Equal is not enough: challenging differences and inequalities in contemporary societies

Conference Proceedings

Edited by
Joz Motmans
Daniël Cuypers
Petra Meier
Dimitri Mortelmans
Patrizia Zanoni
Equal is not enough
Challenging differences and inequalities in contemporary societies

Conference proceedings

Edited by
Joz Motmans
Daniël Cuypers
Petra Meier
Dimitri Mortelmans
Patrizia Zanoni
Dear reader,

We are delighted to present to you the conference proceedings of our second ‘Equal is not enough’ Conference, entitled “Challenging differences and inequalities in contemporary societies”. At the conference, held in December 2010, we welcomed over 170 participants from 31 different countries. In three days, together we created a forum for sharing theoretical and empirical insights to advance our understanding of the causes, consequences and underlying dynamics of inequalities, as well as of contemporary policies that can effectively reduce them. Specifically, we focused on inequality grounded in identities including gender, ethnicity, sexual preference, disability, class and age as well as their intersection. The conference counted a total of 85 papers that were presented in four sections approaching differences and inequalities from the perspectives of the law, public policies, organisations and the life course. The programme further included an opening key note by Myra Marx Ferree and two morning lectures by Sara Ahmed and Christa Tobler. These lectures, the papers and the discussions, facilitated by discussants from various institutions and disciplines, made the conference a rich experience.

From the start, we intended to circulate the insights from this conference to a larger public. The present publication contains a selection of the papers. We have kept the structure of the conference; papers are divided according to the four sections: 1) Law is not enough, 2) Challenging differences and inequalities in and through policies, 3) Equal Opportunities throughout the life course; and 4) Diversity is not enough: Interrogating difference and inequality in organisations.

We wish to thank all authors for sharing their work for others to read, to reflect upon and to discuss. Research into equality issues is an on-going process, and we hope that this book might contribute to getting it a step further.

The editors,

Joz Motmans
Daniël Cuypers
Petra Meier
Dimitri Mortelmans
Patrizia Zanoni
# Table of contents

**Foreword**

**PART 1**

Law is not enough

Rights guarantees, equality and social rights

*MARIA-ISABEL GARRIDO GÓMEZ*

Building inclusive societies: the role of substantive equality, ideas of justice and deliberative theory

*PUJA KAPAI*

Case law on the access and supply of goods and services. Equal is not enough: moving towards the formulation of an anti-subordination principle

*ANNA LORENZETTI*

The challenges faced by child-headed households in obtaining socio-economic rights in South Africa

*ANTOINETTE MARAIS*

Indicators for a just and widely supported affirmative action policy: a brief overview of the Flemish employment equity and diversity policy

*MICHEIL VAN DE VOORDE*

A differentiated care system: its contribution to the vulnerabilities of separated migrant children in Ireland

*DEIRDRE HORGAN, SHIRLEY MARTIN & JACQUI O’RIORDAN*

**PART 2**

Challenging differences and inequalities in and through policies

Gender equality is not enough. Some considerations on the meaning and effects of intersectionality within a state feminist epistemic community

*CATHRINE EGELEND & CECILIE BASBERG NEUMANN*
Equality policy in Portugal: the case of sexual orientation
EDUARDA FERREIRA & MARIA JOÃO SILVA
142

Public expenditure for domestic work challenges Swedish gender equality
ÅSA GUNNARSSON & ELIN KVIST
156

‘Successful’ gender+ equality policies in Europe?
A discursive approach to the quality of policies
ANDREA KRIZSAN & EMANUELA LOMBARDO
172

Diversity and social cohesion.
Is a politics of recognition at odds with a politics of redistribution?
FRANÇOIS LEVRAU & PATRICK LOOBUYCK
190

Combating ‘ghost discrimination’ against hidden populations:
best practices for EU inclusion policies in the pilot project
for Roma Inclusion
ALLYSON M. LOWE & SANDI DIMOLA
200

The ups and downs of gender mainstreaming in the EU research policy –
the gender toolkit and training activities in FP7
LUT MERGAERT & KATLIJN DEMUYNCK
216

The increasing role of Italian regions in combating discrimination:
the case of Piedmont
MIA CAIELLI & VALERIA SANTOSTEFANO
234

Equal is not necessary? Intergenerational solidarity in aging societies
PETER THIJSSEN
252

Creating topographies of in/equality. The implementation of
the EU directive on access to goods and services in Austria
and its consequences
NORA GRESCH & BIRGIT SAUER
270

Reclaiming the transformative potential: gender mainstreaming
in Dutch development cooperation
ANOUKA VAN EERDEWIJK & TINE DAVIDS
288

PART 3
Equal Opportunities throughout the life course
309

The role of the partner in employment exit in Belgium
ANNELEEN BAERTS & IGNACE GLORIEUX
312
Neither conflicting nor simply complementary: how social inequality research can profit from paying attention to genetic variation

MARTIN DIEWALD

Highly educated immigrants on the Belgian labour market: ‘overqualification’ in light of human capital and segmentation theory

JOHAN GEETS

From orientalism to urban marginalization. Combining anthropological and philosophical approaches to equality and ethnicity

LOUISE MØHL & SIRI AGNETE SCHWABE

Assessing the fairness of hiring decisions using the vignette technique

ELKE VALGAEREN

In search of a more democratic division of labour in society: applying the basic values of equality, freedom, solidarity and efficiency

WALTER VAN DONGEN

Feelings of loneliness: differences between ethnic minority and majority group members in Belgium and their relation to minorities’ integration and ethnic attachment

KRIS VANCLUYSEN & MAARTEN VAN CRAEN

A life event and social stratification analysis of poverty transitions in Western European countries

LEEN VANDecasteeLE

PART 4
Diversity is not enough:
Interrogating difference and inequality in organisations

Discovering the connections between identity regulation, diversity, management and individuals’ subjectivities: an empirical study in an aerospace company

MARIO PEZZILLO IACONO, VINCENZA ESPOSITO, LUCIA SILVESTRI & MARCELLO MARTINEZ

Of women, gender and inequality in academe: bringing feminism back to dispel yet another wicked issue

MARIANNA FOTAKI

Inequality in science? Gendered resource allocation for new professors

HEATHER HOFMEISTER & MICHAELA JUETTEMANN
Equal is not enough. Conference proceedings

Explaining unequal chances in the British labour market: the role of ethno-religious background and class
NABIL KHATTAB

Role definitions and interactions with immigrants: understanding the world of Swedish employment officers
AGNETA MOULETTES & PUSHKALA PRASAD

Gender inequality in universities: supporting women’s career through a multi-method case study intervention project
MARLOES L. VAN ENGEN, INGE L. BLEIJENBERGH & JAAP PAAUWE

Staggering towards second-class citizenship: the evolution of sexual orientation equality policy in the United States
JOEL RUDIN

Colofon
People differ. There are young people, old people. Healthy people, and people with a disability. There are people whose history goes back many generations to a certain place, and there are people who have just arrived. There are people who are partial to the opposite sex, and there are people partial to the same sex. And there are also people who have a liking for all people. The way that, and the extent to which a society acknowledges differences says something about the quality of society.

In many parts of the world, the attention paid to all kinds of difference leaves much to be desired. Sometimes this can be explained, even understood (though understanding is not the same as accepting). A country near the bottom of the economic ladder focuses on survival. In the West we have the good fortune that we no longer have to survive – which is not to say that there is no deprivation. Unfortunately, there is. And too often. And too much.

But in our society there is a good amount of attention paid to difference.

Even more: work is being done on acceptance of difference and combating prejudices. Prejudice excludes. Think, for instance, of the prejudice against a worker who is a bit older (the grey ceiling!). Or a woman (the glass ceiling!). Or LGBT (the pink ceiling!). A prejudice that a student with a disability in any case cannot follow class in general education. Or the prejudice which results in those who have a different (ethnic-cultural) background receiving fewer opportunities on the labour market, for housing, in their free time.

An equal opportunity policy should thus not aim to erase difference, but to help understand that difference in itself should not be a reason for exclusion – on the contrary. An equal opportunity policy aims at inclusion and in this way to give everyone equal (starting) opportunities. And these equal opportunities should be available at every point in life. In nursery school, and throughout the entire course of one’s education. Later, when one is looking for a job, to start a career. In the opportunity to participate in social activities. A wheelchair must not be a reason not to go to the cinema.

Partly on the basis of international regulations and reporting obligations, partly on the basis of our own regulations, awareness of the approach to equal opportunities and difference has increased. But a sound policy also needs input. Sometimes this comes directly from society. When something happens that troubles society, which is generally seen as ‘unjust’. But this is not enough. Obviously not. And it is then that the [social] sciences enter the picture. Scientists – and what I am now writing might also be a prejudice, or a generalisation – are people who have made it their profes-
sion to view ‘something’ from different sides and perspectives, to reflect on it and to report about it. And not only to beef up the number of A or B publications on one’s own CV, but also in the hope that their research has an influence on policy, and thus helps a society to change. Conferences such as ‘Equal is not enough’ are particularly useful for this. They give the policy-makers a sample of current research, of relevant findings. Collections of conference readings also constitute a further source of inspiration. They fuel the policy and the staff members responsible for it. They ensure that policies are critically examined, learn from ‘good and bad practices’ and draw inspiration from both. This volume also offers opportunities for reflection.

I wish you much reading pleasure and reflection.

Pascal Smet
Flemish Minister for Education, Youth, Equal Opportunities and Brussels Affairs
Part 1

Law is not enough
Rights guarantees, equality and social rights

MARIA-ISABEL GARRIDO GÓMEZ

Abstract

Our study deals with substantive equality in the sphere of social rights. First, we investigate the semantic and practical complexity of these concepts, alongside the corresponding obligations of public authorities in terms of putting them into practice. Secondly, we discuss the role of substantive equality in the social rights discourse, exploring the points at which the two concepts interact and the ways in which the concept of formal equality can be improved. Finally, we conclude that there are two distinct fields of meaning within the concept of discrimination: one relating to any infringement of the general principal of equality, and another, more specific interpretation which relates to the infringement of equality when any of the proscribed differentiating factors are present (Barrère, 1997: 22-23).

Contact

María-Isabel Garrido Gómez
Faculty of Law
University of Alcalá
Libreros, 27
28801 Alcalá de Henares (Madrid), Spain
misabel.garrido@uah.es

Key words

rights guarantees, legal equality, substantive equality, social rights, substantive treatment
A dynamic understanding of equality and social rights

The contemporary concept of equality relies on the creation of a legal and social order in which the independence of individuals can only be obtained by their being positioned under the auspices of the legal power of the State, where the concept of independence is linked to a formal system and economic autonomy (Barcellona, 1996: 55ff). As Rosenfeld highlights, the history of constitutional equality largely comprises a protracted struggle against feudal status and privileges. This is a dialectical struggle divided into three stages. During the first stage, difference is seen as a correlate of inequality. In the second phase, identity comes to be seen as a correlate of equality. Finally, in the third stage, it is difference that becomes the correlate of equality (Rosenfeld, 1998: 415).

Following certain changes which have taken place recently, the liberal paradigm considers members of a society to be actors in a market economy which guarantees the real conditions necessary for ensuring individual rights. Thus the recognition of an individual right represents the exercise of private autonomy through the stipulation of contracts and the acquisition of goods or services from others. In such a State, the structure of rights implements strategies which assume that women, the disabled, members of ethnic minorities and so on fit into the present scheme for natural reasons, without taking the underlying problem into account (Barcellona, 1999: 105ff).

In this way, social rights constitute subjective rights, representing a programme of goods distribution that relies on a balance between public, collective and private interests. This results in a singular structure with a special mechanism, with which the State should provide assistance and services and also create, strengthen and promote the conditions allowing individuals and groups to fulfil their needs. Their obligations, therefore, are also related to the prerequisites for exercising positive liberty (Abramovich & Courtis, 2002: 40-44; Cascajo, 1988: 63-64, 92-99).
Social rights and the role of public authorities

Social rights can be defined primarily as those which establish a benefit or service for holders of the right. Such benefits are conferred mainly by the public authorities but also – less commonly – by individuals (Peces-Barba, 1999a: 60) and they take the form of rights to substantive equality. In other words, they demand a legal system which differentiates according to real inequality, so that this equality is a condition of exercising fundamental rights. Given this aim, the problems related to guaranteeing the satisfaction of these rights differ from those related to other classes of rights (Ferrajoli, 2010: 108-109). Any conflicts that arise must be resolved in order to determine the conduct required and this indicates the pernicious nature of a society that regulates itself freely: administrative, economic and decisional techniques, among others, are essential for breaking the autonomy of State and societal systems. This connection should be grounded in the development or control of systems without which it is not possible to live today, the security of those aspects which are vital for human life, and a range of social benefits which are guaranteed constitutionally. The social benefits can be summarised as follows: a regulated minimum wage, revised according to changes in the economic situation; a policy of full employment; care for people who are temporarily or permanently incapacitated for work; and an extension of the potential of people’s lives, especially that of workers, by increasing access to cultural goods and improving social services, supported by fair distribution of income according to the economic situation (García-Pelayo, 1996: 21-25, 29-30).

As part of the literature on the satisfaction of social rights and programmes of substantive equality, a number of solutions have been designed by various authors. Preuss divides these proposed strategies into four groups: the first suppresses distributive rights, which hinder the market in fulfilling its function of assignation. This proposal is not admissible, however, as its results would restore the hegemony of the bourgeoisie and run the risk of subjecting the working class to the market, making political dictatorship a real possibility. The second converts substantive rights into procedural rights, to the detriment of those incapable of pursuing their interests effectively because of a lack of resources. The third is linked to what has been termed a ‘responsible right’ under article 18 of the German Grundeset, which resolves the loss of constitutional rights involved in an ‘inappropriate use’, i.e. a use which takes no account of the negative derivations of the constitutional system as a whole, which could devaluate legal claims. The fourth pertains to the Teubnerian doctrine of a ‘reflexive law’, which calls for the constitutionalisation of an ‘organising conscience’ throughout organisations in response to social demands (Preuss, 1991: 88-89).
Part 1. Law is not enough

Substantive equality in the social rights discourse

All individuals are subject to a fundamental legal equality in law, with corresponding rights and obligations. Formal equality is linked to generality and abstraction, and when applied to rights, this means that all individuals are equal in terms of their ability to hold and exercise rights. The idea of formal justice satisfies the value of equality in that subjects to whom rules are applied are required to conform to them. The fact that this equality is relative – depending on the criterion which inspired the rule in question, the number of advantages or disadvantages to distribute and the number of persons affected by the rule – does not alter the fact that compliance with the rule results in equal treatment (Bobbio, 2001: 17-18; Laporta, 1985: 3-31).

Legal equality is indispensable for acquiring real equality in a negative sense, given that the concurrence of legal discriminations limit the objectives set. At the same time, in a positive sense, it allows persons to go before the courts to challenge discrimination. However, formal equality alone is not sufficient. It requires the effective application of egalitarian laws, and laws which safeguard vulnerable areas: the principle of social equalisation compensates inequalities by raising or promoting disadvantaged people, or by limiting or reducing the wealth and power of more advantaged groups. The former strategy offers positive benefits while the latter offers negative ones (Fernández Ruiz-Gálvez, 1992: 156ff; Pérez Luño, 2007).

The idiosyncratic nature of equality and the fact that it is founded on diversity means that concepts of identity and similarity are necessarily excluded in our analyses of it. Identity deals with two distinct subjects, and fails to recognise any differing elements. Similarity, meanwhile, does not require that differentiating elements be disregarded. When we make a judgement regarding equality, we should operate relationally, and make clear that the two items we are comparing are equal. This point involves a value judgement which takes into account certain facts and inherent inferences (Prieto, 1995: 112-115; Id., 1998). The principle can be simplified as the legal system’s obligation to prevent a priori any form of negative discrimination becoming positive, and to implement positive discrimination in cases which have traditionally involved situations of inequality (Ruiz Miguel, 2000: 160).

In terms of substantive equality, affirmative and negative judgements of equality are not absolutely symmetrical. The fact that two individuals, or classes of individuals, are substantially equal implies an obligation to treat them in the same way – it is essentially a legal policy directive aimed at legislators or judges. The question we should address is what really constitutes the foundation for substantive equality in the social rights discourse. The answer should lie in the response to human needs, which are either themselves non-negotiable or based on non-negotiable circumstances, and which signify a manifestation of the capacity to overcome the limits of ‘human’ existence (Añón, 1994: 191-193). Those who cannot guarantee their funda-
mental needs are protected by the formulation and defence of rights that recognise these needs (Añón, 1994: 265-266; Contreras, 1994: 52ff).

**Approaches to equality of substantive treatment**

The two techniques for dealing with equality of substantive treatment are equality as equivalence and equality as differentiation. The former deals with the respect and protection of fundamental needs as an element whose rationality and foundation for rights is most acceptable. The latter concerns the way in which a perceived privilege disappears as it comes to be considered a fundamental right, insofar as: firstly, it is interpretable as equality of substantive treatment as equivalence, since the differential circumstance is not relevant for creating an inequality; secondly, it establishes a civil right which obliges the public authorities to satisfy a need that cannot be satisfied by privation; and thirdly, it determines principles which need to be addressed in legislation at a later stage (Peces-Barba, 1999b: 291).

It is therefore worth outlining the differences (characteristics which differentiate and at the same time ensure individuality) on which various types of inequality are based (where inequality refers to a disparity between subjects that originates in rights related to wealth and positions of power or subjection). Despite their discrepancies, we note that the two concepts mentioned above are linked both to fundamental rights of liberty, in terms of equal respect for all differences, and to social rights, in terms of the right to reduce inequality (Añón, 2001; Ferrajoli, 2010: 82-83). On the basis of this, Rawls insists that society should be organised in such a way that inequality in obtaining the primary outcomes of welfare, income, power and authority is weighted in order to produce the greatest benefit for those least able to obtain those primary outcomes (Pereira, 2001: 26).

This implies that equality is inextricably linked to diversity. From a progressive liberal perspective, Rawls bases his argument on a concept of justice tied to the foundations of the political and social systems, and associates it with two principles: a) that “each person participating in a practice, or affected by it, has an equal right to the most extensive liberty compatible with a like liberty for all”; and b) that “inequalities (as permitted and defined by the pattern of distribution of rights and duties) are arbitrary unless it is reasonable to expect that they will work out for everyone’s advantage and provided the positions and offices to which they attach, or from which they may be gained, are open to all” (Rawls, 1999: 104-105). We refer the reader to *Political Liberalism*, which not only discusses relevant ideas of justice but also provides an objective basis upon which to compare individual situations of well-being among citizens (Rawls, 1996).

In order to define substantive equality between individualism and collectivism as a basis for social rights, we should ensure that it is based on equality for the purpose
of achieving a justifiable end. Substantive equality and equality of substantive treatment aspire to moral liberty without neglecting the proper use of social, political and legal liberties and the rights which are based on them (Giménez Gluck, 1999: 45-46; Peces-Barba, 1999b: 289-290).

Final note

To sum up, the progression towards an understanding of equality and social rights remains a necessarily dynamic process because of the complexity of the issues involved. An example of this complexity can be seen in the role equality plays within the traditional decision-making powers, governed by rules of exclusive and excluding competences. To this scheme can also be added civil society and international bodies, which continually create and strengthen new relations.

There is a complementarity between equal opportunities and results which is made evident largely in the fact that liberty and inequality are not mutually exclusive. The achievement of substantial equality ultimately justifies differentiated treatment while social inequality exists, and while its aim is to reduce or eliminate such inequality in order to form a more just society. Such treatment may prevent the naturalising or internalising of difference so that minority groups are no longer marginalised (Fariñas, 2006: 22-23).

References


Abstract

The coexistence of cultural and religious minorities in liberal democratic systems presents various complexities. Faced with a choice between acculturation and assimilation, minorities routinely struggle for justice and experience discrimination and exclusion. Modern political discourse has traditionally drawn on ideas such as tolerance, accommodation and assimilation and group rights to protect minorities on the basis of attributes perceived to be constitutive of their cultural, religious or national identities. The chapter presents a brief overview of the difficulties inherent in political models such as liberalism, liberal multiculturalism and limited self-government used to reconcile the status of cultural and national minorities in plural societies. These frameworks fix the political subject into rigid categories, highlighting their lack of political sensibility given the fluidity of identity today. This chapter argues that immigrant minorities exhibit complex layers of identity that challenge the singularity and mono-dimensionality attributed to political loyalty, citizenship and political identity in an age of plurinational states. Drawing on theories of identity-matrixing, it is argued that the deconstruction of identity is indispensable to better understanding and effectively influencing the development of sentiments of loyalty, group affiliation and shared morality. This chapter draws on theories of justice, deliberative theory and principles of substantive equality to illustrate how belonging, commonality of purpose and loyalty can be cultivated through regular engagement with other groups in deliberative decision-making processes. Deliberative theory and substantive capacity-building measures to ensure meaningful participation have the potential to transform multicultural societies into multicultural polities by securing inclusive governance.

Contact

Puja Kapai
Center for Comparative and Public Law
Faculty of Law
The University of Hong Kong,
4/F K K Leung Building
Pokfulam Road, Pokfulam, Hong Kong
puja@hku.hk

Key words

multiculturalism, citizenship, deliberative theory, justice, substantive equality
Introduction

The last two centuries have witnessed enormous changes in the constitution of the nation state. Colonization, two world wars and mass industrialization have triggered the movement of people globally resulting in the proliferation of multicultural populations and communities (Castles, 2003). This has forged into existence plurinational states. This transformation of the nation-state calls for changes in political and institutional structures to accurately reflect the new influences on politics, failing which, structural and political inequalities will become further entrenched. Despite large numbers of immigrants entering these states, some with a view to becoming citizens, there is no accompanying political process to help shape their political agency as they transition from immigrants into citizens. Immigrant communities bring with them their culture, tradition, and religious belief systems. Although they find others with whom to pursue their visions of the good and meaningful life, they remain the minority, often excluded from or marginalised in mainstream society and political circles. The liberal democratic constitution protects certain rights including, the freedom of religion, the right to practice their culture in community with others, and the freedom of speech. These rights are designed to enable the pursuit of a meaningful life according to their beliefs without fear of persecution or discrimination. However, despite these basic protections, religious and cultural minorities often struggle when they are subject to the general legal system. Some of these groups maintain cultural and religious practices which, although meaningful to their identity, are objectionable and sometimes contrary to the laws of their host nation. As minorities and immigrants, they are caught between the two worlds they inhabit in terms of cultural, legal, political and religious norms. As they struggle to fit in, they face the choice between acculturation and assimilation at every step.
The treatment of minorities has often rested on the fine distinctions drawn between nationals by birth as opposed to naturalization and more often, ethno-national or religious identity. The controversial question that arises is whether and to what extent should incoming immigrants have a right to participate in their governance and the means through which this can be meaningfully facilitated in modern democratic arrangements. This issue challenges and critically engages current discourse on differentiated and multicultural citizenship (Benhabib, 1996). Does a commitment to constitutional rights entail a requirement that such a framework be provided for the groups’ full inclusion in politics? Arguably, the most important right in a democracy is the right to participation, a fundamental corollary of the liberal values of autonomy, equality and responsibility (Waldron, 1993, 1999).

Accommodationist and integrationist approaches entrench the age-old east-west power dynamic where the immigrants (usually from formerly colonized countries) depend on the accommodating state’s (usually a former colonial power) approval of their cultural and religious practices or inclusion into the community (Sajed, 2010). Integrationist policies replicate historical oppressions such as slavery and colonialism through legal dictates that seek to ‘depoliticise the subject’ by forcing the abandonment of certain attributes or the acquisition of new attributes. These attributes are strongly entrenched in the subject’s self-concept and identity. However, in pursuit of unity, stability and the common good, integrationism and accommodationism invariably single out certain groups for the project of a ‘diluted individual identity’.

The entrenchment of practices and frameworks of exclusion is the subject of a contentious critique in political theory and theories of justice. Out-dated approaches to citizenship and nationality dictate the exclusion of immigrant and ethnic minorities subject to their occasional incorporation into the state’s political framework upon the fulfilment of stringent conditions. However, despite inclusion at the formal level, practical barriers to effective participation remain due to lack of capacities for engagement in political discourse and social and political marginalisation in the development of law and policy. These barriers produce feelings of dislocation, discrimination and fear of reprisal and exclusion.

Scholars of modern constitutional and political theory have been working on developing new understandings of citizenship grounded in ideas that relate more closely to postcolonial realities and globalisation and their influences on migration. In light of this turn, it is important to correct perceptions of indifference, passivity and lack of capacity attributed to the ‘other’ despite the naturalisation of immigrants into citizens. This depicts the struggle of ethnic minorities as a structural problem (Young, 1990).

With a view to reducing social and political inequalities, it is important to theorize new possibilities for the contribution of immigrant citizens in pursuit of an inclusive and just society. Through mechanisms that cater to participation by diverse groups, the complexities of multicultural citizenship can be better managed and addressed.
The role of minorities needs to be extended beyond mere ‘subjects’ and reconstituted as groups with a civic responsibility to enable a culture of interactive discourse fashioned by reason to be cultivated as political practice. Participation in such processes would cultivate a sense of reciprocity towards other political actors, a duty to contribute to political discourse and result in sentiments of loyalty and group belonging.

The central argument put forward in this chapter is that the just resolution of the political impasse concerning immigrant communities is possible only through a wide-scale reform of democratic practices. This paper argues first, that the failure of the modern nation state to calibrate differences effectively is attributable to the limited perception of immigrant and ethnic minorities as mere subjects of the law or the polity. This view of immigrant and ethnic minority people as passive subjects as opposed to interactive members of the polity distorts their role in the political apparatus of the state, ignoring their interests and capacities for political agency. The current political frameworks of exclusion or limited inclusion conditioned on theories of tolerance, accommodation, citizenship and integration are fatal to the creation of a just and inclusive society. They present immigrant and ethnic groups as inherently incapable of or apathetic to politics and rational deliberation, rendering them irrelevant or relegating them to spheres of unimportance. Routine exclusion and ignorance strip such groups of their dignity by depriving them of their civil and political rights, dispossessing them of a political voice. These experiences contribute to feelings of exclusion, disengagement, and disempowerment, leading to social and political instability.

The inclusion of these groups in the state’s political structure rests on the fundamental principle of individual autonomy and the importance of self-governance, both of which are central to liberal ideology. Matters of moral and political importance must be put before the whole community to provide an opportunity to everyone concerned to engage in the decision-making process. The facilitation of inter- and intra-group dialogue through deliberation forums would help cultivate understanding and through reasoned exchanges, lead to attachment, belonging and trust. This, in turn, would help develop a ‘national’ political identity whilst enabling immigrants to maintain community-level identities.

The creation of a deliberative space within the political structure for minority groups to interact with lawmakers and the general populace in a meaningful manner would help address the legitimacy crises experienced by liberal democratic states. Democracy today appears to be operating at its weakest, increasingly fuelled by identity politics and self-interested decision-making by individuals and groups to access the greatest share of resources and to oust those deemed undeserving. Democratic decisions today are seen as a mere aggregation of rather than a reasoned account of the political will. This leaves the position of the minority particularly precarious in multicultural societies.
These circumstances call for immediate reform. It is suggested that by prefacing the democratic moment with a series of dialogic and deliberative processes, this ‘democratic deficit’ can be addressed. Through a participatory democratic setting, nonpartisan aspects of political choice can be fully discussed to distil the political and rhetorical arguments from reason-based and pragmatic arguments before these are applied to the democratic moment. This would enhance the quality of democratic participation. The inclusion of minority groups in this process can help cultivate feelings of membership, commonality of purpose and trust. In time, this trust can be capitalized upon so as to achieve justice through inclusion. Deliberation, therefore, is an important and indispensable component in building just and inclusive societies, particularly multicultural polities.

In order to ensure that the dialogue is meaningful, minorities’ capacities for participation would need to be substantively addressed and political apparatus accordingly redesigned to enable inclusive participation across a diverse populace. A reconstituted political dynamic incorporating civic responsibility and deliberative access for minority communities would complement the revival of nation building in light of the growing multiplicities that inhere in bordered territories today.

The political organization of multicultural societies

The existing impasse on the question of how to calibrate fundamental differences in multicultural societies can be traced to the frameworks of governance employed by such societies. Classic immigration countries have sought to manage diversity through policies designed to ensure minimal disturbance to the foundational values and systems of the receiving community, usually adopting a combination of policies of assimilation, accommodation and differential exclusion. The primary aim of allowing immigrants into the society was to benefit from their labour during the industrialization period (Castles & Miller, 1998). Assimilation sought to break down differences between immigrants and citizens by encouraging national language education and familiarisation with cultural and social practices of the nation. Differential exclusion restricted the immigrants’ incorporation into the society as settlers through strict policies against long-term settlement by these groups. It was only in the late 70s and early 80s that these policies progressed towards more accommodative models in light of human rights developments, which held governments accountable for serious violations.

In recognition of the rights of ethnic communities, immigration countries have gradually transformed their policies to accommodate them, however, not without antagonizing public sentiment at home. This has resulted in practices such as isolation, racialization and discrimination against the ‘other’. Despite this, ethnic communities
have developed strong intra-group structures to enable meaningful survival and to serve their needs (Castles & Miller, 1998). Recently, political frameworks have ranged between those encompassing varying degrees of accommodation of ethnic identities and cultural practices to assimilationist models that seek to eliminate difference through encouraging (sometimes requiring through conditioning citizenship on certain factors) compliance with and commitment to mainstream liberal values and sometimes a prohibition of the public manifestation of religious or cultural symbols. Very rarely do states allow internal self-governance.

Accommodative models generally recognize minority groups as having distinct attributes which find their expression in language and cultural and social norms and thus, are entitled to protection against intrusion with respect to these constitutional rights. In exchange, such multicultural accommodation is usually conditioned on the requirement that minority group practices comply with principles of equality and non-discrimination and respect the law. This liberal multicultural model, variations of which have been in place in the United Kingdom and Canada, among other nations, has been recently criticised for unravelling the achievements of accommodation and protection of minority rights.

Majority ethnic groups become wary of the differential treatment afforded to newcomer. This has caused resentment towards immigrant groups. Alternating systems of norm application to minority ethnic groups may also result in the ‘deregulation’ of certain activities that traditionally fall within the state’s prerogative, for example, equality and non-discrimination. Feminist scholars have identified a further problem with group rights afforded under multicultural arrangements, arguing that these measures lead to further oppression of women and children whose rights may be deprived under such regimes where group rights take priority over individual rights (Eisenberg, 2005; Okin, 1999). This may result in the perpetuation of discrimination and patriarchal policies inherent within certain communities, thereby weakening the position of these vulnerable groups further (Okin, 1999; Phillips, 2003). Accommodative practices have suffered from the charge of ethnocentrism given that ‘liberal values’ are applied to adjudge the acceptability of the practice for the purposes of multicultural accommodation. On the other hand, the protection of group-specific rights of minorities has resulted in the fragmentation of groups, concretising boundaries between ethnic groups.

Such a separate system for the dispensation of justice and the protection of rights depletes the possibility of and the incentive for the development of a ‘national’ attachment to the host community, thereby further isolating minority groups from the national majority. This serves as a disincentive for any future engagement between the two groups as they are seen as having polarized interests. The struggle for political recognition becomes one for wresting power from majority groups to divide
among the different minority ethnic groups in society. There being no common agenda between the different groups, they generally tend not to work together. These circumstances can result in a lack of social cohesion.

Existing frameworks of liberalism and multiculturalism, where practiced in their pure forms tend to break down existing attachments, seeking to assimilate or create uniform citizens through the imposition of a set of values whereas multicultural measures may result in group exclusion or isolation (Spinner-Halev, 1996). Thus, at either extreme, these systems run the risk of fragmentation within the community.

