a fundamental right given to all human beings, such as that of running for elections, cannot be given differentiated treatment according to sex. It is notable that, in Italy between 1993 when the law on the municipal and provincial elections came into effect and the summer of 1995 when the law was abolished, the percentage of women councillors had more than doubled (from 6 to 13 per cent).

When country scores are aggregated for client and partner policies, we find greater clustering around the mean for client than for partner initiatives although there is little difference in overall means. For client policies, the scores range

from 2.00 to 4.75, while for partners it is 1.33 to 5.00 (see Table 4.3). There is more apparent consensus about policies for women as clients than as partners. However, several variations occur, the most significant being the striking contrast between the scores on client and power-sharing policies for France and Belgium, who are among the highest scorers at client level but low at partner level. Comparative scores for Norway, Sweden and Holland show them to be more open to women as partners than clients, as are Luxembourg and Germany. By contrast, France and Belgium, followed by Greece, Portugal and the UK, are less open to women as partners than as clients.

There is almost a dichotomy by religion: most Catholic countries (plus the UK minus Luxembourg) are less 'woman-friendly' when it comes to decision-making, while most Protestant countries (plus Luxembourg and Austria) are more open to women policymakers (see the Introduction to this volume for discussion on the impact of religion on equality policies). This seems to reinforce the claim that a Catholic ethos favours a homemaking role for women and is reluctant to promote women as decision-makers. Conversely, Protestantism favours women's labour force participation which is in turn correlated with the percentage of women in parliament (see below; also see Introduction for fuller discussion on this theme). From this brief scan of West European states, we have chosen two, a 'leader' and a 'lagger'—Ireland and the Netherlands—for deeper analysis. In the following sections policies affecting women's rights in work, welfare and decision-making are examined within their cultural backgrounds.

IRELAND AND THE NETHERLANDS—WOMAN-FRIENDLY STATES?: WORK, WELFARE, DECISION-MAKING

A description of the Dutch population at the turn of the century as 'basically working-class, often employed in agriculture and quite religious' (Andeweg and Irwin 1993:16) might equally apply to the Irish. However, the Dutch colonial empire which made it arguably the most powerful European nation in the mid-seventeenth century (Kaplan 1992:149) contrasts with Ireland's past as a subject nation until 1921. Today Holland is one of the richest EU states whose highly developed welfare system ranks next to Sweden; Dutch employment in agriculture is now 4.5 compared with 14 per cent in Ireland, in industry it is 26 compared with 29 per cent, and in services 70 and 57 per cent respectively (Gallagher, Laver and Mair 1995:12).

It is in the context of a pillarised and corporatist political system that women in the Netherlands fought for their rights. Once the right to vote and stand for election were won, women demanded the right for married women to work, the right to legalised abortion, the right to be treated as individuals, not merely as mothers and wives, and the right to participate in decision-making. In Ireland,

Table 4.3 Ranking of West European states by 'woman-friendly' policies

Nation	Average score		Mean	Nation	Average score		Mean
	Policytaker	*Policymaker*			*Policytaker*	*Policymaker*	
Sweden	4.75	5.00	4.88	Belgium	4.25	2.71	3.48
Norway	4.25	4.75	4.50	Ireland	2.50	2.50	2.50
Finland	4.50	4.40	4.45	France	4.50	2.29	3.40
Denmark	4.25	4.17	4.23	Spain	2.00	2.17	2.09
Netherlands	3.25	3.83	3.54	Italy	2.00	2.00	2.00
Austria	3.50	3.33	3.42	UK	2.25	1.80	2.03
Luxembourg	3.00	3.20	3.10	Greece	2.25	1.40	1.83
Germany	3.00	3.14	3.07	Portugal	2.33	1.33	1.83

described as a Catholic corporatist regime (McLaughlin 1993:205), a smaller minority of women activists fought for women's rights. Religion has played a major role in both countries, with recurrent bouts of religious strife historically shaping their cultures. Resolution of religious difference is a hallmark of Dutch politics, whose history of accommodation has singled it out as a divided society attuned to consociationalism, whereas religious division remains pivotal in the continuing 'troubles' in Northern Ireland. Catholics in the Netherlands are a minority (44 per cent), while in Ireland they are a majority (96 per cent) with a strong tradition of religious practice. Although Irish weekly church attendance dropped between 1981 and 1990 from 83 to 81 per cent, in Holland it had already fallen from 71 to 33 per cent between 1961 and 1975 and as low as 26 per cent in 1986 (Whelan 1994:21; Therborn 1989:210; Daalder and Irwin 1989). Irish women working fulltime at home claim 91 per cent weekly (at least) attendance in contrast to fulltime employed women and men at 78 and 75 per cent (Whelan 1994:24).

The Dutch free-thinking mentality contrasts with Ireland's conservatism and authoritarianism, the survival of which is noted in the 1990 European Values Study, which found Irish agreement on the need to protect freedom of speech lags almost 10 per cent behind the EU average. Despite pillarisation, the evaporation of opposition once a decision is taken has been typical of the Dutch, but unlike Ireland 'the polity itself has never been subject to political strife' (Andeweg and Irwin, op. cit.: 231, 239). Dutch consensuality finds them among the leaders for degree of corporatism while Ireland is in the second lowest group (Gallagher *et al.* 1995:361). Politically, the right has dominated Irish politics with a weak left up to the 1990s. By contrast, the left in Holland has matched or exceeded right appeal up to 1994. In summary while both are small liberal democracies, the Netherlands has a more service-oriented economy, is more corporatist, consensual, less religious, and with a stronger left than Ireland, many of the core attributes associated with 'woman-friendly' policies.

Equality in paid work

Irish and Dutch women's participation in paid work has been low compared with other EU countries (Blackwell 1989; Pott-Buter 1993). One of the first issues uniting Dutch women was the struggle over women's right to paid work. Between 1904 and 1940 twelve attempts were made in the Dutch parliament to ban women from paid employment (Leijenaar and Niemoller 1994:499). In Ireland, although women played a major role in the national independence movement, once the new Irish state was established in 1922 it set about shaping a role for women based on patriarchy and Catholic social thought (Mahon 1987) —as fulltime homemaker with marriage, reproduction and dependence on a spouse/breadwinner as career path. Legislation enacted in the 1920s-30s

progressively diminished women's autonomy (banning of information on contraception), access to economic resources (prohibited from inheriting land and from work in industrial areas deemed unfit for women), enforced dependency within marriage (a marriage bar and 'baby bar' excluded women from public sector occupations), and exclusion from civic duty (removed from jury service), combined with an income tax code that penalised married women in paid work (McLaughlin 1993:226; Breen *et al* 1990).

In Holland, from 1900 to 1960, with slight variation, women formed about one-fifth of the working population. The number of women in paid work declined between 1947 and 1960 from 24.4 to 22.3 per cent (CBS 1979). After 1960 this figure increased rapidly, primarily because of the entrance of married women from all social classes into the labour market. By 1974 Holland still had the lowest female workforce participation of all OECD countries, 29.7 per cent, which Therborn attributes to 'the grip of patriarchy' (1989:234). Between 1960 and 1981, the participation of married women rose from 7 to 33 per cent. In 1960 most women resigned their jobs on marriage; in 1979 they left the labour market when expecting their first child: 75 per cent of married women under 35 years without children were employed compared to 16 per cent of the same group with small children (Oudijk 1984:192).

The Irish pattern is similar to the Dutch, with a decline in women's employment between 1926 and 1966 (Wickham 1982:148), a sharp fall-off after marriage and motherhood and little re-entry after families were reared. The most significant Irish development is the increase in married women's activity, from 5 to 32 per cent between 1960 and 1989. In the pre-1970 Irish labour force, most jobs fitted into a category, either suitable for men or suitable for women. Society favoured a gendered division of labour with men the breadwinners and women the homemakers and carers (EEA 1995b: 1). Even where men and women did the same job, there were different rates of pay depending on whether the employee was male, female, single or married. In 1971 women working in industry earned 57 per cent of the average male hourly wage. Agitation by the women's movement coupled with Ireland's EEC membership accelerated reforms in employment, domestic and welfare rights. The Anti-Discrimination Pay Act 1974 established the right of a woman or man to equal pay based on the value of the job and not on the sex of the employee. Within a few years, women's hourly wage rose from 56 to 69 per cent of men's, and is now 80 per cent of the male hourly wage. The Dutch Equal Pay Act was implemented in 1975 in order to comply with a European Directive. In 1989 the Equal Opportunities Act prohibited any distinction between men and women in all areas concerned with the Dutch labour market. An Equal Opportunities Commission, as well as the National Ombudswoman, are monitoring progress.

The Irish Employment Equality Act 1977 made it unlawful to discriminate in employment or vocational training on grounds of sex or marital status.

Nevertheless, state policy did discriminate against women's employment in the course of export-led economic development (which normally absorbs women into the labour force), by directing multinational companies (MNCs) who wished to establish plants in Ireland to conform to gender-specific requirements. The Annual Report of the Industrial Development Authority in 1971–2 revealed government preference for MNC proposals with a workforce composed of 75 per cent *men* (Pyle 1990:77; Mahon 1994). When this policy was finally abandoned, women's workforce participation rose from 25.7 to 34.7 per cent between 1971 and 1994 (EEA 1995a: 7). Married women's share rose from 5.2 per cent in 1961 to 13.6 in 1971 and 45.3 per cent in 1995. In 1996 Irish women comprise over 36 per cent of the employed labour force. The service sector accounts for the bulk of female employment, with 68 per cent concentrated in three areas: clerical work, professional and technical work, and service work, but in areas with low pay and part-time work. In Ireland, women's participation tends to be in fulltime work, with part-time accounting for only 14.2 per cent in 1986–7 compared with 55.2 per cent for Dutch women (NESC 1991:24) who also enjoy greater permanent status in part-time work. In 1990, 47 per cent of all female employees in Holland had an income at or in the region of the minimum wage level, while only 14 per cent of male employees earned so little. But although the Equal Pay Act has been in force since 1975, Dutch gender pay gaps remain. In the twenty-five years from 1960–85 Dutch women's participation went from 26.2 to 40.9 per cent (an increase of 14.7), while that of Irish women rose by only 1.8 per cent from 34.8 to a modest 36.6 per cent (Schmidt 1993:182). The NESC report compares Irish women's participation in 1991 with the Dutch rate ten years earlier (1991:22).

There are several explanations for the relatively low rate of participation by Dutch and Irish women: late industrialisation (end of the nineteenth century) in the Netherlands and even later in Ireland compared with Britain, France and Belgium. At that time, Dutch capital had cheap male labour at its disposal and no (great) need for women and children in the labour force. The fact that Holland was not involved either in the war of 1870–1 in Europe, nor in the First World War meant that no shortage of men occurred. In 1918, when Irish men were threatened with conscription to the British army during the First World War, Irish women held a national women's day, pledging not to take men's jobs and thus thwart the initiative.

The relatively high wages and social security benefits in the Netherlands, together with a high marriage rate, encouraged women to act as homemakers and caretakers with the husband's role as breadwinner. The role of the Dutch churches, which propagated the ideology of family and motherhood, resembled that of Catholicism in Ireland. Gustafsson contends that the Dutch government reacted to the rise in unemployment resulting from the oil crisis by attempting to decrease labour supply and so encouraged women to remain at home (1994:54).

At the same time, the lack of childcare facilities and hostile public opinion discouraged the Dutch working mother and frowned on daycare (ibid.: 53–5). The Dutch idea that mothers had 'a duty of presence' twenty-four hours a day closely resembles the Irish Constitution's ideal of fulltime mothering as the cornerstone of family and state support.

Since the 1980s, Dutch public opinion and government policies have changed. With growing concern over the imbalance in the ratio of dependants to taxpayers, government is more inclined to increase rather than decrease the labour supply (Gustafsson 1994:55). In 1990 a Childcare Stimulation Act was passed, providing grants for childcare facilities. Nowadays it is much more common for Dutch mothers to combine motherhood and employment. In Ireland, on the other hand, the retention of the concept of dependency and the view that, given high levels of unemployment and the Catholic ethos that woman's place is in the home, government and social partners seem generally reluctant to take significant measures to include women in the labour force (Cousins 1995:105). Neither is there much enthusiasm for action over taxation reform or childcare services (ibid.; Conroy Jackson 1993:82). In Irish society, although 'not directly hostile to married women's participation in the labour force', there is nevertheless what Whelan terms 'indirect resistance in the form of concern for the effects of such participation on pre-school children and on the relationships mothers have with them' (1994:58).

However, the 1990 EVS found that Irish women working fulltime at home were more likely than men to say they would not work if they did not have to. Nearly a third of married women, almost double that of married men, were of this view (Whelan 1994:90). Fine-Davis, almost ten years earlier, found that just over a third of married women wished to return to work (1983:131), but five years later found almost the same proportion (among a sample of Dublin men and women) regretted not having a job (1988:41).

The importance of educational attainment for employment opportunity is now well proven. Economic activity is higher for women graduates than non-graduates in every EU country. Ireland and the Netherlands are among the countries with significantly higher activity rates for highly qualified women than for those with basic education. Young Irish women tend to leave education relatively early compared with Dutch women, although the latter tend to follow shorter courses (EUROSTAT 1992). While the arrival of children does affect women's activity rates, the 'motherhood effect' is more severe in Ireland than any other EU country, with activity reduced regardless of education; Ireland stands out as having the lowest overall rate for mothers in the 20–39 age group (41 per cent). The average number of children per mother aged 15–49 dropped from 3.27 to 2.11 between 1977 and 1989 in Ireland and from 1.58 to 1.55 in Holland in the same years (ibid.: 23) but still suggests that Irish women leave education earlier, have larger families, stay away from work longer and have no

great desire to return. This pattern is evident to a lesser extent in Holland but with smaller families, state support for married women's workforce participation, much wider availability of part-time employment and childcare services, the trend is toward a dual-breadwinner model and less on the more strict gender division of labour popular in Ireland.

Equality in welfare rights

In the evolution of welfare rights for Irish and Dutch women, the primacy of the family shaped policy: the Catholic principle of subsidiarity and a paternalistic breadwinner model set the framework for entitlements in Ireland; in the Netherlands a corporatist regime, the Catholic principle of subsidiarity and the Protestant doctrine of sphere sovereignty assigned to the traditional family a central importance and right to state support (Sainsbury 1994:155). By acknowledging the state as subsidiary not only to the family but also to the confessional pillars, an additional intervening buffer was created and a weak state pitted against a strong clergy, who organised welfare for their own pillar (Therborn 1989). The triangular dynamic between church-state-family evolved differently in each country, which goes some way to explain the contrast in outcome for women's rights.

Up to the 1970s, consensus reigned in both countries that women's place was decidedly in the home and dependent on their husbands (Outshoorn 1991:107; Breen *et al* 1990:108). In the Netherlands, the costs of familyhood were socialised through subsidies to the family provider, a minimum wage guarantee, set at about the same level as the minimum wage, and indexed family allowances tailored to large families (Sainsbury 1994: 157). However, married women without breadwinner status were not always entitled to the minimum wage, and working wives received no tax allowance. In Ireland, despite the prime place accorded the nuclear family in the Constitution, there has been only limited support provided directly to families (e.g. in child benefit) with a preference for support being provided directly to the breadwinner by way of dependency allowances (Cousins, op. cit: 42). Social welfare benefits have traditionally been granted on the basis of the claimant's status within a family or household rather than on a purely individual basis. Despite its generosity, the Dutch social welfare system, like the Irish, paid lower rates of unemployment and disability benefits to married women *vis-à-vis* their male counterparts; in the case of unemployment benefit, for a shorter period of time, and denied most married women entitlement to unemployment assistance. In Ireland, even where a married woman could claim unemployment benefit, payment was frequently denied to women with children if, in assessing 'availability for work', women's answers to questions such as 'who will mind the children?' and 'who will cook the dinner?' were

deemed 'unsatisfactory', questions which were rarely, if ever, put to men (Callender 1988:5).

In Holland, the pressure groups that were part of the second wave women's movement, e.g. MVM in the 1960s and Dolle Mina in 1970, including many socialists, made more radical demands than the Irish, focusing from work to welfare on positive action and personal autonomy, and quotas for women both in employment and politics. In Ireland, the women's movement lobbied for the 1970 Commission on the Status of Women (CSW), on whose recommendation schemes were adopted for widows, deserted wives, unmarried mothers, prisoners' wives and elderly spinsters as well as domestic violence, if still informed by 'a perception of woman as a dependant; as a person who, deprived of the support of a male, is in need of state support' (Whyte 1988:39). Conversely, and predating EU legislation, the Irish welfare code began to focus on the individual rather than family unit, paying Children's Allowance directly to the mother from 1974. The adoption of the EU Equality Directive on social security in 1979 consolidated this trend of individualisation in both countries, bringing married women's entitlements into line with men's. Adapting the law to meet the demands of the directive was problematic, with initial retroactive 'levelling down' strategies in Holland and protracted court battles.

Dutch unemployment benefit (70 per cent of the average salary) and supplementary benefit are now completely independent of any income brought in by a partner. Social security benefit however is dependent on the partner's income or his or her capital. Single (divorced) mothers get security benefit but are obliged to look for work. They can only get dispensation while their children are under 12 years of age. In quantitative terms, Irish women's welfare entitlements compared very unfavourably with the Dutch up to the mid-1990s. As far as women's health is concerned, Irish women have the shortest life expectancy of EU women and Dutch women the fourth longest (Kindle *et al.* 1994:11). The percentage of GDP allocated to social protection and maternity and family allowances by Ireland and Holland in 1988 was 22.6 and 30.7 respectively.

Upgrading of the carers' allowance (introduced in 1990) and pensioners payments in Ireland recognises that a majority are women, including new rules for homemakers' pension eligibility; a Task Force on Security for the Elderly is specifically woman-friendly since more than two-thirds of over65s who live alone are women who will benefit from its recommendations; these are all small-cost initiatives compared with the payment of arrears in equal-treatment social welfare payments to 70,000 married women costing over £260m in total which had been owing for almost ten years (EU legal base). The Lone Parent's Allowance, introduced in 1990, and Deserted Wife's Benefit are to be replaced with a new One-Parent Family Payment (OPFP). This removes the requirement to prove 'desertion' which was always perceived as a stigma, while moving toward the individualisation code requested by the second CSW. Grants are also

made to locally based women's organisations for self-development and community initiatives.

However, anomalies still remain, such as allowing childminding costs for income assessment of OPFs although excluding it for tax purposes for working married women. Also, the cohabitation rules are as stringent as ever for lone parents and deserted wives, who lose their benefit if found to be cohabiting. Overall, the Irish social welfare system is pro-family, with 28 per cent of its budget going to families, 28 per cent to the unemployed and about 27 per cent to pensioners, but lacks policies like those in Holland where childcare and employment incentives attract women to paid work. In quantitative as well as qualitative terms, Dutch welfare allowances are more generous and broadly based than the Irish.

Equality in decision-making

Research over the past two decades shows a strong correlation between women's parliamentary representation and labour force participation rates (Rule 1987; Norris 1987). This may explain to some extent why few Irish women are elected to parliament, but fails to explain how, despite modest workforce participation, Dutch women now rank fifth out of 164 countries globally in terms of women elected MPs. Irishwomen over 30 years of age were enfranchised in the 1918 Representation of the People Act (from a British parliament), later extended to all women in 1922. Irish MPs trenchantly opposed suffrage for women and tried to postpone the extension of the 1918 Bill to Ireland. Dutch women got the vote in 1919, not because the main parties thought it just and democratic, but more as a result of a deal between the socialist pillar on the one hand and the Catholic and Protestant pillar on the other. Ireland's first woman MP, Constance Markievicz, was made Minister for Labour in 1919. Because Ireland was then ruled from Westminster, she was also the first woman MP in the British House of Commons. It was not until 1956 that the first Dutch woman became a cabinet minister.

However, in 1996 Irish women hold only 14 per cent of Dail seats while women hold 33 per cent in the Dutch lower house.[4] There are two senior and four junior Irish women ministers, and three senior and four junior Dutch women ministers. At the next appointive level, e.g. the external advisory boards in Holland and state boards in Ireland, women hold 13 and 21 per cent of seats respectively.

In both countries, government, political parties and public opinion up to the 1960s held conservative views on women's political integration, concurring that women's place was at home. Change set in at a very slow pace in the 1970s, after the revival of the women's movement which exerted a telling influence on subsequent developments within the parties. It is due to the different strategies

pursued by government, political parties and women's groups from 1970–95 that, at elective level, Dutch women now hold a third, but Irish women only one-eighth of parliament seats; however, at appointive level, Irish women almost equal (female ministers), and in the case of state boards, are ahead of Dutch women.

Ireland

Three factors account for the dearth of women legislators in Ireland: (1) specific historical and cultural experiences that fostered a masculinist political arena; (2) a political system where selection and election remain localised; (3) a strongly Catholic social environment where women's socialisation preconditions a majority to regard children, husbands and homemaking as primary and deserving fulltime attention.

1 The main historical Irish political cleavage is based on nationalism and like all national movements worldwide, remains male dominated, focused on territorial claims and internal factions. Nationalism tends toward hierarchical, authoritarian and absolutist structures, more the domain of men than women at elite levels. Where this coexists with a dominant religion sharing many similar values, the result is intense resistance to power-sharing with women. Nationalism splits women's identity, retarding gender consciousness in favour of tribal loyalty. The two main parties, Fianna Fail and Fine Gael, grew out of the national movement, the only difference between them being the acceptance or rejection of the treaty with Britain in 1922 which partitioned the country. Nationalist credentials are now of little importance, but belonging to a political family is still a potent resource for aspiring politicians, either men or women.

2 Centralisation and weak local government encourage a clientelist relationship between constituents and parliamentarians (TDs) on personal and local issues, which TDs assiduously service to ensure re-election. The highly personalised type of electoral system, where every personal vote counts toward an electoral quota, means that campaigns attract confident personalities and are costly undertakings. The fact that a majority of Irish women are not in paid employment reduces their financial independence as well as their personal appeal to political parties. With the largest average family size in the EU, caring duties monopolise Irish women's energies at a stage in the life-cycle when apprenticeship to a political party is the chief route to a political career. Paid employment also offers access to networks and contacts, trade union activism and professional associations, training and skills development as well as the opportunity to develop a public profile.

In Ireland, selection is a localised process in which party members, particularly in Fianna Fail, tend to be actively involved, with roughly a quarter of their members having direct involvement (Gallagher, Laver and Mair 1995:255; Gallagher 1988:119–44). Both main parties value a party pedigree, so prospective candidates undergo intense 'local' scrutiny to check out party loyalty, credentials and apprenticeship record. In many respects the large parties suffer more constraints than the smaller, newer parties in drawing in new women. Since the late 1970s, their leaders have 'added on' women candidates to the (all-male) lists selected at conventions. Imposing candidates in this way is frowned on by rank-and-file members who need to be coaxed to accept outside candidates. In recent years, parties have suffered reverses due to this practice, resulting in the loss of winnable seats because of rifts among campaign personnel. Parties do, nevertheless, headhunt prominent women in public life, since a high profile draws personal votes. However, if this is left too close to an election, newly partisan women have little time to get to know the ropes and run a campaign.

3 Irish women, in Eurobarometer opinion polls, express less interest in politics than Dutch women and discuss politics less frequently. In 1993, 48 per cent of Irish women said they 'never discuss polities' compared with 23 per cent of Dutch women and even among the highly educated, 31 per cent of Irish compared with 15 per cent of Dutch women 'never have political discussions with friends'. Low political interest among women is attributed to the effects of a Catholic heritage by Inglehart (1981) which supports Wilensky's claim discussed earlier and also the data in Table 4.2. As discussed earlier, religiosity is far higher among the Irish than the Dutch, with highest levels found among Irish fulltime homemakers. More than twenty years ago, Holland was identified as one of two countries where more women than men merit a 'superactive' category called political ideologues, 'who are prepared and able to use as full or fuller a range of weapons to pursue their political goals' (Jennings and Farah 1980:239). In Ireland, on the other hand, the 1990 European Values Study reported that involvement in a lawful demonstration was twice as high for men as for women and that 50 per cent of women said they would never engage in such action (Whelan 1994:114). Whelan concludes that differences in political participation between men and women in Ireland are largely due to the low levels of participation by women in the labour force.

Political parties

The behaviour and attitude of the small, newer parties contrasts with that of the large, older parties in Ireland. The small left parties and the Progressive Democrats select and elect women in greater proportions than the more

established right and centre parties. However there is a growing awareness among the large parties of women's low visibility as officers, election candidates, deputies and senators. Nevertheless, despite lobbying by the women's movement, the 1993 recommendations of the Second Commission on the Status of Women, the impressive record of a woman in the highest political office as President of Ireland, or the fact that a woman candidate (now a junior Labour minister) polled the highest number of first preference votes countrywide in the last general election, neither of the main parties favour special measures for women's selection as candidates. Resolutely against quotas, they are supported in this by senior party women, the women's committee of the parties and even the youth sections (Report on Implementation of the Recommendations of the Second Commission on Women, 1996).

Mary Robinson's election as President in 1990 set off a flurry of activity in the large parties to find more 'suitable' women candidates. The Labour, Democratic Left, Workers' and Green parties operate quotas for internal party officers and/or election candidates. The swing to the left in the early 1990s elected seven women deputies and three senators for Labour and Democratic Left, whose selection rests on quota policy. Of the seven Labour/Democratic Left women deputies, four now hold ministerial office in the coalition government formed in 1995 compared with only two out of five Fine Gael women TDs (FG belongs to the Christian Democrat group in the European Parliament), although the latter is almost twice the size of Labour. In the 1994 EP elections, of the four women elected, two are Green Party and one Labour. In the 1990s women of the left have achieved substantially greater political advancement, as candidates, deputies and ministers than women in the large conservative parties. However, with the two main parties attracting up to 80 per cent of the vote before 1992, woman-friendly policies in the small parties have limited impact. Even if quotas were adopted, the Irish variant of PR allows voters to select their desired candidate, unlike a list system, where candidates in electable positions on the list are not subject to the personal whim of electors but to the party's overall vote share. Thus, rejection of quotas by grassroots members, very much in line with their suspicion of 'added on' candidates, is a more potent disincentive to Irish than Dutch parties.

The holding of a dual mandate, allowing simultaneous representation in the Oireachtas (Dail and Senate) and European parliament, or the Oireachtas and county council has been criticised by women's groups because it concentrates a wide range of offices in few hands. Most parties agree that MEPs should relinquish Oireachtas seats but support the simultaneous holding of local and national parliamentary seats, except for ministers. This contrasts with Dutch rules which expand opportunity structures for newcomers, in that ministers must relinquish parliamentary seats when appointed, local and national mandates are separate and cabinet personnel may be selected from outside parliament

(Andeweg and Irwin 1993:113). When vacancies arise, Dutch parties appoint the person next on the list, whereas in Ireland a byelection must be contested, which is taxing on women especially, since this may happen just after or before general elections. The Dutch system is more flexible and open compared with the rigid and concentrated nature of the Irish.

Women's sections of parties

The women's section in the largest Irish party, founded in the 1980s, focuses on policy issues, issuing reports on the drugs problem and youth suicide, as well as entrepreneurship among women. Since 1995 the focus has moved from policy to the mechanics of 'how to get selected' and good campaign management. They have also assembled a directory of party women whose qualifications and experience are suited to selection or appointment by the party. In Holland women's wings organised decades earlier and immediately lobbied for quotas, which were adopted in the 1970s by the left. Since then, training and education programmes are supported by all parties and government. In the largest Irish party, there is no formal training or education for women candidates. The stiffest challenge is to be seen by the party as 'electable', and by the electorate as a 'credible' candidate. For Irish women, there are two obstacles: first, getting selected by the parties; second, attracting enough personal votes from the electorate to reach a quota. Because of the 'inherited seat' label which attaches to (mainly women) winning a seat formerly held by father, husband or other relative, the goal of 'making it on your own' has preoccupied women candidates. It has turned many party women against quotas, since a similar stigma attaches to this 'shortcut' to parliament. This weakens any lobby for quotas from within the women's sections making it easier for parties and governments to hold out against this form of positive action.

Government

Since 1992 the Minister for Equality and Law Reform has targeted appointments to state boards, urging the nominating bodies to follow the government's example by adopting 40 per cent gender quotas. He promises legislation for quotas if by 1997 the recommended level is not attained. The Minister for Education introduced legislation for quotas on educational bodies. Subject to criticism at first, these gender quotas have resulted in a striking increase in women's appointments to state boards, where women's representation has risen from 9 to 26 per cent from 1981–96. The government appointed National Economic and Social Forum has a woman chair and 43 per cent women members. Clearly, where quotas have been applied, women's representation has risen substantially. Both coalition ministers who have introduced quotas are from

the Labour Party, one of whom is a woman. If such a policy were extended to election candidates, women's parliamentary representation would follow suit.

The Netherlands

Three actors: the women's movement, the political parties and the Dutch government, are responsible for creating the present willingness to appoint and select women for high level political decision-making positions. The women's movement was important in the struggle for the right to vote and later in demanding equality policies for women. As in most EU countries, political parties in the Netherlands select the political personnel for cabinet and parliament, but also for positions such as mayor, state commissioners and sometimes even the members of advisory bodies. Women's political representation is therefore entirely dependent on the parties' attitude towards the political involvement of women. The government is finally, in many respects, the primary mover. With policy instruments such as legislation, subsidising campaigns and training programmes, as well as responsibility for appointing political officers, the government is an influential force for the empowerment of women.

A shift in the agenda

Before the 1980s, women's groups including the more traditional women's organisations and organisations belonging to the new women's movement of the 1970s, showed a remarkable lack of interest in the political arena. Traditional organisations, such as the Catholic Women's Club, the Dutch Organisation of Housewives, and the Dutch Organisation of Farmers' Wives often viewed themselves as politically neutral and consequently did not bother much with the issue of gender inequality in politics. Groups belonging to the new women's movement were primarily concerned with developing a women's culture and campaigning against sexual violence and pornography. The only exceptions were the women's organisations descended from the time that women struggled to secure universal suffrage. Many of these groups dissolved after the vote was granted, but a few stayed alive, e.g. The Netherlands Association for Women's Interests. In the 1980s more women's groups got involved in the issue of getting more women to participate in politics, building on their successful lobbying of the parties in the 1970s to introduce quotas.

In the introduction to the book *Gender and Party Politics,* Lovenduski states:

during the 1960s and 1970s many second wave feminists were cynical about political institutions and electoral politics, preferring the political autonomy they found in new social movements. By the early 1980s,

however, there had been a reconsideration of the importance of main-
stream politics and feminists became active members of political parties.

(Lovenduski 1993:1)

Many of these women participated in the internal discussions within political
parties on how to get more women to represent the parties. In 1990 for the first
time, women's groups campaigning for an increase in the number of women in
decision-making joined their efforts. For the three elections in 1994, they worked
together in awareness-raising campaigns, in mobilising voters to vote for women
candidates and in putting pressure on political parties to nominate more women.
These activities were often sponsored by the government.

  The political parties in the Netherlands also underwent a radical change in
attitudes. One of the larger parties, the Anti-Revolutionary Party, prohibited
women from standing for election until 1956. Its successor, the Christian
Democratic Party, launched a very elaborate plan in 1992 to mobilise women
party members. Compared with the past, this is a striking change. After the
granting of women's suffrage, political parties were mainly interested in women
as voters. They addressed them as mothers and housewives, explaining what
politics could do for them. Mobilising women to become a party member or to
vote for the party was mainly the task of the separate women's sections within
the parties. In the 1990s, party executives take responsibility for formulating and
implementing positive action strategies.

  Lovenduski and Norris mention a shift in the agenda of political parties in the
1980s, in that gender became an explicit issue for many of them (Lovenduski
1993:1, 2). As possible explanations for this shift, they put forward the
continuous pressure of women('s sections) and increased party competition due
to the entry of new parties and altered party-state relationships. Among additional
factors, there is the current dissatisfaction of citizens with traditional political
parties and reaction to this. Membership is down, political cynicism and distrust
is increasing. Politics in general is preparing for a renewal. This is certainly true
for the Netherlands, where the turnout at local and European elections was quite
low. All this makes parties want to change their image. It also leads to
organisational change, for example in selection procedures, with a favourable
outcome for the number of women candidates selected. Examples of
organisational changes are a more centralised selection process and less
emphasis on party experience as a selection criterion. Scouting by parties for
(non-partisan) professional women who can become an MP or a cabinet minister
is common practice these days.

  Second, there is the parties' concern for the female vote. Electoral
considerations are important driving forces behind current party activity to select
more women. The fact that women candidates get relatively more preferential
votes than their male colleagues will certainly stimulate this process. Van de

Velde's extensive study about the role of gender in Dutch parties (1994) shows, for the period from 1919 (enfranchisement of women) until 1990, how the parties' perceptions of women's political representation have changed under the influence of the following factors:

- *historical developments* such as the struggle for the right to vote and the 'emancipation waves' of the 1960s and 1970s. Both occasions forced the parties to form an opinion on the political participation of women. Another example is the occupation by the Germans and the active role of women in the resistance. In the Protestant parties especially, this caused some doubts over their ideas about the 'right' place of women;
- *external pressure* by, for example, autonomous women's organisations demanding more action by parties and governments to increase the political power of women. An increase in the political participation of women became, in the 1980s, one of the objectives of government 'emancipation policy' and was very vigorously pursued. One example is the subsidising of parties by the government to employ someone for three years in charge of formulating affirmative action strategies. Because of this all the main parties have so-called 'Positive Action Plans' which carry facts and figures about the participation of women in the party, as well as many concrete recommendations to increase this participation;
- *internal pressure,* mainly by the women's sections of the parties, which kept the issue of the under-representation of women on the agenda of national executives;
- *changes in party organisation.* Due to electoral considerations, there have been several examples in the history of Dutch parties when organisational change took place. The parties were then forced to (re)consider the role of women inside and outside the party. Women's sections were restructured as well as ideas submitted to attract women voters. One of the aims of the modernisation process is to increase the number of women members. To get rid of an image of being an old-fashioned group of middle-aged, grey-haired men, the CDA for example defends the need for more women in its ranks (van de Velde 1994:314–22).

The result of this shift in attitude in favour of a greater political involvement of women is that practically all political parties in the Netherlands practice some kind of affirmative action policy for women. The PvdA (Labour Party) uses a 33 per cent quota, the CDA (Christian Democratic Party) has set up a so-called 'Human Resource Data Base' of names, background characteristics and career intentions of women party members. In these two parties, as well as in the VVD (Liberal party with conservative overtones), cadretraining courses for women have been introduced. As said before, the result of all these activities is that the

political representation of women in the Dutch parliament is over 33 per cent in 1996.