Multiculturalism based on liberal ideology has isolated minorities by excluding them from the political realm. The policies reveal a critical lack of appreciation of how identities are formed and maintained. By failing to include minorities through models of citizenship that facilitate the development of an identity that encapsulates multiple cultural affiliations and practices, liberal multiculturalism has contributed to their exclusion and othering, and missed the opportunity of cultivating the coexistence of cultural difference and national belonging within a single individual. A rigid focus on ‘liberal multiculturalism’ has disregarded the merits of empowerment of minorities through political engagement, responsibility, reciprocity and mutuality as opposed to the rights-oriented model, which focuses on the dichotomy between the subject and the government as the protector of these rights.

This failing calls for greater synchronicity between the recognition of cultural difference and the equal right to civic engagement in plurinational states.

Both liberal and multicultural policies generally fail to recognize the intrinsic boundedness of culture to minority identities and ‘cultural citizenship’ as an essential component to their self-determination (Ladson-Billings, 2003; Volpp, 2007). Assimilation stifles cultural identification, particularly the community-expression dimension of it, whereas accommodation distorts it or suppresses it in its authentic form. Both are damaging and marginalize the communities concerned, rendering minorities outsiders to their own communities but also, in the mainstream society. Thus, although compelling theories for the conceptualisation of minority rights have been developed, many of these have been criticized on various grounds, such as the flawed assumptions about the homogeneity of culture that often form the foundational premise for such theories or the much-talked about plight of minorities within minorities.

The problem is not necessarily the frameworks deployed but the fact that they are generally unaccompanied by complementary features which would help reduce distance and difference between groups and enhance intercultural exchanges by facilitating equal participation in governance. Existing policies have placed a misguided emphasis on the homogeneity of culture and the uniformity of its expression. The liberal framework has sought to cultivate national attachments. This has often been at the expense of community values and experiences, particularly given liberalism’s ignorance (and in some countries, exclusion) of cultural behaviours and language in
the political context. This has resulted in the alienation of ethnic groups who experience exclusion in mainstream society and a lack of belonging to the nation-state. With these experiences, ethnic communities are less likely to participate in national affairs. Multiculturalism, on the other hand, has sought to recognize ethnic groups and their culture. This, however, has also had the effect of alienating ethnic and immigrant groups due to the emphasis on difference. Existing liberal and multicultural policies reveal a critical failure to comprehend the formation of cultural and national identities and attachments and therefore, do not reflect them appropriately in policy, law or government. The result is an institutionalized racism that has perpetuated inequalities, thereby preventing the structural integration of minorities into mainstream society. This contributes to the politicization of all issues and ultimately derail national-level consideration of the society’s broader policies and frameworks (Ladson-Billings, 2003).

The citizenship gap

Minority groups struggle without political power, through which they can represent themselves and secure their needs. Although individually, they have rights, majoritarian politics prevent minorities from having the desired political impact without adequate counter-majoritarian measures in place. This has also called into question the effectiveness of democratic mechanisms employed in determining the political will. Existing models fail to adequately address the challenge of diversity. This failure primarily stems from an exclusively state-centric vision of government, which is viewed as an institution resulting from a set of independent administrative processes which lead to decisions that legitimize state action. A more citizen-centred and inclusive vision of governance would serve to enhance the democratic legitimacy of decisions, particularly those regarding conflicting norms in multicultural communities. The status of some individuals in societies where citizenship is primarily defined by birth, descent or blood and sometimes by residence, achievement or other identity, is such that they lack the usual bundle of rights that they would ordinarily have if globalization and its effects were adequately accounted for and understood (Brysk & Shafir, 2004). Brysk and Shafir refer to this as the ‘citizenship gap’ (Brysk & Shafir, 2004). Whilst some people find themselves in a state of dual citizenship, there are those whose citizenship status is ambiguous or second-class, for example, ethnic groups or tribal and rural inhabitants. These people, and others, such as refugees, migrant workers or their children, and undocumented workers fall through the citizenship gap (Brysk & Shafir, 2004). Globalization is rapidly changing social dynamics and the demographic constitution of societies. This wave of cosmopolitanisation has critical implications for the notion of ‘state-citizenship’, previously determined by a simple test of certain attributes. However, the new types of residents in a bordered,
borderless world that globalization has given birth to, demand a reconceptualised citizenship model, one that includes them and protects their interests adequately. Brysk and Shafir aptly describe the challenge as one requiring a “balance between ‘citizenship deficit’ due to the contraction of political democracy, and ‘citizenship surplus’, created by new venues of political influence” (Brysk & Shafir, 2004). Thus, as Brysk & Shafir argue, although globalization brings with it new opportunities and forms of intercultural exchange, from a governance perspective, the opportunities merely provide certain ‘access’ rights but without the “membership or responsibility” that comes with citizenship (Brysk & Shafir, 2004: 7).

Whilst a new structure of unterritorialised supranational rights is coming into play, it does not comprehensively define, inform nor attend to this new concept of citizenship in terms of membership, accountability or justice. As Soysal notes, we are in a space between ‘postnational citizenship’, an era in which the sovereign-statehood model of citizen rights is transitioning to a realm where (some) rights are conferred internationally. The state-centric model has not as yet been abandoned (Soysal, 1995). However, as Joppke notes, the nation will still be indispensible to the integration of immigrants (Joppke, 1999). Given the inadequacy of existing measures to nurture a healthy sense of national and cultural attachment, the construction of identity and cultural identifications and attachments need to be re-examined and better understood.

To strive for a commitment to inclusion within both, mainstream and minority communities, the state must acknowledge difference and the dynamic processes and influences on the formation of identity and attachment. It must implement structurally inclusive mechanisms to give expression to different cultural values within the national culture. These mechanisms would more accurately reflect the interactive dialectic between national and local cultures and their interconnectedness. As identity-matrixing reveals, people transform as they interact with other cultural structures, giving them the option to embrace norms from other systems, resulting in a unique self-identity, which is not exclusively grounded in any single culture or identity. As Nussbaum notes, individuals have been able to develop multiple identities, which attach them to their culture, their nation as well as to “the worldwide community of human beings” (Nussbaum, 2002).

Deconstructing Identity to Reconstitute the Modern Citizen

Whereas various scholars, a ranging from the political sciences to philosophy, have argued for the inclusion of ethnic, cultural or racial minority groups on the basis of ‘difference’ (for example, Kymlicka’s popularized ‘differentiated citizenship’), it is argued that the fluidity of identity and the heterogeneity of cultural identities render the difference-based tools of political participation obsolete (Ong, 2004).
The critical question of what needs protection and how that interest can be best protected in a polity where one is an ethno-national minority has received little attention given the predominantly identity-centric model for the recognition of rights and interests in discourse pertaining to minority status, culture and identity. Recent scholarship in anthropology, political philosophy and psychology has revealed that cultural and identity formation are not uniform processes and vary across cultural groups. Moreover, the recognition and manifestation of cultural attributes that are perceived to be constitutive of identity cannot be traced to any single influence of ‘culture’ or national ‘inheritance’. Rather, these attributes and attachments develop sporadically based on one’s exposure to different ‘Symbolic Orders’ (Kearney & Adachi, forthcoming, 2011). In today’s globalised world, where the local has become the microcosm of the global, singular symbolic orders are complemented by multiple symbolic orders, all of which work simultaneously to influence the development of identity. These attachments cannot be broken down neatly into any one category as reflective of culture or ethnicity or nationality.

This scholarship needs to be studied in greater detail by political theorists and constitutional law scholars to unpack the components that inform the development and practice of cultural identity and how this transformative process and capacity can be best protected. Moreover, the concept of identity, its formation and entanglement with concepts of culture needs further exploration. These questions have a critical bearing on group representation and minority rights. Without an adequate understanding of these dimensions of identity, current misunderstandings will continue to distort politics. A thorough re-examination of the conceptualisation of culture, identity and their role in the quality of human life will better inform the development of just means to recognise and protect these interests.

Kearney and Adachi propose a complex model of ‘identity matrixing’ which captures the process through which the individual’s identity is constituted through exposure to the external influence of multiple Symbolic Orders across a matrix of transcultural settings. This matrixing across numerous strata within multiple Symbolic Orders provides the basis for the formation of a unique and individual identity (Kearney & Adachi, forthcoming, 2011). Viewed in this manner, human identity is the result of a complex process of transcultural interactions across economic, social, religious, ethnic and other groupings, horizontal and vertical. As a result, the categorisation of human identity into distinct groupings in modern societies is fraught with difficulties.

As identity-matrixing reveals, the process through which individuals and groups interact results in unique influences of their interactions on their identities, affiliations, loyalties and positions. An improved understanding of identity would enable institutional reform to design structures that provide possibilities for positive engagement and interaction so that the boundaries between ‘us’ and ‘them’ begin to blur as groups come to a consensus on different issues based on considerations of reason,
ethics and justice rather than some fictitious notion of identity that symbolizes them. A polity organized to accurately reflect the realities of citizens’ identities could serve to enhance the desire for citizen participation, inter-group dialogue and ultimately, cultivate feelings of belonging.

**Democratic practice today:**
**between self-interest, justice and loyalty**

Democracy today appears to be operating at its weakest. Democratic moments in many countries today represent a mere aggregation of the group’s collective interests, as opposed to a deliberated account of their political will. Nationalistic sentiments, once the force behind the pursuit of the common good, have been replaced by self-interested decision-making, fuelled by consumerism, isolation from community contexts and a general culture of pragmatism based on economic or materialistic considerations rather than ethical or moral reasoning, duties inherent in the privilege of enfranchisement. The process of voting and campaigning has been taken over by propaganda and materialism, attracting and splitting voters on issue-specific bases rather than offering a complete platform for the betterment of the community. As such, it has been argued that modern societies suffer from a democratic deficit (Fishkin, 2009, 2010).

Democratic practices reinforce the majority group’s stronghold in politics, enabling them to steer the course of policy, oftentimes, to the detriment of minority interests. Counter-majoritarian mechanisms remain weak as constitutional courts designed to safeguard minority interests reflect a strong commitment to the national public interest and political stability and tend to avoid getting embroiled in judgments that bear serious political consequences. This leaves the position of the minority particularly precarious in multicultural societies.

The difficulty with modern-day democratic practice is the uncertainty that surrounds the reasoning process that leads to support for a particular decision or candidate. It is imperative that reasoned decision-making be brought back into political engagement processes so that outcomes can be validated across multiple groups. Scanlon’s answer to the “fundamental question why anyone should care about morality at all” is that “we have a basic desire to be able to justify our actions to others on grounds that they could not reasonably reject – reasonably, that is, given the desire to find principles that others similarly motivated could not reasonably reject” (Rawls, 2005; Rorty, 1997). The ultimate goal is to appeal to ideas that others similarly appeal to so as to be able to justify the action suggested.

Outcomes are perceived as just when they can be directly correlated with reasoned judgment, thereby making them widely acceptable. Decisions based on reason are viewed as legitimate given the positive relationship implied between reason and
justice. Conversely, outcomes lose their independent validity when perceived as stemming purely from sentiments of loyalty. In these cases, decisions are viewed as tainted by the bias that accompanies the support of members who allow group membership, identity or other common cause to influence their decision.

Habermas requires that norms be validated independently of sentiment, i.e. that they should rely on reason (Habermas, 1996). Rawls, on the other hand, requires a constructivist approach towards the universal through a law of peoples which reaches out to all groups and communities (Rawls, 2005). For Rawls, what is reasonable is different from what is rational (means-end rationality). Rawls often also invokes ‘practical reason’ as represented by an independent human faculty, free from subjective influences to help achieve the Habermasian task of discerning a ‘transcultural moral validity’ (Rawls, 2005). This universality of morals commands legitimacy. However, Rorty thinks Rawls is referring to actual principles and conceptions as in fact arrived at in the course of creating a community (Rorty, 1997). Therefore, practical reason is a process – rather than substance of agreement about universal norms.

Rorty has examined this relationship between justice and loyalty as explanations for particular judgments, questioning whether the notion of loyalty should be expanded to include a larger group of people so as to render it equivalent to an acceptable concept of justice (Rorty, 1997). Through regularity in the exercise of finding or discovering overlapping interests and beliefs, there are prospects for enlarging the circle of loyalty. The aim of reasoned democratic engagement is to justify embracing a larger group into your circle of loyalty for the same reasons that underscore your current sphere of loyalty. In Walzer’s terms, this would mean creating alternative ‘moral identities’ (Walzer, 1994). Rorty suggests that such a practice can enable a case to be made for interest-based appeal rather than belief-based appeal in decision-making processes (Rorty, 1997; Walzer, 1994).

Although this approach is commendable, it does not cater to or account for those groups whose exercise of rationality or reason is derived from cultural or religious constructs and beliefs. There is however, promise in his proposal since he advocates the facilitated creation of alternative moral identities. Rorty presents rationality and the acquisition of loyalty as part of the same activity (Rorty, 1997). He hints at how the circle of loyalty can be expanded by producing unforced agreements between different groups. This will assist in the dissolution of ‘otherness’ through processes which reveal the ‘other’ as reasonable or trustworthy people. He argues for the need to view reason not as a source of authority (as Kant or Plato would), but rather, as a process of facilitating agreement by persuasion. As time goes on, a continuum is produced along which, there are varying degrees of consonance between beliefs and interests. As these instances of overlap increase, there is increasing compromise, deference and trust. Gradually, these sentiments find expression through the development of loyalty towards a group (Rorty, 1997). Brandom and Sellars have also depicted moral
Rorty surmises that moral identity boils down to the groups with which one identifies (Rorty, 1997). A common identity compels loyalty which undergirds moral behaviour that would befit a group member. This concept of identity is a ‘shifting’ concept, which takes on a form depending on the associations we feel bound by or answerable to. Our moral compass is tugged in different directions depending on these affiliations. Walzer explains this with reference to our level of knowledge about the people we deal with. On this account, there is no ‘core’ or ‘basic’ self that espouses universal values by virtue of our human identity or principles derived purely from ‘reason’ and therefore prior to our ‘subjective’ loyalties. Kuper, however, disputes this, stating that Walzer underplays the extent to which global civil society has enabled the convergence of a set of ‘thick’ norms surrounding various global issues. These norms have been embraced despite cultural differences across national boundaries, whilst the degree of consensus should not be overplayed, it is significant as a marker of the areas of convergence in global civil society (Kuper, 2004). If this is an accurate depiction of the human identity, then we must account for the plurality of identities and incorporate their fluidity into our decision-making processes.

In addition to these measures, it is critical to develop citizens’ awareness of their civic duties, develop their skills to make decisions on virtuous bases, considering the interests of all people, rather than self-interest (Beatriz & Silva, 2003). A systemized process that inculcates values that mobilize citizens into behaving as civically responsible citizens would greatly enhance the overall quality of democratic decision-making and issue-resolution in multicultural societies.

However, this alone, would not guarantee the exercise of one’s civic duties to participate in democratic decision-making. A further dimension to responsible and participatory citizenship pertains to the influences on the decision-making process itself. A critical element in developing trust within diverse communities is the transparency of the decision-making process and the underlying positions adopted by different parties in arriving at those decisions. Whether those positions are informed by reason, morality, pragmatism or prejudice, self-interest and power will strongly affect the development of trust within multicultural societies. Therefore, Gutmann approaches the question of cultivating civic responsibility from the perspective that the primary ingredient must necessarily be the cultivation of a moral commitment to justice, rather than to any community (Gutmann, 2002). According to Gutmann, “Doing what is right cannot be reduced to loyalty to, or identification with, any existing group of human beings”.

The capacity to determine the morally right decision to uphold the fundamental guarantees of equality and non-discrimination can only be achieved progressively, rather than all at once. Initially, relying on reason, pragmatism and trust, processes de-
signed to tap into public opinion will solicit public opinion through fair systems that provide for equality of access and opportunity. Justice follows as part of the ‘justice as fairness’ approach but is complemented by the trust that has been built through a reason-based discussion that breeds affiliation and commitment through the appeal of reason and trust rather than loyalty grounded in nationalism or race or other attributes external to the processes of political participation. Gutmann, however, ignores the inevitable influence of identity on feelings and the effect of sentimentality and loyalty on capacities for reasoning (at a subconscious level) as well as reason’s hold over emotion.

As scholarship on accommodation and integration of difference has revealed over time, however, theorizing the various permutations of citizenship in multicultural societies is part of a complex process which necessarily involves choices about meta-theory and principles relating to ideas of the ‘just’ and the ‘good’. These, in turn, are tied to comprehensive doctrines of life and human existence and heavily influenced by history, culture and religion. The right permutation for a perfect model for accommodation of difference for a multicultural society is a question fraught with difficult choices in light of the multiple influences that establish this ‘bottom line’ or the ‘grundnorm’ from which all other norms flow. Any attempts to reconcile these differences are likely to result in polarization, disagreement and non-cooperation because the question of meta-theory that is at stake is far too important to compromise on, given that it defines the very meaning of human existence for various camps. Even a slight push towards the alteration of the most basic commitment to a particular value is eyed with suspicion as an attempt to thrust a particular ‘version’ of justice on a group and therefore, rejected, sometimes as retaliation against neo-colonialist agendas and ethnocentricity, and at other times, simply on account of disagreement with other principles from which this new norm originates.

The key, therefore, must be to recognize the role of culture in the development of identities and to facilitate cultural learning by protecting interactive and developmental learning in the community or ‘in-group’ context. This is very different from protection of an abstract or intangible ‘body of ideas’ loosely defined as ‘culture’, the attributes of which can rarely be defined accurately or identified as a complete body of specific values. It is more accurate to describe the object of such protections as ‘processes that enable cultural development and human flourishing.’

A revised conceptualization of political communities and their constitutive membership to support the fluidity of contemporary transcultural identities is desirable (Lipschutz, 2004). A multicultural citizenship model with an institutional framework that reflects an understanding of the development of modern citizen identities can better effectuate political participation and create new spaces for belonging. It can also promote a culture for civic action through the formal recognition of the input of multiple groups through a just and inclusive process of substantive participation. The
challenge is to find a value system which resonates with these complex individuals in light of their multiple memberships so that it mobilizes feelings of belonging and responsibility towards a particular nation-state and invests them in its success. This requires the denationalization of citizenship and grounding belonging in political process and participation rather than physical or cultural signifiers of identity. It is argued that deliberative mechanisms can assist in achieving both of these objectives. A more citizen-centred vision of governance can serve to enhance the democratic legitimacy of decisions, particularly those regarding conflicting norms, thereby providing a more effective model for governance in multicultural communities. The role of minorities needs to be extended beyond ‘subjects’ and reconstituted as political actors with civic responsibility. Given the fundamental role of memory in the construction of identities, a political process premised upon inclusive governance will create new memories and cultivate belonging in the larger community. Participation in a political space that accounts for multicultural realities will facilitate greater understanding of the issues and ultimately influence the enactment of suitable law and policy. By expanding the actual and perceived role of minorities in governance and the pursuit of a just society, the complexities of multicultural citizenship can be better managed and addressed. Political legitimacy cannot be achieved through a system devoid of the basic principles of justice and inclusion.

The reality of today’s cosmopolitan multicultural communities demands structures that respond to the dynamic processes of engagement, the formation of loyalties that accompanies the forging of multiple layers of identity. It is imperative that political regimes provide systems or institutional support to deal with such fluidity of identity. We must further recognize the reality that far from being able to arrive at principles of morality that are universally acceptable (or abstracting a thin concept of morality from thicker versions as Kant suggests), we are better off trying to ‘expand’ our circle of loyalty through the use of reason and discovery of common interests and rely on the positive ‘side-effects’ of regular engagement in such common pursuits.

The promise of deliberative theory and substantive equality theory as a basis for democratic governance for multicultural societies

In light of the realities of the dynamic infiltration of cultural value systems crossing each other that the matrixing model signifies and the need for enhanced democratic engagement and reasoned deliberation, political institutions need to be reorganised to move away from the recognition models based on the voter’s group identity. Second, policy needs to be re-evaluated and revised to critically address the citizenship gap that results from liberal and multicultural policies in their current expressions. Third, in fully recognizing the dynamism of the process through which identity and
attachments are formed, multicultural societies need to establish mechanisms that positively influence this process of identity-construction so as to yield national as well as cultural attachments that minimize the marginalization of minorities and fourth, political institutions need to be redesigned to provide a venue for regular engagement in reasoned decision-making through deliberative processes.

In order to effectively deal with differences presented by multicultural communities, a deliberative process that is substantively inclusive may provide much needed political space for a reasoned discussion through which differences can be better understood and loyalties and trust built over time. Without deliberative forums or other processes to guide preference-formation, citizens often cast votes on misguided bases. Deliberative democracy provides an organizational context for meaningful dialogue between stakeholders, producing outcomes that have benefited from public reasoning and discussion among equals. It provides an opportunity to convince others of a position and those involved can openly engage in discussion, confident that their voices will be heard. The deliberative democratic model can negate exclusion, meaningfully address group conflict and foster critical reflection across cultures to root out stagnant practices and beliefs that are no longer reflective of their values. It can help build solidarity, cultivate feelings of belonging and encourage civic participation across groups to through interactive deliberative sessions. Such processes will facilitate the development of trust and understanding across cultures and help forge new collective and individual identities through exposure to multiple value systems.

Whilst such a mass-scale democratisation of the political setting may be a progressive step, it is meaningless if equality of access to dialogue is granted in ‘form’ but not substance. Although various studies have revealed that deliberation, even in informal or limited-question contexts, have an immense empowering (and emancipatory) effect on those who partake in the process, social inequalities have long been known to affect political inclusion due to a lack of civic education. These capacities need to be built across different groups in order to defeat the social inequalities that render certain groups least likely to be included in political participation despite inclusive measures. For a system to be inclusive and representative in fact, it must be undergirded by a systematic search for different voices. This is essential if deliberation is to yield a meaningful outcome based on substantive participation and an accurate depiction of the different positions as opposed to ‘surrogate’ representation based on false assumptions about shared belief systems. This can be achieved through nominations or elections within different sub-groups. Deliberative processes cannot be successful if the very basic source of some peoples’ worldviews is excluded from the repository of resources from which they make sense of their lives. A basic condition for trust requires complete openness to all reasons proffered in the process of deliberation if genuine understanding is to be cultivated between divided communi-
ties. Thus, the claim by deliberative democrats that only reasons that are acceptable to the ‘general population’ may be advanced as acceptable reasons for particular positions does not satisfy this requirement. Dissenters within minority groups are typically targets of exclusion. Therefore, measures that ensure substantively equal treatment across and within groups must be implemented to ensure all voices are heard and fully represented in the discourse.

Thus, in order to achieve meaningful change, it is essential to draw on substantive equality theory to build long-term capacities of marginalised groups to engage in deliberation effectively. Substantive capacity-building forums that focus on eliminating obstacles to political participation and deliberation need to be implemented. Participants would need to have access to information relating to the political arrangements in a manner that is accessible to them, for example, in their language and should be provided with basic knowledge of commitments and arguments that are acceptable to others, without which, arguments that appear to be ‘foreign’ would risk exclusion.

These goals can only be achieved through structured and long-term reform, not least of which should focus on the reform of educational curricula to include citizenship education which can assist in the cultivation of strong citizenship values in a plural society where there are competing rationalities at play. This is possible through curriculum changes which involve a systematic inclusion of the study of diverse cultures. Such a curriculum can assist in the development of global citizens who are able to function in multicultural communities in the national and the global context. Such a program should enable students to acquire “a delicate balance of cultural, national and global identifications and attachments” (Banks, 2003). Values such as recognition, equality and acceptance are indispensable to the success of discourse in such communities, as well as conducive to appropriate levels of political pressure that can come to bear upon groups and individuals to justify their stance.

Conclusion

The process of collective deliberation in which interactions between groups are mediated to produce unforced agreements may be the first step in the long journey towards building the social conditions needed to accompany constitutional and legal change. Through the development of capacities for virtuous civic engagement in deliberative settings, majority and minority groups can develop loyalty and belonging to the core ‘national’ identity. Inclusion through deliberation has tremendous potential as a corrective, redistributive and most importantly, transformative force for change. This process can serve to achieve the goals of enlarged circles of loyalty and the cultivation of compassion for the ‘other’. Through active engagement in political processes, empowered minorities can reverse the tide of existing stereotyping
and exclusion by forging new loyalties and re-writing their identity scripts. Ultimately, these mechanisms can help achieve an inclusive political framework that facilitates outcomes that are substantively just.

Whether this vision of a virtuous, participatory and deliberative framework would work to democratise diversity and breed a harmonious multicultural existence in the long-term remains to be seen. However, this model and its potential for empowerment and inclusion certainly poses important questions for existing frameworks of governance and their categorisation of group claims, forcing a rethink of the notions of citizenship, culture, identity, belonging and justice.

Notes

1. This paper was presented at the 2nd Equal is Not Enough Conference in December 2010. An earlier draft of this paper was presented at the Asian Legal Institute Fellows Seminar in March 2010 at the National University of Singapore as part of the Asian Legal Institute Fellowship Scheme. I am grateful to colleagues and participants at both presentations for their insightful comments, questions and feedback. Any errors that remain are my own.

References


Case law on the access and supply of goods and services. Equal is not enough: moving towards the formulation of an anti-subordination principle

ANNA LORENZETTI

Abstract

This paper addresses the interpretation of Directive 2004/113, which deals with gender equality in the access and supply of goods and services. In light of the equality principle’s failings with regard to anti-discrimination, alternative interpretations are discussed. Firstly, I provide a brief overview of Directive 2004/113 and of EU Member States’ existing practice and case law on gender equality in the access and supply of goods and services. Next, I consider the notion and characteristics of a legitimate aim able to justify differentiating between men and women. Finally, on the basis of conclusions drawn from my analyses and from the interpretation of equality as a right to diversity, I propose the formulation of an anti-subordination principle. This principle, in which gender relations are read as a power structure, recognises the need to eradicate women’s subordination to men.

Contact

Anna Lorenzetti
University of Bergamo
Bergamovia Moroni, 255
24122 Bergamo, Italy
anna.lorenzetti@unibg.it

Key words

anti-discrimination, services, diversity, anti-subordination, equality
Preliminary remarks

Since 2000, a new package of anti-discrimination directives has been adopted throughout the EU on the basis of article 19 of the TFEU (ex art. 13 TEC) (Bell, 2002; Ellis, 2005; Barbera, 2007; Favilli, 2008). These directives formed part of an unprecedented wave of anti-discrimination law reforms carried out across the Member States which expanded the field of EU protection significantly in two principal areas: firstly, it expanded beyond gender to cover race and ethnic origin with Directive 2000/43 and disability, age, sexual orientation, religion and personal belief with Directive 2000/78; secondly, it began to address spheres beyond the traditional gender equality realm of the labour market with Directive 2000/43 for race and ethnic origins, Directive 2004/113 for gender and COM(2008)426 for other grounds. These so-called ‘second generation directives’ led to the creation of new European anti-discrimination laws and, consequently, to new national laws.

Directive 2004/113 on gender equality in the access and supply of goods and services

In December 2004, the Council of the European Union adopted Directive 2004/113 (hereafter the Directive, Directive 113, Directive 2004/113, Goods and Services Directive) (Caracciolo di Torella, 2005; McColgan, 2009; Lorenzetti, 2010), in the midst of a new ‘golden age’ of anti-discrimination legislation (Barbera, 2003). The Directive introduced the principle of equal treatment with regard to the access and supply of goods and services. According to COM(2003)657, this encompasses all goods and services available to the public: financial and insurance services (banking, insurance and other financial services, health, life and car insurance), leisure services (hairdressing, nightclubs, fitness clubs, swimming pools, saunas), transport services (private and public), healthcare and social services (particularly in relation to reproductive care and contraception), cultural services (including education), sports services and facilities (cafés, restaurants), and all types of housing, including rented accommodation and hotel accommodation.
With regard to its content and structure, Directive 113 is set out in four chapters: General Provisions (Chapter I), Remedies and Enforcement (Chapter II), Bodies for the Promotion of Equal Treatment (Chapter III) and Final Provisions (Chapter IV). Although it was not included in the ‘Recast’ Directive (i.e. Directive 2006/54, on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation), its structure is in line with that of other anti-discrimination acts. This reveals the tendency of EU legislators to adopt consistent core concepts and definitions.

**Discriminatory practices in the access and supply of goods and services**

In what follows, I provide a general overview of existing discriminatory practices, with the aim of clarifying the Directive's limitations and gaining a better understanding of its practical impact and the issues involved.

In their National Experts’ reports on Directive implementation, Burri and McColgan (2008, 2009) highlight discriminatory practices found in a number of sectors, including the banking and insurance sector (Denmark, Malta, Portugal and Sweden), the social and healthcare sectors (Romania and Spain, particularly regarding pregnancy-related treatment such as reproductive care, contraception and antenatal diagnoses; Poland and the UK in relation to abortion), transport (e.g. Hungary, Latvia, Poland) and tourism (Poland, Finland, Greece, Estonia), restaurants and catering and leisure-related services (Belgium, Cyprus, Finland, Poland), education (Romania), and housing (Poland). They also note similar types of gender segregation in spas, wellness centres, fitness clubs, swimming pools (Belgium, Cyprus, Estonia, Finland, France, Germany, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Hungary, the UK), cinemas and private clubs (Germany, Luxembourg, Poland), sporting events (Austria, Belgium, Italy, Poland) associations (Greece, Ireland), taxi services (Hungary, Netherlands, Poland), driving schools (Ireland, Hungary) and parking facilities that are reserved for women.

Different prices for men and women are commonplace at nightclubs and discos (Bulgaria, the Czech Republic, Denmark, Estonia, Italy, Latvia, Lithuania, Poland, Slovakia, Hungary, the UK), where entrance for women is often free. Hairdressing services, on the other hand, also have different pricing systems for men and women but are commonly more expensive for women (Austria, Germany, Ireland, Italy, Latvia, Poland, Sweden, the UK).

The reports also comment on instructions to discriminate, where employees are ordered to quote different pricing or conditions based on gender in nightclubs and discos (Austria, Estonia, Luxembourg), driving schools (Slovakia) and housing (i.e.
where owners of apartments or houses instruct real estate agencies not to let them to pregnant women or to women with young children).

A further example is when officials and Catholic clerics instruct medical staff to discriminate by refusing to perform legal abortions and persuading pharmacists not to sell contraceptives registered on the Polish market. In the case of Tysiak v Poland (Case No. 5410/03, 20 March 2007), the European Court of Human Rights ruled that denying access to a legal abortion violated article 8 of the Convention. The Catholic Church’s position on the introduction of the abortion pill – also referred to as RU486 – in Italy should also be noted.

Family status may also contribute to gender discrimination, as demonstrated by the way in which being a mother or being pregnant may negatively affect a woman’s ability to access certain services such as housing, insurance, banking and public services in general.

**The Directive and Member States’ case law**

Four years after the deadline for implementing the measures of the Goods and Services Directive, national courts and equality bodies remain embroiled in the question of how and when a distinction based on gender in the access and supply of goods and services is a justifiable difference or a form of discrimination, particularly regarding the legitimacy of single-sex goods and services.

This analysis of national case law is not complete and may only be considered a general overview, yet it is important in considering the legitimate differentiations in the access and supply of goods and services that the Directive admits.

In many countries, different pricing other than on a strictly limited basis is regarded as unlawful, and this applies to discos and nightclubs (Austria, Lithuania, Slovenia, Estonia, Denmark) and restaurants (Finland).

National courts and equality bodies have also prohibited different pricing for hairdressing services (Austria, Sweden, Denmark), while allowing it for football club admittance (Belgium, Slovenia).

Various outcomes have occurred in relation to different pricing for swimming pool entrance fees (UK) and in relation to sex-segregated services. The latter was generally forbidden (Slovenia, Netherland), but justified on decency grounds (Hungary).

Various outcomes have also been observed in relation to single-sex sporting activities. Women-only gyms have been justified in some cases on the grounds of the ‘specialist’ equipment they feature, or by considerations of ‘privacy’ broadly understood to include the ability to exercise free from concerns about make-up, appearance and so on. In other cases, this has been deemed unlawful (Denmark, Netherlands, Ireland).
The Netherlands’ Equal Treatment Commission has considered a challenge to alleged discrimination by a private rifle association. Interestingly, while the complaint was rejected because of a lack of evidence, the Commission ruled that the domestic legislation was applicable even to a rifle association whose members are admitted by a vote, because the association offers services in public (represented by their having public shooting facilities and their ability to participate in official matches).

The application of anti-discrimination legislation to members’ clubs was restricted, however, by the controversial decision of Ireland’s High Court in *Equality Authority v Portmarnock Golf Club & Ors*\(^2\), which concerned a challenge to a bar on female membership at one of Ireland’s most prestigious clubs. The High Court overruled the District Court’s recognition of discrimination, stating that “there is nothing inherently undesirable with persons seeking – in a social context – the society of persons of the same gender”. It also agreed that the exception to the legislative prohibition on gender discrimination should be broadly interpreted to cover the club, since women were not barred from using the club’s facilities: women were denied membership but were permitted to play and were “entitled to access to the bar and restaurant and all other Clubhouse facilities available at the Golf Club”.

Social reasons for single-sex facilities were accepted by a Polish court during a claim against a small chain of ‘ladies clubs/cafeterias’ (‘Babie Lato’) which had been established to promote a specifically ‘female’ atmosphere and featured “chairs wide enough to be comfortable ... even for chubby women with their handbags [and] tables tall enough to ... keep legs comfortable, even while wearing 11 cm high heels”. The challenge was rejected by the court: the café had been designed by women for women, to enable them to talk openly about issues which they could not discuss comfortably in the presence of men.

A challenge to the operation of a ‘men only’ area in a wine bar (men were permitted to stand at the bar whereas women were required to sit at a table) has been rejected by the English Court of Appeal.

Portugal’s Commission for Citizenship and Gender Equality has ruled that the reservation of ‘pink’ parking spaces in commercial shopping facilities was inconsistent with gender equality, as it was premised on stereotypes of women’s driving skills and penchant for shopping.

There have been a number of cases addressing family status grounds, such as a mother’s being denied access to a public house with her baby and buggy, and the refusal of service in a restaurant to a mother with her five-month-old baby; both were held to be discriminatory.

Although these cases form only a limited sample, they enable us to analyse the various rulings and reasoning of national authorities; this may lead to a new guide criterion which could assist in distinguishing between legitimate single-sex services and genuine gender discrimination.
In general, only very limited use of Directive 2004/113 instruments can be observed: this seems to be the consequence of inadequate knowledge of national measures and of the high costs of a challenge when compared to the limited returns. In conclusion, it should be noted that in many countries equality bodies are unable to submit challenges (Austria, Czech Republic, Germany, Greece, Lithuania, Poland, Portugal, Slovenia), for example when a victim cannot be identified, and this may mean that failures to respect community provisions are rarely challenged or sanctioned.

The European Court of Justice and the reaffirmation of the prohibition of direct discrimination

Recently, for the first time under the protection of Directive 2004/113, the ECJ decided a case concerning equality between men and women in the access and supply of goods and services.

Before the approval of the Directive, similar cases – such as Neath (1993) and Coll Pension Trustees (1994) – were decided on the basis of workplace law, as the principle of equal pay under art. 119(1) TEC (now art. 157, par. 1 TFEU) did not apply: pension contributions made by employers were not considered part of a salary.

Prior to the progressive expansion of the equality principle between men and women outside of the workplace and the tendency toward a progressive universal protection of the individual, the Goods and Services Directive expressly admitted one exception to the prohibition of direct discrimination.

On the one hand, it stated that the use of gender as a factor in calculating premiums and benefits for the purposes of insurance and related financial services should not result in inequalities among individuals’ premiums and benefits (art. 5, par. 1). On the other hand, however, it granted Member States the option of deciding, before 21 December 2007, proportionate differences in individuals’ premiums and benefits where, on the basis of relevant and accurate actuarial and statistical data, gender was used as a determining factor in risk assessment; art. 5, par. 2 states that Member States may permit exemptions from the rule of unisex premiums and benefits, on the condition that they can ensure that the underlying actuarial and statistical data on which the calculation is based are reliable, regularly updated and available to the public.

However, the Directive did not state how much longer this exception could be exploited under national laws.

The Association Belge des Consommateurs Test-Achats ASBL case (2011) (Persano, 2011; Pezzini & Lorenzetti, 2011) started when a not-for-profit consumer organisation and two individuals brought an action before the Belgian Cour constitutionelle regarding the nullification of the national legislation which had implemented the Directive: i.e. the Law of 21 December 2007 which amended (as regards the treatment of
gender in insurance matters) the Law of 10 May 2007, fighting gender discrimination; thus, the question was whether the Directive was valid. The Belgian Constitutional Court suspended the proceeding and asked the Court of Justice to assess the compatibility of national law with the principle of equal treatment, which introduced the possibility of derogating the prohibition of using actuarial factors based on gender. The provision which implemented art. 5, par. 2 was introduced due to the practice of actuarial factors based on gender, and this article had not been included in the Commission’s original Proposal COM(2003)657. Although differentiations based on gender in the access and supply of financial and insurance services were to have been abolished by 21 December 2007 at the latest (deadline for implementation), the Commission declared that differentiation based on gender was incompatible with the principle of equal treatment.

However, as the use of actuarial factors related to gender was widespread in providing insurance services, it was decided to implement the rule of unisex premiums and benefits gradually, with appropriate transitional periods. During *Test-Achats* the European Court of Justice introduced a time limit for potential derogation of the principle of equal treatment of men and women with regard to premiums and benefits, namely 21 December 2012. After this date, transitional periods allowing the consideration of sex in the assessment of risks will cease to be valid (art. 5, par. 2). Had this limit not been imposed, a legislator could introduce arbitrary exceptions to the principle of equality and thereby undermine the prohibition of discrimination (pt. 37 of Advocate General Kokott’s Conclusions in the *Test-Achats* case).

According to EU case law (see cases *Sermide*, 1984; *ABNA and Others*, 2005; *Arcelor Atlantique et Lorraine and Others*, 2008 and *S.P.C.M. and Others*, 2009), the equality principle requires that comparable situations must not be treated differently and that different situations must not be treated in the same way, unless such treatment is objectively justified. The justification for different premiums cannot be based on the supposed dissimilarity of men and women because the premise of Directive 2004/113 was in fact their similarity. Ultimately, any provision which enables Member States to maintain an exemption from the rule of unisex premiums and benefits without temporal limitation cannot be justified and hinders the achievement of equal treatment between men and women. The use of a person’s gender in the provision of insurance products is more straightforward than the correct recording and evaluation of economic and social conditions and of the habits of insured persons, given that the latter factors may be subject to change over time. However, practical difficulties alone do not justify the use of the insured person’s gender as a distinguishing criterion. In the cases of *Barber* (1990) and *Lindorfer* (2007), the ECJ agreed that “the use of factors which vary according to
sex ... constitutes sex discrimination which is not justified by the need to ensure sound management of the Community pension scheme”, and in the Steinicke case (2003), the Court stated that the use of a person’s gender as a kind of substitute criterion for other distinguishing features or consequences cannot be considered justification for discrimination.

**Justification for differences in treatment: legitimate aims**

Directive 2000/43 does not provide any exceptions for difference in treatment on the grounds of race and ethnic origins, with a presumption *juris et de jure* of discrimination; differences in the access or supply of goods and services are not, always and automatically, at odds with the principle of gender equality. In fact, article 4(5) states that differences in treatment are not prohibited if the exclusive or primary provision of goods or services to members of one gender is justified by a legitimate aim, and if the means of achieving that aim are appropriate and necessary.

This provision can be criticised for many reasons. Firstly, it assumes that there are goods and services theoretically more appropriate for one gender than the other, without analysing the reasons for the segregation. In addition, defining the scope of a legitimate aim and the appropriate and necessary means of achieving it is problematic. Thirdly, this provision necessitates a comparison of the reasonableness of the measure, with reference to the aim, and the proportionality of the limitation, with respect to the balance of rights.

Recital 16 of Directive 2004/113 offers some examples of a legitimate aim able to justify different treatment: the protection of victims of gender-related violence (i.e. through the establishment of single-sex shelters); the maintenance of privacy and decency (in cases such as an individual’s provision of accommodation in part of his or her house); the promotion of gender equality or of the interests of men or of women (for example single-sex voluntary organisations); freedom of association (membership of single-sex private clubs); and the organisation of sporting activities (for example, single-sex sporting events).

Given the importance of verifying the point at which gender distinctions become discrimination inconsistent with the Directive and with the general principle of the EU law, and the point at which they can be considered justified by a legitimate aim, the question is whether we can identify parameters that will distinguish a legitimate aim from a non-legitimate one.

In light of the above overview of national case law and policy, the Network of National Experts proposed a number of categories useful for verifying compatibility with Directive 2004/113: the promotion of socially beneficial ends; decency; fear of sexual harassment; and the discouragement of gender stereotypes (Burri & McColgan, 2008, 2009). Classifying gender distinctions according to aim in the access and supply of...
goods and services is somewhat abstract and may be difficult to carry out in practice; however, it is a process which could help to ascertain the boundary line between discrimination and non-discrimination.

Different pricing for services should not be permitted where segregation is rooted in a perceived difference in skill regarding ‘male’ and ‘female’ services or in broad generalisations that do not correspond to the actual services provided. In this case, we refer for example to the differentiation between men’s barbers and women’s hairdressing or beauty salons.

Additional problems arise in relation to pricing designed to encourage greater participation by persons of one gender in order to attract greater numbers of the opposite gender. In this case we refer for example to discos where different prices for men and women may lead to the reification of women, i.e. women are rendered objects or products to be ‘enjoyed’ by the true clients, namely men. This practice should not be permitted. On the other hand, differentiations can be justified when encouraging greater participation by an under-represented gender, as in cases where lower prices for women are offered to encourage their participation in activities usually dominated by men (e.g. admission fees for football matches) and vice versa (e.g. lower prices for men on baby care courses).

In the case of single-sex associations, gender distinctions in the nature of the services offered have largely been eroded over time, or for social reasons (as in the case of women-only holidays).

If we first examine cases where men are excluded, it could be argued first of all that an association reserved for women can be justified as a retreat from male-dominated social spaces, to avoid sexual harassment and other forms of sexual violence. Secondly, such associations could provide opportunities for women to create networks which could begin to counter the power wielded by men in society. Thus, where women-only networking organisations are intended to counteract the impact of male dominance in culture, business, academia and so on, a legitimate aim will exist as justifiable grounds for segregation.

On the other hand, male-only associations that perpetuate power imbalances through networking, such as ‘game reserves’, should not be permitted.

In general, cases of single-sex provision risk becoming discriminatory when they involve an approach to men and women which relies on and reinforces gender stereotyping: in the case of children and young people, in particular, this practice may contribute to the production of gendered differences (where, for example, girls are encouraged to engage in sedentary activities and boys in physical activities which increase muscle strength).

In addition, this approach may also reinforce existing gender inequalities, supporting networking among men and contributing to the denigration and reification of women.
In practice, gender segregation of services used by both men and women could be permitted for reasons of decency, in order to avoid embarrassment or to protect women from sexual harassment. The case of ‘pink’ parking spaces for women is particularly interesting when examined from the perspective of admitting or refusing gender-segregated goods or services on the basis of their goals. Given that they supposedly facilitate easier parking, it could be argued that they draw on the social stereotype that women find driving more difficult and also that they go shopping more frequently, and should thus be considered gender discrimination in that they reinforce gender stereotypes. However, when they such parking spaces are created in order to reduce or remove the risk of sexual harassment, they should be permitted.

Gender segregation may also be designed to further a socially beneficial end (such as fitness) by trying to encourage participation by those who would otherwise be prevented from taking part by cultural or religious attitudes to decency, or to counter the impact of gender stereotyping (e.g. women-only trekking or mountain-climbing holidays, or men-only courses on cooking with children). What is more, permitting practices which are designed to further socially beneficial ends by accommodating concerns over decency or sexual harassment serve to develop rather than damage gender equality by encouraging women’s full access to the public sphere.

If we turn now to participation in activities involving public nakedness, the provision of single-sex services may also be necessary in order to facilitate access of men and women who, because of religious or cultural norms governing decency, may not wish to appear semi-clothed or naked in environments other than same-sex groups. Thus, the question is whether the legitimacy of single-sex structures depends on the roles, characteristics and consequences they have in men’s and women’s participation in certain activities.

Different treatment may be objectionable if it is disproportionate: if, for example, single-sex provision for one gender is not adequately balanced by the provision of appropriate opportunities for persons of the other gender to access the facility or service in question. In these cases, however, equality might be regarded as requiring equivalent rather than uniform service provision.

The level of social contact that is appropriate between men and women, and the clothing appropriate to such contact, will differ across ethnic and religious groups, but this does not lessen the need to accommodate those individuals (particularly women) who are only able to engage in activities such as swimming and other sports under conditions of gender segregation.

Our starting point should therefore be to analyse the level of demand for goods or services offered to men and to women in different ways.

Next, the reasons for one gender’s higher demand for certain goods or services should be verified, with the only exception being cases where products or services can be used only by one sex, because of biological factors. It is true that a number of
goods and services on the consumer market are offered primarily or exclusively for consumption by one gender. It should be noted, however, that the persistent classification of ‘single-sex’ goods or services (e.g. cosmetics, detergents, cooking materials) according to social factors and traditional gender roles continues to reinforce the idea that certain activities and attitudes are inherently masculine or feminine.
Given that this practice emphasises the two genders’ difference rather than similarity, it cannot be considered consistent with Directive 2004/113 or with anti-discrimination principles related to gender.
However, the promotion of goods or services for use by one gender is consistent with the anti-discrimination principle when it aims to involve women in the public sphere and, as I will discuss in the final section, to realise the principle of equality from a perspective of anti-subordination.

The equality principle in the access and supply of goods and services: anti-discrimination and the right to differ

An analysis of the multifaceted character of equality appears to be necessary in order to examine its relation to goods and services that are primarily or exclusively reserved for and offered to one gender (e.g. credit services, single-sex associations) or offered in a gender-segregated context (e.g. wellness centres). This perspective aims to verify the anti-discriminatory impact of such cases.
As discussed in the second paragraph, the Directive’s purpose was to combat discrimination based on gender in the access and supply of goods and services. Nevertheless, the intended goal of this act does not appear to fulfil the declared aim of the Directive exclusively, as it can be read in such a way that extends beyond discrimination among men and women.
The Directive’s aim – from an anti-discrimination perspective – is to include a discriminated-against person or group in a space that would otherwise be barred. Although this operation removes the present discrimination, it does not redefine the public space to include the person or the group of people discriminated against (Pezzini, 2009), as the principle of equality potentially being afforded to this person or group may be at the expense of other or the same persons or groups.
The deficiency of the anti-discrimination legislation emerges in the way in which equality works in the field of the access and supply of goods and services: combating discrimination seems an immediate solution, but does not guarantee any change to the conditions or pre-conditions which determined it.
Thus, research should focus on the formulation of legislation which will help to redefine not only the people but also the spaces involved so that it can be implemented in the lives of all individuals, with the ultimate goal of undermining a power structure which identifies the male as superior and the female as subordinate.
Such legislation will be founded in the anti-subordination principle, which has particular relevance to the gender ‘dilemma of difference’ (Minow, 1984, 1990; Morondo Taramundi, 2004) and to social rights.

It may therefore be interesting to interpret Directive 2004/113 in different ways, in connection with the analysis of the equality principle, not only from an anti-discrimination perspective but also regarding diversity (Niccolai, 2007; Ruggiu, 2009, 2010). An interpretation of equality as a consideration of diversity should allow for protective measures which will reduce or remove any negative impact (through the protection of vulnerable individuals or categories of individuals, or with positive measures); it should also allow for promotional measures that will recognise cultural differences (as is the case with measures which emphasise the recognition of identity) and be founded on a multicultural view of society (measures which emphasise specificity) (Gianformaggio, 1997, 2005).

In the analysis of EU Member States’ case law we observed the legitimacy of gender segregation in saunas or swimming pools for enabling participation by those who would otherwise be prevented from taking part by cultural or religious attitudes towards decency, by embarrassment, or by fear of sexual harassment,. In this way, segregation may encourage women’s full access to the public sphere.

Although an analysis of equality as anti-discrimination could cast doubt on the legitimacy of different treatment (which could potentially be interpreted as discrimination against men), the necessity of protecting diversity forces us to accommodate occasional instances of different treatment.

These distinctions are helpful in the protection and development of individuals and their personal differences (as in the case of decency); on the other hand, however, the non-consideration of these differences could limit their freedom, and lead to the exclusion of certain individuals from social and community life.

**The emergence of the anti-subordination principle**

As discussed above, the European case law we have examined shows that it is possible to differentiate between discrimination in the access and supply of goods and services and the kinds of different treatment that are permitted by the Directive, by analysing the aims of such practices. Because of this, it may be interesting to interpret Directive 2004/113 from a perspective of anti-subordination (Barrère Unzueta, 2004).

Pezzini (2009) has already noted that the juridical basis for an anti-subordination principle – which recognises the importance of eradicating the subordination of women to men, reading the gender relations as a power structure – can be found in the gender norms of the Italian Constitution. Although the Italian Republic Constitution of 1948 does not clearly define the difference as sex and gender, it seems to be implicit.
A general reading of the Italian Constitution and in particular of the norms on women’s work (art. 37), family (art. 29 ff), and political rights (art. 48) stresses the importance of transforming gender relations; it also highlights the end of women's subordination to men, reversing the ‘direction’ in the construction of gender relations; in fact, until that time gender relations had been characterised by discrimination against women and the subordination of women to men. This was considered ‘natural’ and so became legalised; gender differences, created by gender inequalities, were used as a justification for further inequalities introduced by law (Pezzini, 2007).

Following Pezzini and the results of EU Member States’ decisions regarding the access and supply of goods and services, I would propose a similar route in the EU field; the main difficulty is that Community law was founded for the prevention of discrimination at work, with the economic aim of avoiding social dumping. It started by considering the social dimension of equality as a general principle, but has also come to incorporate the concept of individual dignity in recent times. Directive 2004/113 admits exceptions to the general principle of equal treatment when a legitimate aim is present (and the means of achieving it are appropriate and necessary): thus, we should reflect on the possibility of admitting a distinction in the access and supply of goods and services on the grounds of gender and on the possibility of permitting certain single-sex goods or services.

In practice, it seems acceptable to apply this exception in some way to goods and services that are commonly offered to or ‘reserved’ for one gender. Although many examples show that a number of goods are offered primarily to women because their use is linked to a traditional interpretation of gender roles, we should consider that these goods are not used only by women (cosmetics, cleaning products etc). On the other hand, where there is a single-sex use of a product or service (e.g. a training course for childbirth), different treatment of the genders should not be considered discrimination.

Ultimately, the use of gender as a distinguishing factor can be justified in cases where it helps to break down traditional gender roles, to combat the unequal position of women in society or to counteract stereotypes. This may indeed contribute to a redefinition of the power relations between the genders and to a new view of the spaces and places that are experienced differently by the two genders.

With regard to the possibility of admitting a distinction in the access and supply of goods and services on the grounds of gender, the question is whether it may be possible to interpret the Goods and Services Directive in the light of the anti-subordination principle, given that ‘Equal is not enough’.

The anti-discrimination principle, however is also not enough. The equality principle in its new anti-subordination guise seems to be more appropriate for an approach aimed at breaking down gender roles, combating the unequal position of women in society and counteracting stereotypes.
The anti-subordination perspective seems to be admissible, being the gender socially constructed (Butler, 1999). Given that this process is necessarily changeable and dynamic, genders should be constantly redefined in order to avoid the risk of assigning the characteristics associated with gender in a static and naturalistic way (Pezzini, 2009).

The anti-discrimination policy comprises an upward process of inclusion which allows discriminated-against groups access to spaces that had previously been denied. On the other hand, the anti-subordination policy is not as limited, as it defines the implementation of equality as undermining a negative power structure and thus creates a circular process which redefines all the persons involved.

While in the first case the space is experienced differently but not redefined as inclusive by the process itself, in the second case it is transformed, redefined, so that it is accessible for all individuals (Pezzini, 2009). This change in perspective surpasses the limits of the anti-discrimination policy, which is itself one of the ways in which the gender hierarchy is expressed or realised. In fact, it is not necessary to define the treatment conditions, but only deal with its application (Pezzini, 2009; Barrère Unzueta, 2004). In addition, the anti-discrimination perspective confirms and legitimates a comparative process which identifies the masculine as the universal and pre-defined parameter and marks the feminine as different and other, implicitly negative.

In contrast, the anti-subordination principle seems to recognise a legitimate difference, based on gender, in the access and supply of goods and services, particularly regarding the search for criteria which could mark the boundary between legitimacy and non-legitimacy in gender-segregated offerings of goods and services. Furthermore, the anti-discrimination perspective is not excluded but included in the redefinition of spaces and places and in the dynamism of the power relations: the definition of the content as an anti-subordination policy aims to legitimise certain gender relations in order to avoid and eliminate any form of subordination and every expression of the hierarchy and inequality which stigmatises and discriminates against women as inferior. At the same time, it absorbs the relational quality of gender as an analytic category, i.e. the skill of the norm which defines the male in relation to the female and vice versa (Pezzini, 2009).

In the access and supply of goods and services offered on a gender-segregated basis, it is important to stress the way in which the social structures produce differences between genders; these become differences in power and inequalities in the requirements for accessing the public sphere. It is also important to question gender differences: the focus on difference should not naturalise or hypostatise it and should not prevent recognition of the genders’ constant evolution and intrinsic dynamism (Pezzini, 2009).

The analysis of European case law in this matter shows that legitimate differentiation between genders in the access and supply of goods and services helps to
limit or loosen the dominance of gender roles and hierarchies (and the connected stereotypes). This is also shown in the *Achats-Test* case (2011), where the ECJ recognised the importance of social evolution and the loss of traditional gender roles.


This analysis could significantly contribute to and expand the research on the anti-subordination principle. What is more, in view of the continuing expansion and pervasive character of the anti-subordination principle, it may be interesting to investigate whether EU gender anti-discrimination policy as a whole could contribute to a new reinterpretation of this principle.

In conclusion, while an initial analysis of this concept appears to indicate its suitability, further research is needed in order to yield additional, more accurate proposals.

---

**Notes**

1. In several countries national equality authorities can intervene in judgments; for this reason I will examine both the outcomes and challenges from case law and national authorities.


**Main references**


Case Law References

Case 106/83, Sermide, [1984], ECR 4209.
Case C-262/88, Barber, [1990], ECR 1-1889.
Case C-152/91, Neath, [1993], ECR I-6935.
Case C-200/91, Coloroll Pension Trustees, [1994], ECR I-14389.
Case C-77/02, Steinicke, [2003], ECR I-9027.
Joined Cases C-453/03, C-11/04, C-12/04 and C-194/04, ABNA and Others, [2005], ECR I-10423.
C-227/04 P, Lindorfer, [2007], ECR I-6767.
Case C-127/07, Arcelor Atlantique et Lorraine and Others, [2008], ECR I-9895.
Case C-558/07, S.P.C.M. and Others, [2009], ECR I-5783.
Case C-236/09, Association Belge des Consommateurs Test-Achats ASBL, [2011].
Many of South Africa’s citizens continue to live in desperate circumstances where extreme poverty prevails, largely due to the country’s history of apartheid. What is more, a large number of South Africans have been affected by the HIV/AIDS pandemic. It is factors such as these that lead to the existence of child-headed households, where children under the age of 18 are required to take responsibility for care and decision making in the household, which often includes looking after younger siblings. South Africa has one of the most progressive constitutions in the world, as it protects not only civil-political rights but also socio-economic rights, including the right to housing, education, social security and children’s rights. For children living in child-headed households, however, it is often difficult to access the socio-economic rights they are entitled to. This paper makes use of literature studies to discuss a number of the socio-economic rights children are entitled to, as well as the challenges they face in accessing these rights. The paper will also investigate the assistance given to these children by the South African government and provide suggestions on how children living in child-headed households can be assisted in accessing their socio-economic rights more effectively.
Introduction

Prior to 1994, South Africans lived in a society where the majority of citizens were oppressed by a minority on the basis of race. Black South Africans were not entitled to receive the benefits enjoyed by their white counterparts, and because of this system of apartheid the majority of the country lived in circumstances of extreme poverty. The first democratic general election was held in South Africa on 27 April 1994, and all South Africans aged 18 and over had the right to vote. The African National Congress (ANC) won this election by a vast majority, and South Africa subsequently elected its first black majority government under the leadership of the first black South African president, Nelson Mandela. The ANC promised its supporters that the circumstances in which the previously disadvantaged members of the community had lived would improve dramatically. On the day of the elections, the interim Constitution (Act 200 of 1993) came into force as the first democratic constitution of the country. This was later replaced by the final Constitution of South Africa (Act 108 of 1996), the supreme law of the country, which was signed into law on 10 December 1996.

Although apartheid was abolished in 1994, the legacy of the regime continues to have an effect on the lives of South African people today. The fact that quality education had only been available to white people during the regime resulted in the majority of citizens obtaining sub-standard education, and thus not acquiring the necessary skills for gainful employment. During the apartheid years, certain jobs had also been reserved exclusively for white people. Factors such as these inevitably contribute to the fact that a large portion of the community still live in poverty even today.

A lack of resources, primarily financial, has also resulted in a high unemployment rate in South Africa, with Statistics South Africa estimating the unemployment rate for the second quarter of 2011 at 25.7%. A significant number of adults must therefore leave their homes and families in order to find employment elsewhere.

The HIV/AIDS pandemic has also had a considerable impact on South Africa society. Statistics made available by the UNAIDS report of 2008 estimated that 16.9% of South Africans were living with HIV/AIDS, which was an increase of 1.3% since 2002.
All these factors contribute to a situation in which an increasing number of children are required to take responsibility for their own well-being as no adult is present in a care-giving role, and so we can observe the increasing prevalence of child-headed households.

**Child-headed households**

A child-headed household is defined as a household where the person responsible for making the household decisions is under the age of 18. This does not necessarily mean that there are no adults present in the household; rather, if an adult is too ill to take responsibility for the household, the task will fall to a child. It is important, for statistical purposes, to differentiate between child-headed households and child-only households, where the latter is defined as a household in which all residents are under 18. The data available specifically concerns this second type of household. Kibel, Lake, Pendlebury and Smith (2010) reported how research conducted in 2008 had indicated that 100 000 children were living in 56 000 child-only households in South Africa. This equates to 0.5% of all South African children. Of the children living in child-only households, 48% are over fourteen years of age and 9% are under the age of five.

Statistics South Africa found in the 2002-2008 General Household Survey that nearly 40% of the South African population was made up of children (under the age of 18), equivalent to 18.7 million children. Of these 18.7 million children, 35% were living with both biological parents, while 23% were living with neither biological parent. Of those children not living with either biological parent, 81% still had one or both parents alive, but external circumstances had made it impossible for them to live together.

Approximately 3.95 million, or 21%, of children living in South Africa are orphans. An orphan is defined as a child who has lost one or both parents. The number of double orphans, where both biological parents are deceased, increased from 400 000 in 2002 to nearly 860 000 in 2008 (Kibel et al., 2010: 102), an increase which can be attributed largely to the HIV/AIDS pandemic. Traditionally, children in South Africa do not live consistently in the same dwelling as their parents, due to factors such as poverty, labour migration, educational opportunities or cultural practices. The extended family structures available often take responsibility for caring for minor children in the absence of the parent(s), and this is also the case for orphaned children.

The current concern of the South African government, as well as of wider society, is that the family structures available for caring for minor children have been stretched to their limits by the HIV/AIDS pandemic (Sloth Nielsen, 2004). Family members, in the form of grandparents, uncles or aunts, are currently having to take care of more children than they can manage, and may also be living with HIV/AIDS themselves.
The fear is that the number of child-headed households will increase in the near future as more and more people die of AIDS-related diseases. It is therefore clear that the existence of child-headed households can be attributed to a variety of issues, namely: parental deaths from HIV/AIDS and other causes, such as motor vehicle accidents; the absence of parents for a number of different reasons, such as migration in search of employment and abandonment, mostly by the father; and a lack of family support in caring for minor children.

**Socio-economic rights**

In order to protect the new democracy and to prevent future oppression, the final South African Constitution was drafted. The Constitution covered the civil and political rights of people in South Africa, as well as socio-economic rights in Chapter 2 (The Bill of Rights). By including socio-economic rights in the Constitution, the drafters of the Constitution ensured that South Africa would have one of the world’s most progressive constitutions. The socio-economic rights included in the Bill of Rights are based on the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR), which South Africa signed in 1994 but has not yet ratified; the 1989 Convention on the Rights of a Child; and the 1990 African Charter on the Rights and Welfare of the Child.

Among the socio-economic rights included in the Constitution are the rights to housing, social security and education. Children’s rights are also protected in s28 of the South African Constitution.

S26 of the Constitution provides for the right to access to adequate housing. This is paramount for children living in child-headed households, as it allows them access to housing when needed. S26(1), read together with s28(1)(c) of the Constitution, clearly states that children in vulnerable circumstances, who are genuinely homeless and in a crisis situation, should be entitled to access shelter without any qualifications.

The right to social security, as provided for in s27(1)(c) of the Constitution, includes the right to social assistance, which is needs-based assistance financed through public funds, to provide for people who are unable to support themselves or their dependants. Children living in child-headed households rarely have a constant source of income; it is therefore important that they be able to access social assistance grants to assist in the provision of basic living resources.

Children’s rights are provided for in s28 of the Constitution, in which it is stated that in all decisions that will affect the child, the child’s best interests must be of paramount importance, as provided for in s28(2). Children are entitled to a name and a nationality from birth (section 28(1)(a)). Other socio-economic rights provided for by s28 are the rights to basic nutrition, shelter, health care services and social services,
the right to be protected from maltreatment, neglect, abuse and degradation, and the right to be protected from exploitative labour practices. Every child also has the right to basic education, as stipulated in s29(1) of the Constitution, which is necessary in order to break the cycle of poverty and unemployment. S26 and s27 of the Constitution are qualified in the Constitution, and the socio-economic rights they include are subject to progressive realisation, according to available resources. The South African government must introduce reasonable legislative and other measures in order to implement these rights. The effect of these rights’ qualification is that the government is under no obligation to fulfil them with immediate effect. The state’s only obligation is to make resources available to implement the rights provided for in s26 and s27, which include not only financial but also human resources and any other relevant types. The government should introduce legislation and other measures such as programmes and policies in order to implement these rights. Children’s rights and the right to basic education are not rights which are qualified. Therefore the South African government has a positive duty to provide these rights with immediate effect. Children are included among the recipients of all socio-economic rights mentioned. S26, s27 and s29 are rights that all citizens are entitled to, while s28 applies specifically to children under the age of 18.

**Challenges faced in accessing socio-economic rights**

**LACK OF LEGAL IDENTITY**
S28 (1)(a) provides for the right of all children to have a name and nationality from birth, and the cornerstone in implementing this right is birth registration. Traditionally, birth registration has not been something done throughout Africa (Bequele, 2005), and has only started to emerge as a practice in recent years. In South Africa, the Department of Home Affairs prescribes that all births must be registered within 30 days, in line with the Births and Deaths Registration Act 51 of 1992. Children who are not registered within 30 days of birth are still able to obtain a birth certificate until they are 15 years old, as long as the following conditions, prescribed by the Department of Home Affairs’ policy on birth registration, are met: an affidavit is submitted either by the parent, explaining the reasons for non-registration, or, in the absence of a parent, by a relative at least 10 years older than the child who is familiar with the circumstances surrounding the child’s birth. In order to obtain access to the majority of socio-economic rights, an applicant should be in possession of a valid identity document or birth certificate. Similarly, in order for children to gain access to social assistance, they should apply to the Department of Social Development for the grants available to them, and their application must be accompanied by an identity
document or birth certificate as prescribed s11(1) of the Social Assistance Act 13 of 2004. If no identity document or birth certificate is present, the application may be accompanied by a sworn affidavit explaining the reasons for the lack of the necessary documents.