The Dutch government

Since the 1970s the Dutch government has pursued an official emancipation policy and has played an important role in promoting women's participation in decision-making. Over the years, successive governments as well as political parties have financed many activities and organisations supporting women's involvement in politics. Although there is a reluctance to interfere with parties' autonomy, in 1990 the government found a way around this problem. They offered financial support to each political party represented in parliament, on condition that the money would be used for activities aiming to increase the number of women in the electoral bodies. All parties, with the exception of the SGP (an orthodox Calvinist party) accepted the money, and most parties used the money to employ someone for three years to take charge of formulating affirmative action strategies. Two other orthodox parties, who do not subscribe to government policies on gender equality, used the money for training (Leijenaar 1993:226). Legislation is another useful policy instrument. So far the government has used regulations on quotas (50 per cent) only for women's representation on external advisory boards. Here again, the constitutional-based autonomy of parties keeps the government from interfering with the party leadership.

   In 1992 the Dutch cabinet presented an integrated policy programme to parliament with nineteen concrete measures to increase women's participation in politics, based on two pillars: conviction and commitment. Target figures were announced as well as periodic high-level talks with the political parties about their activities to empower women. The Ministry of the Interior stressed the importance of 'who talks with whom'—both the minister and the state secretary responsible for franchise matters met with the chairmen/ women of the respective parties, raising awareness, commitment and expectations (Plesch 1995: 6). No compulsory measures were taken. All these initiatives have undoubtedly contributed to the present relatively high participation of women in cabinet and parliament.

CONCLUSION: IRELAND AND THE NETHERLANDS —TIMID OR BOLD WOMAN-FRIENDLY STATES?

These two case studies demonstrate similarities and differences in approaches to creating a culture of equality. In both countries government conservatism to women as beneficiaries has changed between 1970 and 1990. In Ireland policies addressing the empoverishment of women include grants to local women's

groups and greater individualisation of the welfare code, but lack of attention to employment opportunities and childcare indicates continued state reluctance to promote women into the paid workforce. By contrast the generous Dutch welfare system, government support for women's employment and childcare programmes offer greater opportunities for women. Opposition to power-sharing with women has been noted in both countries. In the Netherlands this has changed because government awareness of the under-representation of women in politics is very high and has been acted upon in practical ways such as introducing quotas, training programmes and educational initiatives. From a conservative, patriarchal, breadwinner/homemaker mindset, Holland has evolved into a corporatist, increasingly secular and consensual culture whose government adapts in a relatively open-minded way to proposals for sexual equality. This we attribute to a free-thinking disposition and acceptance of the need to accommodate, exploited by a vibrant and persistent women's movement. With a wealthy economic infrastructure, large population and small geographic size, emancipatory ideas have taken root and spread effectively. By the late 1970s the Dutch parliament had 13.3 per cent women, (a figure achieved in Ireland only as recently as 1995), and acceptance of quotas by left parties. It is due to party and government adoption of positive action that over a third of Dutch parliamentarians are women in 1996.

In Ireland, increasing public support for women's political participation (clear from the election of a woman President and women poll-toppers in 1992 and 1994 elections) is thwarted by continuing reluctance in the large parties to select women candidates in numbers comparable to the Dutch parties and by government lack of funding for education and training programmes for women candidates. Dutch political opportunity structures are more open than the Irish; more offices are available for women's apprenticeship at local and national levels, and cabinet recruitment from outside parliament takes place.

All in all, Holland deserves a qualified acceptance as a 'woman-friendly state'. Successive Irish governments and the main political parties have failed to accord Irish women similar political opportunities. Ireland, starting from a lower base, does not yet match Holland as a 'woman-friendly state', although impressive progress is recorded for women as clients and citizens. The legislative measures initiated by two government ministers to increase women's representation on public boards has proved effective. Since some small parties do practice equality in selecting candidates and appointing women to ministerial posts it may be more accurate to depict Ireland as a semi-woman-friendly state. Where the Dutch have taken brave initiatives in empowering women as co-agents in decision-making, the Irish remain timid, rejecting the use of effective positive action strategies which in Holland have proved a successful instrument for empowering women. The Dutch experience shows that positive action need not always involve quotas but does call for government expenditure on education

and training for women candidates. Until the large Irish parties widen their opportunity structures for women, Ireland will remain part of that 'residual' group of 'laggers' where women are largely excluded from power and decisionmaking, while Dutch women share the benefits of belonging to a a growing 'leader' group where positive action policies for women are institutionalised.

NOTES

1 Helga Hernes used this concept to encapsulate a society where injustice on the basis of gender would be largely eliminated. We use 'woman-friendly' as a barometer by which to rank countries on two axes: first, the extent to which a state recognises gender similarity and difference in provision of resources, for example unemployment, family and childcare or pensions; second, the extent to which it facilitates women's participation in power-sharing and decision-making at policy level (1987:15).
2 Although Norway is not a member of the European Union we include it here for two reasons: first, it serves as a role model for European states regarding 'woman-friendly' policies; second, the emphasis on the importance of the nuclear family and children in Norwegian public policy shows that equality policies can be implemented without losing a traditional ethos which is still considered valuable in Ireland.
3 Scores were calculated from percentages of women in the upper and lower houses of parliament and government, local and regional government, the European parliament and the date of women's enfranchisement.
4 It is not unusual for increases to occur in percentages of women parliamentarians between elections, particularly in PR list systems where women are placed in positions on lists which allow them to be appointed in place of a retiring/deceased MR Since the last Dutch election there has been an increase of several percentage points.

Part II

Elements in the policy community and process

5
Sex equality and the rules of the game[1]
Joni Lovenduski

The democratic political systems of Europe offer both problems and opportunities for the development of equality policies.[2] On the one hand, they provide the democratic resources of citizenship that permit feminists to get such policies on to the political agenda. On the other hand, the European democracies are predicated on asymmetric power relations between the sexes, which exclude women from full citizenship and place their participation in the establishment, maintenance and development of public policy at a disadvantage. Experience in contemporary Europe shows that democratic politics has mixed effects on gender relations. At the same time as they favour the dominant sex, the ideals of democracy are a resource for the subordinate sex, in that they invite the oppressed to demand and take up rights.

However, the arrangements for making demands and taking up rights are organised to ensure that such claims are made from outside the institutional channels of influence, and according to rules designed to suit masculine lifestyles. Those lifestyles are themselves dependent on the maintenance of men's power over women, particularly the relationship between paid and unpaid work. This dependence ensures 'private' man will resist women's attempts at altering gender imbalances even where 'public' man appears to be convinced of the arguments for change and supportive of movements to secure change.

Supporters of equality policy are aware of the contradictory effects of democratic arrangements on their political project. Feminists have long been mindful of the dangers of incorporation that are imposed by a strategy of playing the political game. It is difficult to argue against such caution. The effects of equality policies tend to be mixed at best. For example, the gap between men's and women's pay has ceased to diminish, or is actually widening in many European countries. Equality agencies tend to be underfunded, they lack prestige, they are insufficiently powerful, accounts of their results make depressing reading and so on, ad infinitum. In such circumstances is it worth expending the precious political energies of feminist activists on developing state equality policies?

To answer this question it is necessary to consider developments, both in the policy and amongst its advocates. Equality policies are not uniform in their content, implementation, goals or results. Feminist political practice has changed greatly since the early separatist days of the new Women's Liberation Movement. It is difficult to generalise about either the content of sex equality policies or the strategies of their advocates. Both vary considerably over time and by country, and these variations need to be described and discussed.

Thus, in this article I attempt to analyse examples of state equality strategies, and of feminist participation in their development. The discussion falls naturally into five parts. First is an account of the origins and nature of equality policy. Second, the experience of feminist engagement of equality and other relevant state institutions is summarised through a brief summary of contemporary feminist theories of the state. Third, the effects of legislating equality between the sexes on the empowerment of women are considered. Then the first three parts of the discussion are drawn together, in a discussion of the shift from goals of equality which are compatible with the traditional rules of the political game, to goals of parity which are not. Finally, four contrasting examples of equality strategies are considered: the elite-based strategies of the French Ministry for Women's Rights, the grassroots-generated initiatives of the British local authority equality committees, the integrated elite and grassroots approaches of Norwegian equality advocates and the absence of support of sex equality that has characterised the transitional regimes of East and Central Europe.

ORIGINS AND NATURE OF EUROPEAN EQUALITY POLICY

So intertwined are the factors that play a part in shaping sex equality policy, that it is difficult to separate cause from effect. Arguably, much of the variance in the effectiveness of the sex equality policies of the European democracies is a product of their political setting and the political will of particular regimes. Different states have implemented such policies for different reasons, and in different circumstances. Nevertheless, there are some common characteristics to such political exercises. Notably, three preconditions make successful sex equality policy more likely. These are first, a political culture that is hospitable to the idea of equality; second, effective women's agency, that is, widespread and effective organisation at all levels of the system, of women who understand and will utilise the rules of the political game, and third, the development of policies with sufficient remit to treat the wide-ranging and complicated causes of inequality between men and women.

Sex equality policy in liberal democracies often begins with rhetorical strategies in which obeisance is made to the need to end the subordination of women, but substantive policies tend to come harder and later. This has been the

pattern in the European democracies. Equality between the sexes first appeared on political agendas in the nineteenth century. But substantive sex equality policies did not become common until much later, and have been particularly in evidence since the 1960s.

The major focus of contemporary European sex equality policies has been the labour force, and the stated goals are, *inter alia,* to achieve equal treatment in the pay, conditions and prospects of men and women employees. Legislators under pressure from organised women and, in the case of EC members, from Community law, devised two types of instruments. Procedural laws concentrated on banning sex discrimination and removing the obstacles to equality; while active, radical laws complemented unfair discrimination prohibitions with positive action and, in some countries (e.g. Sweden) a requirement on the part of employers to work actively for equality. Most countries also set up policymaking institutions with a brief to promote equality for women, sometimes with enforcement or other quasi-judicial functions. These bodies were also required to monitor the impact of legislation and make recommendations for change (Vogel-Polsky 1985). Similarly, international organisations took up issues of sex equality and, during the 1970s and 1980s, began to press hard for them, supporting, and sometimes establishing, national and international equality networks. Apart from the European Community however, the role of international organisations is one of information and development, of persuading sovereign authorities to address equality issues. These roles are more than symbolic, and have the potential to influence the nature and the structure of national policy and institutions.

Campaigners for sex equality traditionally grounded their arguments in meritocratic notions of justice derived from social contract theory. According to social contract theory, society is a contract between equal individuals who agree to transfer their sovereignty to a central government in order to protect their own interests. In this framework, equality is conceptualised as equality before the law (Meehan and Sevenhuijsen 1990). Laws which do not distinguish between individuals are deemed to confer equality. This way of thinking is embedded in many of the legal systems of contemporary democracies, and in the prevalent discourse of justice. Many claimants for equal rights for men and women have drawn on this conception of equality which, in situations where the legal system explicitly underpinned female subordination, was a considerable resource.

Mary Wollstonecraft, for example, pillaged liberal thought for arguments that discrimination on the basis of sex should be ended in just society. Drawing on liberal conceptions of rational human nature, her case generated three basic demands. These were first, that women should have economic independence; second, they should have equal legal and civil rights to men, and third, the relevant necessary changes in education and socialisation practices should be made (Wollstonecraft 1978).

Following such reasoning, feminist equality campaigners focused on the removal of legal barriers to women and the introduction of competition on the basis of merit, which was regarded as an equalisation of starting points. It was thought that equality was a procedural matter, a removal of legal obstacles. These are referred to in the equal opportunities literature as liberal or liberal-rational equality strategies. Although radical in Mary Wollstonecraft's day, this procedural conception of equality proved to be a severe constraint on the policies to emancipate women that were devised during the 1970s. By their nature, they tended to overlook the materiality of power differences between the sexes, and to institutionalise longstanding inequalities.

Critics of the meritocratic model object to the definition of equality it establishes. Such procedural definitions of equality imply that all individuals in a competition are judged according to the same criteria, which ensures that the outcome, whatever it is, is fair. The problems with this, although much discussed, are worth rehearsing. Reducing the argument to its essentials, it goes like this. Not all individuals start from the same place. This means that they do not arrive at the competition in the same condition (Carling 1991). For equality to have substantive meaning, the different circumstances of different groups of individuals have to be taken into account. Effects of histories of unfavourable discrimination are imbedded in the contemporary culture and are known to cause handicaps of various kinds. Policies designed according to meritocratic principles will therefore produce outcomes which reflect, rather than adjust social inequalities. They will not deliver equality of outcome. To provide equality of outcome a policy must be capable of providing redress for handicaps on the competitors, which are caused by previous discrimination or by bigotry on the part of the competition managers. In short, the policy must accommodate preferential treatment for its target groups.

Inevitably, dissatisfaction with the outcome of procedural strategies led to attempts to devise policies which emphasised equal outcomes. Radical strategies are those which seek to intervene directly in the workplace in order to achieve a fair distribution of rewards among employees, perhaps by offering special training or accelerated promotion to members of disadvantaged groups.

Like meritocratic models, radical models of equal opportunities policies have been largely directed at women's employment roles, taking other roles into account only in so far as they affect employment capacities. Never-theless they are predicated on an understanding that something 'extra' must be done for the disadvantaged group, if its members are to fulfil their potential and secure fair rewards. Both strategies are flawed. The meritocratic model rests on a fiction of universalism, which has been criticised by feminist theorists (Pateman 1988). Widespread support of this model creates a strategic dilemma for feminists who must make demands for women's rights in the terms of the prevailing discourse, and are forced to stress the similarities between women and men if they are to

have any chance of success. Not only did this lead to a considerable distortion and over-simplification of feminist understandings of the differences between and within the sexes, it produced policies which made unrealistic assumptions about the position of women in the labour market.

Radical policies, where they emerged, proved little better. They were situated in traditions of collective responsibility, where the notion of class solidarity took precedence, and the totality of women's experience was lost in policies which emphasised their experience as workers but neglected their other roles. In short, in practice both meritocratic and radical strategies were based on the similarities between men and women and largely ignored their differences. They implicitly underlined the view that, to end their subordination, women should become like men, rather than the other way round. They did not effectively challenge the separation of personal and public life. This is not to say the strategies had no effect. Individual women benefited from the procedural strategies in all the countries where they were adopted, and groups of women benefited from radical strategies, particularly in the strong welfare states of Scandinavia.

Despite their often disappointing effects, the experiences of devising, supporting and implementing meritocratic and radical equality policies affected the politics of gender relations in four beneficial respects. Women (1) increased their purchase on state institutions and political structures, (2) became more proficient at the rules of the game at the same time as (3) they challenged those rules. (4) Equality policy goals were assessed, reconsidered and extended in scale and scope. During this period feminist strategies became more state directed. But at the same time, the necessity to maintain grassroots women's organisations was underlined.

THE GENDERED (FRATERNAL) STATE AND THE EMPOWERMENT OF WOMEN

Feminist thinking about the state is relevant to this discussion because it addresses the nature of political institutions and structures, the obstacles they place in the way of empowering women and the opportunities for feminist intervention and political change. It is now commonly argued that the state is gendered, that the social contract is not inadvertently dis-advantageous to women, but that it is inevitably so because it is built on a fraternal contract made between men. Such insights have evolved only gradually. Interest in the gendered nature of the state has steadily increased during the twenty years of the women's studies movement. An early interest in the effects of state policies on gender relations (Land 1976; Walby 1986) gradually evolved into a theoretical preoccupation with the gendered structures and processes that comprise the state (Savage and Witz 1993).

During the 1980s, a number of feminists became interested in the analysis of the state as an important arena of feminist practice. Carole Pateman's view that the state is in important respects a 'fraternal organisation' was developed by Sophie Watson, an English feminist scholar who adapted Foucauldian understandings of the shifting character of state organisations to analyse Australian state feminism. She drew attention to the possibilities of intervention by feminists into the competition, negotiations and struggles that are the permanent condition of state agencies and organisations. In Watson's work, the combined notions of relational power and shifting state forms allow the insight that, although the balance of power between the sexes favours men, women have power and use it, taking advantage of the opportunities offered within organisations (Watson 1990).

Such approaches offer an important new way of seeing gender and politics, but, used without reference to the material conditions of power (i.e. money, budgets, political authority and such everyday matters as presence in decision-making arenas and networks), they will inevitably produce work which emphasises the power women have, and tend to ignore the areas where they have none. But, used with caution, and in combination with an understanding of difference which highlights the mediation of gender by class, race, ethnicity or sexuality, this notion of the gendered but relational nature of state power may facilitate our understanding of the politics of sex equality policy.

Following such logic we may distinguish between nominal, substantive and organisational fraternalism. *Nominal* fraternalism is present where men dominate an institution numerically. This domination may be horizontal where men hold the majority of all positions in state agencies and organisations, or vertical whereby men hold the majority of senior (i.e. decision-making) positions. *Substantive* fraternalism refers to policy and has three dimensions. (1) Men will be present where it counts the most, in prestige core policy areas while women elite members will tend to be concentrated in the less prestigious 'soft' issue areas. (2) Equality policy programmes will be relatively poorly funded and lack prestige. (3) Policies of particular significance to women will be marginal to, or absent from, the policy agenda. *Organisational* fraternalism occurs where nominal and substantive fraternalism are well established and a culture of masculinity is institutionalised into the state agency, department or commission.

Thus, feminist interventions are more likely to be successful the more women there are in the relevant arena. If sympathetic elites are a requirement for the development of adequate sex equality strategies, then elites must be feminised. But, important though developments in state institutions are, they are only part of successful equality politics. It is also necessary to keep in mind that their successful entry into decision-making arenas is not regarded by feminists as a replacement for an autonomous women's movement whose energising force is thought to be essential to sustain effective action in mainstream political and

state organisations. Nor is it independent of the kind of state in which it takes place.

Indeed, the welfare context which applies is particularly important. Here it is useful to distinguish between:

1 a rights based model of provision where benefits are determined by citizenship;
2 an insurance based model in which benefits are determined by contributions; or
3 a residual model in which benefits are determined by need.

(Ware and Goodin 1990)

Most welfare states are a mixture of all three principles. In general, women fare best where universal provisions are most developed, because only under such circumstances is it possible to construct sex equality machinery which will adequately address the relationship between paid and unpaid work. Accordingly, the division between paid and unpaid work and how it is treated by tax, social security and social service provision are all indicators of the kind of emancipation strategies which are possible (Lewis 1993).

Women tend to do best in terms of pay, conditions, and social provision in systems where they have high labour force participation rates. The Scandinavian welfare states are notable for their social provision and for the large-scale employment of women in the sector. This gendered pattern of employment, according to which women are providers of welfare in systems which support women's work by offering publicly funded caring, contributes to an occupational segregation of men and women that is amongst the strongest in Europe, and which brings its own particular problems of gender subordination and domination. Nevertheless, it is in these states that women's wages are highest relative to men's and, whatever their pitfalls, these are the states which have the strongest and most effective official emancipation strategies.

SEX EQUALITY AND THE POLICY PROCESS

It is clear from the discussion so far that the wide potential remit of sex equality policy requires a multi-dimensional approach to treat the injustices which stem from inequalities of gender. There are four interdependent, overlapping phases to such policy:

1 investigation
2 implementation
3 evaluation, and
4 review.

Each of these stages is controversial, and each must be adequately resourced and must involve appropriate consultation and participation mechanisms, so that the relevant groups are involved and the policy process is a continuing one. By this I mean that the capacity exists for policy development and change as the four-stage cycle reveals new methods of remedy and new areas for remedy.

Successful policymaking in such a controversial and politically contested area has implications at the level of the political system, the 'client' groups and the policy community. At the level of the political system, success will mean changes in the political culture, in political institutions and of the political agenda. As objects of what Hernes has called 'policy takers' the status and position of the client groups will change. The sex equality policy community must be established, articulated and integrated. Let us consider each of these levels of policymaking in detail.

Political system

Experience in the USA and UK shows that sex equality policy requires vigorous legal guarantees of social and political rights with a resultant well developed legal expertise in civil liberties (Sacks 1986). Attitude change, which is a goal of well conceived equality policy, requires a sustained, widespread and popular debate about the impact of gender on social, political, cultural and legal rights. The policies need energetic and committed support from established politicians and their goals should coincide with, and reinforce other important political goals. Initially supporters of sex equality policy may be content with seemingly narrow labour market oriented objectives such as equal pay, but experience of implementation invariably leads to a perception by equality experts that policy in this single area will not alter the totality of women's experience, that gender inequalities at work are a function of disadvantages elsewhere. Efforts are then made to deal with structural impediments such as occupational sectorial isation, the intractability of pre-established collective bargaining structures and the primacy of other interests. Even where initial efforts are widely supported, such extensions of the policies will meet with considerable political resistance. This has been the case throughout Western Europe and in the USA and Australia. The result is, at best, an interruption in the policy cycle, at worst policy retrenchment.

A crucial lesson of efforts so far is that for progress to be made in the political system it has to be made in several areas at more or less the same time. Agencies established to undertake investigation, implementation, monitoring and review tasks need to have adequate authority to work in advance of attitudes. Often this infrastructure of state feminism is deformed at the outset by tripartite or corporatist considerations whereby representatives of industry rather than of women's interests are given responsibility to oversee the policy (Lovenduski 1986). In such cases the rules of the political game give employers and unions

what amounts to a monopoly over collective bargaining and employment policies, and women's interests must compete for a place in the crowded and pre-structured agenda.

Change is necessary in this area, and it happens. In Britain during the 1980s the systematic destruction of trade union political power led to the exclusion of the TUC from the established tripartite government bodies, which were so powerful during the 1970s. Unemployment was also a pressure, and union membership declined dramatically. Where new jobs developed they were service sector, part-time and often women's jobs. The unions, looking for new members, began to set about recruiting these women workers. Meanwhile the TUC, deprived of its tripartite role, had to seek new ways of justifying its existence. Influential women trade unionists were successful in committing the TUC to the equality issue.

By the end of the 1980s, the TUC was an active component of the gender equality policy community, pledged to continue to commit its (dwindling) resources to the development of strategies to negotiate equal pay and opportunity deals, training packages for women workers, codes of practice about sexual harassment and parental leave and childcare provision for workers. Change was possible in this case because the declining fortunes of a political institution made it receptive to the demands of new constituencies. Moreover, there were active and influential feminist insiders in a position to take advantage of the opportunities offered here.

Another crucial turning point occurs when policymakers seek to integrate sex equality policy in the employment arena with family, childcare and reproductive rights policies. This transition is essential if gendered dis-advantage is to be countered and women's movement demands met, but it is a difficult one for the political system to make because it entails changing the priorities of traditional organisations. Attitude change is vital here and much will depend upon the capacity of the policy community to generate public discussion about the issues. A powerful, high-profile national body at the centre of government appears to be the best way to do this.

The French example suggests that an energetic communications-minded, cabinet level political presence attracts the attention of the intelligentsia, interests informed opinion and the media and provides the necessary clout to make things happen (Reynolds 1988). The British, West German and Australian models indicate that local (state) level activity and experience root such a ministry in a network of support (see below), and British and American experience underlines the necessity for a law enforcement agency. Experience everywhere for which there is evidence suggests the importance of the research community in monitoring, evaluating and developing policy. In other words, efforts need to be made at local, regional and national levels and in political, legal, social and educational institutions. To summarise this section, political system change

should include institutional innovation, institutional transformation, the development of a new policy community, and changes in popular attitudes.

The client group

The idea of client is perhaps a misnomer in the context of sex equality policy. In one sense the 'client' is the population of women; politically it is the organised communities of women; more specifically it is the women's movement. Whichever formulation is used, sex equality strategy must address the fact that women are a diverse constituency which may have contradictory needs. Policy needs to be sophisticated, sensitive to differences of race, class, ethnicity and generation as well as gender. This almost common-sense point is often overlooked by the women's movement, the policymakers and the dominant group of male politicians.

The most important change which occurs in the 'client' group is the realisation of its internal differences, a process which is sometimes imperfect, usually painful and always necessary. Gender is mediated by other lines of social cleavage. Although it is logically prior to class, age and nationality, it is not subsumed by them. Whatever its long-term effects, successful sex equality policy will increase the importance of gender to the formation of positive political identities and as foundation of political behaviour. This is a necessary, but not a sufficient, condition of successful equality strategy.

The policy community

Related to this process is the development of the equality policy community. Sex equality law generates new institutions such as equality agencies and equal opportunities boards and commissions. It also places equality officers in firms, unions, educational institutions and other organisations, but the community will be larger than that. Pressure groups of various kinds begin to mobilise equality demands in society at large, and in the representative political structure. Thus a community of experts is created. Often these experts cooperate with equality officers in other areas (e.g. race equality and opportunities for disabled people) and with their opposite numbers in different institutions, that is with each other. The monitoring, evaluation and review function of these officers gives them at least a formal access to the political agenda. Ideally, the community will grow in strength and influence until it develops an identity and a momentum of its own. New institutions will appear (e.g. equality ombudsmen—*sic*!) and existing institutions will acquire new functions.

A stratum of femocrats often forms in the equality agencies, boards and committees. Feminists become a more significant force in the political parties and interest groups which have power. The business community will begin to

respond to the needs and demands of talented women managers and of organised women consumers. Such developments are well advanced in the Netherlands, the USA and the Nordic states, and are also present, at least in embryo, in many other European countries. The rules of the political game demand that the policy community should be established in most, if not all, of the relevant structures, that it would be aware of itself as a community and that it should be of a certain size (a 'critical mass') before policy success is assured.

The number of women representatives is an important indicator of whether the diversity of the community of women is taken into account, and it is also a good indicator of other aspects of sex equality policy. The most advanced and effective packages of policies, in terms of women's pay as a proportion of men's, of women's access to educational and employment opportunity, of the provision of good quality childcare schemes, of support in a range of public and private institutions for equal opportunities employment policies, occur in those liberal democracies where women achieved high levels of political representation during the 1970s and 1980s, that is in the Nordic states, especially Norway and Sweden (Lovenduski and Norris 1993).

GOAL CHANGE: FROM FORMAL EQUALITY TO POLITICAL PARITY

At this point the analysis can be extended and deepened by the addition of the insights offered by feminist accounts of the construction of gender identities. These offer an explanation for the limitations of most existing equality machinery, its narrowness of scope. As I have stated above, the considerable political purchase of formal equality goals in democratic systems is both a resource and a problem. Although the goal of equality is a necessary starting point, it is also an impediment to the ending of women's subordination to men. This is why, by the beginning of the 1990s it was becoming more common for sex equality experts to argue that parity, rather than equality, is the more appropriate goal. The idea of parity takes into account the differences between the sexes, but asserts they should not be an impediment to equal treatment. Equal treatment formulae, therefore, need to take into account the ways that men and women are different, or otherwise they will not have the desired effect.

Differences between women and men are central to gender inequality at work. At the heart of the subordination of women in employment is the complex relationship between their paid and unpaid work. As Jane Lewis (1993:4) has observed, women draw income from men, the labour market and the state in different proportions which vary by the type of state, by women's lifestyles, and to some extent by choice. But such differences may be overlooked when formalistic definitions of equality are written into law. Practices vary. European governments differ considerably in the extent of their acknowledgement of the

unpaid work of women in their sex equality and welfare strategies. In Britain the way work in the family is divided is regarded as a matter to be determined within the family, and treated by recent governments as though it is a matter of freely expressed choice by women, who are also officially free to enter a labour market in which equality regulations are sometimes, but not always, enforced.

The French government has expressed a desire to find a 'neutral approach that would enable women to make a genuine choice as to whether to engage in paid or unpaid work and has experienced mixed success' (Lewis 1993). In Sweden, all adult women are treated both as paid workers and mothers in a system in which the issue of, for example, how to assure unpaid childcare work gets done is explicitly treated in public policy. German and Italian policy assumes women will be primarily unpaid workers in the home, but addresses the issue of caring for children; while the Irish government actively promotes women's roles as wives and mothers, but also offers procedural equality policies in paid employment and education (Lewis 1993). These different policy emphases have been adopted in the context of similar social trends. Since the 1960s fertility rates have fallen, divorce rates have risen, illegitimate birth rates have risen, women's labour market activity rates have increased. But the results have been more differentiated, reflecting the different opportunity structures different kinds of states offer women.

The argument that political parity is a desirable goal is both ethical and practical and may be inferred from a comparative investigation of the experience of sex equality politics. The reform of the status of women is always a political matter which, in any system, must treat a pre-structured policy process. Interested parties must take into account the rules of the political game and, if they are to prevail, must stay in the contest until the policy is successful. This implies a long-term commitment. One reason for the disappointing effects of the laws that were passed during the 1970s and 1980s in Europe was that they were seldom fully implemented. Initially they were also too narrow, but it proved difficult or impossible at first to expand them. This was partly due to the constraints of 'simple' equality strategies, as discussed above.

But it is also apparent that the political conditions for optimising the development of early policies were often absent. Without an active pressure group presence and a diverse, attentive women's movement, the relevant policy communities did not develop the political will and strength to prevail. In addition, analysis of successful practice suggests that sustained pressure from political elites is necessary. In short, key structures of political recruitment and decision-making need to be colonised by committed feminists.

A consideration of the appropriate scope of equality policy illuminates the importance of accommodating difference and of political organisation. The policy chosen should have a sufficiently wide remit for the causes of disadvantage to be tackled. In this way, the diversity of women's roles may be

taken into account. Although the first phase of policy tends to be rather modest, substantive success means that schemes to bring women into political life will be required, as will support for changing the domestic division of labour. To get elite support for gender parity a significant political representation for women is necessary (Dahlerlup 1988).

However, although such representation is necessary, it is not sufficient. The mere presence of women in the arenas of power will not secure the empowerment of women. The vital, inescapable element of any sustained strategy of women's emancipation is women's agency, defined as the political efforts, organisation and pressures women themselves bring to bear on the policy process. There must be diverse, organised communities of women pressuring to establish and maintain policies, which must be so structured as to incorporate and utilise the energies of those communities. The machinery of equality must have the capacity to ensure women's voices and arguments are heard, engaged and accommodated.

EXAMPLES: THE IMPORTANCE OF THE RULES OF THE GAME

There are a number of instances in which women's political presence has made a difference and there are examples of political support from established male elites. But it is in the maintenance and development of policy that the importance of the rules of the political game becomes most apparent, and the constraints of the employment equality goal most evident. Four contrasting examples illustrate these points. Experiences in France and Britain illustrate the fortunes of elite-generated and women's movement generated policy. Both show how policy is allowed to lapse when pressures from women to maintain it lapses, or has not been forthcoming.

A counter example is Norway where the political opportunity structure has been relatively hospitable to women, and feminists have not only mastered the rules of the game but have altered them. There, sustained action at all levels by a well organised community of women generated one of the most effective existing examples of a comprehensive equality machinery. In France, initiatives came from women in the political elite, in Britain from the grassroots women's movement, and in Norway from an extensive and increasingly well established network of women in key political institutions, able to operate in grassroots women's movements and in political elites. The fourth example, of the experiences of the recent erosion of women's rights in East and Central Europe, shows how rapidly women lose ground when there is neither elite support, nor an organised women's movement to press for effective equality strategies.

Elite initiatives: France

Yvette Roudy's Ministry for Women's Rights was, for a brief time in the early 1980s, an initiative which had all the hallmarks of political success. It was an expansion of a previous policy, it resulted from the courtship by the French Socialist Party of the women's movement, and it was led by a committed and successful politician who had her own power base in the governing party. Its weaknesses were that there was practically no feminist organisation within the governing party and none in the opposition parties either. The Roudy Ministry was aware of the need for grassroots support and attempted to develop a sustained dialogue with the French women's movement. Funding for both the autonomous feminist and the traditional women's movements was an important part of its activity. In addition, the Ministry undertook a substantial legislative programme.

Other ministries were compelled to consider how each of their policies affected women. Although responses varied, the initiative met with many early successes. The Ministry of Research and Technology agreed to cosponsor assemblies leading to a national conference on feminist studies, which was held in Toulouse in 1982 and attended by over 800 women. A three-year government programme of research on women and politics was inaugurated. The Ministry of National Education agreed the estab lishment of university posts in women's studies, creating four new chairs in January 1984.

Feminist ideas penetrated government, and state feminism appeared to be taking hold. The Ministry itself was housed in a building which displayed and celebrated women's achievements and which Roudy herself appeared to have regarded as a 'temple' of feminism. The ambit of Roudy's Ministry was wide. It was empowered to ensure the respect of women's rights policies, to eliminate unfair discrimination against women because of their sex, and to establish guarantees of equal treatment in social, cultural and political life. It had the right to be involved in the preparation of any policy it thought might affect women, hence it could scrutinise the work of other branches of government and address issues of constitutional law, reproductive rights and cultural determinants of gender roles. It was a ground-breaking experiment.

However, it proved very short-lived (Reynolds 1988). When the Socialists lost power in 1986, the Ministry was downgraded, its temple broken up as its treasures were returned to the storerooms of various museums or redistributed, and the building was put to other purposes. Equality inspectorates had their budgets and staffing reduced as, without Roudy, the political will to run the machinery she had established was lost. When the Socialists returned to power they did not reinstate the Ministry at cabinet level. Only 5 per cent of deputies were women and politically mobilised women had long since turned their attention to other issues, notably ecology and peace.

One of the problems illustrated by the French experience is that of how to harness the energising and sustaining effects of the women's movement into equality machinery without destroying its autonomous base. Elite feminism is a political resource for the movement and equality machinery creates a class of femocrats in the public administration system. But how are they to be sustained, made accountable and developed?

Grassroots strategies: British local government

The example of the British local authority women's committees of the 1980s is also instructive. Britain is a very centralised state. In the absence of a sympathetic party in central government, the autonomy of local authorities is a crucial part of the calculation which political interests must make of their resources. The British women's movement used these resources skilfully for as long as they lasted. During the 1980s, municipal feminism, as it came to be known, was a major project for organised feminists working in the Labour, Liberal and Social Democratic parties. They were well aware of the need to maintain contact with and nourish the grassroots of the women's movement.