The right to housing entrenched in s26 of the Constitution demands that applications to access the right to adequate housing must be accompanied by a valid identity document. Identity documents are only issued to children aged 16 and over. If the primary caregiver in a child-headed household is under 16 years, they are therefore unable to apply, as they are not in possession of a valid identity document.

AGE AS A CHALLENGE
The 2007’s Children’s Amendment Act states in s137(1) that only children over the age of 16 may act as primary caregivers in child-headed households. If the primary caregiver in a child-headed household is under 16, the law does not allow the children to stay in the household. This in itself creates new problems for the child, or children, involved. Often children in child-headed households choose to stay together in the household because they do not wish to be separated. Children living in a child-headed household also fear that the family home will be occupied by other members of the family, or community, if they move out of the house (Marais, 2010).

As far as the right to access to adequate housing is concerned, the National Housing Subsidy Scheme – operated by the Department of Human Settlement – only allows individuals with full contractual capacity to apply for housing subsidy benefits. The age at which full contractual capacity is bestowed in South Africa is 18, according to Children’s Act 38 of 2005, which thus prevents the primary caregiver in a child-headed household from applying for this subsidy.

SCHOOL DROP-OUTS
Children in charge of child-headed households often feel that taking care of their siblings is more important than their education. These children then drop out of school in search of employment, but because they did not complete their education, they are only able to secure low-paying jobs. Furthermore, children who enter the workplace prematurely are often not aware of their rights in the workplace and this may lead to the employer’s abuse of the child (Marais, 2010).

Child-headed households and additional legislation

CHILDREN’S AMENDMENT ACT 41 OF 2007
Although, on the one hand, the South African government is evidently concerned about children living in child-headed households, they have also recognised the importance of protecting children living in these circumstances through legislation. It
is widely accepted that, while in an ideal situation no child would live in households lacking adult supervision, the reality of child-headed households unfortunately persists. The previous Children’s Act (38 of 2005) did not give adequate protection to children living in child-headed households, and, after much deliberation, this deficiency was rectified by s137 of 2007’s Children’s Amendment Act. The 2007 Act now provides for the protection of children living in child-headed households, as well as ensuring the availability of legal support for such children.

S137(1) declares that the provincial Department of Social Development may recognise a household as being a child-headed household in the following circumstances:

- If the parent, guardian or caregiver of the family is terminally ill, has died or has abandoned the children living in the household.
- If there are no available adult family members to take care of the children living in the household.
- If a child over the age of 16 has taken on responsibility for care and decision making in the household.
- If staying in the child-headed household is in the best interests of the child (or children) involved.

The Children’s Amendment Act is very specific about the fact that the primary caregiver in the family must be over 16, and children living in child-headed households are now faced with a problem if the primary caregiver in the household is under 16. As mentioned above, 48% of children living in child-headed households are over the age of 14. However, there are also a significant number of households where the primary caregiver is younger than 16 years, often where an adult is terminally ill and a child is required to take care of the dying adult as well as assuming responsibility for the household.

Being the primary caregiver in a child-headed household does not mean that the child in charge of the household acts in the same way as an adult. Children living in these circumstances are still children; the only difference is that they must take on adult responsibilities and make adult decisions without the benefit of adult experience. In order to assist children in child-headed households with this overwhelming responsibility, s137(2) of the Children’s Amendment Act makes provision for the appointment of an adult person who will act as a supervisor for the children living in the household.

Adults acting as supervisors for child-headed households must be nominated by a court, by an organ of the state or by a non-governmental organisation (NGO) as determined by the head of the provincial Department of Social Development, and may therefore not be individuals who may abuse the children’s situation. Adult supervisors must also be monitored by the bodies that assigned them their positions of responsibility.
Adults appointed by the Department of Social Development, a court or an NGO to act as supervisors of child-headed households should perform their duties as prescribed in relation to the household. Regular reports on the welfare of the household should be submitted to the Department, the court or the NGO. Adult supervisors should assist the child/children in the household in applying for identity documents and birth certificates for younger siblings in order to ensure their access to socio-economic rights, such as the right to access to adequate housing. The child-headed households are to receive assistance from adult supervisors in accessing any socio-economic rights they are entitled to, for example the right to health care services. If a child in a child-headed household falls ill and requires medical attention, it is the responsibility of the designated supervisor to assist the child in accessing the necessary medical treatment. Furthermore, it is also the adult’s duty to assist the child/children in accessing their social assistance grants. The supervisor appointed to assist the child-headed household is obliged to apply, collect and administer any social grants the household is entitled to claim, according to s137(5). In order to ensure that the supervisor acts responsibly with the household’s grant money, the supervisor must account for all of his/her actions relating to the grant money to the provincial Department of Social development, the Children’s Court or the applicable NGO (Boezaart, 2009).

Regulations outlined in the Children’s Act prescribe that the supervising adult must:

- Develop a monthly expenditure plan, together with the primary caregiver of the child-headed household, laying out the money available as well as necessary expenses;
- Ensure that the monthly expenditure plan is signed by the primary caregiver;
- and
- Submit the signed monthly expenditure plan to the clerk of the Children’s Court, Department of Social Development or NGO, together with all original documents, such as receipts and invoices, to prove the monthly expenditure (Boezaart, 2009).

The person appointed must also be deemed a fit and proper person in order to supervise a child-headed household, according to s137(3)(a) and (b). The Children’s Amendment Act, in s137(4), further protects children living in a child-headed household from abuse by the supervising adult by prohibiting unsuitable individuals from acting as household supervisors. Any person whose name appears in the register of sexual offenders may not act as a supervisor for a child-headed household, with the aim of protecting the children from potential sexual abuse. The Department of Social Development also attempts to protect children in a child-headed household from abuse by the supervising adult by requiring that the supervisor registers with the Department of Social Development, in line with the 1978 Social Services Professions Act 110.
Supervisors appointed to assist children in child-headed households should not assume the function of decision maker in the household. The Children’s Act allows for the households’ primary caregivers, together with any other children considered mature enough to be part of the decision making process, to make the final decisions regarding their households. The supervisors cannot act in any way on behalf of the child-headed households without the permission and authority of the primary caregivers.

In addition, adult supervisors do not stay in the child-headed households on a permanent basis, and need only visit regularly to monitor the situation. The primary caregivers in child-headed households remain responsible for making the day-to-day household decisions.

The 2007 Children’s Amendment Act also makes provision for providing other forms of relief to children, including those living in child-headed households. These forms of relief include early childhood development (ECD) programmes, drop-in centres and after-school care. Such programmes must be introduced in vulnerable communities in an effort to improve the living standards of the children in the community and to attempt to prevent children from dropping out of school in order to enter the labour market prematurely. These programmes will be discussed in more detail later in this paper.

**SOCIAL ASSISTANCE ACT 13 OF 2004**

In an ideal society, parents will be responsible for the care and well-being of their children. In order for parents to care for their children, however, they will need to have the necessary financial resources to do so. In South Africa this is not always possible, due to the fact that a large proportion of the community lives in extreme circumstances of poverty. The South African government recognises the plight of its citizens and, as part of the election promises made by the ANC (the governing party) and in accordance with the ICESCR and the South African Constitution, people in need can access social grants in order to ease their poverty.

The 2004 Social Assistance Act provides for various social grants available to people in need, on condition that they meet the requirements laid out by the Act. These grants are administered by the South African Social Security Agency (SASSA), which is part of the Department of Social Development. Social grants are of vital importance for children living in child-headed households, as they rarely have a constant, regular income. For many child-headed households, in fact, social grants are the only source of income they have. Social grants that may be applicable to children in child-headed households include child support grants, foster care grants and care dependency grants, depending on the specific circumstances of each household.

The South African government estimated on its information website that in the financial year 2010/2011 they would spend R89 billion on social grants as part of the fight
against poverty. Statistics from the Department of Social Development show that approximately 9 million children were beneficiaries of child support grants in 2009. In October 2009, the South African government also announced its decision to make child support grants available to children living in very poor circumstances up to the age of 17 in the future.

It is the primary caregiver of the child who must apply for the child support grant but the grant follows the child, which means that if the child receives a new primary caregiver, he or she will receive the child support grant in place of the former caregiver. To apply for a child support grant the primary caregiver must meet the following requirements as prescribed by SASSA:

- He or she must be older than 16 years of age;
- He or she must be living with the child, in South Africa, at the time of the application for the grant;
- The primary caregiver and child must be South African citizens or permanent residents;
- A primary caregiver can only apply on behalf of up to 6 non-biological children who have not been adopted by the primary caregiver; and
- The primary caregiver must pass the means test.

Not all children in South Africa qualify for the child support grant automatically. The Department of Social Development introduced a means test to determine whether a child qualifies for the grant, and this test simply states that a primary caregiver applying for the child support grant may not have an income of larger than 10 times the grant amount (currently amounting to R2 600 per month) in the case of a single person, or double that in the case of a couple (R5 200 per month). For children in charge of child-headed households, the maximum income for the family will therefore need to be R2 600 (approximately $350) per month. However, there are very few children heading child-headed households who manage to earn this kind of income per month as they are either unemployed or only work part-time (Marais, 2010).

Child support grants were previously only available to children under 16, which meant that children aged 17 and over living in child-headed households did not have access to this grant. However, the South African Government announced in the South African Yearbook 2009/10 (p. 463) that the child support grant would be adjusted in January 2011 so that it became available for children aged up to 17. What is more, the child support grant was R260 (approximately $35) per month for every eligible child as of 1 April 2011, but this amount increased to R270 per month as of 1 October 2011. While it is not a large amount of money, it assists children living in child-headed households in no small way in paying for basic necessities such as food. Once a child qualifies for the child support grant, he or she also qualifies automatically for free basic education up to the age of 15, and free health care services (Marais, 2010).
Another social assistance grant available from the Department of Social Development is the foster care grant. In order for the primary caregiver in charge of a child-headed household to qualify for the foster care grant, the supervising adult assigned to the household must assist the primary caregiver in obtaining a court order that places the other children in the household in the foster care of the child in charge. Both the primary caregiver and potential foster child must be South African citizens or permanent residents in South Africa and the child must remain in the care of the primary caregiver.

The foster care grant available is currently R740 per month, and no means test is necessary to qualify for the foster care grant. Social workers assess the foster care situation every two years. In 2009, over 500 000 foster care grants were disbursed by SASSA. Applications for the foster care grant, however, are far more difficult and therefore less common among children in child-headed households, as the requirements for qualifying for this grant rely on the primary caregiver’s need to obtain a court order as foster parent for the children in his/her charge.

Next, if a child under the care of a primary caregiver in a child-headed household suffers from a severe physical or mental disability, the primary caregiver can apply for a care dependency grant from the Department of Social Assistance. In order for the primary caregiver to qualify for this grant the following requirements must be met:

- The primary caregiver must be a South African citizen or permanent resident in the country;
- Both the primary caregiver and disabled child must reside in the country;
- The disabled child must be under the age of 18;
- The primary caregiver must submit, together with the grant application, a medical assessment report which confirms the nature of the disability;
- The primary caregiver must meet the means test requirements, unless he or she is the court-ordered foster parent of the child, in which case the income of the caregiver will not be taken in consideration; and
- The disabled child must be in the care of the primary caregiver and not permanently in an institution.

To qualify for the care dependency grant in terms of the means test, the primary caregiver, as a single person, may not have an income exceeding R121 200 per year. The amount paid by a care dependency grant is currently set at R1 140 per month, which is significantly higher than the ordinary child support grant, as children with severe mental and physical disabilities require much more care and support in providing for their special needs. In 2009, SASSA awarded care dependency grants to close to 110 000 primary caregivers of severely mentally or physically disabled children.
Assistive Programmes

The South African government reported in the Pocket Guide to South Africa 2009/10 (p.170) that the Department of Social Development was in the process of compiling a database of all orphans and vulnerable children (OVCs). Children living in child-headed households will also be included in this list. The reason for compiling such a list is to ensure that all children’s basic needs, as described in the Constitution, are met. The South African government acknowledges that children are the future of the country, and that in order to build a stronger country with fewer social problems children should be cared for and protected.

The South African government also stated in the South African Yearbook 2009/10 that the eradication of poverty is its main priority in aiming to provide a better life for all South Africans. This includes the eradication of poverty among minors. To achieve this goal, the 2007 Children’s Amendment Act, in 593-95, makes provision for Early Childhood Development (ECD) Programmes, ECD Centres and drop-in centres. Another initiative established by the state is the introduction of foodbanks.

EARLY CHILDHOOD DEVELOPMENT PROGRAMMES AND ECD CENTRES

An ECD centre (or crèche) is a facility that provides learning and support to children living in poor communities, where learning is targeted to a level appropriate for the child’s development and age. Children aged 0-6 can enrol at an ECD centre. At the centre, the children are provided with food which satisfies the constitutional right to basic nutrition, and all ECD centres must submit their weekly menus to the Department of Social Development for approval to ensure optimal nutrition. The Department of Social Development makes funding available for the establishment of ECD centres.

Leaving younger siblings at an ECD Centre makes it possible for the primary caregiver in a child-headed household to continue to attend school, knowing that younger siblings are cared for and properly fed.

DROP-IN CENTRES

A drop-in centre is a facility for school-going children to attend after school. At the drop-in centre volunteers are available to provide children with nutritious food and homework assistance. Drop-in centres are in the process of being established in vulnerable communities plagued by high levels of poverty and food insecurity. Children living in child-headed households will benefit from visiting a drop-in centre in two ways: firstly, the children will receive any necessary assistance with homework from adults, and secondly, they will receive nutritious meals. The government is establishing these centres in an effort to keep children in school (Marais, 2010).
Another initiative in the South African government’s fight against poverty is the introduction of food banks. The state established its first food bank in March 2009 in Cape Town, under the administration of FoodBankSA. The model used for establishing food banks is based on a food-security model promoted by the Global FoodBanking Network. By November 2009 four additional food banks had been opened, and two more by March 2010.

FoodBankSA is a non-profit organisation that procures food from suppliers, mainly through donations, and distributes it to vulnerable communities with high levels of food insecurity. The food collected by the food bank is sorted into nutritional packages before being distributed to approximately 1300 agencies in areas of need. Agencies are made up of crèches, old people’s homes, HIV/AIDS clinics, soup kitchens and shelters. These agencies then distribute the packages to individuals in need.

FoodBankSA is planning to open another 20 food banks throughout South Africa within the next three years. A memorandum of understanding was signed between the South African government and FoodBankSA, showing the government’s commitment to this programme and to the fight against poverty and hunger in general.

At present, FoodBankSA distributes between 400 and 600 tons of food to more than 100 000 people in need of emergency food relief (e.g. every year). Food banks can make a huge difference in the lives of children living in child-headed households, firstly because they provide children with a regular source of nutritious meals, and secondly, as money that would ordinarily be spent on food can be utilised elsewhere in the household.

Where we are and the way forward

Children are our future, but, due to circumstances beyond their control, significant numbers of children are being left to fend for themselves. As described above, a variety of other factors also contribute to the existence of child-headed households. Children under the age of 18 are being forced to assume the burdens of adulthood at a very young age, and in some cases children who should still be being cared for by others are suddenly put in charge of their younger siblings. Children in charge of child-headed households are forced to take on decision making responsibilities in households where very few or no resources are available.

In an ideal world, all children would live in happy, loving homes where they were cared for and nurtured. Unfortunately, the reality is that too many children live in circumstances that prevent them from enjoying their childhoods fully. These children must become adults at an age where they should still be children.

Children in child-headed households, in the vast majority of cases, live in circumstances of extreme poverty, because of the legacy of apartheid combined with South
Africa’s high unemployment rate. Child-headed households cannot rely on a constant income, because family members are often very poor themselves and therefore unable to send money to the children on a regular basis. Living in desperate poverty invariably leads to various forms of abuse and discrimination, and children who are already in deplorable positions often continue to be the victims of their circumstances. Primary caregivers in child-headed households often feel obliged to neglect themselves and their needs in order to care for younger siblings. In the process they drop out of school to enter the labour market, but due to insufficient levels of education they are only able to find menial labour, or temporary work.

The South African government seems to realise that children living in child-headed households are among the most vulnerable in South African society, and that they need extra support and protection. By introducing s137 in the 2007 Children’s Amendment Act, the government increased the level of support and protection available to children living in child-headed households. By allowing children living in childheaded households to participate in household decision making, the government empowers children by allowing them to decide what will be in their own best interests, but also provides necessary support by assigning a supervising adult to assist the children in obtaining their socio-economic rights. Children are further protected from abuse by the supervising adult by means of the reporting system discussed.

By eliminating the need for identity documents in applying for child support grants, the state has also made it easier for children in child-headed households to gain access to these grants. However, identity documents are still necessary for obtaining foster care grants and care dependency grants.

The fact that child support grants now cover children up to the age of 17 is also a positive step on the part of the South African government. As the primary caregiver in a child-headed household must be over 16, however, this remains a challenge for children not qualifying for the child support grant.

The introduction of ECD programmes, drop-in centres and food banks will also go far in giving assistance to children in child-headed households. By making use of these facilities children in child-headed households will be able to receive nutritious meals on a regular basis, as well as assistance with their school work. This support will make it possible for children to stay in school, and improve their chances of being gainfully employed later in life.

One of the major challenges still faced by government and charity organisations is the lack of existing knowledge on the support systems in place for children living in child-headed households. There is also a culture of distrust against social workers and supervising adults, because the children fear that they will be removed from the family home and that the family will be forced to separate.

The database which is in the process of being compiled by the Department of Social Development is, in theory, a very good idea. This database will make it easier for the
Department to track children living in child-headed households and the problems they face on a daily basis. The challenge now faced by the Department of Social Development is to identify all children living in child-headed households. This can only happen if the Department in fact visits all communities to determine which households are affected, at great cost in terms of financial and human resources.

The South African government should launch an information drive to inform all members of child-headed households of their socio-economic rights and the systems in place to assist them in gaining access to these rights. Additional support facilities and programmes should be marketed by the state in order for all children in child-headed households to become informed of the support available to them.

Another challenge faced by the government in implementing the support systems put in place by legislation is a lack of available resources, both financial and human. S28 of the Constitution does not qualify children’s rights to fundamental socio-economic rights: in *Government of the Republic of South Africa v Grootboom and Others 2001 (1) SA 46 (CC)* the court stated that in a family where no parent or guardian is available to look after the children, as is the case in a child-headed household, the state must act *in loco parentis* and provide the rights the children are entitled to with immediate effect.

In order to provide children with their socio-economic rights, as described by s28 of the Constitution, and with the support of a supervising adult, as provided for in s137 of the 2004 Social Assistance Act, the government will require considerable reserves of financial and human resources. To implement these rights and systems with immediate effect, money and people must be allocated from other sectors, such as health care and housing, and this will inevitably create challenges in other areas.

**Conclusion**

The South African government appears to be committed to their goal of eliminating poverty in the country and improving the lives of South African people. Recognition of the fact that child-headed households exist and are extremely vulnerable is an important step towards tackling the problem. By amending existing legislation and policies, as well as introducing new policies and programmes, the South African government has proven that it is dedicated to ensuring a better future for all South African citizens.

Children living in child-headed households are now entitled to significantly more support and assistance than in previous years. The situation continues to improve, but for children faced with the problems and frustrations associated with a life of poverty, such improvements cannot happen soon enough. The burden such children are forced to carry is more than many adults are able to withstand, and they encounter poverty, hunger and abuse in their daily lives. Many of these children have cared for a
terminally ill parent, and watched them die. They deserve better lives, and we should
do everything in our power to help them achieve these as quickly as possible.

References


Births and Deaths Registration Act 51 of 1992

Children’s Act 38 of 2005
Children’s Amendment Act 41 of 2007
Constitution of South Africa, Act 108 of 1996
Department of Home Affairs. Available at www.dha.gov.za

Department of Human Settlement. Available at www.dhs.gov.za
Department of Social Development. Available at www.dsd.gov.za

FoodBankSA. Available at www.foobank.org.za


Government of the Republic of South Africa v Grootboom 2001 (1) SA 46 (CC)


Interim Constitution of South Africa, Act 200 of 1993


Social Assistance Act 13 of 2004
Social Services Professions Act 110 of 1978


Statistics on children in South Africa. Available at www.childrencount.ci.org.za

Indicators for a just and widely supported affirmative action policy: a brief overview of the Flemish employment equity and diversity policy

MICHIEL VAN DE VOORDE

Abstract

Can an affirmative action or positive discrimination policy be just, and can it be defended in such a way that will gain it widespread social support? In this article I examine the various deontological and teleological arguments in defence of affirmative action and conclude that under certain conditions 'soft affirmative action' can be just and can gain support. I develop a set of indicators for a just affirmative action policy, compare the Flemish EED policy with these indicators and conclude with a number of policy recommendations.

Contact

Michiel Van de Voorde
Flemish Department of Work and Social Economy
Koning Albert II-laan 35 bus 20
1030 Brussels, Belgium
michiel.vandevoorde@wse.vlaanderen.be

Key words

affirmative action, labour market policy, Flanders
Introduction

When implementing the European non-discrimination directives (2000/43, 2000/78, 2002/73) in employment and labour market policy, Flanders opted for a dual approach, of which non-discrimination policy is one aspect, with a central focus on supporting employment equity and diversity (EED). The objective of this policy is the proportional participation by 2020 of all under-represented groups on the labour market, with a specific focus on immigrants and their children, disabled persons and workers aged 50 and older. In other words, the EED policy aims to establish equal outcomes at group level for these target groups. According to numerous authors (Edwards, 1987; Brouckaert, 1992; Kahlenberg, 1996), these categories, however, are morally irrelevant: many workers not belonging to one of these groups experience more difficulties on the labour market than preferred individuals from the target groups. In this respect, the EED policy has certain characteristics of ‘positive discrimination’ according to John Edwards (1987: 18): “If in pursuit of morally relevant ends by the distribution of goods, services, positions and rewards, we distribute according to morally arbitrary criteria, we are positively discriminating”.

Can such a policy be defended in a way that will foster widespread social support for it? To this end, I examine the extent to which the proponents of affirmative action or positive discrimination are able to defend of this type of policy. The deontological justification holds that no preferential treatment is accorded to an individual on the basis of their belonging to a given group, but that it is accorded on the grounds that an individual is treated unjustly because they happen to belong to a certain group. That, in my opinion, is a morally relevant criterion in this case. Two distinct approaches can be identified in the deontological line of reasoning: the first approach emphasises the principle of distributive justice, which deals with the accommodation of the greater needs of those groups. The second approach, however, emphasises the principle of corrective justice, which is concerned with awarding compensation for past harm and discrimination. In addition, there are three pertinent concepts relating to the teleological justification that should be considered. Firstly, in reference to the idea of utility maximisation, it can be stated that despite the possible negative con-
sequences of affirmative action for individuals from the ‘majority’ group, the overall advantages of this type of policy far outweigh the disadvantages. Secondly, the *ideal-end-regarding perspective* emphasises the desirability of an objective, such as achieving a more equal society or fulfilling racial justice, for example. Thirdly, from a *functional perspective*, policy makers may underline the necessity of introducing an affirmative action policy in specific situations; such a policy may be defended as a means of preventing ethnic conflicts, for instance.

Are these valid arguments? Their validity can be explored in more depth by testing them against three criteria which have been shown to receive widespread support in our society:

1. The equality principle, which holds that similar cases should be treated similarly and that differing cases should be treated differently.
2. The principle of corrective justice, which centres on the idea of "compensation proportional to harm on a case-by-case basis using counterfactual calculations, where the costs fall only on the guilty in proportion to their guilt" (Edwards, 1987: 164).
3. The concept of utility maximisation.

A number of authors have engaged with parts of this analysis in previous studies (Brouckaert, 1992; Edwards, 1987; Kahlenberg, 1996; Sowell, 1981), and John Edwards' careful, complete and nuanced ‘moral scrutiny’ of affirmative action policy has been of particular use. In the first part of this paper I examine his analysis and arrive at the conclusion that a just affirmative action policy can only be developed when a number of conditions are satisfied. I have re-formed these conditions into a set of indicators for a just affirmative action policy.

Edwards' analysis is limited to individuals and their rights. However, groups of individuals also have rights, and this has consequences for assessing the integrity of an affirmative action policy. I examine this particular issue in the second part of this paper, and consequently form a number of additional indicators.

This paper’s starting question pertained not only to whether an affirmative action policy can be just, but also to whether it can be widely accepted as such in our society. For certain groups, such as immigrants and their children, the intergenerational poor and ex-convicts, ‘integration discourse’ impedes the wider acceptance of affirmative action on their behalf. In the third part of this paper I examine this issue in more depth and formulate additional indicators for a just affirmative action policy.

Finally, I briefly touch upon the question of whether an affirmative action policy that is limited in scope by a relatively large number of justice indicators can still yield results. It is becoming evident that the development of such a policy presents us with significant challenges in terms of time, energy and resources. Is the Flemish EED policy sufficiently able to withstand such challenges and what can be done to strengthen it?
THE DEONTOLOGICAL JUSTIFICATION FOR AFFIRMATIVE ACTION: DISTRIBUTIVE JUSTICE

In the public debate as well as in the literature, three lines of argument are frequently employed in justifying affirmative action on the basis of the greater needs of the targeted groups:

- Since the members of the target groups have a greater need than non-members, or since all members have suffered harm, there is no moral inconsistency in using criteria such as sex or ethnicity in redressing the balance.
- Although not all members of the target groups have a greater need than non-members or have suffered harm, a sufficiently large proportion of them have that need or have suffered harm to justify the use of positive discrimination as the best means of meeting the needs of these groups justly.
- The essence of positive discrimination lies in providing extra resources to those in greater need. Kahlenberg, for instance, makes a case for class-based affirmative action: “Where the laissez-faire system provides only formal equal opportunity, and where affirmative action provides only equality of group result, class-based affirmative action provides genuine individual equal opportunity” (Kahlenberg, 1996: 101). Brouckaert also advocates this kind of approach (Brouckaert, 1992). Edwards deals briefly with these positions: it amounts either to a direct plea for “distribution proportional to need”, or to a request for “additional resources in one field of welfare to substitute for those that cannot be, or are not being, provided in others”. In neither case is the validity of positive discrimination called into question; rather the correct application of the needs principle is advocated (Edwards, 1987: 104-107).

How strong, though, are the first two points? The following counter-arguments call into question the value of positive discrimination in meeting vulnerable groups’ needs:

- It has not been proven that all individuals from target groups such as ethnic minorities or the disabled always and everywhere experience greater need than individuals from the majority population. Inequality among ethnic groups does persist, but is not so pronounced as to make positive discrimination the most just means of tackling the problem: a large proportion of the white population suffers the same level of deprivation, especially those who live in the same areas as ethnic minority groups.
- Even if we were to start from the premise that at least a large majority of individuals from the target groups do have greater needs, other problems arise. A form of social hijacking becomes apparent in society, committed by those with the most pressing needs. “The result [of the allocation of a very large proportion of welfare expenditure to them] would be a rough equality of welfare at...
equal is not enough. conference proceedings

What would happen if equality of results were not taken into account, but only equality of opportunity? This also poses difficult questions. What sort of equality of opportunity do we wish to achieve? We could either attempt to remove the types of inequality and deprivation that reduce people’s ability to compete equally, such as poverty and bad housing, or, failing that, we might compensate for them through more and better schooling. We could, however, opt for the more radical view that genuine equality of opportunity requires compensation for ‘natural’ handicaps (e.g. mental and physical handicaps, dexterity, intelligence) (see also Edwards, 1987: 78). In addition, equality of opportunity may be diametrically opposed to equality of welfare: “If our purpose is to promote equality of opportunity to compete for unequal rewards, we are not promoting equality of welfare” (Edwards, 1987: 80). A third problem is that by definition, affirmative action is oriented towards groups of people, and this is hardly compatible with the individual level upon which equality of opportunity is based.

This brings us to a difficult dilemma. On the one hand, according to the above arguments, positive discrimination is not the most just means of tackling inequalities between groups. On the other hand, however, the relative patterns of deprivation for ethnic minorities or for disabled persons have in many aspects not changed to any significant degree in recent decades (Martens, 1998; Verhoeven, 2000; Lamberts, Pauwels, Schryvers, & Van de maele, 2005). Need and deprivation are not randomly distributed: the needs principle has not proved to be adequate in equalising welfare. “The needs principle has not produced the results that, in theory, it ought” (Edwards, 1987: 103). How can we attempt to solve this dilemma, with regard to certain target groups’ situation on the labour market? By implementing an inclusive labour market policy that creates opportunities for all, and which starts from an individual’s right to treatment as an equal, while, at the same time, investing in categorical actions to tackle the specific deprivation mechanisms affecting certain groups? Is this possible without violating the equality principle? In order to answer that question, we should explore two aspects of the equality principle in more detail: what constitutes the concept of ‘equality’, and how we distinguish ‘equal treatment’ from ‘treatment as an equal’.

The concept of ‘equality’ comprises three complementary elements: formal, procedural, and material equality or equality of rights; equality of opportunity; and equality of outcome. Equality of rights is a necessary prerequisite for redressing deprivation and combating (group) discrimination. Alone, however, it is not sufficient. The official granting of equal rights to women and to immigrants has not in practice eliminated unequal treatment or discrimination. There is also the problem of enforceability: pro-
viding evidence of discrimination remains difficult. Even when discrimination can be proved, the perpetrator of the offence is very often sanctioned only with a fine; the complete restitution of rights and outcomes is seldom the result. *Procedural equality* should, in combination with equality of rights, guarantee an equal starting position for equal individuals in equal circumstances. Nevertheless, problems remain. Consistent consequent application of this principle demands a complete, generalised and enforceable set of measures. What is more, equality of opportunity rarely compensates for past discrimination. An exclusive focus on the individual is also problematic: in some cases, for instance, it means that the causes of ethnic stratification on the labour market are overlooked – ethnic stratification that has been clearly demonstrated by the studies of Martens (1998) and Verhoeven (2000) for the Flemish and Brussels labour markets. Even in ideal circumstances, equal opportunities do not provide a complete solution for (past) discrimination. *Equality of outcome* cannot be applied at individual level, since a certain amount of inequality among individuals is unavoidable given the fact that every person is endowed with different talents and capabilities. It is therefore more appropriate to speak of *equality of outcome at the group level*: major and lasting differences among groups point, among other things, to discrimination that should be eliminated. An adequate answer to the problem of discrimination against groups therefore demands measures that take into account equality of rights, equality of opportunity and equality of outcome. Measures designed to realise equality of rights and opportunity for like individuals, combined with measures oriented towards equality of outcome at group level, will allow us to construct a set of instruments that will at least partially compensate for past discrimination and ensure the further reduction of, for instance, gender and ethnic stratification on the labour market.