The initiative was taken with the Women's Committee of the Greater London Council (GLC) which was established in 1982. A GLC Women's Committee was set up because the council's leader, Ken Livingstone, was committed both to channelling resources to London's disadvantaged communities, and because organised feminist pressure was a strong political force in London. The Labour left, which controlled the GLC, were looking for new political constituencies, and feminists were looking for new political roles. The GLC Women's Committee was more than a simple equality agency. Like Roudy's Ministry in France, it had a wide remit covering employment, cultural and social inequalities. The women's committee movement spread from London, and is an important part of the sex equality policy community.

Most of its ideas, and much of its energy, came from its capacity to harness the communities of organised women. Its weaknesses stemmed largely from its inability to attract sustained life-support, a product not only of the ideology of the governing party, but also of the absence of committed women in national government at the time. The rules of the political game require support at Westminster and feminist politicians in political office.

Toward parity: Norway

In Norway, women in the political parties combined with old and new branches of the women's movement to establish the relevance of gender differences in politics. At the same time as party women were successfully seeking a greater share of political representation, women's organisations were directly addressing

political elites to develop gender-sensitive public policy and discourse. At first, as in Britain and France, they had to rely on sympathetic men. They sought support partly by mobilising arguments which maintained that women were entitled to equal substantive rights to men.

But at the same time they argued that women's experiences differed from men's, hence women's participation would be a valuable contribution to political decision-making, or that the conflicting interests of the sexes required a balanced representation of both. As this process went on, women acquired a greater share of political representation, and equality machinery developed which had the support both of organised communities of women, and of substantial sections of the political elite (Skjeie 1990, 1993).

Elite hostility and grassroots indifference: East and Central Europe

The antipathy of women and men in East and Central Europe to feminist emancipation strategies in the period since the transition began is now very well documented (Posadskaya 1991; Corrin 1992; Feminist Review Collective 1991; Rai, Pilkington and Phizacklea 1992; Watson 1993). Women's rights under state socialism were largely built around the needs of the labour market and were created and maintained in ways which did not take account of their needs and wishes. As a result the grassroots support required to sustain what was valuable about the equality machinery of the previous regimes was not forthcoming.

At the same time, women's political representation was not sustained, and political elites have been hostile to strategies of women's emancipation. The result has been huge increases in women's unemployment, closure of childcare facilities, loss of reproductive rights and the absence of voices on behalf of gender equality in the restructuring process. As Barbara Einhorn (1991:25) has written: This raises the whole issue of rights under the tutelage of a paternalistic, or even patriarchal, socialist state as having been 'given'…[rather than] won'. State socialist bans on oppositional activity also leave their residue. The two factors combine to leave women with 'no tradition of public involvement or grassroots struggle to win or defend rights'. These examples show how important the political opportunity structure is to the business of establishing adequate equality machinery.

CONCLUSIONS

I have shown, both by argument and examples of particular policies and practices, that effective feminist intervention in state institutions is necessary, possible and difficult. Meaningful equal opportunities policy is redistributive, radical and controversial. The overall thrust of the policy must be to remedy. But

remedy will be perceived as redistributive and the dominant group has many resources at its disposal when it opposes such a policy. The different experiences of sex equality policy show that feminists must engage mainstream politics, that such an engagement will be affected by the rules of the game, and that the rules of the game favour men.

Against the contention that liberal democracy may be thought of as a resource for sex equality advocates, Carole Pateman (1988) argues that the democratic revolution was only half a revolution which brought women into civil society not as individuals but as subordinates of husbands or fathers, in a system she refers to as fraternal, meaning governed by men. She shows how women are excluded by their cultural association with 'naturalness' and the private sphere in a system in which politics is formalised, ritualised and public, conceived around the characteristics associated with men. The exclusion of women is reinforced and institutionalised through traditional and common constructions of liberal democracy which are predicated on asymmetric power relationships between the sexes. These deny women effective citizenship and place their participation in the development of policy goals and mechanisms at a disadvantage.

The disadvantaged participation of women was a major impediment to the installation of equality policies in the past, and today it is one of the factors which impedes development from goals of equality to those of parity. From the very first stage, the policy process will distort the intended effect of sex equality policy. The conditions of the foundations of the European democracies ensure this. Through such distortions, the rules of the political game continue to maintain male power. They must be changed if successful emancipation strategies are to be devised and implemented.

NOTES

1 This chapter is a slightly revised version of my 'Equality, parity and democratic politics in Europe' in the *Swiss Yearbook of Political Science,* 1994.
2 Throughout this paper I use terms 'equality policy' and 'sex equality policy' in a nominal way to refer to policy or policies that are considered to be such by practitioners and/or advocates in the various countries under discussion.

6
Incorporating feminism
The women's policy network in the Netherlands

Joyce Outshoorn

Interviewing civil servants within the women's policy unit in the national bureaucracy in The Hague, and asking them what they see as gains of state feminism and equality policy, several of them, especially the more experienced ones, mentioned the creation of a policy network to deal with women's issues.[1] As one of them put it:

> Successes since 1978? Mmmm. That there's a decent bureaucratic network, with the effect that people who want to initiate action have access to be able to do so…it's important for the movement that it can fall back on institutions that others have made…the fact that we have done this groundwork and created an image of how things can be, means that any time there's an impulse to do something within the bureaucracy, people have some sort of lever.

The beginnings of this network can be traced to 1974, when the rising tide of second-wave feminism managed to place women's position squarely on the political agenda in the Netherlands. In 1974 an advisory committee, the Emancipation Council (Emancipatiekommissie—EK) on the position of women was set up by the cabinet of the day, just in time for the UN International Women's Year. The women's policy unit, of which the civil servant speaking above is a member, the Department for the Coordination of Equality Policy (Directie Coordinatie Emancipatiebeleid—DCE), was created in 1978 and is still the major agency in the Dutch government bureaucracy for public policy on women. It falls under the responsibility of the Minister of Social Affairs and Employment. There are other civil servants working in other ministries in the area of women's policy, and there is an official advisory council for women's affairs, but it is the DCE which has the task of coordinating policy in this area. It has always been an important point of access for the demands of the women's movement.

Both the unit and the advisory council are part of a more extensive national machinery to develop and implement women's public policy in the Netherlands.

There are smaller units in other ministries working on the issue; there is an interministerial committee and there are women's bureaux at the provincial and local level. Within the wider policy network there are women's groups in political parties, women politicians in parliament and a state-financed lobby bureau, Arachne. In addition, there is a wide range of women's groups and organisations interested in public policy touching on women's issues. The national machinery has been a well established phenomenon in the Netherlands over a long period of time. Never quite uncontested by the women's movement, this manifestation of 'state feminism' has given rise to both lively feminist debate and serious research and analysis, which unfortunately has hardly been accessible to English speakers.[2] Already in 1982, two femocrats working at the DCE, Tieneke Dijkstra and Joke Swiebel, wrote a critical assessment of the state of women's public policy. They held that the establishment of an 'iron triangle', a policy network which would involve cooperation between movement and civil servants, was crucial if equality policy was really to take off (Dijkstra and Swiebel 1982).

In this article I will focus on the women's public policy unit, the DCE, and analyse how this policy network developed around the DCE and how the DCE managed to initiate and influence policy. In order to do so, I will first of all describe the establishment and organisation of the national machinery within the political culture in the Netherlands. Then I will analyse the DCE's role in policymaking and implementation, and assess the major policy outcomes, after which I will explore its relation to the broad and varied women's movement in the Netherlands. Finally I return to the matter of the 'iron triangle', raising the issue of whether the development of such a network is a sufficient condition for successful policy, and I survey the recent trends in Dutch policy on women.

SETTING UP A NATIONAL MACHINERY

The specific form of 'state feminism' and the incorporation of the 'feminist question' within government should be seen in the context of the specific Dutch style of accommodating conflict. Generally speaking, in the political system of the Netherlands there is no one dominant ideology on the role of the state in society. Given the heritage of *verzuiling* (pillarisation), Dutch politics are always about compromising and accommodating differences, which has led to a specific national way of regulating conflict and opposition (Daalder 1974; Lijphart 1982). This means there is no one dominant view on state intervention, but a pragmatic consensus. Neither is there a sharp divide between state and society, between public and private, because of *verzuiling,* which dominated Dutch society since the First World War, breaking down as recently as the 1960s and 1970s. Today, there is a highly institutionalised network of interest groups

around the major government agencies, which has led to the decline of the power of parliament and of the political parties.

The rise of the welfare state after the Second World War, grafted onto the legacy of *verzuiling,* led to far-reaching state intervention in socioeconomic affairs. Not only does the state actively intervene in economic life, but it also has a deep influence on the lives of its citizens by building an extensive safety net of social security against the hazards of the market economy. Moreover, the welfare state also intervened actively in 'private' life by inscribing the breadwinner/housewife family system, which developed in the Netherlands after the rise of industrialisation, into all social security arrangements. In this sense the Netherlands already had a policy on women long before the second wave of feminism reopened the women's issue. The pragmatic consensus around state intervention means that on the one hand, the tradition of state intervention in welfare makes it easy for any government to set up policy for women; on the other hand, aspects defined as 'non-state' are extremely difficult to tackle by state intervention.

The women's movement which developed in the 1960s was soon characterised by two main currents; a more conventional one voicing traditional political demands and a radical, 'younger' branch using direct action tactics and soon going in for consciousness-raising (Outshoorn 1986). The call for a new policy for women arose in the 1970s and it rapidly reached the political agenda. First formulated in 1973 by the major reform group of second-wave feminism in the Netherlands, Man-Woman-Society (Man-Vrouw-Maatschappij—MVM), the demand was already taken up by the cabinet in 1974. An external commission, the Emancipation Commission, was then set up to advise the government about a future policy for women.

Several reasons can be suggested for this quick government response. First, MVM, consisting of well educated men and (career) women, had the experience and the connections to operate effectively in traditional politics. Explicitly set up as an interest group for women's policy with demands for equal treatment in the area of employment, education, fiscal and social policy, MVM had none of the aversion of the state and conventional politics that characterised the younger and more radical branch of the movement. There were personal connections between its leadership and some of the leading members of the Dutch Social Democrat Party, which had come to power in a coalition government in 1973. Second, it was also the compatibility of the feminist programme with the programme of the new cabinet which made for easy access. The slogan of the new cabinet was 'distribution of knowledge, power and income', and as the socialist Prime Minister Joop den Uyl claimed in his speech at the inauguration of the EK, this was a whole women's equality policy in a nutshell. Feminists and socialists both held to an optimistic view of human nature and belief in state intervention for social engineering. They also shared the distrust of organised confessionalism

with its tradition of relegating women to the home. Finally, International Women's Year played a role; the demand of MVM coming as a godsend for the cabinet (Dijkstra and Swiebel 1982:44), which had almost forgotten that 1975 had been designated Women's Year by the United Nations. In addition to the EK, an amply funded committee was set up for International Women's Year. It became the first source of government funding for women's groups, which later was to become so important in the Netherlands.

What was significant about the establishment of the advisory commission, the EK, was that the cabinet did not come up with its own policy plans. Policy development was delegated to independent experts, recruited partly on the basis of expertise but also as representatives from various women's organisations. It meant that the goals and content of equality policy were not debated within the government bureaucracy, which led to problems of legitimacy for the new policy in a later stage (Dijkstra and Swiebel 1982: 45). The composition of the commission caused an outcry, as Liberal and Christian Democrat women felt they were under-represented and they boycotted its inauguration.[3] Only MVM really backed the issue of women's policy on the political agenda, while the rest of the women's movement were highly critical of International Women's Year and suspicious about the first manifestations of 'state feminism'.

Despite its inauspicious start, the Commission became a very dynamic body. Within the five years of its existence it achieved two important goals. First, it managed to create a consensus that an equality policy was a must for any cabinet. It drafted a report which, with little amendment, became the basic policy document of the cabinet.[4] By redefining feminist demands in moderate, for civil servants comprehensible terms, the EK succeeded in translating the women's issue into an appropriate item for government intervention, thus creating a feasible basis for its future work. The leading principle for the new policy was defined as a greater freedom of choice for both women and men in shaping their lives. Its objectives were to enable women to make up for lost opportunities, to widen the range of options open to both sexes and to enhance the appreciation of so-called feminine values and activities.

Second, the EK designed a machinery to develop and implement an equality policy and devised a number of policy instruments to support and strengthen women's groups within the country (Emancipatiekommissie 1976). It proposed a special unit for women's policy, a state secretary as its political leader and an interministerial committee to coordinate policy. The ideal the EK had in mind was to create *a policy network* for women's policy which fitted into regular political and bureaucratic practice. A crucial decision for the organisation of policy was the definition of the women's issue as something that concerned all policy sectors. This led to the organisation of women's policy as *intersectoral* policy. The central unit was therefore given the task of coordinating and monitoring activities in the other departments touching on women's issues. This

choice was later criticised by analysts (e.g. Prins 1989) and some movement activists, who pointed out that, as intersectoral policy proved difficult to manage, the ensuing attempts at improving coordination impeded the development of substantive policy. The choice was, however, dictated by political sense and logical necessity. Women's issues surface in all policy areas and reducing the 'woman question' to a single issue in one ministry would have been at odds with feminist ideas and practice (Swiebel and Outshoorn 1989:15). In the course of time the DCE did indeed come up with several devices to counter the negative effects of intersectoral policy. All major policy documents (Handelingen Tweede Kamer 1977, 1985, 1992) were intended to establish effective control. In 1978 an interministerial coordination committee was set up, in which the ministries were represented, and later the Cabinet Committee for Women's Policy (1986) partly served the same purpose. Notable is that in the most recent policy paper (Ministerie van Sociale Zaken 1995), no recommendations were made on this point, a logical consequence of the current idea of integrating women's policy into the other ministries.

The basic EK design for the national machinery was adopted and developed by subsequent cabinets. During the election campaign of 1977 women from the Social Democrat Party campaigned for the appointment of a state secretary for women's policy in the new cabinet. Such a position was created, but contrary to expectation the Social Democrats did not return to the cabinet, and the new Liberal-Christian Democrat cabinet appointed a Protestant Christian Democrat, Jeltien Kraaijeveld-Wouters, who had no feminist profile, to become the first state secretary. However, she did set about implementing the national machinery proposal, with a considerable budget (46 million guilders) at her disposal. Implementation led to the creation of the DCE within the Ministry of Culture, Recreation and Welfare in 1978. Given the cabinet's definition of the women's issue, as a matter of raising consciousness and changing people's attitudes, the choice for this Ministry was not illogical. Traditionally this Ministry had as its concerns family welfare, disadvantaged groups and adult education. There had been a unit for family policy, and the first two civil servants working for equality policy were initially based there. At the end of 1978 the DCE already had fifteen staff places (Prins 1989:51). When the unit expanded, several staff members were recruited from the EK. These staff members had in turn been recruited from MVM, so that the direct link between an important women's rights organisation and the new policy remained intact. Other civil servants for the DCE were recruited from the outside and not from within the career civil service (Outshoorn 1994b: 149–51). Only the head of the department was an internal transfer. Appointees came from different occupational backgrounds and had diverse university training. Most of them had some experience in the women's movement, which was seen as an asset, as expertise in women's issues was hard to come by at the time. This was facilitated

by the common practice within the Dutch civil service of decentralised recruitment; ministries, and even units within ministries, often recruit their own personnel for the civil service. External recruitment did mean that many of the new members were not well versed in bureaucratic procedure and civil service culture. In 1993 the DCE counted twenty-six fulltime positions, of which fifteen are in policymaking.

Several of the femocrats who initially had been active in the women's movement tried to adapt the bureaucratic organisational culture to their ideals, doing away with excessive hierarchy. Even today the DCE is a relatively informal and non-hierarchical organisation in comparison to other government agencies, with senior staff easily accessible to junior members. It maintained an open internal platform for discussing feminist politics and policy issues which has only begun to disappear in recent years as the background of newer appointees has changed.

Within the Ministry of Culture, Recreation and Welfare the DCE did not have a very high hierarchical position. Having a relatively limited budget and little formal power, tactics of persuasion and enrolling political support prevailed. However, an important source of strength is its direct link to the executive. Even though a state secretary has limited powers, having access to the Council of Ministers (where policy differences between ministries are settled in the end) affords an opportunity to get his/her policies on its agenda, and members of the cabinet can provide the essential political backing. Another strength of the unit was that it was set up, in contrast to the commission, for an indefinite period of time. As long as the women's issue was high on the agenda, the existence of the unit was not at stake, even in the period when consecutive cabinets tried to cut down on the size of government bureaucracy.

The political situation in this initial period of state feminism has been aptly described by Dijkstra and Swiebel (1982:42) as one in which equality policy was both 'fashionable and taboo'. On the one hand, there was consensus that something had to be done, but on the other hand, there was no clear idea of what needed to be done. During the first parliamentary debates political parties did not take issue with the formulated policy goals and hardly included any concrete demands. Only the fundamentalist Protestant parties voiced protests, saying Dutch women did not want to be liberated. This consensus was, however, very superficial and could only last as long as more controversial issues were avoided or not defined as part of women's policy. For instance, abortion never was part of policy, having already been politicised and being debated in its own policy arena (Outshoorn 1986:67–8).[5] That the government had to take up potentially divisive issues of equal treatment in the area of wage-work in this period was due to the demands of EC legislation. Only in 1975 did the Netherlands enact the directive on equal pay and in 1980 on equal treatment, resulting in two Equal Treatment Bills.[6]

REDEFINING AND RELOCATING THE ISSUE

The DCE's existence entered a new stage after the national elections of 1981. A Socialist-Christian Democrat government was formed, and during the negotiations it was decided to move the DCE to the Ministry of Social Affairs and Employment.[7] This parallelled an ideological shift in the definition of the women's issue (Van Praag 1985). The new definition held that economic independence was crucial for the advancement of women. Hence, employment and the entitlement of women to social security became primary concerns, matters which traditionally fell under that ministry. Hedy d'Ancona, one of the founder members of MVM and also a socialist, became the state secretary. The move of the DCE also reflected the wish of senior femocrats and the EK to ally the women's issue to a powerful force in the cabinet. The Minister of Social Affairs, along with his colleagues of Finance and Economic Affairs form the so-called socio-economic triangle in the Cabinet, where the major policy issues are decided along with the Prime Minister and the Minister of Internal Affairs. Access to this arena looked promising, the more so as social security and employment had top priority on the agenda of the new cabinet.

The new state secretary, D'Ancona, soon had a working party writing a new policy document which redefined the women's issue in terms of power and also took sexual issues into account. The new cabinet, however, fell after only nine months; after new elections in 1982 a Liberal-Christian Democrat coalition regained power. Despite this change, work on the new draft continued, and it was finally accepted by the new cabinet and parliament in 1985 as the new foundation for women's equality policy (Handelingen Tweede Kamer 1985). The new state secretary, Annelien Kappeyne van de Coppello, a Liberal, accentuated freedom of choice for women between worker and housewife roles and made the constitutional principle of bodily integrity the cornerstone for her policy against sexual violence. In this latter area considerable progress was recorded. But in practice, labour market policy became the hardcore of women's equality policy, and in the course of time crowded out other issues (Keuzenkamp and Teunissen 1990). The *Beleidsplan* provided the foundation for new policy initiatives in all ministries, which the DCE could monitor. The state secretary used it for regular visiting rounds to all the ministers to discuss the progress made. In due course women's policy was to be integrated in all ministries but, during the 1980s the *Beleidsplan* strengthened the position of the DCE and made for more effective policy in a number of areas.

As a consequence of the way the DCE had been set up, with the task of coordinating policy, this always meant the DCE had little leeway in which to initiate policy by itself. Only with its own budget could it develop certain initiatives. Many issues 'belonged' to other departments, and the task of the DCE was limited to attempting intervention at an early stage when a new policy

proposal touched on women's issues. The Interministerial Committee for Equality Policy, which should have had a task here, never functioned very well. Ministries sent junior representatives or ignored proceedings, so that it led a near-dormant existence for a considerable period. If policy results were disappointing or if the DCE was overruled, its civil servants could enrol political support from its state secretary, or go outside, by getting MPs to ask questions in parliament or by winning their support for certain measures. In the 1980s this increasingly became a viable alternative, as political parties by now had developed their own definitions of feminism and had more expert MPs (mainly women) who were keen to take up women's issues. From 1983 onwards, women MPs formed an alliance in the Second Chamber (Kamerbreed Vrouwenoverleg) across the partypolitical divide. Although this does not often lead to cross-voting (given the very strong emphasis in parliament on party discipline), it does provide a forum for discussion and even negotiation.

The DCE also managed to improve the relationship with the ER (successor to EK) and the women's movement. Using the favourable climate for equality policy, the DCE succeeded in strengthening the national machinery. The most important step was the establishment of the Cabinet Committee for Women's Policy, chaired by the Prime Minister, in 1986. This committee enhanced the status of the issue, and also gave the femocrats better access to the crucial cabinet meetings (Swiebel and Outshoorn 1989:15). It made up for the loss of the position of state secretary, which was abolished after the elections of 1986, when the reigning coalition retained its power. Women's policy now fell directly under the minister himself, the Christian Democrat Jan de Koning. On the one hand this was an advantage. As a minister he had direct access to the cabinet, and he was a political heavyweight. On the other hand, he had other pressing concerns and priorities. This also proved to be to the disadvantage of the move to the Ministry of Social Affairs in the long run. The Ministry's dominant interests had always been labour market policy and social security, both highly politicised areas. This not only had the effect of marginalising the women's issue, but also equality policy itself tended to become mainly socio-economic in content.

The DCE started to increase its leverage by using its budget to set up joint ventures with other departments, making it attractive for them to develop their own policy on women. Some ministries had needed little persuasion to set up their own policy, like the Ministry of Education and Sciences, which already developed a women's programme in 1979, or the Ministry of Health, Welfare and Culture, which started subsidising battered women's shelters in 1982 and had its own special subsidy regulation for women's initiatives at the local level.[8] The DCE also established a women's rights and law centre and several women's health centres as pilot projects for a limited number of years. Over time, it managed to persuade the Ministries of Justice and Health to take over the funding, so that its own budget could be utilised for new projects. It also set up a

Steering Committee for Women's Research (Stimuleringsgroep Emancipatieonderzoek—STEO) in 1985, for which four other ministries also provided finances. For six years this Committee was a major resource for the institutionalisation of women's studies within the Dutch university system.

DELIVERING THE GOODS: THE OUTCOMES OF POLICY

Analysing women's policy from a broader perspective, one can see that it depended very much on how the policy was defined and in which policy arena the issue was settled, whether the DCE could intervene and if the outcomes were favourable to women's demands. Using Lowi's (1964) division of policy into distributive, regulatory and redistributive policy, one can see that *distributive* policy was the area in which the DCE was the most successful (Outshoorn 1995). The budget of the DCE was mainly spent in setting up state feminist structures such as the women's bureaux in all the provinces and the three major cities. The DCE also provided a fund for setting up a variety of small feminist projects, ranging from feminist films and books to small enterprises. It helped to build various women's service projects, of which no less than sixteen national ones functioned in the mid1980s, ranging from rape crisis centres to women's education classes and job centres for women returners. One of the most interesting policy innovations has been the 'emancipation workers' project: subsidising large non-governmental organisations to employ a woman officer to develop an intra-organisational women's policy (Outshoorn 1992b). All these initiatives have provided the Dutch women's movement with a strong state-subsidised backbone, allowing for both continuity in organisation and institutionalisation of new initiatives. In this way the DCE created its own clientele system and its own legitimacy in the movement.

The many other issues which the women's movement either placed on the political agenda or took a keen interest in, fall into the category of *regulatory* policy, seeking to regulate the behaviour of individuals and groups. The political arena is parliament, making for open and conflictual politics. The legalisation of abortion, the issues of child custody and access rights, rape, violence against women, incest, pornography, antidiscrimination legislation and childcare all fall into this category. These issues traditionally touch on the territory of the Ministry of Justice, which one can hardly say has sympathy for feminist issues. If an issue was already claimed by another ministry, all the DCE could do was to try to exert some influence. This usually succeeded only when there was strong feminist support and substantial backing in parliament. In the area of sexual violence the DCE did manage to influence various drafts of the proposed bills. Incest and violence against women were turned into distributive issues, with the DCE providing funding for setting up aid and crisis intervention centres.

Indicative of these proceedings has been the long-drawn-out fight on a new anti-discrimination bill. Originally intended to remedy the gaps in the Equal Treatment Bill of 1980, parliament only passed the new bill in 1994. In the original draft, on which the DCE had a strong influence, a ban on discrimination on the grounds of homosexuality was included, a move the women's movement strongly supported. But this caused violent and protracted opposition from Protestant quarters who held the bill to be in conflict with the constitutional right of the freedom of religion. Later, the Liberals tacked on discrimination on the grounds of race and ethnicity, so that the bill became redefined as a general anti-discrimination bill. The moment constitutional rights were at stake, the Ministry of Justice could claim the bill as its exclusive territory. The DCE managed to retain some control and prevent the women's issue from disappearing from the text altogether.[9] But indicative of the recent trend away from women's issues is that, despite considerable publicity during the recent parliamentary enactment, the press did not even mention that the bill is also intended to end discrimination based on of sex.

Redistributive policy takes place in the dominant socio-economic arena. In the Netherlands this arena is dominated by the 'social partners' (the peak employers' organisations and the trade unions) and government. This is, in practice, the Ministry of Social Affairs, but the DCE was not able to encroach on the territory of the long-established interests of the other parts of the Ministry. In the tripartite system of socio-economic consultation, women's issues are low on the agenda and women are not represented as women in the arena. (They are also hardly present among the delegates.) Neither trade unions nor employers had equal treatment, equal pay or equal entitlement to social security benefits high among their policy agendas.[10] The major loss the DCE (and the women's movement) incurred has been during the reform of the social security system in the Netherlands in the mid-1980s. This operation was necessitated by the need for the Netherlands to comply with the Third Directive of the EC, which required equal treatment of women in the area of social insurance and security. Other motives for this huge reform were to simplify the system and to cut costs (Sjerps 1987). Given recent debates around pensions, the EC directives in this area and likely future cuts in welfare spending, this arena will continue to be crucial in the 1990s, but it is the one in which the DCE has least influence.

One can conclude that the DCE has been strong on taking initiatives and in agenda-setting, but weak on implementation. Two pioneering initiatives by the DCE were the setting up of a policy for migrant women (who were neglected in minority policies of the Ministry of Internal Affairs) and taking the lead in the area of sexual harassment after the women's movement raised the issue. The ineffectiveness in implementation can to a large extent be attributed to the lack of jurisdiction of the DCE in crucial policy areas.

LEARNING TO COOPERATE: THE WOMEN'S
MOVEMENT AND THE STATE

As has been indicated, the women's movement was divided on the issue of 'state feminism' from very early on. It was also divided about the use of traditional political methods, such as lobbying and working within political parties. This did not mean that the more radical women were shy of conventional politics altogether, when one considers that they constituted the backbone of the abortion campaign, the biggest struggle the women's movement took on since the 1960s (and won). The majority of more radical feminists preferred grassroots activity in autonomous groups. Opposition to state feminism increased in the late 1970s, as government policy got under way. The establishment of the provincial women's bureaux led to hostile reactions from the younger branch of the movement, which perceived these policies as a premeditated attempt to co-opt the movement, speaking of the 'subsidised revolution' (Outshoorn 1992a). Members of the DCE were not seen as potential allies, as 'one of us', while the femocrats themselves were badly in need of movement support for ideas and legitimacy. Many other feminists, though, were quick to grasp the advantages of subsidies. For them it was becoming increasingly difficult to run the many feminist service projects on a volunteer basis, and state support enabled them to maintain and expand their activities. A price had to be paid, however: in order to obtain funding, projects had to comply to certain organisational and professional standards, which spelled the end of feminist egalitarian principles. In these projects it also led to the creation of jobs, giving rise to the phenomenon of 'bread feminists', who purportedly earned money 'off the backs' of other women.

Many feminists were also led to revise their ideas about state feminism and politics by the changing political context at the beginning of the 1980s. With the return of the Liberal-Christian Democrat coalition in 1982, and its strong platform on cutting government expenditure and whittling away the provisions of the welfare state, many realised the time had come to defend women's interests. They joined the 'older' branch of the movement in the strategy of the 'long march through the institutions'. New ties were forged with the women working within the political parties, and the (re)emerging women's groups in all the major political parties, not just with the Social Democrat women with whom there had been close relations from the beginning. It also led to cooperation with the traditional women's organisations, dating back to the period of the decline of the 'first feminist wave' and the rise of *verzuiling,* who had become increasingly aware of feminist issues. For the first time since 1974 (when the abortion coalition got under way) a new umbrella organisation of women's groups was formed in 1982, the Broad Platform for Economic Independence. It united on issues of income and social security, mobilising women on the issue of economic independence, and turned to lobbying political parties and parliament. A second

platform organisation, the Association for Redistribution of Paid and Unpaid Labour, more rooted in the trade union women's movement, also entered the traditional political arena.[11]

In the course of the 1980s these new forms of organisation eclipsed the part of the movement which is known as the autonomous women's movement. Many of these feminists had become active in other types of organisations, often within networks in universities, within professions (mainly in the service sector) or within the trade unions. And many others became 'femocrats', becoming a civil servant for women's equality policy at the various levels of government or staffing the numerous feminist projects subsidised by national or local government (Outshoorn 1995). One can conclude that the policy of subsidies has led to processes of institutionalisation and professionalisation. In this process, feminism lost its earlier ideas about organising horizontally and autonomously, accepting (often not without painful fights) pay differentials and a certain amount of hierarchy. The debate about state feminism and 'bread feminists' disappeared completely at the end of the 1980s.

Despite the DCE creating its own constituency and the disappearance of opposition against state feminism, its relationship with women's groups is still not unproblematic. This is partly because the latter are in a position of dependency on the DCE. Despite the cuts in government spending, the budget of the DCE is still substantial and is still employed by backing feminist projects and organisations. Partly also it is because the personnel of the DCE is changing. From its inception, the DCE always had strong informal ties with the women's movement, many femocrats having their roots in the movement. In recent years, more women became employed at the DCE who have not been socialised in the movement, but have been influenced by feminism in its diffused form. Their relationship to the movement is increasingly purely professional and tends to focus on the groups which the DCE subsidises, which are then held to be 'the movement' (Outshoorn 1994b). There is less affinity with the broader, more sociocultural definition of feminism which characterised second-wave feminism so strongly, and a tendency to internalise official policy goals, in this case the heavy emphasis on employment.

The relationship between movement and agency has also changed considerably because of the process of integrating women's issues in other policy areas which fall under the competence of other ministries. This process became specially marked since 1986, when the Minister for Social Affairs started pressing for 'integration'. It meant that other ministries had to take responsibility for women's issues. For women's groups working in those other areas, this has implied that they no longer turn to the DCE for their support, but now have to lobby the other ministries. The ties between the movement and the agency are therefore loosening. The DCE is losing its support in the movement, and the women's movement is becoming increasingly differentiated into various policy

sectors. Feminists in the field of health pressure the Ministry of Health, Welfare and Culture, legal rights activists turn to the Ministry of Justice, and women's studies advocates lobby the Ministry of Education, in the process of which the 'new specialists' are losing contact with feminists in other areas. This has led to a decline in movement debate; there is no longer one arena in which feminists can share their ideas. This is the more so since several of the national single-issue organisations, which had a temporary government subsidy, have been forced to integrate into mainstream institutions in recent years and have had to concentrate their energy in preserving their identity.

THE POLICY NETWORK: AN 'IRON TRIANGLE'?

The organisation of the national machinery has caused debates among scholars and movement activists, having been targeted by some as the major cause for policy failures. Prins (1989) has commented that the chosen model for setting up the national machinery would have been effective if it had been implemented in its original design. She points out that it banked on cooperation between department and the women's movement; giving the DCE its own budget to be used for strengthening the movement and developing lower-level institutions for women's policy issues, was part of this strategy. As we have seen, the cooperation was slow to develop. In addition, Prins holds that it rested on assumptions about government bureaucracy which were not realistic. Choosing to formulate policy in an intersectoral way implicitly views governmental bureaucratic life as one of cooperation and collegiality, instead of discerning that bureaucratic life more resembles a jungle.

This last point is correctly taken. Ministries are jealous of their autonomy and do spend a large part of their time fighting each other, giving rise to the often heard comment that the Dutch national government consists of the fourteen disunited provinces. But setting up new policy on areas touching on the turf of several ministries as intersectoral policy was the fashionable theory of the period. Adjusting to then current philosophies about a strong executive and emphasis on the coordination of state intervention, helped to implement the ideas for the national machinery.

Moreover, the EK had envisaged the creation of a policy network, and not just a good working relationship between movement and state. The term 'iron triangle'[12] had just been introduced in the mid-1970s (the phenomenon was of course older) and the 'Green Front', the agricultural lobby in The Netherlands, was seen as its prototype. Dutch 'iron triangles' usually encompass the leadership of the major organisations in a given policy area, the specialised bureaucrats working on the issue, and the specialists among the parliamentarians who, in symbiotic relationship, develop and implement policy. Often such a network is backed by one or two official advisory bodies, again consisting of members of

the interest groups, independent experts and specialised civil servants. For the women's network to be completed, in addition to the first side of the triangle, the connection between movement and agency, the two other sides of the triangle needed to be forged. For the development of an effective iron triangle, several conditions had to be met.

First, there should have been a strong government advisory body. The creative EK, whose mandate ended in 1979, did have a successor, the ER (1981). But it never became very strong nor was it ever as effective as its predecessor. As Prins (1987) herself has pointed out, no clear-cut choice was made for its composition. It hovered between being an independent experts' committee and a representative body of the various currents of the women's movement. Recruitment took place with a firm eye on political affiliation and not all members had feminist expertise or ties to the women's movement, which undermined its legitimacy and thus its support among feminists. Moreover, it was neither completely independent from the DCE nor the cabinet, as the selection of its members was made by a DCE senior staff committee who presented a shortlist of candidates to the cabinet for appointment. Despite a competent but small professional staff, the ER had too few specialists to be a match for the specialist civil servants of the various ministries, and it had trouble setting priorities. There was some competition between the ER and the DCE, and only in the course of the 1980s did cooperation develop, only then forging the second side of the desired triangle.