However, when we pursue equality of outcome on the labour market, we inevitably force changes in the allocation mechanism for jobs. Jobs that would otherwise be allocated to, young able-bodied white men, for example, may now be assigned to disabled persons, immigrants, ageing job seekers or women. Does that not constitute a violation of the principle of treatment as an equal for those who are no longer selected for these jobs? Let us look at what exactly is meant by ‘equality’ for individuals. To cite Dworkin: “What rights to equality do citizens have as individuals which might defeat programs aimed at [...] the policy of improving equality overall? There are two different sorts of rights they may be said to have. The first is the right to equal treatment, which is the right to an equal distribution of some opportunity or resource or burden. [...] The second is the right to treatment as an equal, which is the right, not to receive the same distribution of some burden or benefit, but to be treated with the same respect and concern as anyone else. If I have two children, and one is dying from a disease that is making the other uncomfortable, I do not show equal concern if I flip a coin to decide which should have the remaining dose of a drug. This
example shows that the right to treatment as an equal is fundamental, and the right to equal treatment, derivative. In some circumstances the right to treatment as an equal will entail a right to equal treatment, but not, by any means, in all circumstances” (Dworkin, 1996: 226-227).

Is it a violation of the right to treatment as an equal when jobs secured through the deprivation of and discrimination against disadvantaged groups are given to those that have a legitimate ‘claim’ to them? Edwards takes this stance, because “compensation is then exacted from the non-guilty” and they are consequently used as “proxy compensators”, as a “means to a social or judicial end” (Edwards, 1987: 153). Here, however, I must disagree. Edwards considers the problem in terms of ‘guilt’, which I do not believe to be a relevant concept in this case. One of the major causes of the under-representation of certain groups on the labour market is indirect discrimination: regulations, procedures and actions that are not intended to discriminate against certain categories of people, but whose results systematically disadvantage those groups or categories. It is unintentional discrimination, in which ‘guilty’ parties may not be identifiable, but it is discrimination nonetheless. The right to treatment as an equal consequently demands an acknowledgement of indirectly discriminatory procedures and their remedy, without compromising the treatment as an equal of individuals that are not part of the disadvantaged categories. Some labour market examples of policies that may meet this requirement include reviewing the criteria applied for collective lay-offs (the ‘last in, first out’ rule may undo all previous efforts regarding discriminated-against groups); the drafting of gender- or origin-neutral job descriptions; the implementation of a training policy coupled with competence development; the valuation of informal acquired competences; screening and improving the entire recruitment and selection process; and so on. At the same time, as a necessary complement to the changes in organisational structures and procedures, the corporate culture – or rather, the various sub-cultures within the organisation – ought to be built upon an appreciation of changing differences at all levels of the organisation. These examples, oriented towards future changes in (allocation) processes, not only strengthen the formal and procedural equality of (the members of) the target groups, but they also focus on equality of outcome at group level.

However, this does not mean that all possible policies aimed at achieving equality of outcome at group level also respect the right to treatment as an equal. ‘Mandatory quotas’, for instance, are a problematic example. In this case, it is demanded that, irrespective of equal or similar qualifications, members of the target groups be given priority or constitute a certain percentage of the personnel. In implementing such a policy, we violate what Edwards (1987) has called “the unconditional relevance of needs, deserts and rights to justice”. Lowering the relevant qualification requirements for persons from a disadvantaged group adversely affects other persons in their right to treatment as an equal. Such measures are forms of positive discrimina-
tion, but discrimination nonetheless. To distinguish these from measures that do not violate the right to treatment as an equal, I refer to the latter as measures of affirmative action.

It is becoming clear that we cannot give unconditional support to an affirmative action policy on the labour market, particularly if we are hoping for widespread approval from all relevant stakeholders such as employers; organisations, trade unions, representative organisations of the target groups, and so on. At least three basic conditions must be fulfilled – three conditions that we can formulate as indicators for a just affirmative action policy:

I. An affirmative action policy comprises no measures of positive discrimination, only measures of positive action. (‘Soft affirmative action’, as Edwards terms it).

II. An affirmative action policy does not in its approach start from ‘guilt’, but puts the emphasis rather on (future) changes in (allocation) processes.

III. Affirmative action measures cannot replace the individual right to treatment as an equal. Therefore, an affirmative action policy cannot be purely a targeted policy, but must be part of an inclusive equal opportunities policy.

THE DEONTOLOGICAL JUSTIFICATION FOR AFFIRMATIVE ACTION: CORRECTIVE JUSTICE

Affirmative action can also be seen as compensation for the past and present deprivation of and discrimination against disadvantaged groups. Corrective justice is a matter of claim rights: “The rights of groups to compensation for past harm [...] are positive claim rights to specifiable actor or actors upon whom a duty rests to meet the claim” (Edwards, 1987: 116). To be just, however, the compensation must be proportional to harm, assessed on a case-by-case basis, using counterfactual calculations, where the costs fall only on the guilty in proportion to their guilt.

This, according to Edwards, is difficult to achieve in practice:

- Individual compensation is almost impossible because of the high administrative costs it would entail.
- Customised compensation at sub-group level, too, would be difficult to manage, since the more customised the compensation, the higher the administrative costs.
- Leaving aside the problem of administrative costs, customised compensation could never be more than an approximation, even in the best of circumstances.
- Customised compensation presupposes that we introduce supplementary criteria, but adding supplementary criteria would in fact weaken the original case for compensation to, for example, ethnic minorities: once you
acknowledge that ‘blackness’ in itself is insufficient justification for compensation, it becomes very difficult to sustain the view that the criterion has any relevance. “If compensation to (only) poor blacks, why not compensation to all the poor?” [Edwards, 160].

- Justice demands that those individuals hardest hit by discrimination and deprivation also receive the highest level of compensation. In practice, the opposite may happen: “Since hiring within the preferred group still depends on relative qualifications, and hence upon past opportunities for acquiring qualifications, there is in fact an inverse ratio established between past discrimination and present benefits” [Goldman, in: Edwards, 144].

- Even the choice of groups to be compensated presents difficulties. Should American Jews, for example, as an ethnic group that has faced numerous forms of discrimination in the United States in the past) be excluded from compensation for the sole reason that they have managed to overcome group deprivation?

These are solid objections, and we should therefore formulate a fourth indicator for a just affirmative action policy:

IV. To prevent ‘competition’ within and between target groups, there must be clear objectives for the affirmative action policy, and attention must be paid to the changing diversity of the target groups. This also means that in the inclusive equal opportunities policy (see indicator 3) categorical differentiations must be provided for: inclusive measures wherever possible, categorical measures where necessary.

THE TElELOGICAL JUSTIFICATION FOR AFFIRMATIVE ACTION

We can distinguish three lines of argument that relate to three different forms of consequentialism.

The first group of arguments may be included under the (broad) denominator of ‘utilitarian arguments’. In this approach, Edwards distinguishes at least four major restrictions:

- What outcomes should we measure? One characteristic of many consequentialist arguments is, in fact, their generality. How, for instance, does one measure ‘racial integration’ and ‘social harmony’?

- Proponents of affirmative action all too readily believe that a unitary value system exists in society – a kind of ‘common good’. Edwards holds that nothing could be further from the truth: “Indeed, the very juxtaposition of ‘the interests of minorities’ with ‘the common interest’ immediately points up the contradiction” [Edwards, 1987: 180].

- Affirmative action also generates less visible effects. Supposing we could measure the increased welfare of a minority group, the enhanced status of
the group, improved race relations, reduced dependency on the welfare state, greater social peace and harmony, how will we account for a white backlash or general resentment?

- An objective measurement of the costs and benefits of affirmative action is an almost impossible task. Both proponents and opponents of affirmative action will inevitably measure and interpret the results selectively (Edwards, 1987: 184).

The second line of reasoning emphasises ‘greater social harmony’ by reducing ethnic tensions, integrating minorities into mainstream society and other similar outcomes: ‘ideal-end-regarding’ arguments. Proponents of these arguments hold that they are stronger and more effective than utilistic arguments, since they “...do not rely upon preferences at all, but on the independent argument that a more equal society is a better society even if its citizens prefer inequality” (Dworkin, 1996: 239). Edwards agrees, but: “The difficulty comes in trying to swallow the claim that positive discrimination will conduce to such grandiose ends as a more equal and just society” (Edwards, 1987: 177).

The final group of arguments can be seen as ‘functional’. “They are neither necessarily utility-maximising nor ideal-end-regarding (although they may be decked out as either or both), but rather actions to achieve a given end or ends that may be, and often are, expedient” (Edwards, 1987: 177). One example is preventing acute ethnic tension and conflict by a specific program which facilitates the entrance of young immigrants into the police force.

In evaluating these arguments, Edwards arrives at the following cautious conclusion: “There must be severe reservations about the likelihood of positive discrimination achieving its ends; in practice the utilities may be scant... [but] it may work in some circumstances and in certain types of application (in particular, some of the milder forms of positive action and, if policed, contract compliance programmes) and is worth continuing on a limited scale for that reason. The balance of utilities is nevertheless not such as to provide an unconditional go-ahead for positive discrimination... The utilities of positive discrimination must be real and considerable before we allow them to take precedence over the claims of justice” (Edwards, 1987: 194).

If we seek widespread support for an affirmative action policy, it would be wise to be as cautious as Edwards and to monitor every measure we plan to implement. This leads me to a fifth indicator for a just and widely supported labour market affirmative action policy:

V. An affirmative action policy demands the ongoing evaluation of both the policy process and the results. This necessitates that the policy be based on measurable quantitative and qualitative objectives, alongside strict cost management, paying special attention to (administrative) costs for enterprises and sectors.
As ‘strong’ forms of affirmative action (measures of positive discrimination) fall short in terms of justice, we restrict ourselves to ‘soft’ forms; their practical reach, however, will be limited. Therefore, I propose a sixth indicator for a just affirmative action policy:

VI. Affirmative action is only one instrument for achieving greater social justice, a temporary resource among other policy measures and instruments. This necessitates a strong but flexible streamlining of all policy measures.

**Group rights and their effects on a just affirmative action policy**

Individual rights often have a rather abstract nature: the influence of social factors on inequality of opportunity and position is underestimated, the possession of equal individual rights is insufficient to eliminate social disadvantage and deprivation, and the significance that group-related characteristics play in the lives of individuals is ignored (Reinders, 1992: 227-229). Individuals are often not in the position to determine whether or not they belong or wish to belong to a specific group: the ‘majority’ thinks and acts in terms of ‘we’ and ‘they’, ‘the in-group’ and ‘the outsiders’, and this is the basis of inclusion in and exclusion from social institutions. One reason we cannot dismiss ethnicity as an analytically irrelevant concept is that it has, both in discourse and in practice, become an established social fact. “[Ethnicity] is no longer a value-free fact that should figure in public statistics, but a fact of life that appeals to supposedly ‘natural’ distinctions, such as ethos or descent, to explain ‘cultural’ differences” (Baumann & Sunier, 1995: 3). ‘Groups’ exist and are constantly formed and reformed in daily social practice. Do they also have rights?

What kinds of rights can groups invoke? The 1966 International Covenant on Civil and Political Rights points out in Article 27 that “… in those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language”. It is rather modestly put, negatively formulated (‘shall not be denied’), and oriented towards ‘persons belonging to’ rather than ‘minorities’ themselves, and the concept ‘minority’ is left undefined. More clarity was provided in 1994, when the United Nations Human Rights Committee added General Comment No 23 to Article 27 of the Covenant following a great deal of debate. Now, not only nationals or established immigrants were to be considered members of minority groups, but also temporary workers and even ‘visitors’. Moreover, the existence of an ethnic, religious or linguistic minority ceased to depend on its being recognised by the state involved; it is now an objective question. What is more, “although Article 27 is negatively formulated, the Committee pointed out that positive measures of protection were required not only against the acts of the state party itself, but also against the acts of other
persons within the state party. Positive measures may also be necessary to protect the identity of the minority concerned and legitimate differentiation was permitted so long as it was based on reasonable and objective criteria” (Shaw, 1997: 221). Does this mean that minorities possess full group rights? Not quite, according to Capotorti: members of a minority group only have rights that are the collective voicing of individual rights (Capotorti, 1991: 102). In practice, however, the distinction between group rights and the collective rights of individuals is vague. “Groups need protection from discriminatory treatment as such. The norm of non-discrimination constitutes a principle relevant both to groups and individual members of groups” (Shaw, 1997: 212). The discussion of group rights should also be approached dynamically. The position of the individual in international law has evolved from being merely an object to being a subject that, aside from having obligations, can also derive rights directly from international law (see also Boeles, 1995: 7-31). International agreements, cooperation and organisations; new migration flows and the role of diaspora; the increasing awareness of minority groups and their organised reaction to their ‘abnormalisation’ – all of these issues force us to reorganise the debate about group rights. A lot depends on the manner in which we organise and conduct this debate. Postema (1989) asserts that it is a ‘historical undertaking’: a historically expanded and further expanding practice, with input from persons and groups with divergent ideas, whereby progress is only possible on a case-by-case basis, from conflict to conflict, and with the provision that all participants are prepared to evaluate their personal opinions in the light of the interpretations of other participants (Reinders, 1992: 234-235). According to Giddens, society needs to devote itself to ‘positive welfare’, based on “social solidarity [that] has to refer to networks, sometimes centred in localities, but often more diffuse, and quite often also crossing boundaries of nations... Such networks are likely to overlap and confer multiple identities or feelings of obligation and belonging (or, sometimes, antagonism or isolation)” (Giddens, 2007: 114; see also Baumann & Sunier, 1995: 4). One of the pillars of this ‘social solidarity’ is ‘active trust’, which Giddens defines as “trust based on monitoring the integrity of the other in an open and continuous way” (Giddens, 2007: xi). I agree with Giddens in that ‘programmes’ such as the one proposed by Postema (1989) will only gain significance within a globalising network society. A just affirmative action policy should take group rights into account in a dynamic way.

This provides us with a seventh indicator:

VII. A successful affirmative action policy requires a gradually growing practice of social debate, with input from all parties involved – individuals and groups, especially target group members and organisations – and moving from ‘conflict to conflict’ in search of solutions. This work in progress requires active listening and respect for changing differences.
A successful affirmative action policy is in need of social debate. Such an open debate does, however, demand abandoning practices such as ‘abnormalisation’ and ‘culturalisation’ of the other(s), and giving up the illusion of a homogeneous society. Not only acceptance, but also appreciation of (changing) differences must be a catalyst in this process. Numerous problems remain, however. One of the most telling examples is the attitude towards immigrants and ethnic minorities within integration discourse.

Since 1989, the concept of integration in Belgium has drawn a distinction between ‘integration’ and ‘fitting in’. ‘Fitting in’ covers matters that the authorities expect from immigrants, that is, the demand side, or duties, of the integration concept. ‘Integration’ stands for ‘fitting in plus rights’, whereby rights are expressed in the somewhat cryptic formula of “structural involvement [...] in the activities and objectives of the authorities” (KCM, 1989: 38-39). Although these rights – the supply side of the integration concept – have been interpreted in different ways, one thing is clear: rights and duties go together, at an equal level, and rights are not ‘conditioned’ by duties. However, a shift in the discourse soon became evident: rights came after duties. The dominant interpretation of the integration concept became: “‘integration’ or ‘fitting in’ stands for adaptation to the values and cultural norms of the host country, and every positive measure in favour of immigrants needs to be preceded by signs of ‘fitting in’” (Blommaert, 1998, 75-88). As the ‘majority’ defines the integration standards without clearly setting them out, it seems that whole groups of immigrants will inevitably remain ‘the others’, the non-integrated (Blommaert & Verschueren, 1992; see also Rath, 1993). The presence of groups of ‘others’ is seen by the ‘majority’ as problematic; the ideal society should be as uniform as possible, that is, homogeneous (Blommaert & Verschueren, 1992: 128-141; Goldberg, 1994: 20-25). In keeping with this point of view, only temporary ‘adaptive measures’ will be tolerated in minorities policy, or measures that are intended to minimise differences; an ongoing and changing diversity will not be accepted. Although largely employed in relation to immigrant communities, a comparable discourse is sometimes used in treatment of other disadvantaged groups such as the intergenerational poor and (ex-) convicts. In order to form a truly open debate, an alternative to the integration concept is necessary, an alternative based on communality, equality, dialogue, and respect for changing differences (see also Blommaert & Martens, 1999: 65-85).

‘Our’ society is not a society that consists of groups ‘living apart together’. We build our lives within the same social, political and institutional frameworks. This communal space creates a certain communal reference frame; all existing differences are forms of the cultural experience – the inequalities and imbalances that are specific
to that society that we jointly mould or wish to mould into a certain shape. An open debate therefore demands firstly the recognition of communality: a recognition that we form one community. Communality implies equality. Assumed ‘fundamental differences’ or assumed superiority can never be a justification for paternalism and/or discrimination. Rather the opposite is true: groups and individuals must be granted their legitimate rights in order to be able to carry out their obligations. Equality presupposes, in other words, a reversal of the integration discourse: no duties without rights. Equality also presupposes permanent dialogue. The right to be treated as an equal demands that the voice of all disadvantaged groups be heard in the shaping of the ideals of our society. Active listening is necessary, as is the construction of specially adapted, structured dialogue platforms. Permanent dialogue and consultation requires an attitude of appreciation and respect for changing differences, a clear acceptance of diversity, but alongside the realisation that this diversity remains continuously subject to converging as well as diverging trends (Goldberg, 1994: 20-33; see also Janssens & Steyaert, 2001). Dialogue is initiated precisely because differences do exist in the meaning that parties and actors assign to situations and processes. It is not the truth or the solution which is being pursued, as in the rule in the integration discourse; rather a variety of possible solutions, which should all be treated with equal concern and respect.

The simultaneous acceptance and implementation of the principles of communality, equality, dialogue, and respect for changing differences will require time, consultation, and experimentation, and success can only be guaranteed if we urgently tackle two obstacles that severely hinder this process (Blommaert & Martens, 1999: 78-84):

- All forms of discrimination, including indirect discrimination, need to be dealt with forcefully and the Flemish and local authorities must take the lead.
- We need to recognise and acknowledge real ‘societal and social problems’, including those taking place in the day to day environment of the workplace. But communication problems, misunderstandings, alleged harassment and real problems often get mixed up and this makes a well-balanced policy impossible. This can often lead to an ‘accident policy’ that lacks vision and clearly defined objectives. Alternatively, it can degenerate into a ‘Rambo policy’, such as the non-differentiated zero-tolerance approach to [petty] juvenile delinquency, not seldom leading to further escalation, which, as demonstrated by Power and Turnstall (1997: XI), is inefficient.

On the shop floor, employers, managers and trade union representatives lack sufficient specific knowledge and intercultural competences to outline an adequate and well-balanced diversity policy. A strong supporting policy from higher authorities is needed to make these efforts a success.
These two obstacles lead us to three more indicators for a just affirmative action policy:

VIII. An affirmative action policy is given shape in an open debate based on the simultaneous acceptance and application of communality, equality, permanent dialogue, and respect for changing differences.

IX. It is essential for open social debate that the voice of organised target groups be heard and that enough time, room for experimentation and support, including financial support, be provided for the development of expertise among all stakeholders.

X. Success in the process of open social debate relies on a detailed approach to all forms of discrimination, including indirect discrimination, and also to acute social and societal problems, including problems on the shop floor.

Some of the indicators developed above seem to be at odds with each other. Can a just affirmative action policy be both efficient and effective? The following are two questions that advocate caution:

- How can we reconcile the requirement for developing a gradually growing practice of social debate with the requirements of a positive cost-benefit balance and with realistic expectations about the possible effects of an affirmative action policy? When we take all opportunities to build ‘active trust’, does the price not become excessive – in fact, so excessive that other justice indicators become compromised?

- Progress in the social debate goes from conflict to conflict, from temporary consensus to temporary consensus that must be ‘tackled’ again and again. How can this be reconciled with requirements that call for clear objectives and the prevention of ‘competition’ between target groups and with the need for a positive cost-benefit balance?

These two problems demonstrate that, in order to be efficient and effective, the choice of certain programmes, measures and actions is a narrow and delicate one. To arrive at a successful combination demands experimentation – and experiments are not immune to failure. The development of a just and widely supported affirmative action policy will undoubtedly require a lot of time and resources. This, in turn, will demand persistence and long-term thinking from all stakeholders, including politicians. We should bear this in mind when evaluating the Flemish EED policy.

How just is the Flemish EED policy?

THE FLEMISH EED POLICY: A WORK IN PROGRESS BUILT ON STRONG PARTNERSHIPS AND A ‘VOLUNTARY YET COMMITTED’ APPROACH

The aims of the Flemish EED-policy include both proportional participation and supported diversity management. Companies are not obliged to actively support the
proportional participation of the three main target groups, but they do receive subsidies and free counselling and support from a team of ‘diversity managers’ should they decide to develop a diversity policy. The Flemish Government and Flemish social partners established a number of diversity plans to bridge the gap between diversity management in companies and the societal goal of proportional participation on the labour market. The diversity plans are intended to stimulate concrete actions in organisations that will gradually raise the employment rate of the target groups (immigrants and their children, people with disabilities and workers aged 50 and older) to the same level as that of the workforce in general. The Flemish administration subsidises forty-three consultants (‘project developers’) who are regionally established with the aim of supporting companies, not-for-profit organisations and local authorities in developing diversity plans. Since 2008, the Flemish Government has provided an annual budget of approximately €3m for a total of some 750 new diversity plans. There are four types of diversity plan, and organisations can select the most appropriate type for their needs. The so-called ‘cluster plans’, for instance, make it possible for several small companies or several business units of the same group to participate in a common plan. Next, the ‘step-up plan’, allows an organisation to become acquainted with diversity management, and with a ‘growth plan’ it can take all the necessary steps to mainstream the lessons learned in regular HR management. Depending on the type chosen, an organisation can receive a subsidy which will cover up to two thirds of the actual cost of the plan. In the case of a ‘classical’ diversity plan, this can be up to a maximum amount of €10,000 (€3,000 for a company participating in a ‘cluster plan’, and €2,500 for a ‘step-up’ or ‘growth’ plan), in addition to the support and counselling of consultants at no extra cost. Every plan is tailor made, can run from 6 to 24 months depending on type, and can comprise a broad range of activities: specifically adapted training programmes for members of the target groups; personal development plans; language courses on the shop floor; mentoring new staff; broadening recruitment channels to better reach the target groups; screening the selection policy on ‘colour-blindness’; training sessions on intercultural competences, and so on. In order to be eligible for subsidies and counselling support, every diversity plan has to pay attention to ‘opening doors’: the organisation must formulate self-defined objectives (in absolute numbers) for hiring, training, internal mobility and retention of members for at least one of the three target groups. In organisations with 50 employees or more, a ‘diversity working group’ has to be set up, composed of representatives from all layers of the organisation’s employees, to strengthen the involvement of all personnel and of the trade unions. Thus far, the self-imposed objectives have almost always been met, and in the majority of diversity plans the results have been far better than projected. It is a tailor-made programme with a focus on learning by doing, counselling and support for companies with no extra costs, a (non-recurrent) subsidy and very little red tape,
and the diversity plans remain a relatively successful cornerstone of Flanders’ micro-level approach to employment equity. This programme is not the only instrument, however.

In practice, the Flemish EED policy was founded in 1999, inspired in part by both the Dutch diversity policy of that time and the Canadian Employment Equity Act, and following lengthy discussion with social partners. The employers’ organisations had been resisting compulsory measures, while the trade unions were in support of them. Finally, a consensus was achieved over an approach which can be described as ‘voluntary yet committed’. All partners agreed upon the urgent need for tangible results. Therefore qualitative and quantitative objectives were formulated at the Flemish level, the long term goal being the proportional participation on the labour market of immigrants and their children, people with disabilities and workers of 50 and older (Van de Voorde & de Bruijn, 2010). These objectives are laid out every year in an action plan and funded through the government’s employment budget (up to €9.5m in 2010 and 2011). The yearly action plan must be formulated in collaboration with the Diversity Committee, partner of the Social and Economic Council of Flanders. This means that not only are the social partners and the Flemish Government structurally and actively involved in the development of the EED policy and the concrete action plans, but also 12 key immigrant associations as well as representative organisations of people with disabilities. Moreover, the social partners and target group organisations are actively involved not only in the development and evaluation of the EED-policy, but also in the implementation of a number of long-term and complementary projects.

- The Jobkanaal project (Job Channel) is run jointly by Flemish employers’ organisations VOKA, VERSO and UNIZO (roughly representing profit, not-for-profit, and small- and medium-sized enterprises respectively). Forty consultants, funded by the Flemish Government but regionally embedded in, among others, the Chambers of Commerce and Industry, actively promote the recruitment of jobseekers from the three main target groups by soliciting vacancies for which candidates from the target groups are eligible. These vacancies may remain ‘reserved’ exclusively for target group jobseekers for up to three weeks. Third parties such as the public employment service VDAB, temporary employment agencies, immigrant associations and so on refer people to Jobkanaal. The annual objective is to fill 5000 vacancies with target group jobseekers. In 2008, 4344 vacancies were filled in this way. Due to the financial crisis, 2009 was a difficult year, yet 3090 positions were nevertheless filled.
- The three representative trade unions in Flanders (ABVV, ACLVB and ACV) employ 25 diversity consultants to introduce and promote the EED policy and the diversity plans to the local union representatives. Their main objective until 2012 is to put diversity and proportional participation on the agenda of
the annual in-company social dialogue in 600 companies and organisations where they are represented in the Works Council or the Committee on Prevention and Well-being at Work. In September 2010 they started a Flanders-wide campaign with a website, checklists and a tips-and-tricks booklet to activate their representatives in all sectors and enterprises. The campaign is supported by some of Flanders’ most renowned stand-up comedians and has got off to a very successful start. See www.effechecken.be (unfortunately only in Dutch) for more information.

- The Forum for Ethnic and Cultural Minorities, a publicly-financed secretariat for all key migrant associations in Flanders, runs the Work-Up project. One part of the project works on the further professionalization of the Forum in the field of employment. Financed by the Flemish employment budget, three consultants and a Employment Task Force (run by volunteers) fulfil a critical bridging function between the policy makers and immigrant communities in Flanders. The other part of the project focuses on the activation of young people from immigrant backgrounds (mostly second or third generation, but including some young recent immigrants) who are severely disadvantaged on the labour market and often beyond reach of the public employment service. Eight subsidised mediators/coaches have as their principal objective to bring 75 of these youngsters back into the mainstream route towards work annually. These mediators are embedded in self-formed community-based organisations of immigrants and operate in six Flemish cities or regions with very high second-generation unemployment levels. Their task is twofold: first, they work ‘in the field’ (in streets, youth clubs, places of worship and so on) to provide intensive support to young people who have dropped out (individual counselling, group sessions); secondly, they help public employment service VDAB to better understand the needs of these young people and the specific obstacles they face, thereby improving mainstream services.

- As for immigrant associations, a project initiated by the organisation GRIP (‘Equal Rights for Every Disabled Person’) focuses on the further professionalization of GRIP in the field of employment. A second-line helpdesk is linked to the project where all ‘diversity brokers’ can receive answers to their questions regarding supported employment, disability management and related issues.

Naturally, the EED policy makes use of more instruments than those mentioned above. In total, the Flemish Government subsidises some 150 ‘diversity brokers’, embedded in Flemish cities, regions or industry sectors. How do they work together? How can we ensure that the very specific needs of all of the target groups (and their extremely diverse sub-groups) are taken into account? Three things are necessary in order to make this happen:
Within the framework of the inclusive EED policy, there is an explicit space for categorical ‘to do lists’ – a kind of action plan for every target group, which runs for several years. These action plans are developed by the above-mentioned Diversity Committee of the Social and Economic Council of Flanders. All relevant stakeholders (social partners, the target groups’ representative organisations and the Flemish administration) participate in this process, and the action plans are ultimately approved by the Flemish Government as a whole, which gives them a strong basis and the certainty of funding.

The Flemish administration forms covenants with all relevant stakeholders (Flemish social partners, industry sectors, target group associations) concerning the action every stakeholder will take to realise Flemish EED policy. Those covenants comprise specific targets for every stakeholder and one of the requirements is that the stakeholder take part in coordinating all EED projects. At the Flemish level, the administration organises a coordinating meeting three to four times a year in order to attune all activities. At the sub-regional and local levels, such meetings take place almost every month.

The most important of the above-mentioned covenants are those made between social partners and the local authorities of the Flemish sub-regions (15 in total). Aside from the number of diversity plans they will initiate each year, all other EED actions to be undertaken are listed in the covenant, together with how they will work together with all other local stakeholders to realise these objectives. Everything is recorded in detail, yet without imposing strict limitations: there is always room for change should the regional socio-economic situation change.

TESTING THE FLEMISH EED POLICY AGAINST THE JUSTICE INDICATORS

What are the merits of the current EED policy compared with the justice indicators developed above? I attempt to show which areas the EED policy scores well on, and where problems or challenges remain. I base my judgment on internal reports (Department WSE, 2006), external evaluation studies (Lamberts et al., 2005; Department WSE, 2009), and my own research (Van de Voorde, 2005, 2007).

**Indicator 1: an affirmative action policy comprises no measures of positive discrimination, only measures of positive action.**

The EED policy satisfies this requirement. The policy towards (industry) sectors, enterprises, social profit organisations and local authorities is based on voluntariness. There is no question of lowering the relevant job requirements in the allocation of jobs. Where target figures are used, they are chosen by the organisation or by the sector itself. Nevertheless, some challenges remain. A pronounced difference of opinion exists among stakeholders regarding the enforceability of affirmative action
measures: can a purely stimulating policy suffice, or – given the fact that the macro results remain modest – should more compulsory measures be considered, such as certain forms of contract compliance or obligatory diversity plans? Over the last two years, no significant progress has been made in this discussion.

*Indicator 2: An affirmative action policy does not in its approach start from ‘guilt’, but puts the emphasis rather on (future) changes in (allocation) processes.*

This is certainly the case with the EED policy, as the diversity plans and diverse toolboxes adequately demonstrate (see the Toolbox EED on www.werk.be). In combating discrimination, the focus lies primarily on prevention and mediation, and not on (negative) sanctioning. The challenge here is that the EED policy does not always achieve a proper balance between prevention and sanctioning, and this tends to lead to discontent among the target group organisations. Since 2008, the EED policy has been complemented by an ‘Action Plan for Combating Work-related Discrimination’. The implementation of this action plan has proven a slow process so far; combating discrimination adequately will require more attention.

*Indicator 3: afirmative action measures cannot replace the individual right to treatment as an equal. An affirmative action policy, therefore, cannot be purely a targeted policy, but must be part of an inclusive equal opportunities policy.*

The EED policy fulfils this indicator comfortably in its orientation towards several target groups and the coupling of proportional participation with diversity management, where attention is paid to the talents and competences of each employee. Nevertheless, achieving a proper balance between well-targeted actions and an inclusive approach remains an important challenge. An inclusive approach can sometimes conflict with the need to accelerate the inflow of target group members, thus creating tensions that are heightened by modest macro results. It is difficult to find the correct balance between the target group organisations’ desire to initiate a strong ‘catch-up movement’, however justified, and the employers’ organisations’ desire to value all changing differences among their employees.

*Indicator 4: To prevent ‘competition’ within and between target groups, there must be clear objectives for the affirmative action policy, and attention must be paid to the changing diversity within the target groups. Inclusive measures wherever possible, categorical measures where necessary.*

Proof of the EED policy’s approximate compliance with this requirement includes the annual evaluation by the Diversity Committee, the structural involvement of all social partners and target group organisations in all stages of the policy, the development of categorical action programmes, and the measure of the diversity projects that allow for the prompt tackling of new challenges or new opportunities.
As I have already pointed out, however, the maintenance of a proper balance between well-targeted actions and an inclusive approach remains a challenge.

Indicator 5: an affirmative action policy demands the ongoing evaluation of both the policy process and the results. This necessitates that the policy be based on measurable quantitative and qualitative objectives, alongside strict cost management, paying special attention to (administrative) costs for enterprises and sectors.

In this respect, the EED policy falls short. Process evaluation does receive due attention, especially in the Diversity Committee’s annual discussions, as well as within the Flemish Economic and Social Consultation Committee (social partners and Flemish Government). It does not receive sufficient attention in every case, however (see also Department WSE 2006, 2009; Van de Voorde, 2005, 2007), and serious problems remain:

- We do not currently possess an administratively simple and reliable enough instrument for producing statistics relating to immigrants who have obtained Belgian nationality; more than half of second-generation immigrants of Moroccan and Turkish origin have thus become ‘invisible’. The same problem arises with part of the target group of disabled persons. The evaluation of quantitative results from EED policy therefore remains less than optimal.
- Measuring the lasting effects of diversity plans and projects is still limited due to a lack of adequate follow-up. Since 2009, specific attention has been paid to this deficiency through the development of a better online application and reporting form that ensures a more accessible and improved impact measure.
- Efforts at Flemish and regional levels to improve collaboration in the daily practices of ‘diversity brokers’ remain partly inadequate.
- The low (administrative) costs for enterprises and sectors are one of the EED policy’s strong points. An important indicator is the success of the diversity plans among the SMEs. However, a better follow-up service could still strengthen the permanent effects of a diversity plan.

Indicator 6: affirmative action is only one instrument for achieving greater social justice, a temporary resource among other policy measures and instruments. This necessitates a strong but flexible streamlining of all policy measures.

The EED policy takes due account of this: a clear objective in Pact 2020 to realise proportional participation, which has been translated into a growth scenario to be monitored on an annual basis. The temporary aspect lies therefore in the starting principles and the objectives of the policy. Likewise, the instruments used for realising this objective (temporary covenants and yearly action plans) are founded in the idea of temporariness; they complement the regular employment policy. Never-
theless, all stakeholders know that it will be difficult to realise their objectives with only the current voluntary instruments at their disposal. This has led to the decision to introduce a ‘diversity test’ in some of the regular employment policy measures. Such a test must be implemented with caution, since gaining widespread support for mainstreaming EED and clearly defining the relationship between mainstreaming and impulse policy are essential. A cautious affirmative action policy requires further research and consultation before mainstreaming, as the borderlines between affirmative action and positive discrimination are sometimes difficult to delineate.

Indicator 7: A successful affirmative action policy requires a gradually growing practice of social debate, with input from all parties involved – individuals and groups, especially target group members and organisations – and moving from ‘conflict to conflict’ in search of solutions. This work in progress requires active listening and respect for changing differences.

The Diversity Committee and the Flemish Economic and Social Consultation Committee are the structural forums where this debate is conducted, with active involvement of the target group organisations. In addition, the Flemish Government is investing in their further professionalization to enable them to participate in the debate as equal partners.

Yet, there remain significant challenges:

- An affirmative action policy is given shape in an open debate based on the simultaneous acceptance and application of communality, equality, permanent dialogue, and respect for changing differences (indicator 8), as an alternative to the integration concept. This is not the case; even in the debate taking place in the Diversity Committee, remnants of ‘integration thinking’ can be observed.
- The debate remains rather too confined to these structural platforms. The points of view of social partners at the Flemish level do not readily find their way to a number of industry sectors and regions. Furthermore, feedback between the target group organisations and the EED policy is not being transmitted as it ought to be, in either direction. The voice of the ‘grass roots’ target group organisations is struggling to be heard.
- Not all of the target groups are structurally represented within the Diversity Committee.
- The regional Diversity Committees in each Flemish sub-region are not always successful in involving regional representatives from the target groups in their work and debates.

Indicator 9: It is essential for open social debate that the voice of the organised target groups be heard and that enough time, room for experimentation and support,
including financial support, be provided for the development of expertise among all stakeholders.

The EED policy subsidises consultants for social partners and a number of target group organisations, supports diversity projects with representatives of other target groups such as ex-convicts, the intergenerational poor or LGBT groups. Organisations can make use of the various diversity plans. A large number of instruments and methodologies are available free of charge. Yet, ‘diversity knowledge’ remains too exclusively concentrated in the hands of a small number of individuals; the number of learning organisations needs to be increased. This shortcoming is currently being partially remedied through additional assignments for the social partners’ diversity consultants and by regional learning networks and business-to-business contacts. Further efforts are needed, however.

*Indicator 10: Success in the process of open social debate relies on a detailed approach to all forms of discrimination, including indirect discrimination, and also to acute social and societal problems, including problems on the shop floor.*

This is not the strongest element of EED policy. Implementing the action plan to combat work-related discrimination is a slow process. We lack flexible, efficient and effective cooperative agreements between the various inspection services, the Centre for Equal Opportunities and the Fight against Racism, the regional discrimination reporting centres, and other actors involved in combating discrimination such as trade unions and employers’ organisations. Data exchange has proven to be a laborious process since the federal and regional parties involved employ different definitions and monitoring systems. An important initial step on the road towards a more integral approach was initiated with the introduction of a collective database for processing complaints and reports on discrimination.

**Conclusions and policy recommendations**

The Flemish EED policy scores reasonably highly on many justice indicators, and where an indicator is not fully met, it is not of such a nature as to demand that the policy’s starting principles, objectives and instruments be drastically altered or replaced; a planned and gradual upgrade and adjustment of the existing instruments may suffice. Potential for success does exist, if all stakeholders take sufficient heed of the following critical points:

- A proper balance between categorical actions and an inclusive approach is needed. Priorities within the categorical action plans should be clearly delineated so that every stakeholder knows exactly what may be expected of the EED policy and when.
- The debate surrounding the relationship between positive incentives and
compulsory measures should be (re-)opened. The Diversity Committee is a prime platform for conducting this discussion and any debate there should be seen as an exercise in strengthening reciprocal ‘active trust’. Even if the debate did not result in a consensus, all positions and arguments would at least become clear, laying the basis for further discussion, and progressing from ‘conflict to conflict’.

- The Action Plan against Work-Related Discrimination needs strengthening. Better cooperation between all federal and Flemish stakeholders (including ‘diversity brokers’ and consultants who support the diversity plans) is indispensable for success. The development of regional networks between these partners will be necessary.

- There is an urgent need for an adequate system for registering immigrants and disabled persons in an aggregate and anonymous way, both at the macro-level and at the micro-level of an enterprise.

- The permanent effects of the diversity plans must be monitored better. The EED policy should invest in a structured offer of follow-up maintenance.

- The cooperation between EED networks must be strengthened. Two important challenges: a clear task delineation for the various ‘diversity brokers’, and better functioning of the regional Diversity Committees – a minimum assignment should be binding, whereby each region is given the opportunity to formulate additional assignments from a complementary menu of choices.

There is a lack of support for mainstreaming EED. It is now necessary to define clearly what should be mainstreamed and how it will be done (what, when, who and how). The Diversity Committee should pay more attention to ‘diversity within diversity’ and to multiple and changing differences. A number of ‘open’ initiatives in which non-members are involved is a first step towards more pronounced participation in EED policy by less visible disadvantaged groups and ‘grass roots’ organisations. Public administration, enterprises, employers’ organisations and trade unions should be transformed into ‘EED learning organisations’. It can be achieved partly by assigning explicit mainstreaming tasks to their subsidised diversity consultants, by facilitating learning networks, by providing better follow-up maintenance to diversity plans, and by strengthening the role of (industry) sector organisation within EED policy. Permanent scientific support of the EED policy should be strengthened, as well as its monitoring and evaluation.
References


Blommaert, J., & Verschuere, J. (1992). Het Belgisch migrantendebat: de pragmatiek van de abnormali-

sering. Antwerpen: iPRA/EPO.

Blommaert, J. (1998). Integration policies and the poli-

tics of integration in Belgium. In M. Martinelli (Ed.), Multicultural policies and the state: A comparison of two European societies. Utrecht: ERCOMER.

Blommaert, J., & Martens, A. (1999). Van blok tot bou-

wsteen. Een visie voor een nieuw lokaal migranten-

beleid. Antwerpen: EPO.

Boeles, P. (1995). Eerlijke immigratie procedures in Eu-

ropa. Amsterdam: NCB.

Brouckaert, B. (1992). Positieve actieplannen voor mi-

granten: een goed idee? Tijdschrift voor sociologie, 23(2), 189-220.


wards universality. In R. St. J. Macdonald & D. John-

ston (Eds), The structure and process of interna-

tional law (part 2) (pp. 87-110). Dordrecht: Martinus

Nijhoff Publishers.


Goldberg, D. Th. (Ed.) (1994). Multiculturalism: a criti-


Janssens, M., & Steyaert, C. (2001). Meerstemmig-

heid: organiseren met verschil. Leuven: Universi-

taire Pers Leuven.


len. Brussel: KCM/INBEL.


law/iv-4


beidsdeelname via diversiteitsplannen op organi-

satieniveau. Leuven: Hoger Instituut voor de ar-

beid/KULeuven.


Postema, G. J. (1989). In defence of “French Non-

sense” – Fundamental Rights in Constitutional Jusprudence. In M. MacCormick & Z. Bankowski (Eds.), Enlightenment, rights and revolution (pp. 107-33). Aberdeen.


Reinders, J. S. (1992). Mensenrechten tussen univer-


Van de Voorde, M. (2005). Evenredige arbeidsdeel-


soneelsbeleid van verschil (pp. 1-33). Brugge: Van-

den Broele.

Van de Voorde, M., & de Bruijn, H. (2010), Mainstream-

ing the Flemish employment equity and diversity policy. In Organisation for Economic Co-operation and Development (Ed.), Equal Opportunities? The labour market integration of the children of immi-

grants. Paris: OECD.

Verhoeven, H. (2000). De vreemde eend in de bijt; arbe-

idsmarkt en diversiteit. Leuven: Steunpunt Werk-

gelegenheid, Arbeid en Vorming.
Abstract

This paper examines the position of separated children seeking asylum and trafficked children, who comprise a growing number of children and young people in Ireland, other European countries, and elsewhere. These children are vulnerable to exploitation and are likely to suffer socially and psychologically as a result of their separation from family and friends (Ombudsman for Children in Ireland, 2009). Furthermore, it has been argued that within the 1951 United Nations Convention Relating the Status of Refugees there is “a normative assumption that refugees are adults” (Bhabha, 2004:143).

The paper begins with a discussion on separated migrant children in Ireland, provides some sense of the recent momentum with regard to legislation and policy developments, as well as service responses that seek meet the challenges posed by this phenomenon. Then it draws on research that we undertook with service providers and child care/protection agencies in Ireland that are involved in the identification, care, and support of separated migrant children who are vulnerable to being trafficked. Findings from this research include evidence of a culture of disbelief among some professional bodies that children are trafficked into and across Ireland; conflicts between migration policies and child protection policies; barriers operating that block the voice and status of separated children; the development of informal networks of support for separated children; and issues arising regarding dispersal policy and ageing-out minors. We conclude the paper by making links to broader trends in the treatment of separated children across Europe and suggestions on the development of a protective environment that are being proposed to address issues arising for this groups of children and young people.
“Instead of categorising them we should view all children as children and then identify the most vulnerable of them, which are probably those who were exploited by traffickers” [Research Participant 2].

Separated migrant children in Ireland

A COMPLEXITY OF ISSUES ARISING IN THE TRANSNATIONAL CONTEXT

Enenajor (2008) discusses criticisms of policies concerning separated children throughout Europe, which are often ‘inhospitable’ and ‘dangerous places’, including detention and lack of social and economic supports. She argues the result is that, deliberately or not, the asylum policies “that focus on deterrence create an environment that produces vulnerability through exclusion from the guaranteed rights to all children” (2008: 13). She contends that much of the research and policy focuses on the vulnerability of such children as being linked to their pre-arrival and past experiences, and ignores the challenges and risks they face in their country of asylum or destination. In this way it is easy to dismiss the consequences of social policies that further vulnerabalise separated children. She argues that increased attention should be paid to such policies, particularly those the child experiences at the point of entry as these may have a significant impact on their well-being. “(...) the policy and practice of the British government towards UAMS [unaccompanied minors] is characterized by a tension between the UK’s preventative and deterrent asylum policies—such as welfare restrictions and increased resort to detention—and its governments increasingly explicit commitment to child-centred policies (Giner, 2006)” (Enenajor, 2008: 6).

Similarly, Bhabha (2008) highlights the complex situation of the unaccompanied child migrant who falls between the legislative remit of child protection law and migration law. “Domestic child protection law, which addresses the problems facing children without satisfactory homes, does not often cover issues of foreign citizenship, including the risk of deportation and lack of entitlement to social benefits that non-citizen children can face. And migration law, which establishes the parameters of
lawful status for recognized categories of migrant, does not deal with the needs and circumstances of most children who travel independently of their families” (Bhabha, 2008: 1).

While Bhabha is critical of the situation in individual country’s domestic rights she does highlight the role of international law in recognising the rights of some child migrant groups. Enenajor (2008) suggests that such agreements indicate a consensus in the international community that children’s rights should be given primacy over migration and asylum policy. However, she also suggests that there is evidence that in some European Union countries the protections and rights offered under these international agreements are circumscribed by national policies and laws, particularly in the interest of controlling the borders.

DESTINATION IRELAND:
SEPARATED CHILDREN IN THE CARE OF THE STATE?
Ireland has been identified as both a transit and destination country for child trafficking. The main reason identified by research for categorising Ireland as a destination country for child trafficking was the expansion of the sex industry and a trend for increasingly more young people being sought to provide services for this (Lehti, 2003).

Between 2000 and 2008, there were 5,688 children referred to the Health Service Executive (HSE) in Ireland as separated children, the majority of these were Nigerian, then Romanian and Chinese. The HSE under the Childcare Act (1991) and subsequent amendments to it, are the statutory agency in Ireland with responsibility for the care and welfare of children who are considered vulnerable. There were 5,964 children in their care in 2009; 388 in residential accommodation and 5,312 in foster care (Health Service Executive (HSE), 2010). The high level of children in foster care is in line with policy directions that favour placing children in home environments. Notwithstanding this, it is noteworthy that nowhere in the HSE 2009 Annual Report are the numbers or type of care arrangements for separated migrant children specified. Nevertheless, we do know from earlier publications that 180 separated children seeking asylum were accommodated by the HSE in dedicated hostels located in Dublin in 2008 (HSE, 2009). More recently, a study of separated children in the care of the HSE in the east coast of Ireland, found that 95% of children were placed in hostel accommodation, sometimes where they might meet peers with whom they share cultural backgrounds, and some having more than one placement (Abunimah & Blower, 2010). The likelihood also is that they will age-out of childcare protection. These children are mostly in the older age groups, between 12 and 16 years old and sometimes undergo age assessment procedures, to determine their age, at the discretion of the HSE. The hostels in which they have been accommodated have been in use since the early 2000s, and were initially considered to be a temporary response
to the growing number of separated migrant children. They have been privately managed hostels and have not been registered or inspected by the HSE. This is unlike residential centres providing care and accommodation for Irish children in the same age group and older, which are registered and inspected regularly. Criticism of these care arrangements have been made for some time raising a plethora of issues regarding the quality of care offered to separated children. In 2006, the UN Committee on the Rights of the Child (UNCRC) in a report on Ireland, expressed concern that the appropriate guidance, support and protection might not be available to separated children during the asylum process, in particular with respect to access to services and independent representation. It also recommended that an independent guardian be appointed expeditiously for separated children (UNCRC, 2006). Abunimah and Blower also discuss the need for guardians for separated children and argue that separated migrant children ‘are in a particularly vulnerable position due to the absence of regular caregivers who can make decisions on behalf of the child at a time when the child is often subject to complex, frightening and stressful legal processes and an uncertain future’ (2010: 142). The European Commissioner for Human Rights (2008) raised concerns about the poor level of care and inadequate measures of identification for separated children in Ireland in 2008. He indicated that such inadequate accommodation placed separated children at high risks of being trafficked. Corbett (2008: 4) argued that separated children in the asylum and protection system are faced with “a series of distinct challenges as the system is not designed to be child friendly”. The Ombudsman for Children, Emily Logan, has also expressed concern that hostel accommodation is unsuitable for trafficked children because of lack of security and qualified staff. Through research undertaken with and about separated children she found evidence that some separated children felt their views were not taken into account concerning key decisions about their lives, including a lack of consultation on their care plans and being informed at short notice about changes in their accommodation arrangements. Even more worryingly some of the young people reported that they were unaware that they had an allocated social worker and therefore did not know who to talk to about their concerns. This research report (2009) describes the stark contrast in the quality of care provided by the unregistered hostels, which accommodated separated children, and other HSE residential centres for children. The differences include the number of qualified staff, the level of health and safety measures and the existence of care plans. It also critiqued the inadequate number of project workers and social workers supporting separated children in care, stating that, at the time of their research, there were eight social workers and ten project workers providing the main supports for all separated children in Dublin, reiterating the concern expressed by Hammarberg in 2008 regarding inadequate allocation of social workers to separated children in State care. As children in care, these migrant separated children, as with other children in the care of the State, should be
allocated a social worker and should be placed in accommodation suitable for their needs which is inspected like any other children’s hostels. Joyce and Quinn (2009: 69) in a recent review of policies for unaccompanied minors in Ireland highlighted the deficits in their care arrangements and concluded that these deficits represented “a lack of equity with the level of service provided to Irish children in care”.

Another key concern is how easily children can go missing from hostel accommodation. The majority of the separated children who are missing in Ireland have gone missing from these privately owned hostels. Between 2000 and 2009, 501 children went missing from care. Only 67 of these children were successfully traced. In 2009, 47 separated children went missing, of which 9 were successfully traced by the Garda National Immigration Bureau (Duncan, 2010). Abunimah and Blower (2010) reported in their study of 100 separated children that 22 of the children went missing from hostel accommodation. They found that boys were more likely to go missing than girls, and that the children tended to go missing early on in their placement with the HSE.

The Irish government recently announced its plan to end the use of separately run hostels for separated children seeking asylum and accommodate children in mainstream care, on a par with other children in the care system, by December 2010 (The Implementation Plan of the Commission to Inquire into Child Abuse Report, 2009). In the interim, it stated that the HSE were to embark on a process of inspecting and registering residential centres and hostels where separated children seeking asylum in the care of the HSE are placed. The plan is to ensure that all children in care will have an allocated social worker and a care plan, in accordance with the regulations. Indeed, the Irish government agreed to fund an additional 270 social workers to fill currently vacant posts (Office of the Minister for Children and Youth Affairs (OMCYA), 2009: 46). However, movement away from hostel accommodation has its problems. Abunimah and Blower (2010: 142) point to the importance of identifying the needs of this group of children, stating that they should not “simply be inserted into the existing child protection system” as they have different needs to other children in the Irish childcare system, possibly including exposure to “war, flight, political persecution and catastrophic loss of home and family support networks”. They argue that while “separated children share certain needs with all other children...the differences have important implications for the kinds of services that should be provided” (Abunimah & Blower, 2010: 142). While there is little doubt that separated children may have different needs to other children in the care system there is a danger in creating a separate system of care for these children and this may contribute to the process of ‘othering’ of this group and evidence from current practice suggests that placing these children in separate hostels and provisions has not provided access to the types of services and supports which they may require. This echoes concerns expressed by Crosscare, a Catholic agency appointed by the HSE in 2010 to oversee the residential care of separated children in four Dublin based hostels while they are
being phased-out. In a recent position paper on aftercare for separated children, they suggest that current financial restraints have led to a situation that “by necessity the level of care will still not be equivalent to the standard of care in the mainstream child care system” (Crosscare, 2010: 1).

AGED-OUT MINORS AND DISPERsal
As well as discontinuing the use of private hostels, The Implementation Plan of the Commission to Inquire into Child Abuse Report (2009) recommends the dispersal of separated children and young people outside of Dublin. The assistant National Director for Children and Families at the HSE, Philip Garland, has been critical of this policy and the care provided to aged-out separated children by the HSE. He indicated that the current differentiated care system for separated children and in particular lack of aftercare might be considered ‘racist’. “One of the problems is that if you are an Irish child you are protected under the Childcare Act, because when you hit 18 years of age the State continues to look after you. But if you are an African or Chinese child you are sent all around the country by the refugee agency away from all the support structures and people you know in Dublin” (Garland, quoted in Symth, February, 2010a).

The Irish Times newspaper (Symth, 2010b) published part of a memo on the dispersal policy for separated children. This policy was established by the Department of Justice in January 2010 and sixty separated children were to be moved in 2010 under this scheme. The memo is called ‘Policy on the Accommodation of “Aged-out Minors” in Refugee Integration Centres’ and puts forward a number of reasons for this new policy.

1. Alleviate the pressure on bed space, health, education, therapeutic and welfare services in Dublin.
2. Reduce the “negative influence that a large city environment can have on vulnerable adults”, including “exploitation, abuse, drug use and crime”.
3. Re-balance policy “in the interest of fairness”, as adult asylum seekers do not have the option to stay in Dublin (Symth, 2010b).

Symth reports that the memo recommends that separated children should not be placed in all-male refugee centres and should be moved to “refugee centres in towns and cities with access to education facilities, such as Limerick, Cork, Sligo, Galway or Athlone” (Symth, 2010b). The article goes on to give an example of the implication of such a policy on the life of one separated child;

“For Abdullah (19), an asylum seeker from Somalia who now has refugee status, the RIA’s dispersal policy was very disruptive. Last year, over a six-month period, he was moved from Dublin to Limerick to Killarney and back to Dublin. ‘It was very difficult for me’, he says. ‘I went to every school in Limerick to get a place, but was told there were no places available. After three or four months living in Limerick they sent me to live in Killarney, where I was supposed to have a place. But the headmaster at the
school told me all the subjects were full. In the end the RIA sent me back to Dublin and I’d missed two months of the school year. It’s a bad policy because it makes your life very confusing and you have to leave your friends’” (Symth, 2010b).

Crosscare argues that as well as lack of support from the HSE, the Reception and Integration Agency (RIA) who are responsible for the adult asylum seeker accommodation provides no specific supports to these young people. The position paper also notes that while this dispersal policy currently only applied to separated children living in hostel accommodation, it will in the future apply to separated children in foster-care.

A recent high court case illustrates the disruption which this dispersal policy can have on young people. Four asylum seekers tried to secure a high court injunction against the HSE aimed at allowing them to return to schools they had previously attended in Dublin. They had all arrived separately in Ireland in 2008 as unaccompanied minors and been placed in care and attended schools in Dublin. However, when they turned 18 they were relocated to adult hostel accommodation in Galway against the advice of staff in the schools in both Dublin and Galway. “The judge, who accepted that the four girls’ lives had been disrupted as a result of their move from Dublin, said that his decision to refuse the injunctions was based on the law and was not a commentary on social or human rights policy” (O’Faolain, 2010).

The legal representative for the young people argued that if the four were Irish citizens, they would never have been moved from one location to another in the middle of their final state examinations. During the case the legal representative for the HSE said that the HSE was being asked to provide “private choices” with public funding and that the vulnerability of the young people was being “overstated” (Irish Times, 2010).

The issues highlighted above raise important questions about the care provided by the State for separated migrant children. Questions are raised regarding their safety and protection after having made the journey to Ireland and come into the care of the State. Despite recent reforms in the care arrangement for separated children, there continues to be concerns raised commentators and practitioners, indicating ongoing tensions between migration and child protection.

Recent legislative, policy and civic responses to child trafficking in Ireland

Enenajor (2008: 11) argues that the link between child trafficking and asylum seeking requires further investigation and there are growing concerns in Europe about “involvement of traffickers in a minority of child asylum cases”. One of the factors which has influenced this is the impact of tighter border controls in the EU and the blocking of legitimate and safe routes of entry for asylum seekers. Indeed, Moosa-Mitha (2007) discusses the centrality of trafficked children’s status as non-citizens
as central to their experiences of injustice and exclusion in the destination country in which they reside. The Irish Government recently published the first official report on Human Trafficking in Ireland and reported 68 incidents of human trafficking which came to the attention of the Irish police force\(^3\) (An Garda Siochana), including 17 minors (Anti Human Trafficking Unit (AHTU), 2010). This report highlights the problematic nature of data collection in the area of human trafficking and cautions that the figures are an estimate rather than the exact figures. “(...) due to the clandestine nature of the crime and its overlap with other illegal activities such as those related to prostitution, estimating the prevalence of trafficking in human beings is highly problematic” (AHTU, 2010: 2).

The US Department of State’s (2009) *Trafficking in Persons Report\(^3\)* is the latest of the US Department of State Reports to indicate that Ireland is both a destination and transit country for human trafficking. It goes on to express concern for separated children missing from State care in Ireland. As previously discussed 501 separated children have gone missing from state care and while there is no evidence that all of these children have been trafficked (up to half are generally subsequently reunited with their families) it has been suggested by Government (US Dept of State 2009) and Non-Governmental Organisations (NGO) working in the area (Kennedy 2008), that some of these children have been victims of child trafficking, and have been ‘found in involuntary servitude in brothels, restaurants, and in domestic service’ (US Dept. of State 2009). These previously articulated concerns were evidenced in the recent official figures from the AHTU (2010) which reported that 25% of the human trafficking cases identified in Ireland were minors and five of the cases were children in HSE care. These figures further reinforce arguments about the vulnerabilities associated with the care arrangements for separated migrant children.

Irish action in the field of human trafficking has gained considerable momentum in the last 5 years with the establishment of the Anti-human trafficking Unit in the Department of Justice, Equality & Law Reform in 2006 and the Irish ratification of the Council of Europe *Convention on Against Trafficking in Human Beings* (CoE Convention) in April 2007. The *Criminal Law (Human Trafficking) Act 2008* creates separate offences of trafficking in children for the purpose of their labour, exploitation or the removal of their organs, trafficking in children for the purpose of their sexual exploitation and trafficking in adults for the purposes of their sexual or labour exploitation or the removal of their organs and further strengthens the *Child Trafficking and Pornography Act, 1998 & Amendment Act, 2004*. It also makes it an offence to sell; offer for sale, purchase, or offer to purchase, any person, adult or child, for any purpose. The law goes beyond the recommendation of the *Council of Europe Convention (2005)* by removing the issue of consent in cases involving victims with mental disabilities. In comparison with other jurisdictions, it provides more severe penalties for traffickers, and at present Ireland is the only state in Europe that can imprison a trafficker for life.
Important steps have also been taken to address the discrepancy in emphasis between punitive and protection in policy with the *Immigration, Residence and Protection Bill (2010)*. This provides for the identification of victims of trafficking, and establishes two new types of permits of residence specifically designed for victims of trafficking who are identified. The first, a *Recovery and Reflection Permit* (Section 139) can be granted to victims of trafficking by the Minister for Justice, Equality and Law Reform for a period of 60 days. The second, a *Temporary Residence Permit*, can be granted, again by the Minister, for a period of six months, where the person is “assist[ing] the Garda Síochána or other relevant authorities in relation to any investigation or prosecution arising in relation to the trafficking” (Section 139, 25(b)).

Under Section 28, Immigration Officers are empowered to check that those children coming into the country with accompanying adults are actually under their care and protection. It also includes such provision for migrant children who are already in the State and who have not come to the attention of the HSE. While such provisions are welcome there has been much debate on the Immigration, Residence and Protection Bill 2010 and its predecessor, the Immigration, Residency and Protection Bill 2008. A significant difficulty with this bill is that its provisions apply only to non-EU/European Economic Area (EEA) nationals. One of the debates concerns the degree to which provisions include the best interests of the child. Brophy and McGonigle (2008: 3) questioned whether the best interests of migrant children are paramount in the IRP 2008, arguing that a “child victim of trafficking may not be in a position to co-operate and the reflection period itself may be regarded as too short”. However, in introducing the IRP Bill 2010, the Irish Minister for Justice, Equality and Law Reform, stated that following submissions and consultations on this issue, he was “satisfied that the Bill already, where necessary, caters for the special position of children” (Ahern, 2010: np).

The publication by Government of the *National Action Plan to Prevent & Combat Trafficking of Human Beings in Ireland: 2009-2012* proposes a child sensitive approach in the development, implementation and assessment of anti-human trafficking policies and programmes. It highlights the change in practice from accommodating children in hostels to placing them in families in order to reduce the risk of exploitation; as well as the need for ongoing training and support for frontline staff who come into contact with vulnerable child victims, although as pointed out, there are problems associated with this policy development in practice. The crucial role of a Guardian *ad Litem* is not fully acknowledged by the *National Action Plan (NAP)* or the *Immigration, Residence & Protection Bill 2010*. The NAP argues that such children will have an assigned social worker to act on their behalf which mitigates need for further advocacy services for separated children. However, this fails to take into account the complexities such as those detailed above and is contrary to the child sensitive approach that is stated in NAP.
Research methodology

Our research sought to elicit the understanding of professionals working in a range of statutory and voluntary organisations, about issues related to separated migrant children and child trafficking in Ireland. It included 16 qualitative in-depth interviews that were undertaken between September 2009 and June 2010. Research participants were professionals working in the area of child trafficking and separated children, including key NGOs involved in the area of child trafficking, refugee supports as well as childcare professionals employed by statutory agencies. The interviews investigated the procedures employed by national child protection agencies in the identification of and responses to migrant children who are vulnerable to being trafficked. Issues arising from this research offer an insight into both professional perceptions and professional practice among those working in this area, highlighting some of the tensions and challenges in this field.

Responses to child trafficking in Ireland and a culture of disbelief

“We have very stringent immigration policy but not very stringent border control policy” (Research Participant 3)

The issue of Ireland as a transit and destination country was highlighted by the research participants as being linked to the perception that there is an ease of entry at some of the Irish borders. In particular, the participants highlighted the lack of child protection staff and multi-disciplinary teams at the borders as a contributing factor to poor identification of separated or trafficked children. Despite the evidence outlined above indicating that child trafficking is present in Ireland, is related the sex industry, and is a growing phenomenon (Lehti, 2003; Enenajor, 2008), our research indicated the presence of a culture of disbelief of its existence or, at the very least, a minimising of its extent. A number of NGOs interviewed contended that despite recent policy and legislative developments, as detailed above, there is reluctance on behalf of State agencies to acknowledge that child trafficking exists in Ireland. They were of the opinion that this has a follow-on impact on giving official recognition to victims. Some of the NGOs were critical of the lack of prosecutions for child trafficking in Ireland and were particularly concerned with the assumptions related to children giving their consent to being smuggled to Ireland. As noted earlier, legislation considers that children, because of their status as minors cannot give consent, however some participants raised concerns that in-spite of this, very few victims of child trafficking were given official recognition.
“(...) identification of children should happen without a deep investigation given that the means of their recruitment are not relevant...these children should be acknowledged as victims of trafficking and should be treated in a different way and not as a separated child” [Research Participant 1].

The legislation for child trafficking has rarely been tested with just one prosecution to date. This occurred in March 2008 in Dublin Circuit Criminal Court, but there is evidence from the interviews and official figured (AHTU, 2010) that there have been cases of child trafficking.

“We have come across victims of trafficking in our service who are minors or trafficked as minors. There is evidence that in some of these cases, officials, like to HSE and Department of Justice and Office for Refuge Legal Service have been aware that there are trafficking circumstances involved in this case and still this child has not been treated as such, especially in accordance with international law and according to our obligations” [Research Participant 3].

A statutory social worker interviewed explained the process a suspected victim of child trafficking, in relation to an investigation, went through and highlighted some of the reasons there was not a follow-up conviction. These factors included a perceived lack of experience from the investigating Gardaí in managing a child trafficking case and lack of trusting relationship between the Garda and the young woman. The social worker also felt that a six month recovery and reflection period was inadequate for this young person to get the support that she needed and was of the opinion that a lack of trust was one of the main reasons that the young person ended her participation in the investigation.

Conflicts between migration policies and child protection policies

Some research participants highlighted conflicts arising between migration and child protection polices, supporting the views expressed by Abunimah and Blower (2010), Crosscare (2010) and O’Faolain (2010) in their discussions about recent developments in care for separated children. Research participants highlighted a lack of clarity regarding which State agency is responsible for identifying victims of child trafficking. This resulted in suspected victims of child trafficking being subject to multiple interviews (Refugee Legal Service, Gardaí, HSE) and expected to re-tell their experiences.