Second, close ties have to be established between parliamentarians and femocrats. In classical Weberian thought, state bureaucracy and parliament are conceived of as strictly separate entities. Civil servants are seen as loyal servants of the executive, only involved in working out the ideas of the minister, and not involved in contacts with parliament or parties. In real life, 'iron triangles' develop because both civil servants and parliamentarians need them. Civil servants do develop contacts with parliamentarians, leaking them information, checking with them if certain measures will be supported and therefore helping their minister save face. Parliamentarians establish contacts in order to anticipate effectively on policy initiatives. In the early stages of its history, civil servants from the women's policy unit, in an effort to set up a non-activist image, seemed to be ultra-correct on the protocol of civil service conduct. Only later did they develop informal contacts with parliamentarians in promoting the cause of women. At first, these contacts too were mainly with the left wing, who were more attuned to feminist issues. But the parliamentarians were also part of the problem. Political parties had few, if any, specialists on women's affairs among their parliamentary groups in the 1970s. In 1979 the Parliamentary Standing Committee on Emancipation was established, only slowly improving contacts and expertise. In 1982 women from the different parliamentary parties started to cooperate in the Women's Platform in the Second Chamber (Kamerbreed

Vrouwenoverleg). More women parliamentarians were prepared to speak on women's issues. From the mid-1980s, one can say the third side of the triangle was established. Thus, the whole triangle took a long time coming. It has worked reasonably well since its formation, but has not gained sufficient strength to be able to overturn several crucial policy decisions made in the period, especially the one on 'integration' of women's policy into the other ministries.

A major question can be raised as to how far the idea of the policy network, as devised by the EK and adopted by the DCE, was actually compatible with the idea of women's policy as intersectoral policy. The original idea was seeing the DCE as a 'spider in the web' between parliament, women's groups and organisations, and the advisory body. The DCE was not, however, a powerful spider. Its femocrats were only partly able to actually influence policy areas belonging to other departments. In those cases, civil servants of the other ministry dealt with the party specialists, and the 'women's angle' was regarded by actors in that arena as subordinate, or of secondary importance. This also left women parliamentarians who were not spokespersons for their party in that particular arena, in a powerless position in parliament. 'Spokesmanship' is at the heart of the power struggle within parliamentary groups and is jealously guarded by its holders. In fact, the logic of intersectoral policy asks for policy networks per ministry, but these only started to form in the late 1980s after the policy of integration got under way. Then women's groups started to lobby per issue at the various ministries and to get parliamentary spokespeople in that policy area to take up their cause, a process aptly described by former state secretary D'Ancona as the 'functional differentiation of the women's movement'. Thus, the incompatibility of intersectoral policy and the idea of the women's policy network paradoxically only became clear when the basic philosophy of coordination by a central unit was abandoned and the goal of integration started to be implemented. Feminist networks in other policy arenas were only rudimentary, the primary difficulty being access: finding responsive civil servants in the absence of 'femocrats' in the other ministries. The policy turn has left the women's movement robbed of its major ally and point of access into government bureaucracy.

INTEGRATING WOMEN'S POLICY: THE END OF 'STATE FEMINISM'?

Creating a policy network for women's issues, as some far-sighted feminists envisaged in the 1970s, has been very successful in the Netherlands, even if policy outcomes fall short of the demands the women's movement made in the course of time. It has institutionalised feminism at various state levels, leading to the phenomenon of state feminism. The development of a policy network can be seen as a necessary condition for advancing women's equality policy, but not as

a sufficient one, however. Crucial to such a strategy is the political support of the women's issue by the political elite. With pressure from the movement, support was present into the mid-1980s. Declining support in recent years now threatens the edifice which was built over time. Several institutions making up the policy network are falling victim to current fashionable ideas about 'small' government, the call for bureaucratic efficiency and faster parliamentary proceedings.

Although the state secretariat for equality policy was reinstated in the new Social Democrat-Christian Democrat coalition which took power in 1989 (with the socialist Elske ter Veld taking office), the Cabinet Committee for Women's Policy was abolished at the same time. The ER is to end in 1997. The Parliamentary Standing Committee for Emancipation met for the last time in March 1994. With the coming to power in 1994 of a new alignment in Dutch politics, a unique Social Democrat-Liberal cabinet, cutting across the traditional left-right divide, the state secretariat disappeared and the Minister of Social Affairs and Employment (a Social Democrat) has taken over women's public policy. The 'women's question' is still part of the political agenda of the new cabinet, but with other issues such as the environment, unemployment and migration, it has a very modest place. To counteract the disappearance of ER and the Standing Committee, the DCE funded a new initiative in 1992 to set up a women's lobby, Arachne.[13] It is too early to say if this new bureau will be able to intervene effectively in policy initiatives and fulfil a 'watchdog' function in monitoring policy implementation, which has become more important with the decline of many national single-issue groups.

At the same time, the DCE itself is being weakened by the policy of integration, while it is to be feared that most other ministries lack the experience, expertise and interest to take over its tasks (with the exception of the Ministries of Education and Foreign Affairs). Moreover, the DCE has not managed to establish control over socio-economic policy within its own ministry, which makes it an easy prey in future internal reorganisations. The new policy paper of 1995 (Ministerie van Sociale Zaken 1995), which defines the women's issue mainly in terms of labour market policy, will only further weaken the unit. Moreover, the paper itself contains no new ideas to encourage and strengthen women's policy. The trend towards decentralisation of national government is also undermining the DCE. A number of women's issues have become part of policy areas which now fall under the jurisdiction of local government or the 'social partners' (employers' organisations and trade unions), such as childcare or labour market policy. Along with the general feeling among the political elite that there is no longer a need for women's policy 'as we are all equal now', and a less visible women's movement to give support and legitimacy, the question is whether the relatively successful Dutch case (Stetson and Mazur 1995) will survive in the coming years, and in how far other functions of the original policy network and the DCE will be taken over by other actors.

NOTES

1 These interviews were held in the summer of 1993 as part of my project on state feminism and 'femocrats'—civil servants working on women's equality policy within the national government. For a first publication see Outshoorn 1994b.

2 The situation is improving: see De Vries 1981; Outshoorn 1986; Sjerps 1987; Swiebel 1988; Bussemaker 1991; Outshoorn 1991, 1992a, 1992b, 1994b.

3 Eleven of the sixteen original members were from the left; several were members of MVM (Prins 1987:105, n.14).

4 This was the Design for a Five-Year Plan (Aanzet tot een vijfjaren plan, Emancipatiekommissie 1976). The government paper was adopted in 1977: Emancipation. Process of change and growth (Emancipatie. Proces van verandering en groei, Handelingen Tweede Kamer 1977).

5 Abortion has been available on demand since 1972; parliament passed a reform bill in 1981 which came into operation in 1984 (see Outshoorn 1986).

6 The bill provided for an Equal Opportunities Commission, with semi-judicial and advisory functions, but no power to enforce law. For a discussion of the compliance of the Netherlands to EC regulations, see Sjerps 1987.

7 The negotiations for a new cabinet are crucial for putting new items on the political agenda in the Netherlands; if one loses this round, one can forget about the matter until the next election. Once the cabinet programme is agreed on, it takes on the character of holy writ for the coalescing political parties and it forms the basis for parliamentary party discipline.

8 This regulation, the Rijksbijdrage Regeling Emancipatiewerk (RBR-EW) did not cover the costs for personnel, but enabled local groups to organise a wide range of activities. It became a victim of decentralisation policy in 1989. Many municipal councils, supposed to take over the job, are becoming more and more reluctant to provide finances for women's initiatives. In recent years opportun-ities have declined drastically.

9 As a consequence, the Equal Opportunities Commission disappeared and a new commission was set up in 1994. The initial fear that expertise on sex discrimination would get lost in the process, seems unfounded: the new Chairperson is a feminist legal expert.

10 Women's groups have been active in the trade union movement since the mid1970s. They now make up most of the growth of trade union membership in the white-collar sector, making up for the loss of (male) members in the declining industrial sector. Since the mid-1980s trade unions have started to push for women's interests in collective bargaining, including issues of childcare and sexual harassment.

11 The two organisations merged into the Alliance for Economic Independence and Redistribution of Work in 1993.

12 The metaphor of the 'iron triangle', although widely used in the Netherlands, is actually not an accurate depiction of the shape of the usual policy network. More to the point would be the image of a quadrangle; the department, the parliamentarians, the 'field' (interest groups and organisations) and official advisory bodies. If membership of the advisory bodies overlaps totally with those of the organisations, the 'Green Front' being the classic case, the network looks like a

triangle. For the women's movement there was the problem that the ER was not representative of the movement (even in its broadest definition), given the predominance of party political representation and the presence of one or two token men.

13 This is not a lobby in the American sense, but a clearance point for information on women's equality policy. It monitors proposals and passes out information to interested women's groups, also alerting them to potential allies. It is not supposed to lobby civil servants or parliamentarians itself, but in practice this does (naturally, one would almost say) occur.

7
State feminism and gender equality policies
The case of Spain (1983–95)[1]

Celia Valiente

Since the 1960s and 1970s, institutions with the concrete purpose of improving the status of women have been set up, developed, and sometimes even dismantled in most advanced industrial societies. In social science literature, these institutions have been called 'state feminist' institutions, bureaucracies or machineries. The people who work in them are labelled 'femocrats' or 'state feminists' (Stetson and Mazur 1995). This chapter seeks to make a contribution to the analysis of the effects (if any) of these institutions on the formulation of gender equality policy, and to examine the relationship between state feminists and activists in the women's movement. This is a case study of the main (although not the only) feminist institution at the central state level in Spain, the Institute of the Woman (*Instituto de la Mujer,* IW) which was established in 1983.

The first section of this chapter presents the insights of scholarly and non-academic feminist literature into the contribution of state feminists to gender equality policy and to their relationship with feminists in society. The second section is devoted to the case study. I argue that state feminism in Spain has had a significant impact in the policy area of gender equality. The IW can claim a positive record in having persuaded other state units to include equality measures on their agendas. Nevertheless, the IW has hardly intervened in the implementation of these policies. The relations between IW femocrats and activists in women's organisations have been scarce and only very rarely cooperative in character. This gap between feminists within the state and in society has prevented them from pushing state officials further down the equality path. The concluding section raises questions for future research.[2]

STATE FEMINISM: ITS IMPACT ON GENDER EQUALITY POLICY AND ITS RELATION WITH FEMINISM IN SOCIETY

With respect to the impact of state feminist machineries on gender equality policy, two sorts of assessments can be found in academic publications and in

non-academic feminist writings. For some, these institutions have hardly had any effect on the policymaking process, since femocrats are too few in number in comparison with the total number of policymakers, and have little power and few political resources. For others, it is evident that some gender equality programmes have been established as a result of the efforts of the femocrats. These programmes have improved the status of their beneficiaries (albeit only a small number of women). Nevertheless, these achievements fall far short of the broad goal of the feminist movement in the last three decades: the attainment of a major and radical redistribution of power between men and women.[3] In the same way, it might be argued that the establishment of feminist bureaucracies has contributed to marginalising feminist demands, and to consolidating the insensitivity to women's concerns traditionally held by most state officials. This is so because the creation of feminist machineries might have encouraged policymakers in other departments to believe that they do not need to concern themselves with women's interests, since these are the exclusive responsibility of femocrats, or that the mere existence of these machineries means that women's most urgent problems have already been solved.

In contrast, other authors and activists have argued that in some countries the establishment of the aforementioned institutions has provided the feminist cause with material and human resources that the movement never had before (Threlfall 1985:53). Furthermore, feminist bureaucracies have been useful in the attempt to translate the general goals of the movement into objectives for concrete public policies. This has been possible because state feminists now have a permanent place in the arena of power (Stetson and Mazur 1995:1). The femocrats now occupy sufficiently high positions on the bureaucratic ladder to be theoretically capable of bringing matters which concern women, such as parental leave or domestic violence, to the attention of senior state officials (Eisenstein 1991:23). This positive assessment of femocrats' capacity to claim public space for women's issues informs most of the recent scholarly literature on state feminism (see for example Ryan 1990; Outshoorn 1994a: 9–11; Stetson and Mazur 1995).[4] While studying the impact of state feminism in the policymaking process, it is important not to forget that this process is composed of some intrinsically interrelated stages: problem definition, agenda-setting, policy formulation, and policy implementation (Kingdom 1984:3). This chapter argues that femocrats might play an important role in some stages, but not in others. The fragmented nature of their influence might be overlooked if we only consider the process as a whole.

The relationship between femocrats and activists in the women's movement has been complicated in many western countries. This is hardly surprising, since both pursue the same broad objectives (although through different means), i.e. to speak on behalf of some sectors of the female population and to improve the status of women. Femocrats and feminists may differ in the means chosen to

pursue the same goals. From the femocrats' viewpoint, it is important that the objectives of gender equality are not confined to women grouped in feminist circles. Thus, femocrats concentrate their efforts on the formulation and implementation of public policies, regarding them as a useful means to enhance the status of many female citizens, most of whom do not belong to any women's association (Ryan 1990:81). Conversely, some activists of the movement think that femocrats are not able to diminish gender hierarchies, for two reasons. On the one hand, state feminists have, in real terms, very little power within the state to promote policies of gender equality. On the other hand, when women work for the state as femocrats, they might sooner or later be co-opted, in the sense that their demands become increasingly moderate, or even symbolic. This is because radical demands normally jeopardise their careers within the state (see Watson 1990:10).[5]

A more positive assessment of the relationship between femocrats and feminists is maintained by Georgia Duerst-Lahti (1989:250, 258). She affirms that in some cases collaboration between the two could be mutually beneficial. The former have material and human resources that the latter almost always lack. Equally, the existence of a strong, highly mobilised feminist movement might be useful to femocrats for two reasons. First, all policymakers compete against other state officials to obtain more resources. It may be helpful for them to show their superiors that broad sectors of the population are interested in such issues, and as a result would mobilise around them. Second, for various reasons, state officials are often unable to defend propositions considered too radical. Nevertheless, if they favour these options, they are in a position to benefit from organisations in civil society mobilising in support of these demands. In my view, there is a third reason which supports Duerst-Lahti's argument. It may be advantageous for state feminists if a powerful feminist movement advocates radical measures. In this situation femocrats can present themselves to conservatives and to the population in general as the supporters of moderate and viable options.

The next section considers an empirical case, that of the Institute of the Woman in Spain. It examines the IW's impact on policymaking in the area of gender equality, and the relations between femocrats and feminists.

STATE FEMINISM AT WORK: THE *INSTITUTO DE LA MUJER* IN SPAIN (1983–95)

The IW was established in 1983, six years after the first democratic elections took place in Spain,[6] and one year after the Social Democratic Party first gained power (Valiente 1995),[7] which it retained until 1996. The IW is an administrative unit which was first attached to the Ministry of Culture and then moved to the Ministry of Social Affairs. The IW has its own director, facilities, and

independent budget. In spite of its late establishment in comparison with feminist machineries in other western countries, the IW is nowadays comparable to them in terms of personnel, budget and the extent of its functions. The staff and resources of the IW have constantly increased. This contrasts with the experience of feminist bureaucracies in some other countries, whose administrative level has been downgraded, and personnel and budget cut.[8] According to the 1994 IW annual report, 263 people worked in the institution in that year. It had an annual budget of about 2.6 billion pesetas or £12.5 million (Instituto de la Mujer 1995:103–8).

The impact of the IW on the policy area of gender equality

Until now, empirical studies have given an affirmative answer to the question of whether or not state feminist institutions participate in a significant way in the formation of public policies which promote the status of women. For instance, a recent cross-national study covering fourteen countries (Australia, Canada, Denmark, France, Germany, Great Britain, Ireland, Italy, the Netherlands, Norway, Poland, Spain, Sweden, and the USA) concluded that state feminist bureaucracies in all these countries except Poland 'had an impact on equal employment policy (EEP) for women, that is, any state action seeking to eliminate direct and/or indirect discrimination based on gender in hiring, firing, professional training, and promotion'. In other words, institutions 'established with a mandate to focus directly on women's status, have the capacity to turn leaders' attention, in some cases for the first time, to laws and regulations that can change the status of women in relation to men' (Stetson and Mazur 1995:272, 275). This section examines the sort of impact the IW has had, by focusing not only on EEP, but also on other types of equality policies, and by examining separately the impact of state feminists in the different stages of the policymaking process.[9]

Equality policies established by other institutions at the IW's request

In common with the majority of state feminist institutions in advanced industrial societies, the IW has neither the responsibility nor the budget to formulate and implement most gender equality policies; rather, it has the explicit function of convincing other state units to adopt these policies. In the early 1980s, gender equality policies were so unknown among political and bureaucratic elites in Spain that the first femocrats had to dedicate much of their energy to informing state officials that these measures were already in existence in most western countries, and convincing them to establish some of these programmes. Femocrats carried out this initial task of transmitting information and lobbying through informal

contacts with policymakers and through the meetings of the IW advisory council *Consejo Rector* (CD). This was created in 1985 to advise the IW director. The CD was primarily made up of representatives from the majority of government ministries. Until the late 1980s a complete CD met at least once every six months, and a smaller committee met at least once every quarter. In both meetings, the representatives of the ministries learned the basics of equality policymaking, explained the measures their departments planned to take, and received suggestions, advice, and considerable pressure to become more involved in the pursuit of gender equality.

In 1987 femocrats felt they needed policy instruments other than these informal contacts with state officials and the CD meetings, to circumvent the unequal commitment of different ministries to gender-based equality, to prevent their efforts from being dispersed, and to pressurise the ministries to establish gender equality policies. In consequence, state feminists prepared a first equality plan, containing a comprehensive set of measures to be taken by thirteen ministries between January 1988 and December 1990 (Institute de la Mujer 1990b: 1–101). Femocrats had previously negotiated with the ministries in an attempt to ensure that the plan only included measures which they were truly willing to implement.

The 120 measures which made up the first plan may be divided into six types: legal reforms aimed at achieving equality between men and women before the law; initiatives for non-sexist education; equal employment measures; women-specific health programmes; the development of international cooperation projects with women in other countries, and the promotion of feminist associations in Spain. The first equality plan constituted a turning point in that it meant (at least in theory) the end of a set of dispersed short-term efforts made by ministries at the request of state feminists and femocrats themselves (see below), and the introduction of a degree of joint medium-term planning by femocrats and state officials. A second equality plan was prepared by the IW for the period 1993–5 (Instituto de la Mujer 1993b). It mainly contains equality policies of a type similar to those of the first plan. The second equality plan was still in force when the empirical research for this chapter was undertaken. At that time it was still too early to evaluate this second programme, so only the first plan is examined here.

The first equality plan had the very important defect of being characterised by a high level of abstraction (with the exception of the legal reforms). For example, measure 3.3.1 was to promote the 'professional training of rural women…in managerial and commercial skills'. Yet nothing was said about who was going to organise the courses, how many were to be organised, how were they going to be financed, their characteristics or beneficiaries. Such extreme abstraction constitutes an insurmountable obstacle at the evaluation stage,

because if goals are not clearly established, it is impossible to evaluate whether they have been reached or not.

The IW concluded, in its own evaluation, that the implementation of the first plan had been highly successful, since out of the 120 measures planned, 116 were adopted (Institute de la Mujer 1990b: 105–55). Nevertheless, this conclusion has to be treated with great caution. This is because the information which served as the basis for this evaluation was given to the IW by the thirteen ministries, who might have overemphasised their gender equality actions, and underestimated (or even concealed) what they had failed to do.

The examination of the first equality plan shows that Spanish femocrats have been partially successful as problem-definers and as agenda-setters.[10] With regard to problem definition, feminist theorists have proposed that one of the sources of women's subordination is the existence in all societies of a broadly accepted distinction between public and private matters. Some problems are generally considered as 'public' in that it is believed that they should be solved by the state or civil society. In contrast, other topics are conceptualised as 'private', i.e. the concern of individuals or their families. Matters falling in the latter category, such as the unequal status of husbands and wives within marriage, or the violence sometimes perpetrated by the former on the latter, are issues that, in line with the feminist slogan that 'the personal is political', have to be handled—and solved—in the community.

Femocrats have been quite active in the task of converting 'private' matters into 'public' problems. State feminists have always promoted the existence in the institutional arena of forums (conferences, seminars, round tables, meetings) where such topics could be discussed both in public and in smaller gatherings among state officials. In these forums, issues such as rape within marriage or sexual harassment in the workplace began to be treated not as 'things of life' or citizens' private business, but as social problems which deserve public attention (and solutions). Some policy decision-makers have been convinced by state feminists that issues previously considered 'private' are really the concern of public authorities.

With respect to agenda-setting, IW femocrats also have a positive record, since they succeeded in persuading other political actors to introduce equality goals into their agendas. In fact, if the IW had not existed, many of these ministries would probably never have established equality measures, or would not have introduced them as soon as they did. However, it is impossible to make a similarly positive assessment of the IW's performance in the stages of policy formulation and implementation. Specific and concrete measures to tackle various types of gender inequalities are formulated within ministries, or parliament, which in general try hard to preserve and reinforce their own powers. State feminists have little influence in these two arenas when a choice is being made between the various alternatives available to address a problem.

As for the implementation of gender equality policies, the IW is formally in charge of controlling this stage. This control function has been, in theory, mainly carried out through the IW legal department and the meetings of the IW advisory council. Nevertheless, in practice absolutely nothing happened if a ministry failed to implement the equality measures it was supposed to introduce, because the IW has no powers of sanction over ministries. This lack of powers of sanction is not a peculiarity of the IW, since in Spain, in general, hardly any institution exists with enough power to control (in real as opposed to symbolic terms) other institutions of similar status. For this reason, consciously or otherwise, IW staff may have acted as if it were reasonable to concentrate their efforts on other objectives which are considered more easily realisable, for instance, the very few tasks that the IW can perform alone, which are studied next.[11]

Gender equality policies established by the IW

The IW has the responsibility and budget to perform only three tasks: to promote research, to diffuse information about women's rights, and to receive and handle complaints of discrimination against women. With regard to research activities, it should be highlighted that before 1983 little research had been carried out on women's issues in Spain, in comparison with other western countries. Since then, according to its annual reports, the IW has published books, periodicals, posters, and brochures at an average rate of thirty-six a year. Along with other activities, the IW has also commissioned research and established a documentation centre in Madrid.

In relation to the diffusion of information about women's rights among the Spanish population (especially among women), the IW has set up information centres *(centros de information de los derechos de la mujer)* in some cities, where citizens can obtain information about women's rights.[12] These centres have answered a total of some 50,000 requests for information per year. The most common users of this service have been urban women aged 25–55, married and with one or two children, who have completed compulsory schooling but did not attend further education, who do not perform waged work outside the home, and whose family units have had an income of approximately twice the minimum wage.

In addition, a toll-free women's rights information phone line was set up in 1991, in an attempt to extend the service to women who do not live in cities. By the end of 1994, this phone line answered 241, 038 calls (Instituto de la Mujer 1995:65). The most common users of this line have again been urban women (in spite of the objective of spreading information to non-urban areas) aged 25–35, who have either not completed compulsory schooling or have completed it, but without further education, and who do not perform waged work outside the

home. The IW has contributed significantly to the diffusion of information about women's rights through these information centres and the toll-free phone line. Nevertheless, some sectors of the female population still do not benefit from its services; these are mainly rural women, and those who are aged 45 or over, typically those who tend to be the least aware of their rights.

As for the reception and handling of complaints of discrimination against women, it is important to note that the IW can initiate a legal complaint with the appropriate authorities only at the request of women who believe that they have been discriminated against. The IW cannot lodge complaints without the victims' permission. The IW does not represent women in court. The number of these complaints has been low: an average of fifty-six a year. Femocrats gave two reasons to explain this low number: the fear many Spanish women have of initiating legal action, and their lack of awareness of their own rights and the ways to defend them. It could also be argued that the IW has not provided incentives for a more extensive use of the service. Similarly, it might be the case that when Spanish female citizens think that they have been discriminated against, they go to other places in search of information and legal advice, for instance to the women's departments in trade unions, if the discrimination problem is work related.

The relationship of the IW with the women's movement: practicing feminism without the feminists?

The relationship between feminists in state institutions and in society has varied over time and/or among countries. Several studies have revealed episodes of fruitful cooperation between femocrats and activists in the women's movement. In her study of state feminism in the USA at the federal and state level in the 1960s, Georgia Duerst-Lahti reported episodes of collaboration of the two actors. Likewise, according to Joyce Outshoorn (1992b: 11–12; 1994a: 1, 14–16), the existence of alliances between feminists, femocrats, parliamentarians, and high-level bureaucrats is, in the Netherlands, a necessary although not a sufficient precondition for the formulation and successful implementation of gender equality policies. Similarly, Drude Dahlerup (1993:17), in her research on unemployment policies in Denmark in the 1980s, found that in spite of the opposition of many members of the political parties, trade unions, and employers' organisations, some unemployment policies were designed according to the principles of radical feminism (for instance, courses for women only). In part this was made possible by the existence of a cooperative network formed by some femocrats, feminists, feminist researchers, scholars and female trade unionists, who supported such radical initiatives.

On the contrary, in countries such as France (Mazur 1995:90–2) or Great Britain (Lovenduski 1995:127–9), relations between femocrats and feminists have been

almost non-existent, or have been scarce and characterised by reticence, lack of cooperation, and even confrontation. In this section I argue that Spain belongs to this latter group of countries. I wish to examine three aspects of these relationships: the informal contacts between femocrats and feminists, the access the latter have to IW decision-making, and the IW policy of subsidising women's associations. Finally, I will explore the consequences of these tense relationships.

Informal relationships between IW personnel and members of feminist organisations in Spain have, with some exceptions, been almost non-existent. This contrasts with the frequent informal links between femocrats and feminists in other countries, for instance, in the Netherlands (Outshoorn 1992b: 7) or in Australia up to the mid-1980s (Sawer 1990:25). As for feminists' access to decision-making in state feminist machineries, this has existed in some countries, such as Denmark (Borchorst 1995) or Norway (Bystydzienski 1995). In Spain, such access has been extremely limited, and as explained below, was restricted to the participation in the IW advisory council of a small number of gender equality advocates until the 1990s, and of some members of women's organisations since then.

Since its foundation, the IW advisory council included not just representatives of most government ministries but also six other members called *vocales.* They were appointed by the minister on the recommendation of the IW's director. These *vocales* had to be outstanding proponents of gender equality in their professional or public lives. Nevertheless, they cannot be considered representative of the feminist movement for two reasons. On the one hand, they were nominated as a result of their individual commitment to gender equality, and not because of their activities in women's groups. On the other hand, they were not elected by any feminist organisation to represent it in the IW advisory council.

In 1988 the IW promoted the formation of a commission made up exclusively of feminists in charge of monitoring the implementation of the equality plan. Suspicions about this move by the femocrats was immediately noted by activists in the women's movement. They resented having been asked to evaluate the implementation of a plan which they had not been invited to formulate. Moreover, feminists doubted that the IW femocrats were in fact interested either in the commission's evaluation of the implementation of the equality plan or in the initiation of long-term cooperative links with the movement. The feminists' suspicions appear reasonable if we bear in mind that activists were not invited to participate in the formulation and the monitoring of the second equality plan.[13] For all these reasons, some activists decided not to take part in the work of the commission.

Due to the numerous disagreements arising among the feminists participating in the commission, some abandoned it before the completion of its work. These

differences of opinion made it difficult to agree on even the most basic recommendations. This experience revealed to many activists the difficulties involved when members of different organisations work together. Besides, many participants were of the opinion that working with (or for) the institutions was a waste of time and energy.

When the commission finished its deliberations, three representatives of feminist organisations and one representative of the women's departments of each of the two main Spanish unions, the *Unión General de Trabajadores* and *Comisiones Obreras* were appointed members of the IW advisory council, substituting the former six *vocales* (Instituto de la Mujer 1991:143). In the spring of 1994 the participation of these five women in the IW advisory council was the only permanent formal channel of access for feminists to IW's decision-making. Nevertheless, they only obtained it in the early 1990s, when the advisory council almost ceased to meet. This is not a paradox but a partial confirmation of feminists' suspicion that IW femocrats have not been truly interested in building permanent bridges of collaboration with the women's movement.

Why are informal and formal relationships between feminists and femocrats so scarce and tense in Spain? The question is particularly intriguing given the fact that many feminists, who in the 1980s were sceptical (or even opposed) to the establishment of state feminist institutions, have eventually accepted the desirability of the existence of these machineries, even if they are still very critical of what IW femocrats actually do. As for informal links, in other countries such as the Netherlands (Outshoorn 1994a: 5–6) or Australia (Franzway, Court and Connell 1989: 138), an important number of femocrats had previously been members of women's organisations. In fact, in many cases, having been engaged in the feminist movement is a 'merit' in the curriculum vitae of candidates applying for a position in a state feminist institution. These countries are precisely those in which frequent informal links exist between feminists and femocrats. When some of the former decided to work for the state, they found it natural to maintain their personal ties with women who remained in the movement, their companions in past battles. In Spain the fact that only a minority of IW femocrats were activists before they became state feminists definitely prevented the maintenance of informal relations with women in the movement, simply because these links had never existed.

The Spanish feminist movement is highly fragmented. According to IW data, approximately 100 women's associations (not all of them feminist) exist at national level, and some 3,000 at regional and local level. For some feminists, this atomisation is a rather positive feature of the movement, because, in consequence, women with very different interests can find the organisation most appropriate for them. On the contrary, most femocrats see fragmentation as an insurmountable obstacle to collaboration between them and feminists, because the latter have so many spokespeople and points of view.

The establishment of long-term cooperative links between feminists and femocrats has also been hampered because some of the latter have not seen collaboration as necessary or even desirable. Some state feminists consider that public policies should be formulated only by policymakers, since they are members of, or have been appointed by, political parties elected by the population. Activists in the women's movement are perceived as illegitimate participants in the policymaking process, since they have not been elected to play this role. Similarly, some femocrats think that public policies should be implemented exclusively by state officials, because they have passed the required public examinations to work for the state, and therefore in theory have the necessary qualifications to perform that task. Feminists are seen either as individuals who do not have the required technical skills to implement public policies, or as merely enthusiastic amateurs completely ignorant of the bureaucratic rules of procedure.

Some activists in the women's movement have also opposed the idea of collaboration with institutions. This attitude has historical roots. Some feminist groups were formed in the late 1960s and early 1970s, and participated in the opposition to the authoritarian regime (Scanlon 1990: 94). This experience left most feminists with a legacy of ambivalence towards the state, given that for many years they had fought against those who held political power, instead of learning how to use state resources to achieve feminist goals.

By far the most important formal contact between the IW and women's groups has been the subsidies the former has given to the latter. Approximately 10–15 per cent of the IW's budget has been devoted to subsidising women's (but not necessarily feminist) organisations. Subsidies of this type also exist in other countries, for instance France (Mazur 1995:91–2), Germany (Ferre 1991–2), and the Netherlands (Outshoorn 1994a). In Spain, in the early years of the IW, subsidies were granted without the IW specifying definite criteria regarding the type of projects to be organised. Conversely, since the late 1980s, the IW has only been subsidising programmes whose objectives have been strictly defined in accordance with the IW's priorities.

The policy of subsidising the women's movement has had the unintended effect of raising the level of animosity of activists towards the IW. Many feminists have been deeply critical of this policy, but this has not impeded them from continuing to apply for, and receive, subsidies. Some activists suspect that the organisations which have received most funding are those which have close links with the ruling party and not those which have worked the hardest to improve the status of women. Some feminists have argued that by imposing such strict criteria about the type of projects to be subsidised, the IW has jeopardised the autonomy of the movement. This is because the IW has indicated to women's organisations the type of activities they should concentrate their efforts on. In order to understand this complaint, it should be noted that the IW has

increasingly subsidised projects (such as refuges for battered women or centres which provide support to separated or divorced women or rape victims) but organisational weakness undermines the support it offers to a broad range of issues. Feminists have thought that these projects are very useful in improving the status of certain women. Nevertheless, feminists also believe that the projects should not be exclusively dedicated to the provision of services that the state cannot or does not want to provide. Other activities are also important for some women's groups, e.g. consciousness-raising activities, but in general these are no longer subsidised by the IW as they were a decade ago.

Feminists have also criticised the fact that, in their view, subsidies have been given in some cases to women who have not been 'true' members of the women's movement but instead opportunist newcomers to the feminist milieu. They have actually been unemployed women in search of selfemployment. The Spanish female unemployment rate (in percentages) rose from 20.8 in 1983 to 27. 6 in 1988, then fell to 25.4 in 1989, before rising again to 29.2 in 1993 (El País 1995:435). Given the high female unemployment rates and the existence of IW subsidies, some unemployed women might have established feminist associations which provided the type of social services that the IW has consistently subsidised. These associations might in fact have been primarily created to give their founders jobs.

In short, generally speaking, relations between IW femocrats and feminists have been scarce and conflictual. State feminists have maintained very few informal links with the women's movement. The access of feminists to IW decision-making has been extremely limited. The main formal link between most activists in the women's movement and the IW has been the subsidies that the latter granted to the former. As a consequence, both have lost crucial opportunities to initiate political reforms, and this initiative has been taken by other actors such as political parties. Abortion provides a telling example of the limitations arising from the failure of feminists and femocrats to actively collaborate. Act 9 of 5 July 1985 allows abortion in three circumstances: when the woman has been raped, when pregnancy would seriously endanger the life of the mother, and when the foetus has malformations. The majority of IW femocrats and feminists are in favour of a more permissive abortion law. Nevertheless they have not collaborated, in that the former initiate broad public debate about the issue and the latter organise mobilisations. In the absence of joint action, an initiative for political reform which might lead to the approval of a less restrictive legislation has been left to other actors, for instance the political party in power.

CONCLUSION

Through the study of the main state feminist institution of the central state in Spain, this chapter has shown that the impact of state feminist machineries on policymaking is significant, since public policies established by the IW or by other state units at the IW's request have raised the status of women. The IW itself has established three types of measure: the promotion of research on gender issues, the diffusion of information about women's rights, and the reception and handling of complaints of discrimination against women. The IW has neither the responsibility nor the budget to establish most gender equality programmes, but has been given the explicit function of trying to persuade other state units to set up these programmes. The IW has been quite active in the task of defining public problems, that is to say, in persuading state officials that issues which in the past were seen as 'private', such as domestic violence, are in fact social problems which deserve attention and solutions from the state. State feminists have also been able to include gender equality measures in the agenda of other politicians and senior bureaucrats. In contrast, the role played by IW femocrats is usually modest or even irrelevant when policies are formulated and implemented.

Relations between feminists in the Spanish state and those in society have usually been rare and conflictual. As a consequence, both have lost crucial opportunities to push state officials further down the path of equality. Activists in the women's movement could have acted as the eyes and ears of state feminists in the task of ensuring that equality programmes were actually implemented. This has not happened, and as a result the IW has not in fact controlled the implementation of these programmes, which, given the IW's resources, is an enormous task. Concerted action between femocrats and feminists could also have been taken in order to reform some legislation, such as the Abortion Act. In the absence of cooperation of this type, the initiative for political reform has fallen to other political actors.

As for future research, it might be interesting to explore the real impact that gender equality policies promoted by femocrats have had on the lives of different sectors of the female population. In particular, it would be important to know if these measures are in fact reducing the inequality of opportunities for women—a traditional feminist aspiration. As this chapter has shown with regard to the IW information centres, it might be the case that equality policies have been disproportionately beneficial to some women, for instance to those who live in cities and are younger (or in case of measures other than the information centres, those who have completed university education), that is, women who are already in a better position with respect to other women (and some men). Research in Denmark for example, has similarly indicated that state feminists have been embracing the interests of well educated, rather than unskilled or marginalised women (Borchorst 1995:72–3).

A second question to be addressed in the future would concern the style of policymaking in feminist bureaucracies. The IW has been able to convince other institutions that the establishment of equality measures is an appropriate and desirable political goal. As has been explained by Drude Dahlerup (1993:18) writing about the Danish case, the art of political persuasion consists of advancing demands that do not irritate political opponents, and in finding points of common agreement with them, while in some cases abandoning other demands. These also happen to be characteristics of the political actions of IW femocrats, but other aspects may also exist which have yet to be explored in the Spanish and other national contexts.

NOTES

1 This chapter originated as my initial contribution to an international study of state feminism in advanced industrialised societies, directed by Dorothy McBride Stetson and Amy G. Mazur. I am indebted to both of them for the organisation of such a theoretically challenging and empirically interesting research project, whose first outcome was the volume edited by Stetson and Mazur (1995). The first findings about state feminism in Spain were published in Valiente (1995). I am grateful to those interviewed for this chapter for generously giving their time and providing me with valuable information and insights. I would also like to thank Berta Álvarez-Miranda, Justin Byrne, Elisa Chuliá, Robert Fishman, Josu Mezo and José R. Montero for their comments on earlier drafts, prepared for the Conference 'Crossing Borders: International Dialogues on Gender, Social Politics, and Citizenship', Stockholm, Sweden, 27–9 May 1994; and the World Congress of the International Political Science Association, Berlin, 21–5 August 1994.

2 The research for this chapter has mainly consisted of analysis of published and unpublished IW documents, legislation, political party documents, and thirtyfour in-depth personal interviews with IW personnel and members of feminist organisations conducted between March and September 1994. In order to maintain the anonymity of those interviewed, their names do not appear in this chapter, but are available on request.

3 These opinions (with which the authors do not agree) can be found in Eisenstein (1991:22, 76–7) and Stetson and Mazur (1995:2).

4 This sort of positive assessment informs most of the recent scholarly literature on state feminism.

5 These arguments found in Watson (1990:10) are not presented as Watson's own views.

6 From the second half of the 1930s until 1975 Spain was governed by a rightwing authoritarian regime, which was notably anti-feminist.

7 The establishment of the IW and the main formal characteristics of the institution are described in Valiente (1995).

8 For example, in France in 1986, the Ministry of Woman's Rights was downgraded to a Delegation on Women's Status dependent on the Ministry of Social Affairs, and its operating budget was reduced (Mazur 1995:82).

9 One caveat is necessary at this point. The evaluation of the IW's impact on policymaking made here is not complete because the costs of the IW's achievements are not measured. Therefore this article does not raise the question of whether the objectives attained by the IW could have also been achieved through the same concrete programmes but organised at a lower cost, or through other, less expensive programmes.

10 The agenda 'is the list of subjects or problems to which governmental officials, and people outside the government closely associated with those officials, are paying some serious attention at any given time' (Kingdom 1984:3).

11 The low importance attached to the function of controlling the implementation of gender equality measures is reflected, for instance, in the low number of people who work in the IW legal department. In the spring of 1994, when most of the interviews for this research were conducted, five people worked in the IW legal department, which was responsible for, among other matters, examining the implementation of all central state gender equality policies in Spain.

12 These information centres were not a creation of the IW, because an earlier central state feminist institution, the *Subdirección General de la Mujer,* dependent on the Ministry of Culture, had already set up three, which the IW inherited when it was established. The number of centres were: three until 1984; four in 1985; ten in 1986; and eleven since 1987.

13 At least not until May 1994, when the last interview with a feminist was conducted for this article.

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8
The organisation of equality policies at the local level
The case of Norway[1]

Janneke van der Ros

I want to use the opportunity of this ECPR workshop on equality policies to reflect on some issues relevant to studying equality policies at the *local level* of the Norwegian political system. The main task of one of my research projects, commissioned by the Ministry of Child and Family Affairs (which is the Ministry coordinating equality policies) is to find more effective models for organising equality policies at the local level. In such a commission lies an implicit understanding that policies, *in casu* equality policies, can be steered through by the manner in which these policies are organised. I want to discuss the issue of organisation as a governing or steering method. I will do so by comparing models at two levels of government, and I distinguish between 'women's (oriented) policies' and 'equality policies'. Women's policies/women-oriented policies denotes those public policy measures explicitly aimed at improving women's situation, while by 'equality policies' I mean measures aimed at both women and men. In the discussion, I will use the institutionalist perspective.

I will start this chapter with a short introduction to the Norwegian political system at the local level. Thereafter, I present an overview of official equality policy strategies for the 1990s, and discuss some dilemmas inherent to these policies. In the third section, I compare organisational models for women's policies and models for equality policies at the central level of government and consider how these relate to the organisation of these policies at the local level.

THE NORWEGIAN POLITICAL SYSTEM AT THE LOCAL LEVEL

In the Norwegian political system, the local level has a high degree of governing responsibility. Historically, the political culture can be described by contradictions between local and central (i.e. state) authorities. These contradictions are, in part, a result of class cleavages between the growing city bourgeoisie and farmers in the countryside (Holmer Hoven 1989). The relationship between central and local authorities has again become a central

theme in research on municipal government (Nagel 1991). From one perspective, central authorities constitute the main frame. Through legislation and the distribution of funds, central authorities impose important tasks and welfare regulations on municipalities. These then are merely the implementers of central policies. From this perspective of central command, the issue of ensuring equal conditions and welfare facilities for all citizens is at stake. From another perspective, the issue of local sovereignty, of local democracy and local self-government is more important—in other words, decentralisation. The geography of Norway, with long distances and (relatively) sparse means of communication, underlies local independence.

The dilemma of ensuring equal conditions for all citizens in all geographic areas versus local self-determination and independence is still an important feature of Norwegian politics, not least for welfare policies, which for the most part are redistributive policies. The tendency these days seems to emphasise the ideology of local self-goverment and local democracy, at the cost of equality ideology (Kommuneprogrammet 1988). This tendency may be detrimental to the pursuit of women-sensitive and women-oriented policy measures.

Local authorities are responsible for providing public services such as elementary schools, daycare, healthcare and social services, care for the elderly, local roads, renovation, water and sewerage. Other policy areas for local government include encouraging and supporting economic development and providing the infrastructure for industrial development, as well as environmental policies and cultural policies. The healthcare and social services budgets represent the highest share of municipal expenses: two-fifths of total municipal expenditure. The next largest expense, a quarter of municipal expenditure, is that of elementary schools (Bukve 1991:87). Nagel asks whether or not we are witnessing a shift in local authorities' interest in industrial and economic development, and if such a shift will lead to less welfare policies (1991:23). I will add that such a shift in priorities and interests has women-specific consequences, especially if this shift goes together with the earlier mentioned tendency toward devaluing equality.

Although Norway is a sparsely populated country (4.3 million inhabitants), the number of local political entities, municipalities, is surprisingly high: 445. More than half of these have less than 5,000 citizens, and less than 10 per cent (thirty-three) have more than 20,000 inhabitants *(Statistisk Årbok* 1986). The traditional local political system consists of:

1 A local council (kommunestyret) elected for a period of four years. The number of council members varies between thirteen and eighty-five.
2 An executive committee of the local council (consisting of a quarter of the council members) headed by the mayor, and elected by, and from, the council members. The mayor is elected for a period of two years only.

3 Five or six main local boards/committees: a school board, a board of culture and leisure, a board for social matters, a board for technical matters and finally an administrative board, administering personnel questions.
4 In addition there are a number of other committees under these main boards, e.g. a committee on gender equality policy issues.

The political boards parallel, to a large extent, the structure of local public administration. In recent years quite a few municipalities have been experimenting with other organisational designs, for example, a more parliamentary-style governing model. Local council members are elected through party lists every fourth year. Members of the local boards are elected indirectly, by council members. Candidates come from the party lists as well. Council members are usually also members of one or several of the local boards or committees. As such, a council member can have at least three different positions: as council member, as board member and as member of the executive committee of the local council.

Earlier, turnover of local politicians used to be rather low, but in the last ten to fifteen years turnover rates have been increasing. In some municipalities up to three-quarters of council members have been replaced at election. This is true for both male and female politicians, with a slightly stronger tendency for female local council members to withdraw after only one period in office. High turnover rates among council members are partly a result of resignations, and partly due to voter activity. Voters can 'remove' candidates from the ballot. In the 1991 local elections, women candidates in particular were victims of voter discontent, resulting in a decline of women's representation at the local councils from 33 to 28 per cent.

As mentioned earlier, local municipalities (the local politicaladministrative system) implement state policies in a large number of policy sectors: public schooling, welfare measures, healthcare, for example. Equality policies, i.e. policies to increase equality between women and men, are to a large extent formulated at the central level, but supposed to be set out at the local level. In the following section I will give a description of the main points of the official equality policies for the 1990s, formulated in the Parliamentary Bill on Equality Policies by a Social Democratic Government headed by Prime Minister Gro Harlem Brundtlandt (Stortingsmelding 1991–2).

EQUALITY POLICIES FOR THE 1990s

The main goal for equality policies is to create equal opportunities for women and men in all areas of life. The government defines its task in equality policies as ensuring 'equality in conditions for women and men enabling them to use their potential in realising "the good life" for themselves, their children, and for

the best interests of society'. This indicates a shift from the earlier Bill, in that *children's well being* and *society's best interests* have become more emphasised (Stortingsmelding 1984–5).

In the recent bill, setting out equality policies for the 1990s, two foci are important: one central focus is on policies towards children and towards improvements in childcare. The second focus of attention is to increase economic independence for women, through equal wage policies, and through a larger emphasis on comparable worth measures. I see two important ideological points of departure in this bill: first, women and men are *different,* which is a positive feature for society, unless these differences imply gender inequality; second, both women's and men's interests are important in equality policies. As a background for the further discussion, I will present some of the main features of women's (and men's) conditions with regard to equality/inequality as described in this bill.

With regard to *educational levels,* sex differences have diminished considerably in the last ten to fifteen years and continue to do so. However, with regard to type of education, both boys and girls are still very traditional in their educational choices, resulting in gender-specific job opportunities, and a continued 'sexegated' (short for sex-segregated) labour market.

Instead of the earlier equality policy strategy, aimed at trying to break these gender-specific educational choices, and at motivating primarily girls toward non-traditional choices, the government now emphasises ways of strengthening the status-profile of female-dominated education. Women's educational choices are actually favourable in a changing labour market, where industrial development is slow and the number of jobs is decreasing. It is in the service industry, and not least in the public sector, that the number of jobs has increased. Now, the breaking of gender-specific educational choices is aimed at boys' choices. It is important to note, though, that in general, women's returns on high educational attainment, with regard to status and income, are lower than men's.

With regard to *conditions in the labour market,* there are four important tendencies:

- Women's participation in the paid labour market has increased momentously since the early 1970s, while men's has decreased.
- As in all western economies, unemployment rates have increased substantially, in most cases more for men than for women, and especially among young people (both women and men).
- Health problems as a result of poor working conditions have increased for women (or else these consequences have become more visible).
- Sexegation of the labour market has not changed to any large extent, neither horizontally nor vertically. But the number of women in leading positions at an intermediate level has slightly increased.

With regard to the connection between Family *obligations* and *labour market relations,* the bill points to the grave difficulties young couples with small children encounter, juggling between demands from both family sphere and work sphere. A new concept to describe this is the 'sixty-hour man', i.e. the young father working sixty hours a week (Ellingsaeter 1991:143–67). With regard to *trends in the nuclear family,* the following tendencies are described in the bill:

- Decline in family size, due to a decline in the number of children per couple, and because of 'a decrease in parents' (an increase in one-parent families).
- Less stability in marriages/partnership between women and men: serial monogamy is the term here—resulting in the 'my, your and our children' syndrome (van der Ros 1990).
- Increased numbers of people living alone, the majority of these being women.

These tendencies point to an important change in women's lives: the traditional nuclear family as a frame for women's lives has a far less central position. Only one-third of Norwegian households are 'nuclear family households'. This short description of the main goals in equality politics and of how governments understand the situation of women (and men), is a starting point for discussing equality policies.

When it comes to spelling out political strategies to improve women's (and men's) actual possibilities to pursue their potentials and wishes for 'the best for themselves, their children and for society as a whole', the Norwegian government concentrates on measures around facilitating childcare. The argument is that 'good family policy is good equality policy' (Stortingsmelding 1991–2:25). Some important points of departure in the programme of 'Childcare in an equalised society', as it is called in the bill, are some of the following value statements:

- Children need both mother and father; in other words, the nuclear heterosexual family serves as a model even though realities in family models have changed.
- Daycare centres are good for children.
- Both labour market participation and family life are important for both women and men, or more specifically: labour market participation is important for women, to ensure economic independence. Participation in family life is important for men, to ensure good relations between father and child(ren).

Some of the most important barriers for equality are attributed by the authorities to:

- Men's lack of activity in the private family sphere, with regard to both household tasks and caring work.

- The labour market's organising principles, not taking employees' family obligations into due account.

In other words, in this bill, the central authorities point to (1) individual men's reluctance to participate in the private family sphere, and (2) to structural features in the public sphere, especially in the economic sphere. In discussing equality policies at the local level, it is important here to underline that local authorities have little power to alter these types of barriers. The question is how, then, against the background of the descriptions of the main goals, the conditions, the hindrances, and the value statements, does the bill formulate strategies for increased equality in conditions for women and men?

Two dimensions are important here: (1) public versus private responsibilities, and (2) central versus local government. The government's programme with regard to improving conditions for children from 3 to 10 years of age contains provisions for increased *public* caring responsibilities:

- More daycare centres, both traditional and new daycare facilities.
- Starting elementary school at age 6 instead of 7.
- Increasing public after-school care facilities for schoolchildren in the younger age brackets (6–10 years).

An important aspect is that these public caring measures are the responsibility of *local* government. It is suggested that the caretaking of babies and very young children (from 0 to 3) be improved by facilitating *private* caretaking, by encouraging parents to stay at home,[2] with financial support provided by central authorities. Four measures are important here:

- A change in labour legislation by expanding the right to parental leave from one to three years (i.e. leave of absence without risking loss of job).
- The introduction of a 'time-account' of parental leave; the paid parental leave period of fifty-two weeks can be taken in different ways, to afford flexible solutions for parents and their workplaces, e.g. two years of parttime leave/ part-time instead of one year of fulltime leave. The payment during leave amounts to 80 per cent of the mother's income, and may thus imply serious reductions in the family's income if the couple decides on 'father leave'.
- An 'obligatory' father leave of four weeks; four out of the fifty-two weeks of parental leave are reserved for the father. If he does not want to make use of this opportunity, the couple loses four weeks.[3] The obligatory aspect provides mothers with an (albeit) mild pressure on negotiations in the family, i.e. mothers who have been in the paid workforce, otherwise fathers will not get paid during their father leave.
- Caretaking work provides pension rights for women.

Table 8.1 Division of responsibilities in gender equality policy measures

Responsibilities	Public	Private
Local authorities	Measures for children 6–10 yrs	
Central authorities		Measures for children 0–3 yrs

Relating these policy measures to our discussion of gender equality policies at the local level gives the following picture: the three measures suggested for children of 6–10 years of age improve women's possibility of becoming (or staying) active in the workforce, and, as such, enhance and equalise their career options in competition with male (and other female) co-workers. The welfare measures are to be provided by the *local* authorities. Increased local self-government and independence from centrally formulated political obligations may mean increased inequality between women in different municipalities, since some municipalities will aim at providing sufficient childcare facilities while others will not.

The four measures mentioned for children aged 0–3, facilitating private arrangements through state funding, imply two types of negotiations: first, between parents (if there are two parents), and second, between parents and employers (both private and public employers). Women's negotiating conditions have been improved, but the negotiating itself is still a private matter. This may bring about unequal conditions between employees in the private sector versus those in the public sector, the public sector supposedly being more positive in meeting mothers' (and fathers') needs for leave of absence (see Table 8.1).

Before discussing the organisational model of equality policies at local and central levels, I will discuss some dilemmas inherent in equality policies.

SOME DILEMMAS IN EQUALITY POLICIES

The question of the organisation of gender equality politics is a question of organising the problem of difference. According to the Swedish political scientist Maud Eduards (1983:146), the issue of difference can be expressed in three different ways:

1 As the ideal of 'different but of equal value': this approach has resulted in a policy of re-evaluating women's traditional work. An example here is the policy of admitting pension rights for women's care-work at home (for their children or for sick or disabled relatives).
2 As the ideal of 'women being equal with men', where men provide the standard. Here, equality means equalising women with men. Differences

between the sexes are undercommunicated. This is expressed in politics where women are assuming larger public responsibilities. An example here is women's access to the military.

3 As the ideal of 'men becoming more like women'. Here, equality means equalising men with women, expressed by trying to encourage men to increase their responsibilities at home. One example of this is the parental leave act, where, as mentioned earlier, four of the fifty-two weeks of parental leave are 'obligatory' for fathers. Another example is positive discrimination or affirmative action programmes for men, e.g. with regard to access to women-dominated vocational training and to womendominated workplaces.

What are women anyway?

Eduards points out a central ambiguity in equality policies, an ambiguity which comes from our culture's dual view of women:

- women as economically independent *individuals,* and simultaneously
- as socially dependent: *apart of a.* (nuclear) family: a wife/partner and/or a mother.

A man is always, first and foremost, viewed as an independent individual, economically, socially and politically. A woman is someone in relation to others, in a family setting. In such a cultural understanding of women and men, the concept of citizenship is gendered: it is a dualist concept meaning different things with regard to women and men: the citizen-worker and the citizen-mother, in Kernes' (1987) terminology. Siim (1991) points out that as a consequence of this double-content of citizenship, women's interests have been subsumed under the 'universal' interests of the worker.

Simply stated, we could say that the citizen-worker *has* a family, the citizen-mother *is in* a family. Public policy will have different aims when pursuing an improvement in the living conditions of these two types of citizen. Welfare state policies become gendered as a result of a gendered concept of citizenship. One might suggest that the present gender equality policies aim at creating a 'citizen-father', i.e. a man with caring responsibilities, built in, for example, to the parental leave measure. Ironically, the 'caring status' of this citizen-father is made dependent on his wife's labour market activity.[4] We may add that the latest equality bill also creates the citizen-child. The caring needs of small children, as understood by central authorities, become thwarted when women's conditions as individuals, as economically independent, are equalised with men's. Unless of course the citizen-father or the welfare community steps in to ensure children's needs.

   The Parliamentary Bill on Equality Policies for the 1990s shows that the most problematic point in the principles of gender equality, and as a basis for political action, lies precisely in these ambiguities between the interests of the individual woman and the interests of her family. Ian Forbes discusses equality of opportunity as one of the most 'striking examples of the association of equality principles with practical political action to bring about change' (1990:17). Here he notes that all (i.e. radical, liberal and conservative proponents of equal opportunity) agree 'that the family is an obstacle to the implementation of equal opportunity' (ibid.: 30). As mentioned above, in the Norwegian bill an attempt is made to resolve this dilemma by stating that good family policy is good equality policy.

   Formulating principles for gender equality policies, then, can either take as its point of departure the view of women as individuals, the view of women as family members, or try to do both at the same time. It should be no surprise, then, that first, the government office responsible for the overall coordination of gender equality issues is the Office for *Family and Equality* issues, and second, that this Office is subsumed under the Ministry of Child and Family Affairs. The dual concept of women as individuals and women as family members is 'baked' into the organisational design. The contradictions arising from these two points of departure can be found in the many contradictory equality policy measures. On one hand ensuring women's economic situation, e.g. in comparable worth policies, while on the other hand ensuring women's situation as mothers, e.g. legislation encouraging mothers to stay at home with their newborn children (and fathers, for a period of four weeks).

   Contradictions become serious when policies aimed at improving women's 'individual well being' conflict with their families' well being; which of course is bound to happen in a society that historically has been organised around the interests of men and the well being of their children. Regularly, therefore, equality policy is perceived as a zero-sum game: what women 'win', men (and their children) have to 'lose'. Not surprisingly, many men (but also many women) have been, and are, negative, or at least ambivalent to, equality policies (Holter 1992:19). This stems from the notion that 'scarcity requires distributive justice, and that redistributive action is justified' (Forbes 1990:21).

   In the above section I discussed some dilemmas inherent in equality policies as formulated at the central level. Earlier I touched upon dilemmas in the relationship between central and local authorities. Now I will discuss some organisational issues: how are equality policies and policies towards women organised at the central level, and what are the consequences of these organisational designs for equality policies and for policies towards women's issues at the local level? The main aim of the next section is to describe different ways of defining and organising gender equality and women-oriented policies, and different ways of organising the links between central and local authorities.

THE ORGANISATION OF EQUALITY POLICIES AND WOMEN'S ISSUES AT THE CENTRAL LEVEL

Central authorities policies concerned with the organisation of gender equality politics at the local level are concentrated mainly—though not exclusively (Skjeie *et al.* 1989)—in two ministries:

1 The Ministry of Child and Family Affairs (CFA), as the coordinating ministry, together with the National Norwegian Gender Equality Council, which is the main central contact for local equality committees. The measures used by the CFA towards local authorities is mainly planning and organising. The focus of this Ministry's measures in local equality policies is the *political* system, i.e. elected bodies such as local equality committees. Guldvik (1992) describes this as an ideology-oriented policy, a women-specific strategy for integration, where the idea is that understanding women's situation precedes action. The leading idea here is that once political actors are able to see the world from women's perspectives, political priorities will take women's interests into account.

2 The second ministry dealing with local policy issues is the Ministry of Municipal and Labour Market Affairs (MLA). Two offices in this ministry are of importance: the Office of Municipal Affairs dealing with overall planning issues, and the Office of Regional Development. In this office, the main focus with regard to defining 'the women's question', is population imbalance in sex and age groups in peripheral areas, due to the migration of young (often well educated) women from peripheral to more central areas. An important goal in regional politics is to sustain decentralised settlement. One important political measure is to encourage economic development through economic incentives to create jobs. Another important policy is to improve social and cultural living conditions in peripheral areas, in order to stop, or at least slow down, the migration of young women. The policy focus is on improving the demographic (im)balance of regional areas by enhancing (particularly women's) living conditions and job opportunities. The MLA has considerable financial measures for regional development. Guldvik points to the fact that the focus of this Ministry in integrating women's issues in local and regional systems is the *administrative* system (ibid.: 59). A number of local and regional women's programmes have been started, appointing women's programme directors in local[5] and county administration (see also Lotherington 1992). Another programme: 'Municipal Planning on Women's Terms' was a coordinated effort of the planning section in the Ministry of Environmental Affairs and the MLA. These, and other types of projects are, according to Guldvik, the result of an action-oriented strategy for the integration of women's issues. Here, the

Table 8.2 Difference in approaches to gender equality and women-oriented policies in different offices in the central administration

Ministries	Child and family	Municipal and labour
Description of policy	Gender equality	Women-oriented
Organisational culture	From ideology to action	From action to ideology
Financial resources	Small (Nok: 51m '92)	Large (Nok: 50m '92)
Locus of attention	Political	Administrative

> leading idea is that action will bring about understanding. This is the opposite of the CFA's approach, where understanding is assumed to precede action (Guldvik 1992:60).

In addition to several women's policy programmes, each of the eighteen counties has a Women's Issues Coordinator with tasks such as to encourage women's entrepreneurship in regional areas, to improve women's selfconfidence through self-help programmes, to support local authorities in integrating women's interests in policies towards trade and industry, and in local development policies. These coordinators were appointed for a period of five years and funded by the central authorities through the MLA's Office of Regional Development. After this period, the counties are supposed to integrate these tasks, or the coordinators' position in their administration. The most interesting point here is the totally different roads taken by those two units in central government with regard to integrating gender equality policies and women's issues in local and regional politics. I have summarised Guldvik's description of differences in Table 8.2.

Another interesting feature is the virtual non-existent cooperation between these two ministries with regard to their local endeavours, a noncooperation that is repeated at the local level: e.g. the Municipal Dream Project (see note 5) did not include the local equality committee in its networking groups, and neither did the Municipal Planning on Women's Terms project.

Before discussing the organising efforts with regard to gender equality policies at the local level, I want to underline a few factors to explain some of the differences, using an institutional perspective (Olsen 1988:61–77). First, I present some institutional features of the Ministry of Municipal and Labour Market Affairs (MLA) and compare these with the Ministry of Child and Family Affairs (CFA).

1 *Routines* are effective ways of screening information. Routines also provide patterns of action, ways of handling problems in a 'taken for granted' manner. Femocrats[6] in the MLA's Office of Regional Development are socialised in dealing with issues concerning economic development and the

distribution of grants (for a discussion on the femocrat concept, see van der Ros 1995a, 1995b). They deal with money. As feminists, their focus would eventually be on the uneven distribution of grants to women and men. Their measures will imply increased distribution of grants to women, or redistribution of grants. Since redistributive measures will usually meet larger opposition from strong political and economic actors, the use of distributive measures has been the rule: i.e. providing special grants to women's projects, and setting aside a certain percentage of general economic development funds for women. A relatively recently adopted measure is a provision for fund-renewal from central government by which local authorities have to demonstrate women-specific distribution of public funds.

2 *The contact patterns* of MLA femocrats are predominantly vertical, and they are primarily administrative: they deal with regional and local administrators. Trying to make these administrators 'see' the need for including programmes other than purely economic-oriented ones has been shown to be difficult.

3 *The organisational solution* in the Ministry was to establish a Women's Section. This organisational model was reproduced in miniature at county level, by providing funds for interested counties to appoint a Coordinator for Women's Issues, i.e. recruiting new staff with a different professional background.[7]

4 *The main purpose* is to ensure that there is a sufficient number of young women (as reproductive agents) in peripheral areas, and to increase the number of jobs for women, encouraging women to become entrepreneurs.

What then, are the central features of the Ministry of Child and Family Affairs?

1 For femocrats in the CFA, the central coordinating agency of equality policies, *routines* are predominantly political: they plan the parliamentary bills. They do not deal with money, they deal with words, values, ideologies. Their focus is not on one specific sector, since equality is supposed to encompass all areas of society.

2 The *contact patterns* for CFA femocrats are primarily horizontal with the National Gender Equality Council, which is a politically appointed board, and with equality 'agents' in other ministries.

3 Their *organisational suggestion* to local authorities has been to reproduce the national model at the local level, i.e. to establish local political gender equality committees. The tasks of these committees are to focus on all areas of local politics, to act as political initiators and as watchdogs.[8]

4 *The main purpose* of the CFA is to further gender equality and improve the conditions of women, men and children.

This sketch of some of the main features of these two ministries dealing with gender equality issues and women-oriented policy issues shows substantive differences. In the next section I will present organisational features of municipal gender equality policies.

EQUALITY POLICIES AT THE LOCAL LEVEL

What then, are the main features of organisational solutions at the local level? The municipal arena can be viewed in three ways relating to different aspects of its citizens:[9]

- It is *a social system:* providing public services to its citizens; in this system, citizens express their needs and demands as *clients,* or customers.
- It is *a political system:* providing the opportunities for democratic activity to its citizens. Here, citizens express their demands, needs and views as *voters,* as candidates or as elected officials.
- It is *an economic system:* providing work opportunities for a large number of (predominantly women) citizens. In this relationship between the local system and its citizens, demands and needs as *employees* are at stake.[10]

Historically, the first local committees on women's issues were set up in conjunction with the United Nations International Women's Year in 1975. Local councils in 300 of Norway's 445 municipalities established committees to work for local Women's Year arrangements. After 1975, women campaigned for the establishment of permanent local committees, and these grassroot efforts were supported by the National Gender Equality Council.

Almost all of the local councils in Norway have, more or less enthusiastically, followed this recommendation and established local committees for gender equality issues. This is a traditional organisational model: a new area of politics established in a committee/organisation of its own (Olsen 1988:58; Bukve 1991: 106). In constituting such a local committee, party representation is one important feature. The expertise of members on the specific area of politics is another important criterion for selecting the party candidates. As such, a new area of politics may provide access to new actors. Different from most other local political committees, the sex composition of the local gender equality committee members is highly dominated by women.[11] These committees may, then, function as an access channel to the larger local political system; they may provide a training ground for political citizenship for a relatively new group, women. Furthermore, these committees may provide a training ground in the politics of gender equality for traditional male (and female) politicians unfamiliar with the problems women encounter in a sexist and male-dominated

polity. Understanding brings forth action, in CFA's organisational cultural ideas, as I pointed out earlier.

The functions of the local gender equality committees are diverse. It is important to note here that there are no statutory orders. Central authorities can only impose new policy measures on municipalities through legislation (Bukve 1991:117). In the Law on Municipalities, there is a general paragraph pointing to the local authorities' duty to provide conditions for furthering gender equality. The paragraph is stated in very vague terms, with a variety of possible interpretations. A more precise legislative order concerns the composition of local boards and committees in general, ensuring at least 40 per cent of the members are women (or men, on womendominated boards). Another efficient way for central government to induce local authorities to accept new policies is to offer special grants. This is not a path choosen by CFA. Similar to the National Gender Equality Council, an important role of the local gender equality committee is to function as an advisory committee for the local council, to be a watchdog, and to inform citizens. In many municipalities, support and training for local women politicians became a prioritised task. These efforts to increase women's political representation, both quantitatively and qualitatively, can be seen as an empowerment strategy for the committees: access to the political agenda is more efficiently assured by access to the political agenda-setters, i.e. by having women become part of the political elite, and a knowledgeable part at that.

Another type of task many committees are involved in, suggested and encouraged by the central level (i.e. the National Gender Equality Council) is the drawing up of Plan of Action documents. Usually, these consist of three parts:

• A discussion of the equality policy goals of the local council, normally using the official goal as formulated in the Parliamentary Bill: equality of opportunity for both women and men in work, education and leisure.
• A description of the 'state of affairs', of women's situation in the local area, and in the political and administrative subsystems.
• A formulation of actions, concrete measures, and ways and means to improve women's situation.

Such plans of action may have been discussed in the formal political forum of the local council, and have been applauded. Very often these plans subsequently end up in the 'archives of good intentions'. Not all local gender equality committees have abided by the suggestion/request from the central authorities to draft plans of action and, as suggested above, not all plans are, in reality, activating documents.

Quite a few gender equality committees experience burn-out among their members, expressed in high turnover, low activity rates and low degrees of

genuine involvement in the issues. In addition to reluctance and apathy, we have noticed direct opposition. In an earlier study Halsaa and van der Ros concluded that equal status bodies at the local level had to deal with quite a few problems, explaining their relatively low activity level and relative minor political impact. They have few resources and limited power to promote equality objectives. Many committees have few interested and/or knowledgeable members, the working conditions are quite tough in many cases (small funds, poor administrative assistance), and the functions they are supposed to have are described in vague and abstract terms (Halsaa and van der Ros 1989).

CLOSING REMARKS

The aim of this chapter has been to discuss some dilemmas in gender equality policies, both ideological and organisational. One dilemma concerns the relation between national and local level: the decentralisation of equality policies to the local level enlarges governing problems, due to the local authorities' autonomy in the Norwegian political culture. Governing measures, such as legislation and financial support, are not part of the CFA's repertoire with regard to equality issues. Other dilemmas are to be found in the problematic concept of citizenship, and in women's roles in private and public life. Norwegian authorities aim at combining gender equality policies and family policies, and this implies undercommunicating power issues.

Furthermore, I have tried to illuminate some problems in gender equality policies by presenting another type of women-relevant policy: women's issues in regional development, which is governed by another ministry. In this policy area both organisational designs and financial resources are quite different from those of gender equality policies. Using an institutional perspective helps to clarify and explain some of these differences, and may point to possibly effective changes.

NOTES

1 I want to thank the members of the ECPR workshop in Madrid for fruitful discussions, especially the discussant of my paper Jet Bussemaker for her thought-provoking comments. Furthermore, comments from my colleagues Beatrice Halsaa and Ingrid Guldvik and discussions with the Coordinator of Women's Issues in the county of Oppland have been very useful for me.
2 The bill uses gender-neutral language here.
3 If there is no 'couple', i.e. no father present, the single mother is allowed fiftytwo weeks of leave.
4 Earlier the socio-economic status of the citizen-mother depended on her husband's labour market position.

5 e.g. the 'Municipal Dream Project' in Andøy Kommune, in the north of Norway. MLA granted Nok 5 million to a small municipality to involve women in local development projects and to raise awareness of women's interests and needs among local politicians and administrators.

6 Femocrats is a term coined by Australian political scientists denoting feminist bureaucrats.

7 This organisational design was changed in 1992: the Women's Section in the MLA's Office for Regional Development has been disbanded, and the femocrats are 'integrated' in the general administration. The organisational advice towards lower levels of administration (county-level) is similar: to integrate women's policies in the general administration.

8 Interestingly, this organisational model at the central level is changing: CFA established an Office for Gender Equality Policy issues, and the Ministry has proposed changes in the role of the National Gender Equality Council from acting as 'watchdog' to emphasis on research and development.

9 These three components of (women) citizens: clients, voters, citizens and public employees, were first introduced by Helga Maria Hernes. For an English discussion, see *Welfare State and Women Power: Essays in State Feminism,* especially Chapter 2.

10 In this chapter, the local system as employment system, and the subsequent personnel policies towards women and/or towards equality, will not be discussed: equality measures in the labour market, also in the public part of this market, are the results of negotiations and agreements between the large employer and employee organisations.