“You have to go through it with Refugee Support Agency, and your social worker and possibly the guards and all these different things they have to go through and re-tell and worrying they won’t be believed, having a different story to increase believability even though their original story might be horrendous anyway” [Research Participant 1].
Also, concerns were raised about the procedures for reuniting children with family members and the lack of subsequent follow-up mechanisms after family reunification.

“When it comes to family reunification we would have raised a lot of concerns about the procedures in other parts of the country where the young person is being reunited with adults who say they are family, and social workers are asked to sign off and say these families are being reunified based on sketchy evidence” (Research Participant 7).

They also expressed concerns that suspected victims were being dealt with primarily under the criminal justice system rather than the child protection system, indicating the possibility of the precedence of the former. There are fundamental tensions between child welfare/protection policies and systems and migration policies that have been designed to assess individuals’ status in relation to national citizenship, reiterating Moosha-Mitha’s contention that their status influences trafficked children’s rights to equal child protection supports and services (Moosa-Mitha, 2007).

**Voice and Status for Separated Children**

Similar to the concerns expressed by Corbett (2008) and the Ombudsman for Children in Ireland (2009), as discussed earlier, some of the NGO participants in our study were concerned about social workers’ ability to make decisions related to the legal status of separated children.

“(…) if somebody is here illegally and they are not in the system – you don’t just keep your head down and hope it’ll all go away and ‘sure they are going to school and everything’. Things aren’t grand; the number one thing that anyone should think about is what is their legal status. They [social workers] are in court getting care orders, but when I ask what is the child’s status here, they say, ‘well it’s ok because they have a care order’” (Research Participant 4).

They highlighted the possibility that children might have an ambiguous legal status due to a reluctance by their social worker to apply for Refugee status, and while the social worker may have good reason to not want to put the child through this adult centred asylum system, lack of status results in the young person becoming more vulnerable and again highlights the need for an independent guardian. In particular, the lack of status is very problematic for separated children once they reach eighteen, as they no longer have access to the care and protection offered by a Care Order under the Child Care Act 1991 and services they were entitled to as minors are discontinued.

Participants in our research also emphasised the need for a guardian to address the legal issues of migration law; and it was felt that this was this something to which social workers did not give sufficient priority.
“The guardian ad litem is a model that works very well within the court system. There is a need for children to have an independent advocate where there is an issue of dispute or conflict. All the children who go through the system and are age-disputed should have a guardian ad litem” (Research Participant 8).

The lack of a guardian ad litem for separated children who would act as an advocate for the voice of the child during the asylum process is problematic and reflects a failure to recognize children’s agency. The development of the guardian ad litem service would support the expression of children’s voices and consideration of their experiences.

**Informal networks for separated children**

There has been a strong civic society response to the issue of separated migrant children and Human Trafficking in Ireland through various NGOs working to develop service, advocacy and policy responses. These groups include Ruhama, Rape Crisis Centres, Irish Society of the Prevention of Cruelty to Children, Immigrant Council of Ireland, and various Religious Groups, who often emphasise the importance of informal and peer support for separated children. Some of the NGOs interviewed in this research who are involved in direct support to young migrants in Ireland gave examples of situations where they advocated for the needs of separated children. Examples included visiting Reception and Integration Agency (RIA) and Office of Refugee Applications Commissioner (ORAC) with separated children and advocating on behalf of the child so that they are not dispersed outside of Dublin once they have reached their eighteenth birthday and ‘aged-out’. Participants also identified forms of advocacy which they had encountered while working with separated children and young people such as peer support. Abunimah and Blower (2010: 134) also highlighted the importance of peer support given the fact that often the young people experience “near total social isolation from adults” when they come to Ireland except for immigration officials and HSE staff. In our research participants identified a number of professionals and organisations which were providing advocacy for separated children.

“(…) the school is very important, particularly in a lot of schools the home school liaison officer would be very supportive for most of these teenagers. So you have the schools, social worker, project worker, the Refugee Legal Service, maybe a doctor, whoever else – the health services if some of the kids may have HIV and so-forth – but within all of that you’ve no non-professional. So, for want of a word they are professionalised out of it. So, there’s nobody [just an ordinary ‘Joe Soap’ in all of this [looking] out like for some of these teenagers)” (Research Participant 13).
Schools, particularly at primary level, were identified as spaces where children had received forms of advocacy support. However, one of the Social workers interviewed raised particular concerns about accessing appropriate educational supports for the separated children she was working with, particularly for older children. Religious groups were also identified as offering advocacy for some children and there was some concern that moving young people out of Dublin was impacting negatively on these social supports. Ní Raghallaigh and Gilligan (2010: 228) in their recent research on the multiple coping strategies employed by unaccompanied minors in Ireland, found that their participants “were embracing opportunities for continuity between the past and the present and planning to maintain continuity into the future” through for example participation in religious life such as Nigerian-led Churches in Ireland.

**Dispersal policy and aged-out minors**

Research participants were concerned about the issue of care arrangements for of aged-out separated minors once they reach eighteen, and as previously mentioned the lack of status for these young people. Many research participants in this study have contested that the rationale proposed by RIA for dispersal for aged-out minors, in particular the forced movement away from Dublin and the resulting loss of already established social networks and peer supports.

“The argument is that in Dublin the young people are open to all sorts of risk, in particular drugs. Generally, however, these young people have not got into trouble or far less than Irish children of that age in care. Furthermore, they are equally at risk in Cork or Limerick” [Research Participant 5].

In particular the lack of status is very problematic for separated children once they reach eighteen as they no longer have access to the care and protection offered by a Care Order under the Child Care Act 1991. An NGO Refugee Project worker interviewed raised concerns about the impact of the new dispersal policy for ‘aged-out’ separated children which sees them being sent to Direct Provision Centres for Asylum Seekers outside of Dublin with huge variations in supports.

“I have not met any aged-out unaccompanied minors who wanted to be sent outside of Dublin. One of the concerns that we would have raised with RIA is young people sharing rooms with older people in the family centres and that is what is happening at the family centres so is that any safer than being in an all-male hostel? At one point those two boys [aged out un-accompanied minors] were sharing a room with a 40 year old man from Albania so in terms of child protection – is that any safer? I don’t think so” [Research Participant 10].
The ‘aged-out’ separated children had, according to a number of research participants, consequently lost many of the educational, community based and specialist supports available to them in Dublin, where they had previously been accommodated in special centres. Additionally, they are now faced with the threat of deportation, and degrading and inappropriate accommodation, making this group of young migrants particularly vulnerable to exploitation. Other shortcomings of the dispersal policy for separated children highlighted by the research participants include the loss of specialised/experienced care staff, peer supports, religious supports, social networks, community based advocacy groups and opportunities for volunteering.

“They are making these connections with church groups themselves and it provides social supports & networks which are extremely important for them. Those young people who are moved out of Dublin when they reach 18 and age out lose connections. This withdrawing of supports is a feature of the State response. There is no commitment from the HSE” [Research Participant 13].

Furthermore, it was argued that it would present difficulties in accessing refugee legal services and psychological services which are centralised in Dublin and Cork. It was suggested that the loss of these supports and services might present serious risk of trafficking for some dispersed children and young people.

**Conclusion**

Our paper contends that there is evidence that separated migrant and trafficked children experience differentiated rights based on their migration status in Ireland. This conflict between migration and child protection policy in Ireland is exemplified by the treatment of separated children in the care system, particularly when they become ‘aged-out minors’. The aftercare which they receive as children who have left the Irish childcare system is radically different and almost non-existent compared to Irish born children who are in the care system. The Irish state is interpreting these children's care needs in a functionary mode, primarily based on their migratory status and is disregarding their developmental, emotional and indeed educational needs and rights. This could be viewed as evidence that the Irish State does not acknowledge the vulnerabilities of such children to trafficking and that the State has made assumptions about their consent to be smuggled to Ireland. This differentiation between the treatment of Irish born children in the care system is not unique to the Irish context. Evidence which we have presented regarding the treatment of separated children in Ireland could be seen to reflect a broader trend in European migration policy. Enenajor (2008: 2) argues that European research and policy “tend to conceptualise child migrants as vulnerable and especially at risk for exploitation... such exploitation is not merely a function of a child's inherent vulnerability and the
physical dangers of migration, but is closely linked to the political climate of hostility against asylum seekers and migrants”. Bhabha (2008) is also critical of the lack of focus on the agency of the child themselves in the migration process and the focus on demonising or victimising unaccompanied child migrants.

The Protective Environment promotes consultation with children as central to the recognition of children as active agents and meaning makers and may offer a useful framework for understanding the responses required to protect separated migrant and trafficked children. The Protective Environment is a UNICEF human rights based model acknowledges that child trafficking cannot be addressed in an isolated manner rather that the “activities and provision of services to prevent trafficking benefit all children who may be vulnerable to abuse and exploitation” (O’Brien, 2008: 49).

The Irish National Action Plan to Prevent and Combat Trafficking of Human Beings in Ireland (2009), the UN Palermo Protocol (2000) and the Council of Europe Convention promote the Protective Environment model as a method of reducing children’s vulnerability to trafficking. UNICEF (2008) reason that all children should be able to access services for recovery and integration in a non-discriminatory and equal basis. However, as already discussed, recent criticism of the Irish government highlighted the differences between the treatment of separated children seeking asylum and Irish born children in the care of the HSE. The issue of residency status has influenced the treatment of such vulnerable children and impacted on their experience of the Protective Environment. Kanics (2008: 397) asserts that in providing this protective environment the Irish government need to focus on the issue of safe and secure accommodation and ensure that services are provided on a “consensual and informed basis” which considers both the child’s vulnerabilities and their rights. Findings from this research indicate that separated migrant children are not experiencing the protective environment. This was highlighted particularly to relation to the differentiated care experienced by these young people including, placement in unregulated private hostel accommodation, lack of security and qualified child care staff, limited access to social workers and independent guardians, lack of consultation on their care plans, and limited consideration for their migration status. This situation is exacerbated as the young people age-out and find themselves dispersed to adult-accommodation centres with few supports and lack of legal status. All of these issues indicate a need to re-examine the commitments of the Irish government in their national and international commitments to both children’s protection and rights.
Notes

1. The term ‘separated children’ refers to children under 18 years of age who are living “outside their country of origin and separated from both parents, or their previous legal/customary primary caregiver” (Save the Children/UNHCR, 2004: 2). Such children are also sometimes referred to as unaccompanied minors. In this paper we use the term ‘separated children’ as we consider it best represents the group of children and young people under discussion.

2. The police force in Ireland are called An Garda Síochána.

3. The US Department of State started monitoring Trafficking in Human Persons in 1994, and have produced yearly reports since then. Ireland was first mentioned as a destination and transit country in the report of 2006.

References


NI Raghallagh, M., & Gilligan, R. (2010). Active survival in the lives of unaccompanied minors; coping


Symth, J. (2010b). The only thing we have is education. We don’t have family. *The Irish Times*, 15th May 2010.


Part 2

Challenging differences and inequalities in and through policies
Gender equality is not enough.
Some considerations on the meaning and effects of intersectionality within a state feminist epistemic community

CATHRINE EGELEND & CECILIE BASBERG NEUMANN

Abstract

In recent years, feminist scholars have discussed the potential of recognizing and handling intersectionality within the new institutional frameworks emerging from the recent changes in different national and international anti-discrimination and equality machineries. In this paper we will argue that the potential of an institution to so to speak institutionalize intersectionality depends on the historical, ideological or discursive framings of the new machineries and on how intersectionality is understood and represented. The basic assumption of this paper is that any legislative or institutional arrangement or machinery, also in the anti-discrimination and equality policy field, has to be resonant with the dominant ‘epistemic community’ surrounding the arrangement or machinery.

We will show that intersectionality may represent a challenge to an equality and anti-discrimination institution that has to be resonant with what we will call a state feminist epistemic community. In order to show this we will present and analyse a specific case, the Norwegian Equality and Anti-Discrimination Ombud (EDO). We will argue that a) the Ombud institution is on a discursive collision course with the state feminist epistemic community that historically and ideologically has been its most important allied, and b) that intersectionality may represent a challenge to state feminism, and that this will create difficulties in institutionalizing intersectionality in the Norwegian anti-discrimination and equality machinery.

Contact

Cathrine Egeland
The Work Research Institute
PO Box 6954 St. Olav’s plass
0130 Oslo, Norway
cathrine.egeland@afi-wri.no

Cecilie Basberg Neumann
The Work Research Institute
PO Box 6954 St. Olav’s plass
0130 Oslo, Norway
cecilie.neumann@afi-wri.no

Key words
intersectionality, state feminism, EDO, epistemic community, discourse analyses
Introduction

In recent years, feminist scholars have discussed whether it is possible to recognize and handle intersectionality within the new legislative and institutional frameworks emerging in different national and international anti-discrimination and equality machineries (Verloo, 2006; Marx Ferree, 2008; Squires, 2009; Kantola & Nousiainen, 2009; Lombardo & Verloo, 2009; Skjeie & Langvasbråten, 2009). The legislative and institutional changes in question have been characterized by different degrees of streamlining and integration of laws and institutions departing from political ambitions toward legal and institutional anti-discrimination and equality integration. Across Europe equality and anti-discrimination policies are now increasingly being formulated within a multidimensional framework that puts the question of intersectionality and how to recognize and handle it on the agenda. Originating from within feminist legal scholarship the concept of intersectionality has travelled through most branches of feminist scholarship. An intersectional approach to discrimination now broadly denotes an attention to the ways categories like gender, ethnicity, age and class intersect in mutually constitutive ways in and through historically socio-cultural hierarchies and power dimensions; power dimensions that produce complex relations of inclusion, exclusion, domination and subordination (Egeland & Gressgård, 2007: 207). The question is to what extent the emerging anti-discrimination and equality machineries are able to institutionalize intersectionality.

On the one hand this appears to be a purely empirical question; from case studies of legislative and institutional reforms and close analyses of specific judicial practices one may evaluate to what extent the legislative and institutional reforms contribute to the implementation of intersectional approaches in judicial practices and thus whether they have a potential for ‘institutionalizing intersectionality’. Judith Squires (2009) e.g. concludes from her evaluation of the legal and institutional reforms underway in Great Britain that “…the recognition of intersectionality may best be realized via a twin-track approach that entails a multiple discrimination provision plus a general equality duty” (Squires, 2009: 508). Studying the Norwegian Equality and Anti-Discrimination Ombud’s reasoning in relation to propositions of headscarf ban
as a case Skjeie and Langvasbråten (2009) concludes that this institution’s reasoning is ‘intersectional’ and that “In our view, this case clearly presents a ‘best practice’ solution to intersectional problematic in the enforcement of anti-discrimination legislation” (Skjeie & Langvasbråten, 2009: 526). These studies are examples of how the question of whether the emerging anti-discrimination and equality machineries are able to institutionalize intersectionality or not can be discussed and evaluated as a purely empirical one. This approach is highly useful and contributes to clarify the often confusing debates on intersectionality and/in judicial practice. On the other hand, we will argue that the question of whether the new, emerging anti-discrimination and equality machineries are able to institutionalize intersectionality or not also depends on the historical, ideological or discursive framings of the emerging machineries and on how intersectionality is understood and represented.

Our basic assumption is that any judicial or institutional arrangement or machinery, also in the anti-discrimination and equality policy field, has to be resonant with the dominant epistemic community surrounding the arrangement or machinery. If intersectionality historically and ideologically represents a challenge to the epistemic community that the anti-discrimination and equality machinery has to be resonant with the institution in question will have a hard time ‘institutionalizing intersectionality’. In order to show this we will present and analyse a specific case, the Norwegian Equality and Anti-Discrimination Ombud (EDO). We will show that a) the Ombud institution is on a discursive collision course with the state feminist epistemic community that historically and ideologically has been its most important allied, and b) that intersectionality may represent a challenge to state feminism, and that this will create difficulties in institutionalizing intersectionality in the Norwegian anti-discrimination and equality machinery.

State feminism denotes a participatory model of cooperation through an inclusion dynamic, where women’s mobilization ‘from below’ – through social and feminist movements – combines with integration politics ‘from above’ – through party political elites and institutions – to “…create state initiatives where rights’ expansion and institutional presence are two sides of the same coin” (Siim & Skjeie, 2008: 323). By a state feminist epistemic community we mean a knowledge- and policy alliance that in Norway has historically emerged between feminist activists, scholars and organizations, on one side, and the growingly equal-oriented state on the other.

In this paper we will not only argue that the new Equality and Anti-Discrimination Ombud is on a discursive collision course with the state feminist epistemic community that historically and ideologically has been the Ombud’s most important allied. We will also argue that intersectionality may represent a challenge to state feminism. By doing this we contest the argument put forward by, among others, Birte Siim and Hege Skjeie (2008) that state feminism ideally would encompass intersectionality since state feminism is based on a solidaristic reasoning that is potentially univer-
sal. Instead we will argue that state feminism and intersectionality represent opposing discourses pertaining to society, politics and policy development. The opposing discourses are related to two potentially incompatible models or modes of thinking about equality and anti-discrimination. The one model, called the Norwegian or the Scandinavian model, stresses negotiation, cooperation and consolidation among the social partners and the state in the so called tripartite dialogue. The other model, which is both a condition for and an effect of the anti-discriminatory legislation internationally and in Norway, is instead based on conflict, opposing interests, individual rights and sanctions. State feminism presumes the same harmony- and negotiation based model that the Norwegian welfare state rests on (Skjeie & Teigen, 2003; Siim & Skjeie, 2008). We will argue that these two models are incompatible and that this incompatibility will affect the possibility of the Ombud institution of institutionalizing intersectionality.

In what follows we will outline our argument. We will start by presenting the Norwegian Equality- and Anti-Discrimination Ombud (EDO). From there we will go on developing our notion of epistemic communities, and especially our notion of a state feminist epistemic community. We will then show how the Ombud has ended up on a discursive collision course with the state feminist epistemic community and what consequences this may have for the potential for institutionalizing intersectionality in the anti-discrimination and equality machinery.

The case – The Equality and Anti-Discrimination Ombud (EDO) in Norway

The EDO may be labelled a ‘hybrid organization’. This is not because the Ombud is an organization that combines private with public duties. We understand EDO as a hybrid organization in a somewhat softer or weaker sense. EDO is an organization that — similar to other public surveillance or auditing agencies or institutions — is supposed to combine different (and to some extent perhaps incompatible) roles; The EDO is both a law enforcer and a proactive agent promoting gender equality and non-discriminatory practices in the Norwegian society. Handling these two main tasks, the EDO is partly faced with internal dilemmas concerning the opposing logics deriving from the two different roles, and partly faced with opposing expectations from their external surroundings. Our claim is, however, that it is not this double role in itself that is creating difficulties for the Ombud institution struggling to in the anti-discrimination and equality machinery. It is rather the institution’s lack of epistemic and ideological coherence and anchoring.

In 2008 we conducted an evaluation of the EDO, on assignment from The Norwegian Ministry of Children, Equality and Social Inclusion. The EDO is the institutional result of a politically initiated merging (joining together) of the former institutions
The Centre of Equality (Likestillingssenteret), The Centre against Ethnic Discrimination (SMED) and The Equality Ombud (Likestillingsombudet). We will return to this. The main research questions in our evaluation were whether the fusion or merger of the three organizations had been successful, and if the Ombud institution, two years after the merger, acted in ways that was perceived as authoritative and legitimate by its surroundings.

More specifically, our evaluation aimed at analysing to what extent the EDO could be said to contribute in strengthening the promotion of equality and the work against discrimination in the Norwegian society, and whether the Ombud was acknowledged and supported among significant political and organizational actors in the Norwegian society.

Our evaluation uncovered a chain of difficulties giving the clear impression that the EDO was not entirely set as a public institution. Three of our main findings were:

1. The Ombud is perceived as partly invisible in the Norwegian public sphere;
2. The employees in EDO found their leaders unsettled and indecisive on the organizations direction and visions;
3. The Ombud/EDO had not achieved legitimacy and authority in the field of equality politics and work. The voice of the Ombud is not the voice politicians and the working life parties listened most humbly to (when seeking guidance, advice, knowledge and arguments).

The scope of the evaluation gave us little room for reflecting upon possible explanations for the problems of EDO. Considering this analytical constraint in our report, it then came as no surprise to us that the leadership of the EDO, and the Ombud person herself, was appointed by media to be the cause of the problems. “Lacks strategy, knowledge and leader abilities” (The Norwegian national newspaper Dagbladet 26. January 2009) was the characteristics given EDO after the publication of our report. The characteristics were based on citations from one of the paragraphs in our report focusing internal conflicts and dissatisfaction with the leaders in the organisation. One can hardly be surprised by the media focus on persons. The fact that leaders are the ones to take blame and responsibility in processes involving difficult reorganizations is part of the work life contract so to speak. However, diffuse or insufficient leadership is not enough to explain or understand why the EDO had not managed to establish itself as an organization associated with authority and legitimacy.

In the following we will argue that while EDO is an organization focusing on fulfilling its extensive and politically given mandate, at the same time (and possibly as an effect of this) it has dissociated itself from and challenged what we have called the state feministic epistemic community in two ways. The Ombud institution has a) departed from the discursive association of equality politics with gender equality politics; an association that historically and politically has been taken for granted,
and b) departed from the participatory harmony-oriented Norwegian model of social cooperation and involvement. What characterizes this model will be outlined below. These departures have caused tensions and controversies both internally and externally of the EDO, and have made it difficult for the institution to position itself as a legitimate authority within the equality and anti-discrimination field.

In order to illustrate this we will employ a discourse analytical approach to studies of organizations and institutionalization. This approach will grant access to interpretations of the uneasiness and tensions both inside and outside the EDO – as caused by more than insufficient leader abilities of a single person. In line with this, we will scrutinize the different positions and arguments among the different actors surrounding the Ombud. Our observation is that some of these positions and arguments are historically privileged, and contributes to weaken the authority and legitimacy of the institution. We will return to this.

Before we provide more detailed descriptions and analyses of the ways the Ombud is organized and operates, we will clarify our theoretical assumptions concerning discourses and epistemic communities.

Discourses and epistemic communities

We draw on research that has been inspired by different theories on discourse in their studies of organizations and organizational change the past twenty years (see Åkerstrøm Andersen, 1994; Grant, Keenoy, & Oswick, 1998; Treleaven & Sykes, 2005). The concept organizational discourse refers to structured clusters of texts (oral and written) continually producing and reproducing – deviates from and challenges – the organization. These texts may be viewed as manifestations of discourses that contribute in the development of organizational processes, organizational conduct and the organization as such. In the words of Mumby and Clair (1997: 181):

“Organizations exist only in so far as their members create them through discourse. This is not to claim that organizations are ‘nothing but’ discourse, but rather that discourse is the principle means by which organization members create a coherent social reality that frames their sense of who they are”.

We will push this argument a bit further by arguing that the members of an organization will also draw on discourses external to the organization, rendering the political context of the organizations of vital importance for its existence. Behaviours and practices internal and external to an organization draw on different problem representations stemming from different discourses. These discourses not only coexist, but often contest and oppose each other. Clashes between different discourses tend to manifest themselves through different members ways of being in and ‘doing’ the organization on a day to day basis (compare with Smith, 2005).
What is viewed as valid knowledge on equality and discrimination, and what is acknowledged as knowledge based proactive work on equality (i.e. activities changing people’s opinions and promoting equality), has to be studied in light of what kind of discourses on equality and discrimination that struggle over the hegemony within and outside the organization. In order to understand how some discourses gain hegemony and become institutionalized it is useful to study the impact of the epistemic communities in the surroundings of an organization. According to Haas (1992: 3) an epistemic community is a network consisting of persons with acknowledged expertise on a specific field of politics, receiving their authority through the development of the knowledge base they shape. Even if an epistemic community consists of specific persons from different fields of knowledge and with different experience and backgrounds, Haas maintains that they share 1) a common set of norms and shared convictions constituting a common ground of action, 2) a common understanding of causes and effects in the policy field they analyse and address, 3) share a common understanding of validity – defined criterions for evaluating and validating knowledge and 4) a common policy understanding.

An epistemic community exercises power through its capacity to describe problems and their solutions in particular ways, and by defining what kind of knowledge is valid and therefore legitimate on a specific field. In order to maintain this capacity the epistemic community must be part of other networks consisting of governmental authorities, politicians and bureaucrats both nationally and internationally (Haas, 1992: 352). Haas’ own examples of epistemic communities are expert networks established in relation to climate/environmental problems/challenges and nuclear weapons. In our view, there are epistemic communities in the field of equality and discrimination that the EDO could have chosen to collaborate with. Instead they are defining themselves in opposition to these communities, or they simply do not know how to collaborate with them.

By saying this, we do not have particular persons, networks or institutions in mind. We are rather referring to more loosely defined, but also more complex forms of epistemic communities consisting of different individually and institutionally carriers of specific discourses on equality, feminism, feminist politics and knowledge.

**State feminism and challenges**

State feminism can be defined as the “… degree to which women’s policy agencies forge alliances with women’s movements and help them gain access to policy arenas and achieve their policy goals” (McBride & Mazur, 2010: 5). The concept state feminism is often associated with the Norwegian feminist Helga Hernes who argued that there was a strong potential for a women-friendly society embedded in the Nordic state form (Hernes, 1987). The equality politics of state feminism is based on organ-
ized, corporative cooperation and negotiation between stakeholders acting ‘from below’ and ‘from above’ in order to make possible – at least according to its original, visionary formulations – a development toward a truly women-friendly society. State feminism thus both presupposes and advances a participatory model involving cooperation between the feminist movement and women’s organizations, party politicians and the state – with women’s and gender research as a ‘critical corrective’ (Skjeie, 1996; Skjeie & Teigen, 2003: 37).

One may discuss whether state feminism is a utopia or a reality. Analysing the Norwegian gender equality compromise, Skjeie and Teigen argues that gender equality in Norway has been acquired through the social democratic system of negotiations and the privileging of paid work, not because state feminism defined the agenda in Norwegian politics of equality. The state feminist project has also been criticized for suffering from liberal deficiency, ethnocentrism and gender conservatism (Holst, 2002; Danielsen, 2002). We will not discuss the weaknesses or strengths of the state feminist project as such. What we want to focus is the participatory model of cooperation that the state feminist project has in common with the Norwegian or Scandinavian model for politics in the welfare state. We will argue that the participatory cooperation ‘from below’ and ‘from above’ so central to state feminism and the Norwegian model presupposes a harmony oriented discourse of negotiation and cooperation that is being challenged by the more conflict oriented anti-discriminatory legislation that the EDO is about to enforce.

Gudmund Hernes (2006, 2007) characterizes the Norwegian model in three ways. One, there is no opposition in interest between the welfare state and the market. Public welfare arrangements make it easier for individual employees and employers to turn the labour force toward more productive sectors if necessary. Two, the relations between the social partners, and between the social partners and the state, is highly organized. The social partners negotiate and the state facilitates the process and the necessary ensuing public arrangements. Three, the Norwegian model has corporative qualities where the effected parties are involved and given decisive positions in the development of the Norwegian society. The architecture of the Norwegian equality politics is shaped by the Norwegian model, and state feminism is intertwined with the modes of practice of the Norwegian politics of negotiation (Skjeie & Teigen, 2003: 44). This is not the same as saying that feminist activism and state initiated equality politics necessarily pull in the same direction, but to say that the state feminist cooperation ‘from below’ and ‘from above’ presupposes the same corporative orientation that the Norwegian model relies on.

According to Knut Fossestøl (forthcoming) there is a cultural incompatibility between the Norwegian model and international and national reform impulses toward a strong anti-discriminatory legislation strategy. Such a legislation strategy is part of the emerging discrimination legislation in Norway that the EDO is set to enforce. The
discrimination legislation presupposes that both the society and the labour market are marked by opposing interests. These oppositions are then sought to be regulated through law, and not through corporative negotiations. Furthermore, the Ombud institution that will enforce the law is supposed to be independent of the social partners and other social and political actors.

With the new discrimination legislation we see an increasing tension between the harmony- and negotiation based Norwegian model, and a more conflict oriented model. The EDO is put to enforce a law that thus challenges both the Norwegian model and the state feminist project. As we see it, the EDO will not only have difficulties manoeuvring between these different discourses – the very constitution of the EDO can be interpreted as a (politically intended) weakening of the state feminist project and epistemic community. We will demonstrate how these manoeuvring problems express themselves, considering internal and external expectations toward EDO and their proactive, knowledge based work to promote equality in the Norwegian community in particular. Let us briefly sketch out EDOs background and organization.

The Ombud – law enforcer and proactive actor

Until the establishment of the EDO, the Norwegian apparatus or public system against discrimination was divided in two. On the one hand we had three institutions promoting gender equality. These were the Centre of equality (Likestillingssenteret), The Equality Ombud (Likestillingsombudet), and The complaints commission for equality (klagenemnda for likestilling). On the other hand we had The Centre against Ethnic Discrimination (SMED) who worked against discrimination based on ethnicity, faith, colour and national origin.

In October 2002 the government appointed an intergovernmental working committee who should give an account of the possibility of creating a common apparatus against discrimination on gender and ethnicity. The main reason for this was the legislative and institutional developments pertaining to equality and anti-discrimination in EU and FN and the tendency to merge institutions working against discrimination on different ground. In May 2003 the intergovernmental working group presented a report suggesting the establishing of a common apparatus against discrimination based on gender and ethnicity, and to organize this apparatus hierarchal in a first – and second level office – the Equality and Anti-Discrimination Ombud (EDO) and the Equality Tribunal. The new Ombud (EDO) institution should carry out both law enforcement and proactive work encouraging practices of equality and anti-discrimination in Norway. A new public hearing was initiated where the directly involved parties Centre of equality (Likestillingssenteret), Centre against ethnic discrimination (SMED) and The Equality Ombud (Likestillingsombudet) – were invited to voice their opinions, as were other public organizations and NGOs (BFD 2003).
After the hearing in 2003 the Ministry of Children and Family (now the Ministry of Children, Equality and Social Inclusion) continued to develop the idea of creating a common apparatus, and in 2004 the government presented its proposition on EDO to the National assembly. The proposition was adopted by the National assembly in the spring 2005, and the Ombud had her first day in office 1st January 2006.

The law regulating the Equality and antidiscrimination Ombud and the Equality Tribunal states that EDO is an independent public administrative body administratively obtained by the Ministry of Children, Equality and Social Inclusion. The Ombud position is today a fixed-term position of six years without prolonging possibilities.

The EDO is organized in four departments: law, society, communication and administration. The two departments of field expertise – law and society – handle all the grounds of discrimination encompassed by the laws ascribed to the Ombud institution, and the ‘production’ of equality and antidiscrimination work in the EDO is also by large conducted by lawyers/jurists (responsible for the Ombud’s law enforcement activities) and sociologists (responsible for the Ombud’s proactive activities). With the exception of the legislative work, both jurists and sociologists are supposed to work proactively against discrimination and to promote equality throughout society.

According to the Ombud the proactive work is supposed to: “...contribute to increased equality in society”, and EDO interprets its mandate as to “uncover and demonstrate situations and practices undermining equality, contribute to consciousness raising on equality, and work proactively to change attitudes and actions, and give information, support and supervision accordingly – offering supervision on ethnic diversity in work life toward leaders in both public and private sector, share knowledge and develop documentation on equality, and monitor the arts and scale of discrimination – be a place where people can meet and be a centre of information contributing to the cooperation of different actors”. The Ombud’s interpretation and actual performance of its proactive role has been questioned (e.g. Holst, 2009). We will, however, not discuss their proactive role performance as such, but take as our point of departure that EDO is ascribed this role – in addition to its role as law enforcer.