11 Social policy boards at the local level have strong women's representation as well.

Part III

Privatising equality, gendered citizenship, inter/transnational influences

9

The privatisation of equality policy in the British employment market for women

Ian Forbes

British sex equality policy has developed into an interestingly complex phenomenon. It has an identifiable and settled core, based on an entrenched legislative base as well as a burgeoning set of policy measures with national and European dimensions, and an extensive and varied periphery enlivened by debates and developments touching on all areas of the public and private realms. As a result, the policy arena is now broad rather than marginal and ghettoised, and 'gendered' analyses of public policies are much more likely to be given a hearing. However, equality for women has not been the evident consequence of this maturation of sex equality policy, despite a number of changes of benefit to women as a group and some individuals. Rather, the institutionalisation of anti-discrimination measures is the principal outcome, and this deserves proper attention and explication. Perhaps more interesting, however, are the secondary outcomes: the widening of the political opportunity structure for women; the emergence of evidence of the efficacy of policies and their implementation; the experimentation with new methods of introducing change; the shifts of foci for action; and the identification of new areas and sources of inequality and resistance to change.

The nature of equality policies and practices in Europe has changed in the last twenty years, a period in which, arguably the most significant set of changes in the post-war period has occurred. In that time, the key phenomenon effecting the policy environment in individual countries has been the truncation of welfare state responsibilities consequent upon the spread of a New Right economic and political framework for understanding the role and responsibility of the state. In Britain, often regarded as the European pioneer of that framework, political implementation took a particular shape consistent with the ideology of Thatcherism, the legacy of which has identifiable and negative effects on equality policy. Specifically, the attractions of the policy of privatisation have led to the formulation and implementation of a philosophy of public service provision capable of doing long-term damage to the equalities movement.

In the first part of this chapter, general developments in equality policy are discussed, using the notion of anti-discrimination to address the relevant elements of public policy. Part two reviews the essential elements of an antidiscrimination policy. Parts three and four explore recent developments in Britain and the implications for equality policy in general. In brief, my argument is that the British government has discovered that it is able to divest itself of public responsibilities in respect of gender equality, while presenting itself as innovatory and dedicated to the achievement of equality for women. In the concluding section, the implications of these developments for the policy environment are discussed.

THE DEVELOPMENT OF EQUALITY POLICY

By any reckoning, there have been massive strides in equality policy in Britain in the last twenty-five years. Within the women's equality movement, a range of indicators points to the cogency and efficacy of efforts to produce substantive change, including, for example, the development and spread of expertise, the creation of new institutions, the successful application of new approaches, the integration of more women into all reaches of the public and private sectors, the sensitivity to difference and the exploration of new ways to deal with it, mainstreaming and the formation of links with other oppressed and disadvantaged groups. It can also be pointed out that, in legislative terms, the explosions and ferment of the 1970s have been followed by the quiet but widespread 'seeding' of all manner of legislation with equal opportunity clauses, such that the principles have become prescriptions embedded in the entire breadth of policy arenas.

This is not to deny the importance of the practical and theoretical insights that enliven current debates, some of which are directly related to the unequal treatment meted out by those publicly committed to equality. Numerous conflicts in the feminist movement have been forerunners to an increasing awareness of the ways in which disadvantages overlap and bring into play major controversies in politics. As Lovenduski and Randall note:

> Equal opportunities for women is a politically contested area. It raises issues about gender, class and racial difference. There are also ideological disputes about the scope that such policy should have and whether it can be delivered by the state, at local or national level.
>
> (Lovenduski and Randall 1992)

Difference is one of two key items that will be discussed here. Effectively, the equal opportunities movement has had to come to terms with difference and produce workable solutions. Based on the complexity of difference, equality of

opportunity is no longer associated solely with equality for women. Rather, it represents a broad concern with discrimination and inequality between groups in society, and is based on the recognition that there are many sources of oppression, none of which can claim an ultimate or underlying authority or claim to supremacy. Difference and political and ideological dispute within a movement mean that the drive for equality for women cuts across the normal cleavages of politics associated with party, class, gender, region, religion, status and employment.

The broadening of the equalities movement, to encompass cross-cutting forms of social and political exclusion, has been accompanied by a challenge to the historically progressive nature of that movement. In the 1970s and 1980s it was possible to conceive of just two modes of equal opportunities implementation—the radical and the liberal (Jewson and Mason 1986). Arguments among theorists and practitioners were largely based on differences deriving from theoretical perspectives associated with Millian liberalism and varieties of socialism and marxism. However, as the departure from the post-war consensus toward the New Right agenda became more evident and sustained in the 1980s, so this simple liberalradical dichotomy became increasingly inadequate to the task of explaining equality policy. The missing dimension stems from the increasingly influential application of a conservative approach to equality of opportunity. This approach, in combination with the development of New Right models of public policy implementation, has led to the emergence of an equality policy with distinctive features. At base, the concept and desirability of equality itself came under sustained attack, and a New Right approach to justice challenged the large measure of agreement between liberals and radicals over the need for law and procedures. In place of the valorisation of women's perspectives, the conservative view of equal opportunity valorises inequality and claims that the free market produces outcomes that cannot technically be found to be unjust.

The existence of three views of equal opportunities suggests that the analysis of equality policy is intrinsically complex, and likely to unearth developments with differing inspirations and pedigrees. Some policies will be classically liberal in formulation, others will have radical elements, while more recently we should expect to find policies driven by the New Right agenda. Therefore, it is not possible to assume that all 'equality policy' is concerned with a simple kind of equality for women. The message here must be that there is more than one core concept at issue, each of which is understood and gains coherence in the context of others, all of which must remain fluid and open to new possibilities of interpretation and application. How can that be done, while still making progress in policy analysis and implementation?

On the basis of general agreement—across the conventional political spectrum—that action needs to be taken in respect of women's position in society, it may be more productive to focus on the more general category of anti-discriminatory

activity in discussions of equality policy. The merit of using this terminology is that anti-discriminatory activity can be undertaken in an infinite variety of settings—family, economy, politics, civil service, the public and private arenas—by a person, a group, an agency, a government, non-governmental actors, states and organisations of states in respect of a range of actions relating to variously defined groups or individuals. It is not difficult to see that anti-discrimination can refer to a wide range of activities, whether such activities are the subject of legislation or not. It is also plain that governments have accepted responsibility for institutionalising various anti-discriminatory measures, and have provided a wealth of material for analysis. Within that material are lessons for the equal opportunities movement.

The second point that arises from the observations made by Lovenduski and Randall concerns the delivery of equality policy. In Britain, consideration of central or local government responsibility for equality policy has been a key issue, given the relative lack of activity by central government, the innovative and challenging developments in terms of women's officers and equal opportunities units funded at local authority level, and the way that decentralised equality activities have a greater propensity to reflect the needs and meet the demands of groups of women. Implicit in the contrasts that can be observed in the nature and intensity of equality policy at different levels is the existence of quite different political forms associated with those levels.

Britain has had strong 'agency feminism' since 1975, and other countries which employ agencies include Belgium, Finland, Iceland, Ireland and Italy. There are numerous studies which have documented the extent of 'parliamentary feminism', and most countries have a well developed sector typified by 'voluntary feminism'. Britain appears to be the leader, however, in the final category, because the government has taken specific steps to undermine existing institutional machinery by supporting the development of 'private feminism'.

These 'implementation feminisms' can have a distinctive relation to the major strands of feminist theory and practice. Liberal feminism, for example, tends to privilege education and the rule of law; socialist and marxist feminisms are apt to see change processes in terms of socioeconomic change; radical feminism foregrounds the cultural, personal and sexual dimensions of patriarchy; and postmodern feminism emphasises difference and identity politics. The more radical the feminist approach, the less likely the attachment to the institutionalism inherent in constitutional, parliamentary and governmental feminisms, and the greater the commitment   to the heterogeneity and openness possible in voluntary feminism. Group-based approaches may rely less on legalistic remedies, and lend support to interventionary activity by parliament, government and agency.

These categorisations, comparisons and observations are proffered only for their indicative value. They are intended to indicate the differences in depth and

Table 9.1 'Forms of feminism' in equality policy

'Forms of feminism'	*Principal characteristics*
State	• equality is a part of the constitution and above party politics • the constitutional principle has a direct effect on prescription • implementation is a functional requirement, i.e. equality proofing of law and policy is mandatory • equality policy addresses all key areas relating to women in society, including the private realm • equality policies and outcomes are subject to statutory checks
Parliament	• equality may be a representational and identity issue • legislative initiatives can advance equality measures • scrutiny of equality law, policy and implementation
Government	• equality is a contingent policy, often with party political dimensions • a body of law specifies the precise areas where equality is desired • law, policy initiatives and implementation are the responsibility of a minister of the government, with resources, personnel, some veto powers and ability to bring forward legislation
Agency	• a body of law specifies the precise areas where equality is desired (usually employment and education) • an agency is empowered to assist complainants, investigate complaints and initiate legal proceedings • the agency has an adequate share of government revenue • the agency is politically autonomous • the agency has powers to educate and advise • the agency can initiate and fund research • the agency advises government in prescriptions and policy • ombudsmen to adjudicate administrative conflicts and examine grievances
Voluntary	• set their own agenda, which is usually non-party political • funded by membership dues, local government and public contributions • information-gathering, advice, networking and lobbying activities • may pioneer campaigns and develop innovative processes • may influence policymaking and implementation processes • specialise in direct contact with women and women's groups
Private	• work within existing public policy provision and legislative framework • creation and adoption of equality policy is responsibility of professional and voluntary individuals and groups • implementation of policy is voluntary and limited to certain sectors of society • no formal input to law and policy formation • private organisations may provide services in the market for equal opportunities implementation

strength of equality policy and implementation in different countries. Such

differences are important when considering the resilience of policy in the face of economic downturn and changing political pressures, and when making judgements about future trends and possibilities for equality policy.

PRINCIPLES, PRESCRIPTIONS AND PROCESSES

In order to have an effective anti-discrimination strategy, three vital components have to work in concert. First, there must be a compelling justification of anti-discrimination through which general agreement on key principles can be established and articulated, in order to develop and express strong and sufficiently widespread support. Second, a sophisticated body of legislation must be enacted and enforced to deal with the specific circumstances within which different kinds of discrimination occur. Third, there must be arrangements and space for effective action to combat discrimination in all areas of society. These three things—an ethic of difference, anti-discrimination law, and equality practices, or put another way, principles, prescriptions and processes—are to be found in varying degrees in all countries. They are the preconditions for successful anti-discriminatory action. Unless these elements are properly institutionalised, progress can be uncertain and vulnerable to changing circumstances, such as economic downturn and shifts in public opinion. Contradictions and weaknesses in any one of these areas threatens the viability of the overall strategy, and can seriously undermine advances made in other areas. It is far easier to damage an anti-discrimination strategy and its achievements than it is to develop and extend its impact and operation. For these reasons, consideration of all three components of anti-discriminatory efforts must constantly be at the forefront of analysis and implementation.

The equal opportunities movement in Britain has undertaken many of the tasks associated with the formation of the ethics of difference, the drive for anti-discrimination legislation and the frontline implementation of equality practices. This movement has never been a single and simple alliance of feminist, anti-racist, disability and sexual orientation campaigners, but there have been complementary contributions and constructive criticisms such that fundamental principles have come to be shared and emblematic. These are equality, social justice and, most recently, diversity. All of these are contested terms, and draw heavily on liberal traditions of thought. In general, the history of the equal opportunities movement shows that, in philosophical terms, the original, liberal-individualist approach has been augmented by socialist conceptions of the role of economic and social circumstance, and theories of oppression deriving from feminist and antiracist political experience and writings (Forbes 1989). The same is true of equal opportunities policies, which have departed from a liberalindividualist understanding of the most telling means to tackle inequality, and adopted more group-based and socio-economic perceptions and policies,

relating not just to equal treatment rights but also to rights to resources. This is true not only in individual countries, but also in the European Union (Cunningham 1992), and in respect of other policy areas, such as race (Shaggar 1992). There is no evidence of the movement and policy being shaped by individuals committed to a conservative view of equality of opportunity.

Despite this foundation in progressive liberal ideas, giving way to more socialist or communitarian approaches to inequality, the institutionalisation of anti-discrimination is coming under increasing challenge in Britain, exemplified at present by largely febrile debates about positive dis-crimination. It is this dynamic that is explored here. Each aspect of anti-discrimination—principle, prescription and process—is under more or less continuous challenge from pro- as well as anti-feminist elements.

The bedrock of the change process, the ethics of difference built up since the 1960s, is often in danger of being undermined. Apart from separatist claims, which privilege a view of women as superior to men, at least in the ways that matter, the principal vehicle for diluting the acceptance and validation of difference and otherness is the view that a harmonious and productive society can only be secured if men and women fulfil the roles laid down by antiquity, function and 'common sense'. This subverts the radical appreciation of difference by re-affirming traditional, sexdifferentiated roles for women and men. Central to this is the hegemony of the family as the foundational social form, and the importance of mothering for the well being and future of society. These ideas, and the way that women and men reconstruct the associated forms and practices daily, provide a blame-free rationale to defenders of sexism, sexual inequality and injustice, in three main ways: public figures can appear fair and responsible in justifying their executive and legislative practices; a superficially reasonable argument is available to those who wish to exclude women from key benefits in society on sexist grounds, thereby protecting sexist attitudes from view and challenge, and individuals are encouraged to adopt the complacent and erroneous belief that the source of the problem is outside the realm of individual, group or even governmental responsibility—that there is, after all, no real solution to a natural phenomenon, and none should be attempted. To undermine the ethics of difference is perforce to consolidate prejudice and provoke discriminatory behaviour.

The second area of concern is the legislative base to deal with discrimination. Domestic sources of anti-discrimination regulation are of three types: first, those which introduce obligations or prohibitions or directly create rights and/or entitlements for individuals; second, those which instantiate rights and/or entitlements for groups; and third, those which set objectives and launch programmes and are therefore intended mainly as guidelines for the responsible bodies—such as government—rather than as sources of individual or group rights. Legislation is usually designed to protect rights, whereas some, but by no

means all, constitutional standards simply define principles for national policy. Often it is difficult to determine into which category an instrument falls, in which case court decisions can be a guide. The law is subject to forces which can subvert the anti-discriminatory intent of the legislators. Calls for new legislation are commonplace, particularly covering violence and harassment, yet the reaction of the government has been to sidestep such demands. The net result of the general neglect of the legal measures and the failure to modernise and introduce new measures is that available remedies have become divided into three types: the minimally effective; the massively costly; and the virtually moribund. Rather than a culture of anti-discrimination being created, and the climate of expectation concerning acceptable standards of behaviour being altered, laws can be brought into disrepute in the view of opponents of sexual equality and supporters alike. At the same time, governmental actions whose impact on the socio-legal culture signals an organised retreat from an ethics of difference can be identified.

Those with experience of implementing anti-discrimination policies know the difficulties of moving beyond agreement with principles and stressing the legal prescriptions to the much more challenging and important stage of the institutionalisation of practical and cultural change. As the equal opportunities movement has become professionalised, and as the elements of anti-discriminatory practice have become better developed, so the interests of privileged groups in society come under scrutiny and challenge from within their own institutions and organisations. Since the criticisms come from within, the discriminatory attitudes and practices which hitherto have been hidden are not so easily brushed aside. The challenge to the privileges and the sensibilities of the (mainly white and male) professional classes often results in denial and attempts to destroy anti-discrimination processes. At this stage, the common ploy of recourse to instrumentalist arguments—the claim that everyone must benefit from better procedures and fairer systems—begins to lose its appeal and application.

Much of the informed critique of anti-discrimination policies stems from academics and practitioners. Such critiques are almost always produced by those committed at the level of principles. Disagreement tends to emerge in respect of law and machinery. For example, the argument over the appropriateness of affirmative action laws and policies continues to attract interest and stimulate debate, as do the issues of pornography and reproductive choice. Nevertheless, it is unusual to find accounts of institutional machinery and policy from outside the intellectual framework of liberalism or socialism; many writers would also describe their analysis as feminist, and draw on radical and possibly postmodern feminism.

It cannot be assumed, however, that the legislators or even all of the practitioners share the assumptions and commitments of those who analyse and

criticise the institutionalisation of anti-discrimination. This is hardly surprising given the documented absence of women at the top of government and the political hue of the government. It may once have been accurate to describe men and their government as woefully uninformed about women's inequality and content to keep things as they were, but this is no longer the case. Whether to do with electoral considerations or not, ministers are much less able to ignore the interests and demands of women, and are much more likely to be aware that women have to be included in the calculations of their responsibilities and public policy decisions. However welcome this change is, it does not necessarily mean that government will adopt and implement an anti-discrimination strategy that reflects the historical role of liberal and radical approaches, or draw wholeheartedly on the established professional expertise.

Instead, the British government has adopted an approach to anti-discrimination that conforms to its ideological perspective. Conservative thought, with its clear and compelling account of equality of opportunity, is based on core values of stability and order. To gain and maintain order, the conservative wishes to ensure that the right kind of society persists—a society with a stable and functioning hierarchy, where everybody knows their position in society and the associated responsibilities and duties. Such a society need not be static and moribund—it is not necessary that individuals are locked into a particular stratum. Conservative proponents of equal opportunities believe that competition breeds improvement— the hierarchy is refreshed and strengthened by new blood, of the right kind of course. As far as difference is concerned, the conservative holds that society will produce a natural, desirable and productive outcome, since it is allowed to exist or sort itself out, free of too much human and political interference.

In accordance with this, the conservative is strongly committed to merit as the foundation and limit of judgement about the suitability of a person to take their place in the hierarchy. Existing barriers to achievement should also be removed, without causing any structural change in society. Finally, attention should be paid to the existence of incentive. People should want to benefit from an advantageous position in the hierarchy and anything that reduces their drive to compete should be minimised. Within a New Right or neo-liberal framework, this means a reduction of state interference in the lives of under-achievers— effectively, cutting down on state welfare to encourage people to be active and to avoid the development of dependency on benefits and the state. Change should thus be brought about by private initiative within an appropriate legal and social framework.

There is now ample evidence to suggest that the conservative approach to equal opportunities has become predominant in Britain, severely restricting the ambit of even the liberal approach with its known shortcomings. This development has taken place at the level of central government, and is in direct contrast to policy and implementation developments at local authority and

European levels. The implication of this move to a conservative model of equal opportunities has a potentially negative impact. Instead of policies which focus on need satisfaction, and the spread of social policies relating to social welfare (Fraser 1986) and better employment conditions, the likely result is an easing of protection for women. This fits with the aim of encouraging the growth of a low-wage, low-skill economy (or at least the generation of such a segment of an economy) and further moves to part-time employment. It is women, especially working-class women, who fill these posts. The government has sought to cloak these policy developments in the language of access, independence and equal chances for employment for women. Such developments have to be set against other, more positive readings of equality politics which point to the development and the spread of good practice at institutional and organisational level, the expansion of opportunities for women and significant advances in feminist analyses of equality and difference.

THE PRIVATISATION OF EQUALITY?

An exemplar of the implications for equality policies of a conservative approach is provided by the case of 'Opportunity 2000', a British campaign to increase the representation of women in the workforce, especially at the higher levels of organisations. What is intriguing about this development is the coming together of a political and business approach, which serves the interests of government, some organisations and even some women. What is in question is whether the interests of all groups of women, and the equal opportunities movement in general, are being met or damaged. These questions are not easy to raise or answer, since equal opportunities professionals and advisers (myself included) have usually been involved in recommending Opportunity 2000 to senior management. Nevertheless, it is an important issue, since it can be argued that the British government is sanctioning an effective privatisation of responsibility for equality for women.

In October 1991, Opportunity 2000 was launched, with considerable fanfare, on the steps of 10 Downing Street. The location, and the presence of the British Prime Minister surrounded by a (modest) phalanx of (mostly junior) female members of the government, led many to assume that a new government initiative to combat sex discrimination in the workplace had been announced. At the time, the Equal Opportunities Commission had produced figures showing that the gap between women's and men's earnings was substantially wider in the UK than in other European Union countries *(Financial Times,* 25 September 1991). Other comparative reports placed Britain at the bottom of the European Union league in terms of public provision of childcare for children under five, and showed that Britain has been subject to more legal actions for its failure to adhere to sex equality legislation than any other EU country *(Independent,* 29 October 1991).

A new government initiative may have seemed very timely, but Opportunity 2000 is not a government initiative at all. It is a self-financing campaign set up by an organisation called Business in the Community, operating under the Charities Act. It claims to represent a new and significant—even unique— development in the movement towards equality in Britain in the 1990s. According to Opportunity 2000, equality laws are 'little more than theoretical tools' which have 'failed miserably to achieve their intended results' (Collins 1992:88). This is precisely the kind of criticism that has been levelled at the legalist approach to equality measures by both critics and radical proponents of equality of opportunity for at least twenty years. By implication, Opportunity 2000 intended to address this weakness by stepping into the gap between a stated political commitment to bring about change and the necessary action to ensure that change is brought about. The new approach, labelled by Prime Minister John Major as 'the boldest corporate equal opportunities initiative we have yet seen' *(Guardian,* 27 October 1992), aims to:

> increase the quality and quantity of women's participation in the workforce and move towards a more representative balance between women and men at all levels in organisations, but especially in management, and based on ability.
>
> (Bargh 1992)

The use of the terms 'participation' and 'representative balance' are rhetorical flourishes not usually associated with conservatism. They intimate instead an underlying radical and liberal democratic ethos, and serve to create reasonably high expectations about the performance of the initiative. The focus on 'ability', however, points to a merit-based or conservative conception of equal opportunities, while the attention to management suggests that the interests of a relatively small section of the working population of women are to be singled out for special treatment compared to other women. Further claims by Opportunity 2000, however, show that participation and representation are not fundamental arguments. Indeed, it is argued that a pragmatic approach is required:

> Equality management is not just a matter of catering for the needs of previously oppressed groups: it can help solve complex problems associated with recruitment and selection, mobility, staff retention, productivity and quality, and can foster a good working environment.
>
> (Collins 1992:89)

According to its campaign director, Liz Bargh, the campaign is 'absolutely rooted in business needs and business-driven' *(Financial Times,* 23 October

1991). The primacy of the 'needs' of business rather than the needs and rights of women as a group means that market considerations outweigh equality principles. This leads to the claim that 'equality in employment will henceforth be an indispensable element of business development' (Collins 1992:94). Far from being new, this is in all important respects equivalent to the argument put forward by the equality strategy proposed by the Equal Opportunities Commission under its then Chair, Joanna Foster, in 1988, and subsequently abandoned five years later, a dismal failure on all the predicted criteria of success (EOC 1988; Forbes 1994).

The market imperative also emerges in the conduct of Opportunity 2000. Its literature refers to three key steps for an organisation joining the campaign: first, the preparation of a programme of organised reform to provide a full range of equal opportunities; second, the development of goals and targets; and third, a public statement of commitment by the company, followed by annual progress reports (Collins 1992:90). In effect, the responsibility for change rests with the organisation (as it always has done under the existing legislation). Part of the attractiveness of Opportunity 2000 relies upon the impact of a public undertaking by senior management to enhance equality for women. As a mark of that commitment, and to have access to the benefits of membership, each organisation is required to pay an annual fee. The minimum is £1,000, and increases according to the size of the organisation. It is extraordinary that Opportunity 2000 can successfully charge organisations for its range of advisory, information and network services, most of which were developed by, and are provided by the Equal Opportunities Commission free, or at a tiny fraction of the Opportunity 2000 membership price.

In the years since the initiative was announced, the number of organisations who have joined has grown steadily. Indeed, over a quarter of the working population are now with employers who are members of Opportunity 2000, including the National Health Service, the largest single employer of women in the European Union. Success has been claimed by the organisers, but the latest figures on employment, equal pay, and the percentage of women in management all suggest that progress has been, at best, patchy and marginal. At present, there is no study available which is capable of detecting whether any advances are statistically significant, nor is there evidence which can distinguish between any general, long-term trend in improvements in the position of women and the impact of Opportunity 2000. In the face of reports that the presence of women in senior management and executive boards is still negligible, the Chair of Opportunity 2000, Lady Howe, claimed that targets are designed to change the corporate and work culture of organisations to allow women to reach the very top posts *(The Times,* 4 November 1993). Quick change is regarded as an unrealistic goal. Whilst it is true that improvements for women have always been historically slow, it is important to note that the original drive for targets to

ensure increased participation and representation has now been diluted somewhat, with the emphasis shifting to the important but much more nebulous notion of cultural change.

From the practitioner's point of view, this is a most unwelcome change of emphasis. Opportunity 2000 was attractive to many sceptical practitioners precisely because it legitimated positive action recruitment and promotion targets. Employers publicly committed themselves in advance to one of the most controversial but effective tools of implementation, where the changes and benefits would be directly and easily measurable, and lack of success difficult to disguise. The first two of 'the four key learning points' published in the Opportunity 2000 Winter Newsletter (1993) are a further indicator of the underlying philosophical impetus of the initiative:

- Never stop selling the business case—it's vital for winning line managers over to the argument.
- Timing and tenacity are critical for success—wait for the right moment to launch an initiative (i.e. when it meets a business need).

If 'the business case' and 'business needs' are given first priority, this must contradict the claim that change in the culture is desired, since it assumes that the business culture is ungendered, undiscriminatory in its practice and outcomes, and should itself remain unchanged. The implication is that the benefits for women are contingent and not even necessary. The underlying culture which is consistently reinforced by the literature and the programme is that the business and economic imperative is paramount. It may be argued that such an approach is appropriate for private enterprise. However, this approach is also applied to public sector organisations, for which 'the business case' is an even more dubious proposition. Accordingly, it is sometimes referred to as 'the quality case', in order to stress the Charter requirements of public organisations. It is in this respect that the Opportunity 2000 view of equality of opportunity and the understanding of the purposes of public sector organisations coincides with the government's view of both women and public administration. The imperative of the business case—a profit-and-loss mentality, the reduction of every proposal to the economic efficiency nexus, the introduction of market disciplines—is at the heart of the drive to reform public administration and redefine the responsibilities of the state. It is restated as 'quality' on the basis that the citizen has a claim to be served as a 'customer' or 'client', the values and definitions of which are derived directly from a free market ideology.

Equality campaigners, equal opportunity professionals and unions have voiced criticisms of Opportunity 2000. The concentration on employees in the management and professional categories overlooks the needs of, and alienates the much more numerous women in lower grades, many of whom are denied the

right to benefit from childcare and career break policies recommended for women further up the hierarchy. Moreover, Opportunity 2000 steers clear of issues relating to women's pay. According to the Trades Union Council Women's Conference, 'the likely benefits of such an initiative will always remain limited to a few highly paid women in each organisation' (Labour Research 1993:8). The focus on the enrichment of the upper reaches of the organisational hierarchy, the emphasis on training and skills, i.e. a formal notion of merit, and the lack of concern about the needs of women as a group is consistent only with a conservative approach to equality of opportunity, and perhaps the most narrowly interpreted liberal conception.

It is not just the limitations of the Opportunity 2000 approach within organisations which are highlighted. The role of the campaign in terms of its conduct and the development of public policy with respect to women attract criticism. Members who have failed to reach targets, and even those companies which now have *less* women at all levels, have not been subjected to the full glare of negative publicity, in contrast to the positive media image created by joining. Nor have any organisations been expelled. This may not be surprising, since expulsion would involve a revenue loss to Opportunity 2000, and may undermine the essentially persuasive strategy at the heart of the campaign. Similarly, Opportunity 2000 has failed to make any detectable impression on government policy in the key areas of pay, childcare and improved legislation. Indeed, Lady Howe is said not to want Opportunity 2000 to be a lobbying organisation. Yet the number of large companies, and the claimed coverage of the workforce, puts the campaign in a strong position to speak in a representative manner about women's participation. It is also well placed to outline the kind of legal provisions which would make effective change less subject to the vagaries of the market, and less dependent upon the equivocal 'change of culture' requirement.

In the context of the political opportunity structure, it can be argued that Opportunity 2000 has created the potential for a new and powerful voice. The refusal to use that voice to transmit the needs and demands of women, or to represent their interests, throws into sharp relief once more the conflict between the needs of business and the needs of women. If the implementation strategy adopted by Opportunity 2000 is found to be inadequate, except in certain cases and within narrow boundaries, as the evidence continues to suggest, then its critique of the law—'little real impact'—may well apply to itself.

THE NEW POLITICS OF EQUALITY

The launch of the Opportunity 2000 initiative, and the political and rhetorical support it received from the government, revealed the foundations of the Conservative government's philosophical approach, and gave clear indications

of the public policy that would begin to augment the traditional, liberal anti-discrimination measures. In terms of the internal workings of government, it is true that the civil service has developed relatively extensive and sophisticated policies for the implementation of equal opportunities. The Prime Minister has leant his executive weight by telling ministers that he would expect to see a woman on every shortlist or have a good reason why there was none and the equality machinery in the Department of Education and Employment is of a high order. However, the privatisation of the civil service and the proliferation of agencies, trusts and quangos means that the civil service population is actually decreasing. Thus, the Prime Minister's laudable intentions apply in an increasingly narrowly defined area. The evidence for the pattern of appointments is hard to collate: it does show a considerable improvement in the last two years, but the tendency for the majority of women appointed to trusts and agencies to have an affiliation with the Conservative Party is becoming increasingly apparent. Such women are less likely to adopt even a liberal, let alone a radical view of equal opportunities.

However, responsibility for change in society as a whole was not accepted by Mr Major, who could countenance nothing like an active and interventionist stance in the drive for equality. Instead, he limited himself to the view that the government was merely one actor among many which 'has a role in encouraging voluntary action by employers' *(Independent,* 29 October 1991). Confirming this approach, in which government action is minimal, Mrs Angela Rumbold, then one of the Home Office ministers, said that she considered 'the legal framework is in place' to provide 'the machinery for tackling both direct and indirect discrimination'. In her opinion, the main responsibility for pushing forward sex equality now lay with employers *(Financial Times,* 28 November 1991). Thus the government views equality for women as fundamentally an employment issue.

The government's approach is completely consistent with the conservative account of equal opportunities. It is a minimalist account, which is committed to removing barriers to achievement, and acknowledging advancement and achievement on grounds of merit alone. The legislative framework which outlaws discrimination is, therefore, the most that government should do (see Quest 1992, for a poorly argued attempt to dismiss the practicability and desirability of *any* equality policies published by the right-wing Institute for Economic Affairs). The adoption of a formal, legalistic approach to equality within the purview of the minimal state has an important effect. It allows the government to argue that it has no role in respect of the way that people behave outside the framework of laws covering sex discrimination in the work situation. In this way, its own responsibilities for women's equality are neatly contained. This means that it can avoid discussion of, and responsibility for, a much wider agenda of political concerns in respect of the family, childcare, education, social welfare, pensions, poverty, health, violence in the home and in the public arena.

REVIEWING THE POLICY ENVIRONMENT

Within an interpretive political context, Opportunity 2000 represents practical and effective privatisation of equality policies in relation to women in the employment market. This development threatens all equality policies that are currently the responsibility of government. Furthermore, the wider context of equal oppportunities is similarly threatened. Privatisation constitutes a serious threat to the kind of developments of equal opportunities policy and practice seen in Europe in the past thirty years. Evidence to justify this view that it is not simply women's equality in employment that is under threat has recently emerged. Business in the Community, the originators of the Opportunity 2000 initiative, launched a new initiative in October 1995, this time in respect of minority ethnic groups. Called 'Race for Opportunity', this new campaign has been devised by 'a leadership team with senior business people from several major organisations' (Equal Opportunities Review 1995:24). This initiative is, once more, characterised by top-down implementation by an almost exclusively white male management, although it did not attract the very public support of the Prime Minister, who would in any case have been conspicuously unable to surround himself with any black or Asian members of government, since there are none.

Apart from restricting the possibility of further public policy development, the privatisation of equal opportunities closes off the political opportunity structure to a majority of women in significant ways, as their capacity for organisation and voice are reduced by economic changes. Some professional women may benefit, making marginal changes to the profile of organisations. Such change is bound to be presented as evidence of improvement in the situation of women and used as evidence against the need for further legislative initiatives. At the same time, what Fraser refers to as the 'juridical-administrative-therapeutic state apparatus' for dealing with welfare is undergoing profound change. According to Fraser

> the welfare system works by linking together a series of juridical, administrative and therapeutic procedures. As a consequence, it tends to translate political issues concerning the interpretation of people's needs into legal, administrative and/or therapeutic matters. Thus the system executes political policy in a way that appears nonpolitical and tends to be depoliticising.
>
> (Fraser 1987:113)

In a state which has positive responsibility for the well being of its citizens, a range of policy measures and procedures will be adopted at all levels of the apparatus. When government takes the lead responsibility, such measures tend to be standardised, with specified performance indicators and monitoring. The

juridical-administrative-therapeutic state apparatus, however, does not necessarily have to be maintained within the purview of government and administration. Indeed, the pressure on the welfare state—either on grounds of cost or ideology—throughout Europe is a powerful motivating force for all governments to seek to divest themselves of any part of the apparatus which is deemed capable of sustaining itself. In other words, any articulated part will always be prone to the privatisation solution precisely because the apparatus is developed enough in terms of the legal base, professional and agency experience, and a sufficient basis of public awareness and voluntary commitment to ensure that a politically acceptable level of activity will continue.

This model can be applied in general to state services and responsibilities in respect of equality policies. The juridical elements relate to the rights that are embodied in law. Administrative matters are the concern of agencies, local authorities, and the public and private sector, while the therapeutic aspect of equality policy relates to experiences of women associated with harassment, for example. Critiques of the established apparatuses in European countries tend to focus on the problems associated with the various levels, prompting calls for more and better laws, more effective administrative structures, and so on. The perceived need for improvement is related to the problem of offsetting the depoliticising aspects of the JAT apparatus, to make the connection between the needs of women and the policy outcomes stronger and more relevant.

There is sufficient evidence to sustain the claim that there is a developed juridical-administrative-therapeutic state apparatus in respect of equal opportunities, and that the case of Opportunity 2000 shows how easily key political and functional responsibilities can be disconnected from established bureaucratic disciplines. Such developments are regressive, and represent new threats to the equal opportunities movement. Equal opportunities analysis has tended to focus on the limits of implementation within the theoretical and practical limitations of the liberal state, i.e. in terms of prescriptions and processes, not principles. The main concerns have been:

1 the inadequacy of the legalistic approach;
2 the need for new and stronger laws (relating to group entitlements, class actions and protection for women);
3 the nature and extent of positive action and positive discrimination policies;
4 the role of the elected government at national and local level;
5 the role of civil administration;
6 policy issues (moving beyond the standard concerns over employment and education to pornography, abortion, health, welfare, rape, violence, harassment and poverty).

Where principles have been at issue, the major area of contention has been the perceived weakness of 'equality' models, highlighted by the move to theorisation of difference, and Vogel-Polsky's preference for a 'parity' model. It is difficult to detect actual changes that relate to theoretical advances at the level of prescriptions and processes, although the culture of implementation has changed.

However, changes to the policy environment are more readily identified. There is to some extent an emerging new agenda, which is by no means another bout in the battle between utilitarianism and radicalism. Utilitarianism has been an acceptable minimum justification, even to radicals, since it incorporated a notion of the well being of society combining with demonstrable self-interest. In contrast, the new agenda withdraws from both the social and personal elements of this form of liberal justification. The meaning of 'the business case' is an altogether different type of justification. It employs and prioritises an economically derived conception of just one part of society (based on the fiction of the competitive firm). That definition is used to derive the concept of the person and their motivations. In effect, support for equal opportunities becomes associated with a set of values unrelated to equality, difference, justice, diversity or parity. These developments represent significant challenges to the equal opportunities movement, and threaten the future efficacy of equality policy.

10
Citizenship, welfare state regimes and breadwinner arrangements[1]
Various backgrounds of equality policy

Jet Bussemaker

Equality policies in West European democracies are being implemented in the context of welfare states. The structure and characteristics as well as notions of citizenship of different welfare states affect the way equality is conceptualised and integrated in social policy and citizenship. Therefore it is important to consider the relationship between gender, citizenship and welfare state typologies.

This relationship is central in my contribution. I will evaluate frameworks of analysis on citizenship, welfare and gender and present some alternative proposals for an appropriate approach to women's citizenship and, therefore, to sex equality policy in contemporary welfare states.

CITIZENSHIP AND GENDER

The discussion of citizenship with respect to welfare states usually still refers to the classic work of T.H. Marshall (1964). Marshall argued that citizenship consisted of civil, political and social components which corresponded to successive phases in the history of capitalist democracies. Eighteenth-century civil rights established individual freedom, nineteenth-century political rights inaugurated political freedom, and twentieth-century social rights provided the foundation for social welfare, or freedom from want. The social principle of citizenship embodied a whole range of rights 'from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilised being according to the standards prevailing in the society' (Marshall 1964: 72). Civil rights emerged as the rights of the individual to be free, particularly in the economic realm. Political rights are conceptualised as strengthened individual civil rights that permitted groups to perform as legal individuals and established universal suffrage (Marshall 1964: 94). The development of social rights was mainly understood as removing those barriers that blocked the full and equal exercise of civil and political rights. The development of the welfare state by this account is the historical process in

which members of a national community became inclusively entitled, as citizens, to the material promises of civil freedom and political equality.

Marshall's distinction however, does not apply to the same extent in all countries. It seems to best fit Great Britain, but does not hold for other countries, including Germany, France and the Netherlands, where citizenship rights had their own dynamic, due to specific national configurations. Therefore, the development of citizenship should consider the different national contexts from which practices and discourses on citizenship take their shape.

Moreover, Marshall's scheme easily leads to a linear view of history, in which each extension of rights is seen as logical and self-evident. He believes that there is a historical line, starting with civil rights, then political rights and ending with social rights. But, although this successive development might apply for some men in some countries, it does not take account of women in most welfare states. Women gained some social and political rights before they obtained full civil rights. In addition, Marshall's scheme does not work well for migrants (Soysal 1994:130).

Marshall's conception of citizenship focuses strongly on the individual on the one hand, and the public spheres of the market and state policy on the other. He neglects the importance of unpaid social activities with respect to gender. Extending the idea of citizenship to the relationship between the family, the market and the state, reveals the fact that citizenship does not bear solely on rights (and duties) in the domains of economic activity and democratic politics, but also on the private sphere of the family and on the tasks of care. As Taylor Gooby (1991) noted, the central relationship is not just between paid work and welfare, but between paid work, welfare and unpaid work (care). Studies focusing on the relationship between care, gender and citizenship have raised the critical question as to whether and to what extent care, especially in the private sphere, tends to exclude people (women) from social citizenship or whether the responsibilities of care effect a distinctive identity of citizenship. Most feminist authors seem to agree with the idea that care should be included as a dimension of citizenship (see for example Leira 1989:208), although they do not agree about the way it should be integrated.

In conclusion, a more appropriate analysis of citizenship should therefore start from a historical and dynamic perspective in which the development of citizenship is linked to the political conflicts around which they were formulated (Stuurman 1992:368), including gender and care dimensions. The latter is important, as will be demonstrated later, in view of history as well as in view of contemporary political discord: disagreements over gender equality and the restructuring of the welfare state are among the important political conflicts of the last century.

WELFARE STATE REGIMES AND GENDERED CITIZENSHIP

Of comparative welfare state typologies (Titmuss 1963; Korpi 1983; Castles 1985) Esping-Andersen's typology in *The Three Worlds of Welfare Capitalism* (1990) has been most influential. He views cross-national variation in welfare state development as variation in a) the way in which state and market and to a certain extent the family are interrelated, b) the patterns of stratification that go with it, and c) the quality of social citizenship rights or de-commodification. On the basis of these dimensions Esping-Andersen identifies three welfare state regime types. The characteristics of the social democratic model concern universalism of social rights, decommodification ('the degree to which individuals, or families, can uphold a socially acceptable standard of living independently of market participation', Esping-Andersen 1990:37), and the inclusion of the middle class. Such a welfare state regime is directed toward a high level of equality. Examples of this regime type are the Scandinavian states.

The liberal model is characterised by means-tested assistance, modest social insurance schemes and modest universal transfers. This model is historically characterised by the influence of a liberal work ethic and the predominance of the market. In contrast to the social democratic regime the liberal regime typically upholds the commodity-character of labour power to a large extent, and limits the scope of social rights to the working class and 'the poor'. The liberal regime includes countries such as the United States, Canada, Australia and Britain.

The final type is composed of the conservative and corporatist-statist regimes of continental Europe. De-commodification can certainly be an element of social policy in these nations. The state is important as welfare distributor. The distinguishing characteristic lies rather in the status-differentiating nature of social policy. Social rights are linked to class and status, and the capacity to reduce income inequality is small. Another key element of this regime is the commitment to the defence and maintenance of the traditional family and its functions. The family is a cornerstone of social policy. State provision of social services only occurs when the family fails to provide these services. The organisational structure of social security schemes mirrors the influence of corporatist legacies in nations such as Germany, Austria, France and Italy.

Esping-Andersen's analysis of welfare state regimes has been well received, but subjected to criticism also. First, the theoretical status of the family is unclear because the model analytically neglects the role of families (and women in particular) and semi-public and voluntary associations in the 'private' provision of care and welfare. Second, stratification is primarily defined in terms of the social inequalities that relate to the class structure of democratic capitalism and consequently tends to underrate the importance of other inequalities, notably

those associated with the dimension of gender in our societies. Third, de-commodification deals with the manner in which social policies determine the extent to which wage labour is freed from the dictates of the market, and tends to equate the level of economic autonomy with the economic independence of wage labour. The model is not well equipped to account for a transition from private dependency to state dependency. As a result, the regime approach is strong in understanding the development of social rights attached to wage labour (the quality of social security schemes, for instance), but less convincing in the analysis of claims and rights based on needs (social assistance) or care, and is ambivalent in the study of claims and rights on the basis of gender (marriage, motherhood). It neglects the meaning of the unpaid contribution of women in all different welfare state regimes, and thus overlooks the role of care for the fulfilment of their citizenship role (Bussemaker and van Kersbergen 1994). In short, although the framework does pay attention to women, it lacks the integration of gender.

As research from a gender perspective shows, welfare state typologies break down as soon as gender is considered. The social democratic model starts to lose its relevance for the Nordic states, when gender is introduced, as Leira (1989) shows. The Norwegian system is in many respects closer to that of Britain than to Sweden, because it has continued to treat women primarily as wives and mothers. Also, the countries clustering together in the liberal model show some striking differences when gender is included. This becomes clear when we compare, for example, Australia with Britain (both part of Esping-Andersen's liberal model). According to Shaver, Australia's wartime design, a non-contributory, welfare state framework, gave women comparatively direct access to social security, their claims being independent of their husbands' insurance status, while women as citizens had the right to claim benefits according to formal criteria of need and eligibility. Women in Britain got access primarily via their husbands. Shaver concludes that the Australian income security was, while clearly patriarchal, less so than its British counterpart (Shaver 1990:115). Gender seems to have its own dynamic in the 'liberal regime' also (see also Orloff 1995).

The conservative cluster also shows some striking differences when considered from a gender perspective. For example, the way France and Germany deal with childcare facilities reveals wide differences. While in France childcare is part of public services, Germany views childcare as a largely private matter (Daly 1994:110). The Netherlands also follows this pattern. Esping-Andersen is not very clear about the position of the Dutch welfare state. It seems to have a lot in common with the social democratic countries, because of its high degree of de-commodification, a high level of rather generous social benefits, and a norm of equal access to available public care services, but is rather conservative in respect of other phenomena, such as its strong emphasis on

breadwinner arrangements and the subsidiary role of the state in relation to the family, as well as the crucial role of the church. The atypical position of the Dutch welfare state can only be explained if gender is introduced as an analytical category (Bussemaker and van Kersbergen 1994). These examples suggest that gender has its own dynamic in different welfare state regimes. The logical next question is: how can gender be analysed in an appropriate way?

TWO ALTERNATIVE ROUTES TO GENDER WELFARE STATES

The critique of Esping-Andersen's typology has resulted in some interesting perspectives on the relationship between gender and the welfare state. There are two distinct options here: one is to extend or redefine central concepts, while the alternative focuses on the formulation of another typology, starting from a gender perspective.

The first approach concentrates on a redefinition of concepts, because it might be clear that concepts such as de-commodification cannot easily be extended to gendered issues of care and unpaid work. To integrate gender in the theoretical framework of welfare state regimes will anyhow question the meaning of central concepts. If simply adding women is impossible, the question is if a reformulation will be appropriate. According to Orloff, it is possible to reformulate the state-market relationship into state-market and family, thus creating an opportunity to treat caring work in the family as the provision of social welfare. In respect of stratification, this notion should not only refer to the degree of inequality between (male) workers, but also to the manner in which the relationships between men and women as well as between various racial and ethnic groups are stratified. As Orloff summarises:

> Given the differential treatment accorded unpaid caring and domestic labour compared to paid labour and the ways in which program requirements reinforce the sexual division of labour in households and the workplace, analyses of the states' effects on stratification should include gender relations. The concept of stratification—if amended to account for these factors—remains a useful one.
>
> (Orloff 1993:316)

Stratification in relation to gender should focus on inequality in the labour market, the family and social welfare.

The concept of de-commodification is most problematic because it is in itself a gendered phenomenon (Daly 1994:109; Hobson 1994:171). Lewis and Ostner note that

de-commodification for women is likely to result in their carrying out unpaid caring work; in other words, 'welfare dependency' on the part of adult women is likely to result in the greater independence of another person, young or old. The unequal division of unpaid work thus complicates the status of dependant/independent, commodified/decommodified.

(Lewis and Ostner 1994:4; Lewis 1992:161)

We can state the problem also in another way by asking what participation of women in public spheres means: how should one interpret active labour market participation of women: as de-commodification or as commodification (Bussemaker and van Kersbergen 1994:13)? Orloff changes the notion of de-commodification and therefore the access to paid work: The key issue in investigating states' effects on gender relations is the extent to which women (or subgroups of women) can claim their rights' (Orloff 1993:318).

As this dimension cannot easily be reformulated, a supplement by other concepts might be a solution. O'Connor (1993) proposes to supplement the concept of de-commodification by the concept of personal autonomy. While de-commodification refers to insulation from the pressures of the labour market, O'Connor argues that personal autonomy refers to 'insulation from personal and public dependence and is central to unravelling the complexity of the relationship amongst state, market and family' (O'Connor 1993:515). Her concept of personal autonomy relates directly to the relationship between reproduction and production, as well as to personal independence of family members and/or public independence of the state agencies (O'Connor 1993:514–15). Similar to this is a concept of gender-related individualisation that I have developed, which focuses on new frameworks of interdependency among various social spheres (Bussemaker 1993).

Orloff takes an alternative route: she wants to add two dimensions to the concept of de-commodification: access to paid work and the capacity to form and maintain an autonomous household. The first dimension refers to the extent to which states promote or discourage women's paid employment. While the historical development of de-commodification indicates the importance of access to paid work, in many post-war societies this development was related to men as breadwinners, leaving women the option to stay at home or to combine paid work with family responsibility. The notion of access to paid work, however, starts from the right of women to participate in the labour market. The second addition is a dimension which allows for the capacity to form and maintain an autonomous household. This dimension indicates, according to Orloff, 'the ability of those who do most of the domestic and caring work—almost all women —to form and maintain autonomous households, that is to survive and support their children without having to marry to gain access to breadwinners' income' (Orloff 1993:319). This dimension might be regarded as a parallel of de-

commodification. While de-commodification refers to the freedom of wage earners from the compulsion of the market, the capacity to form an autonomous household refers to the freedom of care-givers from the compulsion of family relations and marriages because of economic vulnerability. For this reason we might define this dimension also in terms of de-familisation.

This dimension is of course related to access to paid work as well as to the way social provisions do or do not deal with family structures. In a classical paternalist welfare state a limited or restricted access to paid labour will go together with very narrow possibilities to form autonomous households, as was the case during the 1950s in the Netherlands (Bussemaker 1993). On the other hand, a stimulation of access for women to the labour market might affect the capacity to form and maintain an autonomous household positively or negatively. The first will happen when women gain enough income and get enough social support and social provisions to live in an autonomous household; the second will happen when access to the labour market is an argument to change or eliminate the need for social provisions to form autonomous households, as is the case in the 1990s in the Netherlands for single mothers who are dependant on social assistance. In this context it can make a lot of difference whether the unit of provision is 'the (male) worker', 'the household' or the 'nuclear family'; the way social benefits are based on individuals or families might be especially important (Bussemaker 1993; Sainsbury 1994a).

I will return to this approach later, but first I want to sketch the second approach to gender and welfare states. While the authors discussed so far start from the regime typology of Esping-Andersen, Lewis (1992) and Lewis and Ostner (1994) start somewhere else: from the gender structures in different welfare states. Although I think we ought not end up with welfare state regimes and gender models as separate theoretical approaches, analysing welfare states from a gender perspective clearly shows the problems of the mainstream welfare state regime typology.

Lewis and Ostner suggest that the idea of the male-breadwinner family model has served historically to cut across established typologies of welfare states, and that this model has been modified in different ways and to different degrees in particular countries (Lewis 1992:159). The way these states have continued to adhere to traditional ideas, are considered as an indicator of

1 the way in which women are treated in tax and social security systems;
2 the level of social service provision, particularly with regard to childcare;
3 the nature of married women's participation in the labour market (Lewis 1993:15; Lewis and Ostner 1994).

These dimensions are characteristic of three types of male-breadwinner models. First, the countries with an historically 'strong' male-breadwinner bias, which

explains the nature of women's (part-time) labour market participation, the lack of public childcare services and maternity rights, and the longstanding inequality between men and women and husbands and wives with regard to social security. In the strong breadwinner model countries, there is a firm dividing line between public and private responsibility. Patriarchal control is located in collective institutions. Examples of this strong male-breadwinner model are Ireland and Britain.

The second type is the 'modified' male-breadwinner welfare states, with France as the example. This model is characterised by more fulltime labour market participation by women, and more social security benefits for women (although this might be indirectly due to a social security system that has prioritised horizontal redistribution between families with, and without, children). Patriarchal control is located in the family, while women's claims as wives, mothers and paid workers are recognised.

The third type of gender-welfare states is a 'weak' breadwinner model, which is characterised by a high level of women's fulltime labour market participation, individual tax and social security arrangements, and provisions for public childcare and parental leave which are easily accessible. Sweden is the best example, where since the late 1960s, a dual-breadwinner society has been developed (Lewis 1992; Lewis and Ostner 1994).

A COMPARISON

It might be useful now to compare first, Lewis and Ostner's typology with Esping-Andersen's typology, and second, Lewis and Ostner's dimensions with the altered conceptual framework from Orloff. Esping-Andersen's social-democratic model corresponds to a certain extent with Lewis and Ostner's weak male-breadwinner model, but the other regimes do not correspond to the breadwinner models, because they are clustered in different ways. A comparison thus shows that gender structures do not coincide with analyses of welfare structures (see Daly 1994:112). My own research of the (atypical) Dutch case suggests that welfare regimes and gender regimes do not necessarily correspond but that gender regimes have an extensive impact on a nation's specific configuration of work, care and welfare (Bussemaker 1993).

Thus, one cannot substitute breadwinner models for welfare state regimes. What is true for the typology of Esping-Andersen—that the typology breaks down as soon as gender is considered—is also true for a typology of gender regimes. This typology breaks down as soon as welfare state formations are added. To give an example: both Britain and the Netherlands are characterised as strong breadwinner models, but the British model is much more harsh because it lacks the rather generous and extended social provisions and social security arrangements which characterise Dutch welfare development, although these are

now decreasing. Also the position of lone mothers is very different in these countries as a consequence of different poverty rates (Hobson 1994:175). This variation between strong breadwinner models is acknowledged by Lewis and Ostner, who want to explain some of the variation by the diversity of value tenets, for example in relation to the notion of 'autonomy of the individual' which has been much stronger in Britain than in Germany (and the Netherlands, I would add) (Lewis and Ostner 1994:19). We might question whether this could explain the whole variation. The modified breadwinner model must also be treated with caution, because this typology only refers to France and to no other country. And, as Sainsbury shows, even the characterisation of Sweden is problematic, due to the neglect of entitlements based on citizenship and needs (Sainsbury 1994a: 168). From this perspective the typology of breadwinner models seems to be rather unbalanced.

We now turn to Orloff's framework and Lewis and Ostner's typology with respect to the specific dimensions they describe to analyse gender. The first dimension of Lewis and Ostner's model, the way in which women are treated in tax and social security systems, comes close to Orloff's reformulation of stratification, focusing on the sexual division of labour and its consequences for benefits and services, although Lewis and Ostner are more explicit in describing social security and taxes as important gendered measures. The second dimension of the breadwinner model, the level of social provision, particularly with regard to childcare, could be reformulated in a more general way on the basis of people's claims to services as Orloff describes it. The notion of childcare might also return in Orloff's dimension of access to paid work. The same is true for the third dimension Lewis and Ostner consider, the nature of married women's participation in the labour market. Orloff's dimension of 'women's access to paid work' should include married women as well as cohabiting and single women and solo mothers.

Because of the interrelation of dimensions and the combination of using substantial elements of welfare state analysis with valuable insights from women's studies, I am most sympathetic to Orloff s proposal. The analysis by Lewis and Ostner is constructive because it draws attention to the importance of rather specific arrangements, such as social security and tax measurement, as well as provisions such as childcare. But though this has a valuable function it is only part of the story. Orloff's altered scheme of analysis offers the opportunity to analyse gender in relation to other dimensions of stratification, de-commodification and the relation between the state, the market and the family. However, her scheme can also be criticised.

Orloff extends the state-market relationship to the family. She is right in doing this, but the question is if this is enough. I propose adding another social sphere, the sphere of civil society (Seligman 1992) and political opinion formation and participation (see for the latter also Fraser 1989). Civil society is not a very clear

concept—it is normally defined in negative terms; civil society is not directly based on family relations, state interventions or the market, being in between a strong private sphere (family) and a strong public sphere (state intervention). Despite its unclear definition civil society refers to some important phenomena from a gender perspective, including informal care, voluntary work and the development and influence of social movements. Informal care-giving is extremely important from a gender perspective. Women are not only responsible for most of the caring activities in the private sphere of the family, but they also do the bulk of informal care for relatives and volunteer care-giving (Evers *et al.* 1994). The Dutch development of childcare provisions, from traditional 'pillarised' forms to more modern forms of guest-parenthood, cannot be explained without paying attention to the role of civil society (Bussemaker 1993). As becomes very clear from a historical perspective (Gordon 1990; Lewis 1992; Bock and Thane 1991; Koven and Michel 1993) there is a strong relation between women, welfare and voluntary work. Civil society also refers to social movements. As far as women's movements are important in the development of welfare states—and I think they are—incorporating civil society in the theoretical framework might be a way to deal with women's organisations and their vocabulary of welfare demands and interests. As most analyses of welfare states and gender emphasise the importance of political power for women (Siim 1987; Hernes 1987, 1988; Orloff 1993), we should integrate this dimension into the theoretical framework.

Second, care does not get explicit attention in Orloff's framework, and when it does, only as a distributive good. However, care is not only important in relation to the distribution of rights and responsibilities, but also in relation to the quality of life and personal attention. While care can be organised in a public way, thus reducing responsibilities for many women, this does not always mean an increase in the quality of care. To put it another way, a 'women-friendly state' (Hernes 1987)—as far as it is defined through public services and care facilities—is not in itself always the most attractive option from the perspective of quality of life. In some cases, people prefer a decrease in working hours to have more time for personal care-giving, and an extension of public care facilities. One should avoid, however, in a revaluation of care, to identify care with femininity or maternalism. This generates questions concerning the relationship between formal and informal care and in relation to this distinction, between private and public responsibility. Should one prefer informal above formal care? What combination of private and public responsibility seems adequate and what are the consequences? It also generates questions about the implementation of care in social policy and notions of social citizenship. Should one do this on a temporary basis (for example as long as young children are involved) or on a more permanent basis, for mothers/parents with children or also for relatives, friends or strangers?

Another question deserving attention is how to deal with social diversity in theorising gender and welfare states. Orloff's framework focuses strongly on access to paid work. Her framework starts from the assumption that paid work is the most logical option for women to create autonomy *(vis-à-vis* marriage or dependence on parents) (Orloff 1993:318). Although labour market participation might be an important strategy for women's autonomy, in so far as it creates financial independence, the value of paid work is not equally shared among different welfare states and therefore should be regarded with caution. While participation in the labour market is crucial for Anglo-American and Scandinavian countries (or for liberal and social democratic regimes), it is not for countries such as Germany and The Netherlands. Ilona Ostner claims that German feminism has always been very reluctant to identify independence with employment. Because 'wage work' and 'wage dependency' are used as critical concepts, Ostner writes, 'both domestic *and* market work imply dependency, restriction and alienation, gains and losses and hard choices' (Ostner 1993:94). At this point an analogy becomes clear between German and Dutch feminism. Although there are Dutch feminists (especially social democrats) who put labour market participation ahead of everything else—a view that greatly influences government policy (Bussemaker 1991)—there are alternative views. Some feminists emphasise the new dependency that female employment will create as well as the devaluation of (unpaid) caring in the private sphere.

The view that children should be cared for at home when they are young is widely held in the Netherlands, including by some feminists. Also with respect to migrants and ethnicity, in the Netherlands immigrant girls, more than native Dutch girls, prefer a future which combines paid work and care at home. Consequently, the strategy should focus more on patterns of combination and diversity, support for which is seen in the exceptionally high level of part-time work in the Netherlands. More than in any other European country, female workers work part-time, often in minor jobs (of course there are also other reasons for this pattern, such as the lack of fulltime jobs, the lack of childcare and more general facilities to combine paid work with caring for children). In my opinion, diversity is not only important from the perspective of the (female) individual and her life-course, but also from a social point of view. I am not convinced that there is one general strategy of women's liberation, whether full labour market participation or maternalist protection. Due to cultural changes and emancipation, there is no single model for women as a group—this would presuppose a false 'we' and neglect social and cultural differences in respect of living arrangements and lifestyle preferences. But apart from a normative point of view, there is also empirical logic: the change in employment patterns and full employment, as well as demographic developments, is breaking down the assumptions of post-war welfare states (see Esping-Andersen 1994).

These remarks have consequences for the way one defines concepts such as autonomy and independence. These terms may be easily understood as absolute values, as if 'to form and maintain an autonomous household' is possible in a literal sense. A closer inspection however, will make clear that it is not about being autonomous or heteronomous, but about levels and extent of autonomy from different institutions or persons (a breadwinner, the market or the state). An unthinking use of concepts such as autonomy might even generate the danger of formulating a 'digital language' between being dependent or independent and—unintentionally—celebrate the traditional liberal notion of self-sufficient individuals who are rational agents in an atomised society (Bussemaker 1991). No one can be independent in (post)modern times; who can live as a self-sufficient individual through the whole life-course? The problem is rather the way in which people can deal with interdependency. Therefore we need a language which expresses interdependency as well as inequality—a vocabulary to analyse interdependency as changing patterns of work and care and rights and needs among different social spheres (Bussemaker 1993).

These criticisms show the complexity of the relationship between gender, equality and welfare states. Starting from the framework Orloff proposes, I would like to reformulate some of her points to analyse changes in the extent of paternalism among welfare states.

1 Orloff's first dimension—state, market and family—should be added to the sphere of civil society. Whether one wants to make a historical analysis, related to female voluntary work, or a contemporary analysis, related to private-public dimensions of care organisation and informal care, civil society should have a place. The same is true for the role of the women's movement as a social movement in the rise and development of welfare states.

2 Stratification and the relative treatment of paid and unpaid workers could be formulated more precisely, i.e. the relative treatment of paid and unpaid workers with respect to wage, social security, tax and pensions.

3 The bases of people's claims to services (an aspect of social citizenship rights) as Orloff formulates it, certainly is important, and does not need any change. However, one might once more emphasise the relevance of the conditions as well as the unit of entitlement to citizenship rights.

4 Women's access to paid work. To avoid the idea that paid work is the one and only solution for equal citizenship, and to do right by unpaid work and care, I would like to reformulate this dimension as access to paid work and patterns of combined paid work and care.

5 The capacity to form and maintain an autonomous household. On behalf of the value of diversity in living arrangements, I would like to reformulate this dimension as: the extent to which citizens can live their own life and

develop self-determination without being dependent on (ex) breadwinner's income or legal discrimination (this last point is important in respect of homosexual relations, adoption regulations for non-married relations and family law in general). A practical redefinition for empirical research might concentrate on the way social policy tries to remove obstacles for various living arrangements, for example through an appropriate equality policy.

These additions and reformulations might complicate the picture even further, but I think they are valuable in analysing the gender dimensions of comparative welfare state research. I would like to emphasise however, that in my opinion one should not only concentrate on the development and analysis of more or different welfare state typologies (whether from a gender perspective or not) but also look to the different dimensions themselves, their empirical developments and their consequences for the status of (different groups of) women (see Sainsbury 1994b). Two dimension which need some attention to the development of gender and welfare state research are first, the relationship between an active women's movement (part of civil society) and social citizenship rights; and second, the meaning of passage of time for social citizenship and gender equality, and more specifically the possible consequences of recent restructurings of welfare states (related to the question of diversity in the life-course and between individuals).

WOMEN'S ORGANISATIONS AND WELFARE POLICIES

What is the relationship between feminist movements and the evolution of welfare and gender policies? Lewis sketches some interesting historical lines in the explanation of different measurements of breadwinner models, focusing on the contribution of women and feminist movements to the welfare state. Historically, there is no single connection between a strong feminist movement and welfare policies contributing to full citizenship for women, but rather a contradiction. Lewis concludes that both French and Swedish models offer women more than the British, but that it is not simply the result of a strong women's movement: 'it is noteworthy that in both France and Sweden women played little part in securing such advantages as accrued to them from the respective welfare regimes. In prewar France feminists were forced to couch their claims in pronatalist terms' (Lewis 1992:170). Lewis follows Pedersen by suggesting that it was paradoxically in large part the strength of British feminism compared to the French in putting forward a claim for family allowances as a means of both paying women as mothers and securing equal pay for women at work (by abolishing men's claim to a family wage) that resulted in such a weak measure (Lewis 1992:170).

Seth Koven and Sonya Michel come to a similar conclusion in their historical analysis of the relationship between feminism and the origins of some welfare states around the turn of the century. They conclude that the power of women's social movements was inversely related to the range and generosity of state welfare benefits for women and children. 'Strong states', defined as those with well developed bureaucracies and long traditions of governmental interventions, allowed women less political space in which to develop social welfare programmes than did 'weak states' where women's voluntary associations flourished. For example, to quote Koven and Michel,

> the United States, with the most politically powerful and broadly based female reform movements and the weakest state, yielded the least extensive and least generous maternal and child welfare benefits to women. To a lesser degree, the same pattern prevailed in Great Britain. Germany, with the strongest state, has politically ineffective women's movements but offered the most comprehensive programmes for women and children; the French experience was similar.
>
> (Koven and Michel 1990:1080)

But while the German and French welfare systems offered more facilities for women and children, their women generally had much less control than did their British and American counterparts over the formulation and administration of policy. But in all four countries, women often lost control over maternalist discourses when they were debated in male-dominated legislatures or became linked with other causes (Koven and Michel 1990: 1106; see also Koven and Michel 1993).

Although the conceptualisation of strong and weak states is not at all points very clear (the opposition of weak and strong for example suggests a rather clear distinction between types of state formations leaving less room for positions in between or mixed state configurations) and although one should be very wary of drawing conclusions for the present from historical developments, one might note that strong women's movements do not by definition lead to strong gender-sensitive programmes in welfare states.

THE PASSING OF TIME: RESTRUCTURING WELFARE STATES AND EUROPE

The second point I want to stress is the passing of time, particularly the meaning of changing gender relations and care and work patterns in the context of restructuring welfare states. This point refers to the development of diversity in the life-cycle as well as to differences between individuals and groups in various

welfare states, and to developments in European unification and its consequences for gender and welfare policies.

The relevance of this point becomes very clear from recent changes in social policy arrangements, especially in relation to labour market participation and social services. To give a few examples: contemporary Dutch government policy shows a tension between the classical notion that women have to fulfil their citizen-role by motherhood, and a more recent but influential notion that for women citizenship should in the first place be attained through labour market participation, that is by being a worker-citizen. Although the Netherlands still has a rather low level of labour market participation by women in general (married as well as single mothers) this level is increasing, whereas care facilities, such as childcare, are recently increasing, although not spectacularly. As a consequence there is an ambivalence in the worker-mother citizen model (women not being mother-citizens anymore, nor worker-citizens in the way men were traditionally supposed to be). This ambivalence also appears in other countries. Britain for example, with a low level of social provisions, a dominance of the market, and with a historical tradition as a 'strong' breadwinner state, recently exhibits a huge tension between government policy to promote women's entry into the labour market on the one hand, while increasing the burden of unpaid caring work for women at the same time (Lewis 1993:5). In Germany, criticism of the identification of emancipation with paid work gained a new dimension through women from the former East Germany, who tend to put less emphasis on paid work and to revalue personal caring relationships (see Ostner 1993). France, thanks to a pronatalist historical tradition, has rather good social facilities for social services, especially childcare, about which one might wonder whether it will be an example for the rest of Europe or whether it may also be reversed.

It seems that we are now in a situation of rapid transformation and modification of the assumptions of different gender-welfare state regimes. The transformation in the political discourses from the emphasis on motherhood to labour market participation as cornerstone of female citizenship can be seen in different countries. The Netherlands and Great Britain have modified their welfare state policies into a policy full of ambivalence. Moreover, apart from being seen as mothers 'or' workers, women should be seen, just like men, as citizens themselves.

From this point of view—and keeping in mind the historical analysis of the feminist movement and the structure of the welfare state—one might wonder about the social results of developments in the European Union in the near future (see Meehan 1993; Leibfried and Pierson 1995). The Single European Act seems to be above all about the free movement of trade and labour, while social policy at best is seen as part of, or as a tool for economic policy. As far as European integration leads to convergence, it will be in the direction of minimal programmes

in relation to labour market policy and social security. This is of course also what worries Scandinavian women (Borchorst 1994), whose welfare states are often described as woman-friendly. Some researchers point to the trend for other European welfare states to follow a more liberal welfare regime as a norm, as part of European integration (van Doorne-Huiskens and Plantenga 1993). Others argue that the results will be different in different regimes, generally magnifying inequality between women, supporting those who can compete with men (Borchorst 1994:40), and also increasing the inequity between dual-career couples and traditional breadwinner families. In this respect a strong social and feminist lobby might be important.

However, we should keep in mind that, historically, there is no single connection between a strong feminist movement and welfare policies that focus on equality between men and women. Whereas in the past women lost control over welfare discourses when they became linked with other structures, European integration might be one of the contemporary structures which can contribute to a redefinition of discourse on equality, gender and citizenship. One main question is what direction it will take. Although we have to be careful not to draw conclusions too easily from historical research to current problems, we might keep in mind that there is no singular relationship between feminist movements and the way social provisions are gendered. However, that there exists a relationship between gender structures and the way welfare states are developed and organised, might be clear.

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11

Dea ex Machina or the interplay between national and international policymaking
A critical analysis of women in the European Union

Bob Reinalda

The issue to be raised here concerns the interpretation of the phenomenon of an international organisation like the European Union dealing with equality for women and men. A closer examination of political science literature on 'European Union and women' reveals—at least for the Netherlands—that women, even when they criticise the EU for doing too little, tend to perceive the Union as a benign actor. This positive image has its origins in the well known 1975–8 directives on equal treatment for women and men in the context of employment, which have been useful instruments for women in changing national regulations and practices based on inequality. This literature, however, shows a lack of balance by paying far more attention to the process of implementing international standards in national contexts than to the policy formulation and decision-making processes at the international level (for an exception see Hoskyns 1986). International organisations and regulations seem to be independent variables detached from national systems but nevertheless producing effective means for changing those political and economic systems. Referring to an old Greek tragedy one could say that the EU directives are perceived as a kind of *dea ex machina.* This *dea ex machina* effect applies to other international treaties as well, with Onstenk and van Dijk commenting that international women's treaties, for example those of the United Nations, 'came falling out of the sky' unexpectedly (Onstenk and van Dijk 1992:39). Acceptance of such external forces intrigues even more when the EU undertakings are classified as 'emancipatory' (Ophuysen 1994:22).

Without denying the effects of the EU directives, both the idea of a *dea ex machina* and the equation of equality and emancipation in the context of the EU are questionable. Where did these directives come from? And why did such a typically male organisation like the EU suddenly change into a women's emancipator? Comparing international organisations in their long-lasting debate on equality and non-discrimination (Reinalda 1989; Stienstra 1994), it seems to me that the EU was an exception to the rule rather than the rule itself. Its later actions may appear as a spearhead of equality, but a closer look reveals that as far as equality policies are concerned, the EU has lagged behind other

international organisations for a long time. The purpose of this chapter is to show that equality policies of international organisations, including the EU, are not the products of a *dea ex machina* but *of feminae in machina,* i.e. of political action by women.[1] I will do this from a general perspective on the interplay between national and international policymaking.

THE INTERPLAY BETWEEN NATIONAL AND INTERNATIONAL POLICYMAKING

International relations theory

The assumption of interrelationships between national and international politics refers to a paradigmatic change in international relations theory indicated by terms like complex interdependence (Keohane 1977), international regimes (Krasner 1983) and international political economy (Gilpin 1987). According to this new paradigm the so-called international system is made up of more than just nation states. Intergovernmental organisations and transnational non-governmental actors like enterprises or politico-social movements (e.g. the women's movement) play their roles as well. Besides, states are no longer seen as necessarily coherent units—like the tough 'billiard balls' in the older realist paradigm—solely represented by their governments and mainly interested in security. In the transnational paradigm, economic and social issues as well as their representatives do also matter. Complex interdependence assumes a multitude of contacts and communications between national societies and states. This displacement of the state-centric view of international relations by a transnational view directed attention to the politicisation of international economic and social affairs (including gender equality) and the emergence of an international political economy that studies the ways in which international politics shapes international economics. Lacking an international or world government, state and non-state actors have to try and manage their conflicts and to control the ways in which they cooperate, or fail to manage and cooperate (Spero 1990:9–10; Gilpin 1987:4–5; Mitter 1986:2).

   Having gone so far in this train of thought, it is just one more step from politics to policymaking. The concept of 'international regime' makes plausible the suggestion that sovereign states and other actors reach a certain cooperation and policy coordination for specific issue areas by agreeing on principles, norms, rules and decision-making procedures. National interests do not prevail in that vision, but common perceptions and the principle of reciprocity. These forms of cooperation may indeed result in further integration but do not mean that states give up their use of power and conflict or continue to prefer their own strategies, as Soroos points out (1989: 111–12). But they make it clear that international

relations are not only a matter of competition between states but of coordination and cooperation as well. Or in other words, international organisations and regimes are not only to be seen as the product of power relations between national states that act on the basis of easily identifiable national interests, but also as actors with a certain autonomous influence on national states and their policies.

Most of the time the intergovernmental arrangements which are engaged in this cooperation and coordination can be found with or within international organisations. The term arrangement has been chosen because the usual term, organisation, is inadequate. The G7, with its economic summits, does not comply with all criteria of formal organisations, but constitutes an important mechanism of policy coordination between industrial states. Another reason for a broader term is the fact that international regimes may function through more than one international organisation. OECD (Organisation for Economic Cooperation and Development) ministerial meetings are used in practice as preparatory meetings for G7 summits, while surveillance of the G7 decisions is carried out by the International Monetary Fund. Even rather autonomous regimes like the Council of Europe's human rights or the UN's women's rights regimes refer to each other. Although the word intergovernmental is used, we should keep in mind that in this vision, governments decide in the context of transnational processes and should reckon with non-governmental actors operating from a consultative status, through public opinion or by economic force.

The political process model

The barrier and input-output model for a political process, in which citizens' demands are translated through various stages into official regulations, can also be used within intergovernmental arrangements. These arrangements present 'political agendas', arenas of decision-making and to a certain extent effective ways of implementing the decisions and policies agreed upon. Apart from the political process as such, they offer the opportunity of policy formulation for specific issues or issue areas by concluding international agreements, treaties, conventions or recommendations to be implemented at national level. Policy here refers to clear objectives, principles and norms for a certain issue area as part of regulations for a certain time period, including more practical measures and means to support the operation of the chosen policy and, if necessary, evaluations and adjustments. The heart of international policymaking is what Valticos in the context of the International Labour Organisation (ILO) calls *international standard setting,* i.e. the formulation of common norms or standards that should be incorporated in the respective national regulations and practices, notwithstanding the fact that national conditions may be quite diverse and that further practical implementation is a mainly national concern (Valticos 1985:93).

international level of decision- and policymaking
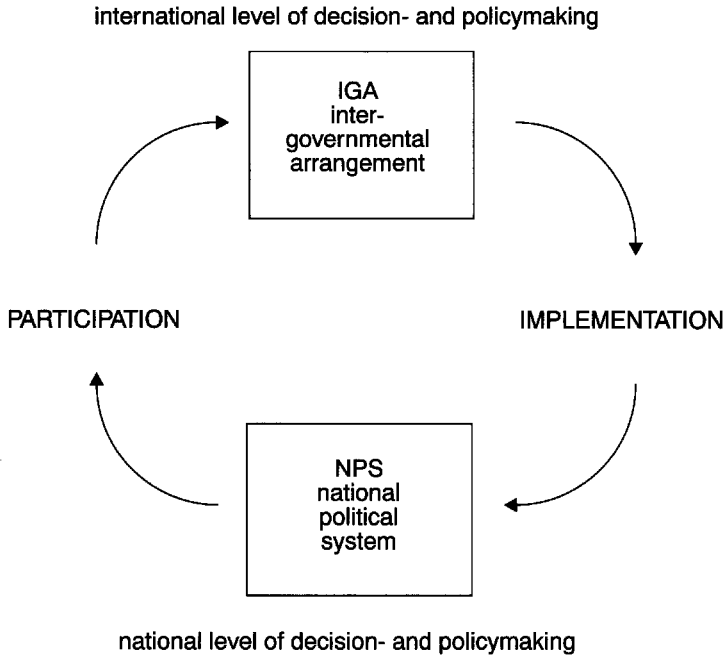
Figure 11.1 The interplay between national and international decision- and policymaking

In a situation of complex interdependence, international and national arrangements of political decision- and policymaking may well be interlinked. Between the two levels of decision-making and the two agendas (international and national), one can discern two linkages with a certain direction. One is formed by the *participation* of national governments in international decision-making; the other by the *implementation* of international decisions by national governments, which in turn requires national decision-making, and because of evaluation and adjustment or further policymaking, eventually international decision-making again. Both levels (national and international) and linkages (participation, implementation) and the cyclic movement are shown in Figure 11.1.

In this interplay, governments are forced to make compromises at two levels. One is that of the *national political system* (NPS), with its own way of decision-making. Compromises reached there can be seen as 'inputs' for the second level, that of the *intergovernmental arrangement* (IGA). Debates at this second level lead to other, possibly different compromises for the same issue. These international compromises (for example, international regulations on the traffic in women, maternity protection or non-discrimination) are in their turn 'inputs' for national political systems, because the intention of international standard

setting is that national states ratifying these international agreements should adapt their national laws and practices to the international norms or standards contained in these agreements.

Bolder international standards

That international standards may differ from national ones (particularly in the sense of being bolder) and none the less lead to their adaptation at international and national levels has to do with the need of an interdependent world for general rules of transnational behaviour. At intergovernmental level, states can try to formulate such rules or norms in a more abstract and general way than could be possible in their national contexts. Besides, this formulation takes place in a situation of negotiation, and at greater distance from national traditions or factions about specific issues. Hoskyns has pointed out that the European Court of Justice, in favourable circumstances, is able to make bolder decisions than are likely in a national jurisdiction, 'partly because the Court sees itself as involved in creating something new, rather than in protecting the status quo, and partly because when faced with a range of different jurisdictions it may be easier to achieve harmonisation by moving boldly forward than by staying in the same place' (1992b: 5–6). International debates might even lead to the well known paradox of states proclaiming international standards which they themselves violate in their national practices. Equal pay (like in ILO convention no. 100) and 'not torturing' are adequate examples.

Essential for international decision-making and implementation is that the strength of an international compromise depends on the inputs of national actors and the means of the intergovernmental arrangement. When national inputs are weak, the international compromise cannot be strong (like Article 119, hidden in the unimportant social part of the 1957 Rome Treaty). When an international mechanism is weak in implementing (recommendations only and no monitoring tools), the effects will be weak. However, interdependence itself is a main force to strengthen the interplay between national and international decision-making, both for participation and implementation. This is reflected in various intergovernmental arrangements like G7, IMF, GATT (General Agreement on Tariffs and Trade), NAFTA (North American Free Trade Agreement) and the EU, which all show an overlap in time between the formulation of national and international compromises. Compromises reached at international level depend on what is decided at national levels, and what is decided at national levels depends at the same time on what is being achieved internationally. This is true for gender as well, irrespective of whether the policies concerned do have a specific gender component or are rather 'gender-blind'.

Implementation at work

Implementation of international compromises is supposed to be hindered by a lack of international authority to enforce these decisions, and to prove effective in changing national laws and practices. However, intergovernmental arrangements have developed several ways to make their policies function (Donnelly 1993: Ch. 4). Various monitoring tools and subtle, but yet compelling, mechanisms have been developed for discussing the progress that has been made. In general and in the long run, governments will respect these mechanisms (which is not the same as immediate obedience, and there are notable exceptions). Respecting is reasonable, given the fact that a loss of face or reliability, economic exclusion or disadvantages are the consequences of non-compliance (here again margins exist permitting governments to diverge from the general line). In other words, even if intergovernmental arrangements depend most on national states or governments, these common constellations are there as well and function rather effectively in their fields. Even if some of them may be of minor importance, the interdependent world cannot do without them now.

TRANSNATIONAL ACTORS AND PARTICIPATION

Influencing international decision-making

Just as national political systems have created facilities for social groupings to influence decision-making, or to bear implementation responsibilities in their fields, so intergovernmental arrangements have officially recognised transnational actors and their participation in areas such as advisory procedures, special committees, monitoring roles and technical assistance. In this way, they may create a social basis and public support for their general and specific policies. Histories of international politico-social movements show that non-governmental transnational actors have played such roles and that they have been well able to raise political demands, to get issues placed on international agendas and to engage in the entire followup of decision-making, implementation and feedback (for the women's movement: Evans 1985; Reinalda and Verhaaren 1989; Wetzel 1993; Stienstra 1994). It should be stressed here that the international women's movement is not a recent phenomenon (as suggested by the term 'new social movement') but an old and continually active transnational actor. Having its origin in the nineteenth century (going back to the foundation of the first international women's organisation in 1868) the international women's movement has interfered with intergovernmental arrangements from the beginning. Women's activities can be seen in the international peace conference of 1899, the League of Nations and the ILO since 1919, the

the transnational way

the national way

——————▶ = pressure
– – – – – –▶ = participation
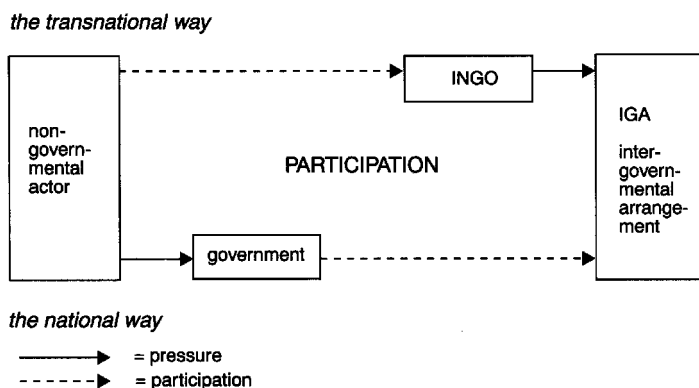
Figure 11.2 Two ways for non-governmental actors to influence international decision-making

Organisation of American States' (OAS) predecessor since 1924 and the United Nations since 1945.

In the interplay between national and international policymaking, non-governmental actors in general have two ways to influence international decision- and policymaking, as can be seen in Figure 11.2. The first way is the *national* one, by putting pressure on government regarding the intergovernmental arrangement. The second way is the *transnational* one, by making their international non-governmental organisation (INGO) influence the intergovernmental arrangement.

The *national way* refers to the pressure a non-governmental actor may exert on its government regarding one or more specific international issues. Essential to this is that the non-governmental actor tries to influence what is going on within one or more intergovernmental arrangements through the behaviour of its government. Within the intergovernmental arrangement the government should raise an issue, vote for or against a specific proposal, try to amend it, or offer specific methods. The national way thus comprises all forms of pressure within the national political system regarding a matter on the international agenda (it might be on the national agenda as well, but this is not necessarily so). The discussion on 'state feminism' or 'femocrats' working for the government can be brought in here as well, because of the differences in position and vision that might exist between 'non-state' and 'state' feminists. We may expect the national outcome to be different if 'nonstate' and 'state' feminists disagree about the international issue, and the national influence to be stronger if 'non-state' and 'state' feminists agree about the preferred international behaviour of their government.

The *transnational way* refers to the situation where a non-governmental actor operates transnationally, for example through an international non-governmental organisation which tries to influence the intergovernmental arrangement by using its consultative status within this arrangement, through specific ways of lobbying or through public opinion. The discussion on 'state feminism' has an extension at this level as well, to be called 'interstate' feminism. The radical change in EU equality policy in 1974, for example, would never have come into existence without 'interstate' feminism in the crucial person of EU employee Jacqueline Nonon (see below). Here again we might expect different outcomes depending on whether transnational feminists and 'interstate' feminists agree or disagree on the issue at stake. What should be noted as well is that the INGO (or whatever form the transnational operation may take) is a compromise itself between actors from different countries. It might reach a viewpoint different from the one preferred by the original national non-governmental actor. The expected outcome of this transnational way thus depends on several variables.

Interference

In the ideal situation a non-governmental actor should work both ways to influence international decision-making. However, this is not always so. For instance, the national non-governmental actor might be well oriented at the national level, yet be unconcerned about the transnational way. A 1990 Dutch publication on women and political strategies reflected this situation because authors and strategies focused entirely on the national system. Only a few scattered and small remarks referred to the inter- or transnational aspects of possible strategies (Dorsman and Goudt 1990). Other complications may occur if an INGO is unable to get its national affiliates on the same line or does not receive enough support from its national actors.

One relevant aspect in this context is that different generations of women in the 1970s and 1980s had different transnational orientations. Women active in INGOs set up by the 'first wave' of the women's movement have been in favour of the transnational way from the very beginning, and have used their organisations' consultative status within intergovernmental arrangements to influence decision-making. Women's international 'networks' created by the 'second wave' of the women's movement developed the transnational way later and with quite different, more autonomous attitudes and strategies towards intergovernmental arrangements (Reinalda 1989: Ch. 18). This difference in orientation is relevant for the EU as well. It was an older generation of women, active in the first rather than the second wave, who favoured the transnational way towards the EU, while younger generations initially felt little or no inspiration to try and influence this 'male' international body.

INTERGOVERNMENTAL ARRANGEMENTS AND WOMEN'S PARTICIPATION

Women have been both subjects and objects of international relations, as is shown by their entry into intergovernmental arrangements and by the actions taken by these arrangements.

Political struggle

The entry of women into intergovernmental arrangements, which are by origin and structure typically male in all respects (staff, vision, behaviour), has been the result of political struggle. The best way to put it, as historical research demonstrates, is that women have fought themselves into these male bastions and have started to play a role of their own within them. As subjects of international relations, women changed their situation of 'exclusion' into one of self-established 'presence'. This continual struggle began at the famous international peace conferences of 1899 and 1907 at The Hague, where women lobbied actively and openly for their specific demands. The international lobby of women in 1919 resulted in the insertion of an article in the League of Nations' covenant. This said that all positions under, or in connection with the League, including the secretariat, should be open equally to men and women. Although trivial, this article was fundamental because it provided women at global level with the official possibility of engaging in intergovernmental arrangements and to fight for all kind of issues, among them the recognition of equal rights and roles. And that was what they did. They engaged in almost all political debates. In our history of the international women's movement and international organisations between 1868 and 1986, Verhaaren and I found fifteen intergovernmental organisations with one or more 'women's committees' or similar provisions. We registered 336 international women's organisations and networks to have been active in that period (two-thirds of them could be traced back as truly active transnational actors). Sixty-one of these were given a consultative status with one or more international organisations (Reinalda and Verhaaren 1989:415–35).

Related to the entry of women into such arrangements are issues like:

- the recognition of international women's organisations and more recently women's networks;
- their official status with or within an arrangement;
- the setting up of advisory and other committees regarding 'women's matters' or of 'women's committees';
- women's participation in staff, specific organs and national delegations;

- the official opportunities women have to influence decisions (which was relatively large but ineffective within the League of Nations and officially restricted but more effective within the UN Economic and Social Council);
- coalition politics with other non-governmental organisations, governments (effective within the League of Nations and sometimes during the UN Women's Decade) or regions (the UN decision to organise an International Women's Year was the result of a coalition between women and Third World representatives);
- changing the male character of the arrangement.

Unexpected forms of women's influence

Examples of the 'early entry' of women into intergovernmental arrangements in the sense of creating rather persistent facilities for women to participate in its work, sometime at the beginning of its existence are: the League of Nations (1919) and the UN (1945), the ILO (1919) and the OAS's predecessor (which in 1928 established the first official women's organ: the Inter-American Commission of Women). The Conference (now Organisation) on Security and Cooperation in Europe represents a clear example of 'non-entry' of women. The 1957-based European Union might be called an example of relatively 'late entry' since it had hardly any provision until 1974 and if so only on an ad hoc basis.

The most remarkable form of entry into the European Union is the political interplay between the Commission on Women's Rights of the European Parliament (established for the first time in 1979) and the European Commission. In the period since 1979, this EP Commission has presented thorough analyses of the situation of women in the European Community (now Union) and has formulated specific demands. The European Commission has responded to these analyses and demands by initiating middle-term policy programmes regarding equal treatment for women and men. In its turn, the EP Commission has reacted to the actual implementation of these programmes with evaluations, new analyses and new demands. This long-term relationship between a 'parliamentary' commission and the leading European Commission can be characterised as an action-reaction pattern between 'sparring partners'. It is a unique form as such, and it may be the most influential mechanism when it comes to women's demands within the Union. It would be in great danger, however, if the EP Commission's mandate is not renewed, since it does not function on a permanent basis.

International regulation

Women are objects of international debates and actions as well. Debate refers to discussions within the intergovernmental arrangements about the legal,

economic, political or cultural position of women and men. Action is based on specific decisions which have resulted in a variety of forms and weights of treaties, covenants, charters, conventions, agreements, declarations, directives, policy programmes, recommendations and resolutions. Action also refers to measures to support the implementation of these decisions. It includes the processes of monitoring, evaluation and international jurisdiction and the rather practical support that can be given to governments or non-governmental actors to make international policies function at (sub)-national level. Every intergovernmental arrangement has its own way of functioning, and offers transnational actors some facilities to participate, either directly or indirectly, and with more or less opportunities for women. It also provides various instruments for its political decisions. Sometimes only a resolution is passed, other times a 'heavier' instrument is chosen like a convention or directive. Verhaaren and I found that between 1890 and 1986 a total of 355 multilateral conventions, with any relevance to the position of women, were concluded (Reinalda and Verhaaren 1989:436–56).

Intergovernmental arrangements' actions often are interrelated because it is unnecessary for every one of them to invent the same standards again. International organisations or their organs do cooperate or refer to each other's policies, decisions or standards. This is the case within the so-called UN family, but also between the UN and regional organisations like the OAS or the Council of Europe. The EU for example, does not have a human rights mechanism of its own, but refers to those of the Council of Europe or the UN. Quite often, explicit references are made to each other's actions, both to decisions that have already been taken, and to decisions that are still in progress. It means that transnational actors must be aware of this interwovenness, both in strategic and tactical thinking. The international women's movement has been quite aware of this most of the time. Sometimes it was able to play organisations off against one another, but at other times it fell by the wayside. Today, politics and public opinion in many countries are aware of the fact that several international conventions try to influence the position of women and men.

Political change

As objects of international relations, women have had a long way to go before equal rights and opportunities were fully recognised at intergovernmental level. During that time, both ideas and international standard setting have changed. Historical research shows that the principle of full equality for women and men had already been raised as a demand at international level in 1868 by Marie Goegg, one of the first women to be active in political organisations on equal footing with men. The political struggle for this demand within intergovernmental arrangements—'slower' mechanisms than national ones

anyway—was a matter of long duration, showing several qualitative changes. This global debate on women's rights shows successive phases can be described thus: special protection of women/equal rights/nondiscrimination / equal roles and opportunities. This debate and its rather extreme change from special protection of women (i.e. inequality) to equal roles and opportunities took sixty years before it was fully recognised internationally: from 1919 with the mentioned article in the League of Nations' covenant until the 1979 UN convention on discrimination against women in any form (Reinalda and Verhaaren 1989:183–5; Whitworth 1994). And it has not yet been fully realised in new regulations or practices.

Formal recognition of *equal rights,* i.e. presenting women with the same rights as men, was the first objective in this debate and lasted until 1966. The League of Nations refused such a recognition explicitly, unlike the OAS's predecessor and the ILO which already presented very progressive statements in the 1920s and 1930s. Within the UN a slow shift can be discerned, from good intentions in the beginning, through the 1952 convention on political rights, towards the two 1966 UN human rights covenants which recognise the equal right of men and women to the enjoyment of all rights. Acceptance of *non-discrimination* presented a second gradual evolution. The ILO was the first international organisation to use the word discrimination in this context (in 1937) and in 1944 to articulate the fundamental principle of non-discrimination, soon to be followed in more general terms by the UN in 1945 and 1948. A further elaboration of this principle within the UN family can be found in some interrelated ILO, UNESCO and UN conventions in the period 1958–65. The UN in 1967 still shrank from the full consequences of discrimination against women. Instead of a convention and principal position, it restricted itself to a declaration (a much weaker instrument) and a moral condemnation of discrimination against women. A crucial element in subsequent progress and in the transition from the third to the fourth phase (from nondiscrimination to *equal opportunities*) were debates within the ILO in the late 1960s and early 1970s. Women's organisations then managed to bring up 'special protection' of women, and discrimination due to family responsibilities for discussion. They succeeded in changing the ILO's 'traditional view' that women workers needed special protection, into a less rigid 'modern position' during the 1960s, to be followed by a complete 'revision' in 1975 in favour of 'equal protection' of women and men. This success relieved the inherently progressive ILO of an obsolete, protective burden and removed a major obstacle for the acceptation of the 1979 UN convention on discrimination against women. This is an even more interesting outcome when one notes that British trade union women had already defended the idea of 'equal protection' within the ILO as early as 1919 but had been outvoted completely because politicians then regarded protection of women as necessary. By 1975 and 1979 however, their forward vision had gained a majority. The 1979 UN convention is

a culmination of the debates on equal rights and non-discrimination and of the insight gained by the UN Commission on the Status of Women in 1970 that legal equality is insufficient and should be matched with equal roles and opportunities for women. Regarding transnational actors and intergovernmental arrangements, the conclusion is that international standard setting about women and men has been a matter of change, or more accurately, of slow change and political perseverance by transnational actors (i.e. mainly international women's organisations which have worked it all out).

Economic pressure and political articulation

These transnational actors' successes can be explained in a general sense by referring to the growing global pursuit during the twentieth century of a more effective use of the means of production, as well as the employment of women workers. Both internationalisation of world production and the lobby for free trade as a global system are pressures on global economic forces. The political expression of this economic tendency was reflected in the period around the Second World War in the socio-economic arrangements of the League of Nations and the UN system. The 1941 Atlantic Charter and the 1944 ILO Philadelphia Declaration and Bretton Woods agreements expressed ideas about post-war economic cooperation to remove all impediments to an effective worldwide economic production and distribution, including barriers for labour market participation. Nondiscrimination and equal opportunities, both in the gender and wider sense, are logical consequences of this economic tendency, but only after their political articulation at intergovernmental level by transnational actors like women's organisations, trade unions or civil rights movements. Opposite this pushing global force are counter forces at (sub)national level in the form of traditional ideas and regulations about gender relations, still dominant in national societies and restraining women's opportunities to get work and equal roles in the public sphere. Seen from a global economic viewpoint these restraints are undesirable and in the end untenable. These traditional visions are reflected in international arrangements as well, as the idea of special protection of women shows. But this example also shows that, in the course of time, these visions have lost ground in the compromises reached at international level. This area of tension between pushing and restraining forces is not so much a matter of moral debate—which it is as well—but of economic and political change in an interdependent world.

IMPLEMENTATION OF INTERNATIONAL POLICIES

Monitoring

Since implementation of international policies does matter in an interdependent world, ways to monitor and control the implementation process are important. They all start from openness and candour which require that information must be made available and exchanged internationally. Generally speaking, specific procedures 'to know what is going on' are agreed upon and expressed in the international treaties or programmes themselves. In principle these treaties will present procedures and timetables to monitor the process, and if necessary, to adjust it. This may take the form of regular reports (every one or two years) and particular evaluation activities. The intention of monitoring is to see whether the implementation works, and if not, to either indicate those who do not comply (who will be embarrassed to be named as such by the others and suffer a loss of reputation) or to discuss the specific problems with the intention of a further implementation by additional means or decisions.

Older international treaties are not very explicit in this respect, because of the traditional claim that external forces were not to interfere in internal affairs. But a comparison of older and newer UN treaties regarding women reveals that in later treaties, more detailed articles on monitoring are to be found than in older ones, and that monitoring as such has become much more accepted. These new articles often give precise prescriptions, for instance on topical quantitative data to be collected and presented regularly. These prescriptions also try to facilitate international comparison and if necessary adjustment of information. The amounts of information gathered through these procedures can be problematic, if the capacity of an international body to analyse all this information within the prescribed time-path is insufficient. In many situations there is data available, which for this simple reason cannot be analysed. But here again creative solutions may be worked out, by selecting issues or defining simpler time-paths. Sometimes even special committees are created to monitor and discuss the results of international policies and to present regular concluding reports to the intergovernmental arrangement. CEDAW, the Committee on the Elimination of Discrimination Against Women, is an example arising from the 1979 UN convention.

Political pressure

Information presented by governments in monitoring procedures presents a special problem because governments show natural tendencies to declare that a policy is in progress and that national situations have improved. A structural way for correcting this one-sidedness can be found in the tripartite International

Labour Organisation. The fact that ILO reports are based on visions presented by governments, trade unions and employers means that the three kinds of reports may correct each other, as they in fact do. Presentation of counter information from outside is another solution. This method is used by non-governmental actors expecting that intergovernmental arrangements will accept the results of their critical work. This socalled Amnesty International model is based on authoritative counter information on national situations presented to national authorities, intergovernmental arrangements and public opinion. Collecting counter information is one step, but making it play a role within international arrangements is a second. Within the UN, the Women's Rights Action Watch uses this model with CEDAW (Wetzel 1993:197).

International legal action

When intergovernmental policies are not met and further pressures prove to be inadequate, international legal action may be helpful given the fact that such provisions do exist. The European Commission, for example, can appeal to the European Court when implementation by member states is problematic. This procedure can be started with information collected by the Commission itself, or because an individual has complained about national measures failing to apply the principles laid down in EU directives. The interesting thing about this procedure is that member states, even if they do take their time, accept the European Court's decisions (Landau 1985; Hoskyns 1986). Although not supranational in character as in the case of EU directives, there are two more opportunities for individuals to complain about non-compliance with international conventions. These are the 1966 UN covenant on civil and political rights and the 1950 Council of Europe convention for the protection of human rights and fundamental freedoms. The intention is that non-governmental organisations and groups of persons will get an opportunity to complain via this last procedure as well. In both cases, there is a fair chance that international decisions affect national situations in many countries. The dark side of international legal action is that its procedures usually are lengthy and rather inaccessible. Transnational actors however can play a supportive role by directing the necessary information through the legal procedures of intergovernmental arrangements.

Repercussions

Results of implementation procedures may have repercussions for the international arrangement itself, for instance by refining or changing procedures or decisions. European Court judgments have not only affected national situations but also the EU mechanism for equal treatment itself. During the 1980s, court

cases based on the three 'women's' directives produced case law which led to a refinement of existing directives instead of creating new directives on equal treatment for women and men ('depth' instead of 'enlargement'). Experiments supported by money from EU funds to support the implementation of certain policies may have repercussions for the arrangement as well, because the results of small-scale experiments are used for the development of new policy directions.

Implementation of similar policies by various international arrangements may intertwine at national level. In national situations this interplay may end with either a positive or a negative result. Dutch women workers active in the trade unions during the 1950s and 1960s at first found support for their equal pay actions from ILO convention no. 100, and later in the 1960s and 1970s from EC decisions on equal pay. A negative condition arose when their action was hindered by the differences between these global and regional policies, because the government used these contradictions to postpone any implementation. The debate about social paragraphs and gender consequences within the World Trade Organisation or NAFTA as free trade arrangements, presents another example of interrelationship in which the results can be both positive and negative. Equal treatment might not be problematic but positive actions intended to overcome structural causes or undesirable consequences, could be regarded as impediments to free trade.

THE EUROPEAN UNION AND WOMEN

Political change

The EU as an international body fits into the discussed interplay between national and international policymaking. Because of its partial supranational authority and harmonisation procedures, it is even better equipped to operate common policies than intergovernmental bodies. Despite its status as a political entity, the early European Community restricted itself to economic policies. The social dimension was very weak, and there was no emancipatory element. Article 119 of the 1957 Rome Treaty with its narrow formulation of 'equal pay for equal work' is the only reference to women and both wordings and context are too weak to regard this as an emancipatory goal by itself. Between 1957 and 1973 the EU was not engaged in the global equality debate mentioned before. Equality was not on its agenda and as far as principles were discussed in the context of Article 119, the EU lagged far behind the global trend. The Communities were examples of non-entry for women as well. Buckley and Anderson's 'happy coincidence of the establishment of the European Economic Community and the growth of second-wave feminism' (1988:5–6) seems inaccurate. An unexpected

change in ideas occurred in 1974 with the 21 January resolution on a social action programme for the EC. This contained the broader and fundamental ILO formulation of 'equal pay for work of equal value' and mentioned the relationship between paid labour and family responsibilities. This resolution was the first EC document to recognise the socio-political meaning of equality for women and men and was followed during 1975–8 by the three well known directives on equal pay, equal treatment and social security.

This rupture can be explained by four political factors. First, the presence of a small group of women who strove for equality within the EC, partly from official positions (a form of 'interstate' feminism). Jacqueline Nonon was the crucial initiator, making use of research work done for the EC by Evelyne Sullerot and of her own strategic and tactical qualities within the Directorate General for Employment and Social Affairs. Second, the explicit wish of the EC at that time to gain more public support, especially from the labour force, by activating the social field. However, that mission was not accomplished then by the trade union movement, because of its lack of vision on the process of European integration. Third, the enlargement of the EC in 1973 with the United Kingdom, Ireland and Denmark, which meant a drastic change in staff and leadership of the Directorate General. When some old-fashioned bureaucrats were removed, Nonon had more elbowroom, which she managed to use in spite of bureaucratic impediments. Fourth, a background support from the rising 'second wave' of the women's movement in the member states played only an indirect role. These young women themselves were not particularly interested in the EC. Against this background, Nonon's success depended more directly on a coalition of a few women supporting European integration, in combination with activities by women (like Ursula Hirschmann and Eliane Vogel-Polsky) and the small but relatively active women's group within the newly formed European Trade Union Confederation. This coalition itself was weak but, given the situation, just strong enough for success, for instance in supporting the European Commission for the acceptance of the second and third directives (Reinalda and Verhaaren 1989: Ch. 20). These factors—a few well oriented women acting appropriately in a situation of organisational and cultural change, the failure of another actor and just enough support—explain the sudden jump the EC made from a situation of not being interested in equality for women and men to one with explicit standards and strong international instruments (directives) which have been used to change national laws and regulations.

Limitations

However, the limitations of this new situation can be discerned as well. First of all, women as transnational actors have gained only limited influence within the EU. Their entry was both late and limited (more in the social field than

elsewhere) which prevented them from getting a strong foothold in the entire organisation. During the preparation of the most recent action programme for the years 1996–2000, non-governmental organisations were not consulted. Women are most influential through the EP commission described earlier, and even when women's participation in the European Parliament is relatively high compared to national parliaments, their capabilities depend on relatively few women and limited support from their national bases (Vallance and Davies 1986). Not many women of the second wave have become interested in 'Brussels'—the European Women's Lobby being weak as a result (Hoskyns 1991)—and women in Europe (particularly in Scandinavia) who look beyond the directives are more critical than supportive. A second weakness is that EU policies regarding women and men (both directives and policy programmes) are limited in scope and effects. The directives may look impressive because they have forced member states to introduce enacting legislation, but they provide women with no more than formal equality with men, and have had hardly any impact on structural causes of sex discrimination beyond the workplace. The impact of EU policies on the problem of sex discrimination in the labour market and on reduction in the pay differential between men and women, according to Mazey, has been minor (1988:77, 82). Besides, the number of directives is not impressive—ten were planned for a short period, whereas only six exist—and the material support for the policy programmes is small. Equal treatment within the EU remains a matter hardly going beyond the sphere of paid labour (based as it is on the original Article 119; even violence against women eventually is regarded as an impediment to equal pay). Neither the 1989 Community charter of fundamental social rights of workers nor the 1994 white paper on European social policy reach much further, in spite of some remarks in the latter about acceleration of women's participation in decision-making. A third limitation is that most EU undertakings are gender-blind and produce negative results for women. They perceive equal treatment for women and men as a social problem unrelated to their sectors. Thanks to its gender-blindness, the Internal Market project ('Europe 1992') will eventually lead to a stronger segregation between the sexes, less opportunities for women to gain economic independence, more impediments for women in social security, a stronger marginalisation and deterioration in conditions for black and immigrant women, as van der Vleuten concludes in her critical study of the EU. Her advice is that women have to manifest themselves more and better within and around the European Union (van der Vleuten 1993: 161–5). Or to put it in my terms, to make a better use of participation by both the transnational and national routes.

   All three limitations make it difficult to regard the EU as a true women's emancipator. The 1974 rupture was an attempt to make up some of its arrears with other intergovernmental arrangements who already had developed equality policies. As such it was successful, but at the same time it has been a limited

success because of its restricted scope and insufficient implementation. As Glasner puts it: 'there are no grounds for complacency and there remains a role for those active in consciousness-raising in pushing at the boundaries of established practice and in pressing for the effective implementation of policy to protect and enhance the position of women' (1992: 97). In the interplay between national and international policymaking, the equality debate of the European Union has not been the result of a *dea ex machina* but of *feminae in machina.* However, as Glasner writes, 'the presence of women alone is not a sufficient condition to ensure that women's political interests are taken seriously' but 'it undoubtedly helps since, as Vallance comments, nobody fights other people's battles, and nothing is an issue until it has been shown to be electorally significant' (1992: 98).

NOTE

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