**Knowledge and ‘knowledge based’ work**

While working on the evaluation it occurred to us that the question of knowledge was decisive for whether the job the EDO was doing was considered to be authoritative and legitimate or not. Repeatedly we were told by our informants that it was important that the Ombud’s work was knowledge based. They stressed that the new institution ought to be heavy (serious) and knowledge based. The concept ‘knowledge based’ is also present on the Ombud’s homepage. For instance in their description of how employers can succeed in promoting equality and preventing discrimination, they claim that: “A successful equality work is systematic and knowledge based...”.
But what does knowledge and to work ‘knowledge based’ mean here, and why did the informants find it necessary to insist on it? At first glance it seems that the EDO’s main problem is that it has not quite succeeded in convincing the surrounding world that its work is ‘heavy’ and ‘knowledge based’. According to one of our external informants: “The problem concerning the Ombud is that instead of being a knowledge-based, knowledge-driven and critical opinion maker, it has become an opinion maker that doesn’t make sure that its opinions are based on critical knowledge and reflection. They slide into the political sphere, and thereby lose much of their potential power”.

On the one hand, the expression ‘knowledge based’ appears to be a trivial rhetorical move; if one disagrees with something said or done it is quite common to say that one suspects it of not being knowledge based. On the other hand, and perhaps exactly because of the expression’s rhetoric efficiency, it is none the less important to observe how the meaning of knowledge and knowledge based equality activities are negotiated within and around the EDO. Knowledge about equality and the question of when a special equality or anti-discrimination means or activity is knowledge based is open to different productions and struggles of meaning in the field of equality politics. We will argue that the Ombud institution has ended up on a discursive collision course with its historically most important allied, the state feminist epistemic community, by a) departing from the discursive association of equality politics with gender equality politics; an association that historically and politically has been taken for granted, and b) departing from the participatory harmony-oriented Norwegian model of social cooperation and involvement. This discursive collision has not been made explicit, however. Instead, the disturbances that the collision has caused in the equality and anti-discrimination field have been translated into controversies about whether the Ombud institution’s work is ‘knowledge based’ or not. In what follows we will elaborate on these two particular departures and then discuss what the implications of these departures will be for the Ombud’s potential of institutionalizing intersectional approaches to discrimination.

First departure: when equality no longer automatically means gender equality

Studying the Ombud institution we eventually got the impression that not only is there no agreement on what it means to be a “proactive agent for changes in attitudes and behaviour”; the proactive work that the Ombud was supposed to perform presupposed a kind of authoritative knowledge, legitimacy and visibility that the EDO according to its surrounding does not have.

One of the members of the Parliament that we interviewed stressed that a joint institution facilitated the transference of knowledge, routine and perspectives across
professions and disciplines pertaining to the different dimensions. At the same time, however, this transference was not supposed to have a coincidental or accidental direction; it was the ‘other’ dimensions, like ethnicity, that should gain strength from the good work already done regarding gender equality. This asymmetry in the relation between the dimensions in question was linked to a relatively strong dissatisfaction with the way the EDO had taken care of its role as a proactive agent for gender equality and change. The Ombud institution was perceived as “weak”, “inactive”, and “invisible” in its proactive work precisely in relation to gender issues. The institution was described as be “invisible”, and the politicians we interviewed complained that they missed a stronger proactive agent in matters concerning gender inequality in Norwegian public life. The EDO did not in a satisfactory way put e.g. the fight for equal pay and against gender segregation in the labour market on the political agenda.

What we see is here is a prevailing notion of a historically strong, privileged and legitimate position of the gender dimension in comparison with ‘other’ dimensions, and a fear of a weakening of this position. The Ombud institution should – according to its mandate – work against discrimination and for equality, regardless of any social dimension, at the same time as they are reproached for not being specifically concerned with the gender dimension.

Some of our informants expressed a strong suspicion that the establishing of the EDO was an ideologically motivated manoeuvre aiming to destroy or at least restrict the political gender equality work in Norway. Prior to the establishment of the EDO both the Centre of Equality and the Centre against Ethnic Discrimination were evaluated. The Centre of Equality was, among political actors considered to be a more or less feminist watch dog promoting gender equality in Norway. In the report about the Centre of Equality the evaluators questioned the centre’s self-understanding and shaping of their public role, however: “The way the centre has shaped its role, it appears more like a political actor than a professional agency. It takes side in controversies and articulates its interests in public, but the activities do to a less degree seem to rely on solid, professional judgement” (Statskonsult, 2003: 3).

The report described the Centre of Equality as “…to light weighted in its dealings with statistics and data”, “anti-academic” and to a very small degree updated on research in the area of their work. One of the informants claimed that: “It was a politically motivated change emerging from within the new Government and the Minister, Laila Dåvøy; Bondevik I and II [the coalition in Government] wanted to focus on equal worth, not equality, so they paralyzed the watch dog. Yes, I think that there was politics behind all this, a scaling down of the political pressure in favour of gender equality”.

The entailed argument is that somebody, perhaps the Conservative/Christian Democratic Bondevik Government, expected the new Ombud to work more independent and ‘knowledge based’ than the former, more explicitly feminist Centre of Equality, not in order to strengthen the gender equality work in Norway, but in order to make
the EDO less political and in so doing weaken the proactive pressure toward gender equality as such. Those who wanted to continue the former system including the former Centre of Equality argued that the gender equality work in Norway was already knowledge based, but that the knowledge in question was somehow disturbing, or even dangerous, in the eyes of the Conservative/Christian Democratic Bondevik Government.

What is interesting here is that instead of discussing precisely this – i.e. instead of discussing whether gender equality has ‘disappeared’ or not, and the feeling of uncertainty when confronted with a notion of equality that is not restricted to gender equality alone – our discontented informants translated their frustration into the arguments put forward in the public debate about whether the EDOs work was ‘knowledge based’ or not. At the same time the discussion about what knowledge based proactive equality work is or could be is absent in the arguments. The questions remains: What kind of knowledge should the EDO base its work on? Legislation and legal cases exclusively? Sociological analyses of discriminating discourses and practices? And who is to decide what is to count as knowledge when?

Second departure: the case of Harstad

Two nurses employed in the municipality of Harstad made a complaint to the EDO because they earned almost 42000 Norwegian krones less than male engineers in the technical department of the same municipality. The Ombud found that the municipality violated the principle of equal payment, while the Tribunal, which handled the case when the municipality appealed after the Ombud’s decision, reached the opposite conclusion. The Tribunal agreed with the Ombud that the nurses’ and the engineers’ work were of equal value. However, the Tribunal concluded that it would be unreasonable for the municipality to not be able to pay a salary competitive with that in the private sector in order to attract engineers to work in the public sector. They furthermore claimed that the difference in payment could be ascribed to this consideration, and that it was not the intent of the equality law to raise the salary for a whole profession, in this case the nursing profession.

The Ombud’s decision in this case was regarded as “based on serious and well founded legislative and proactive work” by the trade unions representatives that we interviewed, while the Tribunal’s decision to go against the Ombud was regarded as serious and well founded by the employers’ organizations.\(^4\) It is obvious in this case that the social partners judge the legislative work done by the Ombud and the Tribunal according to their own political agendas and interests, not according to objective methodological or ‘knowledge based’ standards. Furthermore, in their arguments concerning the Ombud’s work in the case of Harstad none of them put weight on the legal hierarchy existing between the Ombud and the Tribunal.
At first glance it simply looks like the EDO has problems doing things right. At the same time we think that the case of Harstad suggests that the Ombud institution is challenged by problems not only related to specific, political judgements about what is right or wrong. In the case of Harstad the EDO took a standpoint in the debate on equal pay. At the same time they broke with the participatory and corporative practice implied in the Norwegian model by not consulting the social partners and the labour market associations. The dissatisfaction with the Ombud’s work among the employers’ organizations was officially explained with reference to the lack of solidity in law enforcement.

The fact that the Ombud did not consult neither the employers’ nor the employees’ organizations was never made explicit as a problem in the public debate following the case of Harstad. Nor was the fact that these organizations are supposed to take care of to the interests of specific groups. Instead the Ombud was presented as a ‘light weighter’ with no real knowledge of what they were doing. The ‘knowledge’ they lacked in this case was ‘basic knowledge’ about ‘how the labour market operates’. In other words the Ombud ignored that it is decisive to consult the social partners and the labour market associations if you want to succeed with any equality or anti-discrimination initiative. This was, however, never mentioned in the public debate. The debate focused on ‘knowledge’ and the question of whether the Ombud’s work was ‘knowledge based’ or not. Our interviews with persons centrally positioned within both the employers’ and the employees’ organizations revealed a profound discontent and concern with the Ombud’s unwillingness to consult the social partners in accordance with the habitual corporative practice implied in the Norwegian model. As one of our informants put it: “They [the EDO/Ombud] have no contact with us. Systematic and structured cooperation with the social partners is necessary. They do not understand how participatory cooperation works… The social partners speak together when they want to change anything. If you want to initiate social change this is the place to start”. What the Ombud institution actually did in the case of Harstad was to demonstrate a provocative non-compliance with the harmony-oriented principles of the Norwegian model. What was actually discussed and questioned, however, was what kind of ‘knowledge’ the institution based its work upon.

Independence and epistemic communities

The expectation that the EDO should do ‘knowledge-based’ work can be read as a way to justify and make sense of both the merger between the three former institutions and the combination of the legislative and proactive role in the same institution. ‘Knowledge’ in this context is more or less restricted to knowledge generated from specific, single legal cases of complaint handled by the Ombud on a regular basis. The Ombud director told us that:
“My most important task has been to contribute to establishing the new Ombud institution [...] An Ombud which builds confidence that is within reach for people who need it, where they are met with serious concern. Next, to handle specific cases raised by people in a proper way, based on thorough legislative work. Furthermore, we need solid documentation on whatever standpoint we take in relation to changes in society, whether it concerns legislative acts or other issues. So the documentation and the treatment of each specific legal case are of vital importance [...] What is important to me is that we are independent. Being independent and being neutral”.

One way to understand this is to read the Ombud’s preoccupation with specific, single legal cases, independence and neutrality as a way of contrasting the work of the Ombud institution to that of the former Equality Centre that was accused of being too political and poor on solid documentation. One may furthermore argue that the sociological work being done within the EDO then contributes to the institutional knowledge base only in so far as it takes it point of departure in the specific, single cases of complaint handled by the Ombud.

The picture emerging then is that of an institution no longer loyal to the state feminist epistemic community and the state feminist gender equality discourse. This is not only a question of state feminism being in a situation under pressure itself, where the state feminist project is slowly being challenged by a liberal, non-feminist discourse of diversity and anti-discrimination – as perhaps the establishing of the EDO itself is an example of. To avoid building alliances with specific interest groups, political organizations and individuals is also a strategic manoeuvre for the Ombud in order to handle its mandate. The Ombud person puts it like this: “I judge my success in our ability to provoke different politicians, political parties and organizations. [...] We must not have permanent alliances. This is a vital part of the modelling of our position”.

Whether this is a good and sustainable strategy is not what we have wanted to discuss in this paper. To us, what is interesting in the Ombud’s arguments is that she seems to be on deliberate collision course with precisely the state feminist epistemic community that she could have gained necessary political support from. At the same time the Ombud gives no signal that the institution is searching for a new epistemic community where intersectional perspectives represent the discursive point of departure.

Seen in the light of the significant role epistemic societies play in ascribing power through knowledge production this independent position is not only challenging for the Ombud institution as an institution dependent on being recognized as legitimate and authoritative among other social and political actors; it may also signal the beginning of a subversion of the state feminist project and the participatory and corporate model as such.
This is particularly clear seen in the light of the intersectional perspective that the task of working across a range of discrimination grounds makes possible. Birte Siim and Hege Skjeie (2008) argue that state feminism ideally should be able to incorporate minority perspectives on discrimination (Siim & Skjeie, 2008: 338). This has so far not been realized, however. Their argument is based on the assumption that state feminism is anchored in a solidarity perspective that is potentially universal. That state feminism so far has not managed to incorporate minority perspectives Siim and Skjeie interprets as the result of a crumbling of the alliance between women’s mobilization ‘from below’ and the state initiated integration politics ‘from above’. We will go a bit further. There is, as we have been arguing, a contradictory relation between, on the one hand, an equality politics anchored in a state feminist corporate framework, and, on the other. The equality politics of state feminism is based on organized, corporative cooperation and negotiation between stakeholders acting ‘from below’ and ‘from above’ in order to make possible – at least according to its first, visionary formulations – a development toward a truly women-friendly society. Anti-discriminatory legislation is based on conflict and individual rights however. With the emerging equality and anti-discrimination machinery represented by the EDO in Norway the harmony oriented discourse of participatory cooperation assumed by state feminism seems to collide with a legislation driven model of conflict that do not presuppose the possibility or desirability of consensus. The same scenario may emerge in the wake of the Ombud’s legislative and promotional work across a plurality of discrimination grounds. To the extent that this work is supposed to pave the way for intersectional perspectives it also paves the way for an approach to politics and society that does not guarantee neither harmony nor consensus. An intersectional perspective presupposes an arena where contradictory and conflicting interests may emerge in and through the interactions between politically and historically differentiated categories. An intersectional approach to politics and society can never guarantee ‘women friendliness’, because ‘women’ cannot be disassociated from categories like class, ethnicity, age, disability etc.

For the moment no epistemic community have opened up such an arena for the Ombud. We are therefore less optimistic about the Ombud’s ability to institutionalize intersectionality than what e.g. Hege Skjeie and Trude Langvasbråten seems to be (Skjeie and Langvasbråten, 2009: 526). Unlike Siim and Skjeie (2008) we are not convinced that a state feminist epistemic community can serve as a productive discursive framework for conflict oriented intersectional perspectives. What the new equality and anti-discrimination machinery seems to be in need of is a new epistemic community. Whether and how this can emerge is another discussion.
1. In Norwegian: Likestillings- og diskrimineringsombudet. In this article the terms Ombud, Ombud Institution and EDO will be used interchangeably.


3. Bondevik is the surname of the Prime Minister of the Conservative/Christian Democratic coalition government, Kjell Magne Bondevik. The government were in office in two periods from 1997-2000, and from 2001-2005.

4. We do not consider the legal substance as such in this case. The Tribunal is superior to the Ombud in legal authority, and the Ombud has to comply with the decisions of the Tribunal.


Høringsuttalelser til rapport om felles apparat for håndheving av diskriminering på grunnlag av kjønn og etnisitet, Barne- og familiedepartementet (BFD), 2003.

Equality policy in Portugal: the case of sexual orientation

EDUARDA FERREIRA & MARIA JOÃO SILVA

Abstract

This paper presents a case study of sexual orientation equality policy in Portugal. It focuses on the effects that legal advances in equality have in everyday social contexts, as well as on the roles that civil society and academia play in the formation of equality policies. In a relatively brief period of time, equality legislation in Portugal has progressed considerably with regard to discrimination on the grounds of sexual orientation. Since the decriminalisation of homosexuality in 1982, subsequent legal measures including civil partnership in 2001, non-discrimination constitutional rights in 2004 and same-sex marriage legislation in 2010 have paved the way for increasing equality in society. Despite these significant legal advances towards equality, however, social discrimination on the grounds of sexual orientation is a pervasive reality, and a number of key issues remain. This paper analyses the roles of civil society, academia and policy makers in sexual orientation equality policy, on the basis of interviews with activists, academics and policy makers. The Portuguese context was found to be characterised by the active participation of civil society, particularly LGBT associations, and policy makers on the one hand, but by rather weak, sporadic participation from academia on the other.

Contact

Eduarda Ferreira
e-Geo, Faculty of Social Sciences
Universidade Nova de Lisboa
1069-061 Lisboa, Portugal
e.ferreira@fcsh.unl.pt

Maria João Silva
Escola Superior de Educação
Instituto Politécnico do Porto
Rua Dr. Roberto Frias
4200 Porto, Portugal
mjosilva@ese.ipp.pt

Key words

equality policy, sexual orientation, Portugal, activism, academia
Introduction

Sexual identity is diverse and multidimensional; nevertheless lesbians, gays and bisexuals share a common sexual non-normativity that causes a specific socio-political position, often affected by inequality and discrimination (Dewaele & Motmans, 2003). Such legal and social discrimination on the grounds of sexual orientation will be the focal point of this paper.

Knowledge is produced in specific contexts or circumstances, and the acknowledgment of the situatedness of knowledge necessarily leads to a recognition of the importance of the ‘position’ or ‘positionality’ of the researcher, and of her/his specific embodied locations. Because of this, it is important that researchers are self-reflexive and assume explicit positions in order to overcome false notions of neutrality (Rose, 1993; Valentine, 2002). In this context it is relevant to state that the authors of this paper have participated in nationwide equal opportunities programs and are LGBT rights activists.

The main objective of this paper is to explore the boundaries and intersections of civil society, academics and policy makers in the pursuit of sexual orientation equality rights in Portugal.

The paper begins by presenting an overview of non-normative sexual orientation in Portugal, focusing on the following issues in particular: policy and anti-discrimination legislation; the social situation of non-heterosexual individuals; LGBT rights activism; and academic research. We analyse policies, legal changes and social discrimination, and critically present the roles of relevant actors in equality policies: civil society, academia and policy makers. The paper goes on to explore the interrelations between these actors and the impact on sexual orientation equality policy, based on interviews with LGBT activists, academics and policy makers. We conclude by reflecting on possible directions for future research and action.
The Portuguese context

POLICY
Homosexuality retains a marginal, unequal status in Portugal, both in legislation and in society. Although there have been significant legal advances towards equality, social discrimination on the grounds of sexual orientation is a pervasive reality and a number of important areas of legal inequality remain (Agency for Fundamental Rights, 2009).

Homosexuality was first decriminalised in Portugal in 1852, but was made a crime again in 1886. From this date on and throughout the dictatorship, Portugal became ever more oppressive of homosexuality. Since the revolution of 25 April 1974, however, Portuguese society has become increasingly accepting of homosexuality, and over the last decade civil rights concerning sexual orientation have improved substantially (Roseneil, Crowhurst, Hellesund, Santos, & Stoilova, 2009).

The most significant landmarks in Portuguese legislation concerning sexual orientation civil rights can outlined as follows:

- 1982 - Portugal decriminalises homosexuality;
- 1999 - Homosexuals and bisexuals are able to serve openly in the Armed Forces;
- 2001 - Recognition of same-sex unions/civil partnerships granted (same rights as heterosexual couples, with the exception of adoption);
- 2003 - Labour Code rights protected (access to work and employment, protection from discrimination at work and sexual harassment);
- 2004 - Sexual orientation is included in the Portuguese Constitution within the Principal of Equality (article number 13);
- 2005 - The Portuguese Institute of Blood officially allows men who have sex with men to donate blood. However, this decision will be annulled in 2009 by the President of the Institute;
- 2007 - Penal Code rights (equal age of consent for same-sex and opposite-sex couples, protection from violence and hate crimes);
- 2009 – Explicit inclusion of sexual orientation subjects in sexual education in schools (Law of Sexual Education);
- 2010 - Marriage is extended to same-sex couples (same rights as heterosexual couples, with the exception of adoption);
- 2010 - Approval in Parliament of a law allowing men who have sex with men to donate blood.

The reality of life in Portugal for lesbians and gays has changed rapidly in recent years. A consistent and significant set of legal measures have been adopted, from the decriminalisation of homosexuality in 1982 to the 2010 same-sex marriage law. It
is a remarkable change, framed by the revolution of 1974 that ended a long period of dictatorship and brought noteworthy social changes to Portugal in extensive and diverse areas of life, including sexuality. Portugal has wide-ranging anti-discrimination laws and is one of the few countries in the world to include in its Constitution a ban on discrimination on the grounds of sexual orientation. Nevertheless, some areas of Portuguese legislation remain discriminatory on the grounds of sexual orientation, of which parenthood is a notable example. Although single lesbians and gays may adopt, joint adoption of children is restricted to heterosexual couples. Furthermore, assisted procreation services are currently withheld from single women and lesbian couples (Agency for Fundamental Rights, 2008).

SOCIAL DISCRIMINATION

Legislative measures can contribute to social change, but discrimination on the grounds of sexual orientation is still a widespread reality in Portugal. The 2009 Eurobarometer survey on discrimination in the EU (European Commission, 2009), revealed that the majority of Portuguese citizens (58%) believed that sexual orientation was the main reason for discrimination in Portugal, ahead of ethnic origins and disability (both 57%) and age (53%). The percentage of the Portuguese population who selected sexual orientation as the main discriminating factor is 9% above the average of the 27 countries of the European Union (EU), where this kind of discrimination lies in fourth place (47%), behind ethnic origins (61%), age (58%) and disability (53%).

One of the most pervasive forms of social discrimination is strong societal pressure to confine and hide lesbian and gay sexuality within private spaces (Valentine, 1993). In Portugal, recent research on public spaces and same-sex displays of affection (Ferreira, 2011) indicates that the majority of lesbians and gays tend to confine same-sex displays of affection to private spaces. It is particularly relevant that younger lesbians and gays report the same frequency of same-sex public displays of affection as older members of the same communities. This correspondence is surprising given the significant legal advancements regarding homosexuality and the societal changes that have taken place in Portugal since the revolution of 1974. The results of this research (Ferreira, 2011) also show that there are less than 100 LGBT-friendly spaces in Portugal, giving rise to large areas of very low LGBT visibility: LGBT-friendly commercial spaces are concentrated in large urban areas such as Lisbon and Porto, with only small numbers of isolated spaces in certain small cities. Moreover, in large cities, such as Lisbon and Porto, LGBT-friendly commercial spaces are restricted to specific areas. Many of Portugal’s districts have no LGBT-friendly commercial spaces at all, or any non-urban areas.

It is also noteworthy that the lesbians and gays who participated in the aforementioned research perceived LGBT commercial spaces as rather unaccepting of same-
sex public displays of affection. Considering that LGBT-friendly spaces are among the few public spaces where lesbians and gays actually perform same-sex displays of affection, it is discouraging that these spaces themselves are perceived as less than accepting of such displays. These results confirm the conclusions of the European Union Agency for Fundamental Rights report (Agency for Fundamental Rights, 2009), which found that European countries, including Portugal, still have a discriminatory social environment towards non-normative sexualities.

The actors: civil society, academia and policy makers

CIVIL SOCIETY - LGBT ASSOCIATIONS AND INFORMAL GROUPS
Prior to the revolution of 25 April 1974, organised gay, lesbian, bisexual or transgender movements did not exist in Portugal. It was not until the mid-1990s that many LGBT associations emerged (Cascais, 2006; Santos, 2005).

Before the 90s, a kind of embryonic gay and lesbian movement began as a result of initiatives taken by a small number of individuals, and 1990-1991 saw the founding of the lesbian magazine Organa and of the Homosexual Working Group (part of the Revolutionary Socialist Party) (Cascais, 2006).

The emergence of LGBT associations in Portugal can be closely linked to the AIDS epidemic (Cascais, 2006; Santos, 2005; Vale de Almeida, 2004), in that the Portuguese LGBT association movement and the visibility of the gay community gained strength within the broader process of the fight against the AIDS epidemic (Cascais, 2006). However, it was only after 1996 that a well-established and enduring LGBT movement emerged. Among the most significant landmarks of the movement are the foundation of a diverse range of LGBT associations: ILGA-Portugal (1996); Clube Safo, a lesbian association (1996); Portugal.Gay.pt, an internet-based organisation (1996); Opus Gay (1997); Não te Prives [Don’t deprive yourself] – Group for the Defence of Sexual Rights (2001); Rede ex aequo, youth LGBT association (2003); @t, Association for the Study and Defence of Gender Identity (2004); Caleidoscópio LGBT (2007); MICA-me, LGBT Movement of Artistic and Cultural Intervention (2008); and Amplos, Association of Mothers and Fathers for Free Sexual Orientation (2009).

Pride events are among the more recent occurrences in Portugal. The first Pride Festival was organised in Lisbon, the country’s largest city and its capital, in 1997 and it was also here, in 2000, that the first Pride March took place. Porto, the second largest city in Portugal, organised its first Pride Festival in 2001, and its first Pride March in 2006.

Other LGBT-related projects worth mentioning include the Queer Lisboa - Lisbon Gay and Lesbian Film Festival, founded in 1997 and one of the most important European
forums for international LGBT films, and the radio programme Vidas Alternativas [Alternative Lives], which has been broadcasting since 1999.

One of the most interesting aspects of LGBT associations’ activities relates to academia (Santos, 2006b; Cascais, 2006): specifically, the organisation of conferences and workshops. Various LGBT associations, in collaboration with academic institutions, have organised a diverse set of initiatives, namely: Jornadas Lésbicas/Lesbian Workshops, Clube Safo and ISPA - Higher Institute for Applied Psychology, 2002; Encontro sobre Homoparentalidade/Meeting on Homosexual Parenthood, Clube Safo and ISPA - Higher Institute for Applied Psychology, 2004; Fórum Casamento/Wedding Forum, ILGA Portugal and ISCTE - Higher Institute of Labour and Enterprise, 2005; the first International Congress of Gay, Lesbian and Queer Studies, “Cultures, Visibilities, Identities”, Janela Indiscreta (responsible for the Queer Lisboa film festival), Franco-Portuguese Institute and Centre for Communication and Language Studies at the New University of Lisbon, 2005; and several local initiatives launched by Não te Prives in cooperation with the Centre for Social Studies, Coimbra University. In December 2009, a new project was launched in Portugal: LES Online (http://www.lespt.org/lesonline), an online journal which aims to promote scientific research as well as intervention projects and opinion pieces related to various lesbian issues.

Another important link between LGBT associations and academia relates to the gathering of information through surveys on the LGBT population and reality, and the compilation of complaints about discrimination on the grounds of sexual orientation, providing data on this subject to overcome a lack of statistical and qualitative information on LGBT reality in Portugal (Santos, 2006b). The Education Project ‘Observatório de Educação’ by Rede ex aequo is a very good example of this type of work. Using an online form, it collects information on cases of discrimination regarding the issue of sexual orientation and gender identity that have occurred in Portuguese schools, and then reports the results to the Ministry of Education.

At present, nine active LGBT associations and seventeen informal groups can be identified in Portugal (Ferreira, 2011). The large majority of members of LGBT associations are volunteers, who have to combine their professional work with volunteer work at the association. This reality limits the capacity of LGBT associations to design and implement new projects. A number of LGBT associations recently gained access to funding from the Commission for Citizenship and Gender Equality (CIG), a government institute, and this may be a major step forward. Nevertheless, there is still a need to compare the advantages of non-funded independent status with the limitations imposed by a lack of economic resources.

Although LGBT associations and informal groups often engage in significant social and political activity (Santos, 2005), the majority of their members are not open about their sexual orientation in their daily environments. This state of affairs reinforces the invisibility of gays and lesbians in society and makes social advances on
equality more difficult. The practical nonexistence of lesbian and gay commercial expression in Portugal should also be noted (Ferreira, 2011).

ACADEMIA
Portuguese academia does not have a strong tradition of engagement with equality issues, even regarding gender and ethnic issues, which are generally considered the most prominent subjects of equality research.
A number of landmark publications on the emergence of this area of study in Portuguese academia include: the collection of essays “Indisciplinar a teoria. Estudos gays, lésbicos e queer” (Interdisciplinary theory. Gay, lesbian and queer studies)” organised by António Fernando Cascais (Cascais, 2004), which brought together academics from diverse scientific areas, such as Anthropology, Communication Sciences, Literature Studies, Philosophy, Psychology and Sociology; and the thematic number of Revista Crítica de Ciências Sociais on “Estudos queer: Identidades, contextos e acção colectiva” (Queer Studies: Identities, contexts and collective action)” organised by Ana Cristina Santos (Santos, 2006a).
There has been increasing interest in this subject since 2006, but it still remains a rather marginal and insubstantial area of research in Portuguese academia.
A positive example of the possibility of increased research on sexual orientation issues is the 2008 joint call for R&D projects from the Commission for Citizenship and Gender Equality (CIG) and the Foundation for Science and Technology (FCT), for scientific research projects and technological developments in the field of gender relations and policies for equality between women and men in Portugal which have funded certain research projects focusing specifically on sexual orientation issues, such as the research project coordinated by Prof. Conceição Nogueira, University of Minho, “Sexual citizenship of Lesbian (Women) in Portugal – Experiences of discrimination and possibilities for change”.
The relationship between activism and academia in Portugal is an interesting one. Many academic researchers working on sexual orientation issues in Portugal are in some way connected to feminist or LGBT activism. Similarly, in recent years a number of LGBT activists have (re)entered university on undergraduate or postgraduate study or research programs related to sexual orientation issues, in such diverse scientific areas as sociology, psychology, geography and anthropology.
It is significant that until 2011, neither degree programmes – undergraduate or postgraduate – nor individual curricular modules specifically concerned with sexual
orientation issues existed in Portuguese universities. Only a small number of very limited examples were addressed in certain curricular modules. Nevertheless, over the last decade there has been increased interest among undergraduate and postgraduate students in addressing sexuality, and specifically sexual orientation, in their research (Vale de Almeida, 2010). The academic year 2011/12 is a landmark for sexual orientation issues in Portuguese academia, as it sees the launch of the first postgraduate degree in LGBT Studies.

Despite certain individual efforts and exceptions, Portuguese academia remains characterised by a pervasive resistance and unwillingness to invest in research related to sexual orientation issues.

**POLICY MAKERS**

The European Year of Equal Opportunities for All (EYEOA), 2007, was another milestone for equality policies in Portugal. For the first time, a major initiative in the area of equality brought together policy makers, civil society and academics. Some of the most significant results included: the consideration of discrimination from a multiple perspective in the promotion of equality; the discussion of equality in an integrated way that included diverse forms of discrimination (gender, disability, ethnic origin, age, sexual orientation and religion); and the focus on the individual rather than on areas of discrimination.

Discrimination on the grounds of sexual orientation was one of the areas that gained visibility with EYEOA. During the Closing Conference, National Coordinator Elza Pais drew attention to diverse initiatives related specifically to this area of discrimination, underlining the “Thematic Conference on Sexual Orientation – LGBT: full citizenship for all”, a joint organisation linking policy makers, LGBT associations and academics. This thematic conference was held on 17 May 2007, the International Day against Homophobia.

It was during 2007 that the Commission for Equality and Women’s Rights (CIDM) was transformed into the Commission for Citizenship and Gender Equality (CIG), with a new focus on citizenship. This new Commission clearly identifies sexual orientation and gender identity as priority areas in the field of equality. It was also during the EYEOA that LGBT associations entered the Advisory Board of the Commission for Citizenship and Gender Equality (CIG, 2008).

The Commission for Citizenship and Gender Equality (CIG) supervised a research project in the area of sexual orientation and gender identity: “Discrimination on the basis of sexual orientation and gender identity”, 2009, coordinated by Prof. Conceição Nogueira, University of Minho. The research project report was presented on 17 May 2010 at the conference “Against Homophobia and Transphobia: Identifying and Combating Discrimination against LGBT People in Portugal”, which was organised by the Commission for Citizenship and Gender Equality (CIG) and the LGBT as-
sociations ILGA-Portugal, Rede ex aequo, and Amplos. Prof. João Oliveira, one of the researchers responsible for the project, reported that LGBT people felt most discriminated against when subjected to insults, and that the institutions where they felt most discriminated against were associated with religion and the state. The model of heterosexist thinking was reported to be the most crucial factor supporting discrimination or unfavourable opinion towards LGBT rights, and its predominance was stressed in men, and within the family, in the father (CIG, 2010).

Another of the CIG’s initiatives that has addressed the fight against diverse forms of discrimination included in EYEOA (gender, race or ethnic origin, religion or beliefs, disability, age and sexual orientation) is its sponsorship of the research project “Addressing Discrimination at Local Level for Achieving Gender Equality at National Level”, 2009, coordinated by Prof. Margarida Queirós, Centre for Geographical Studies, University of Lisbon.

The creation of a Secretary of State for Equality (SEI) during the XVIII Government (2009-2011 legislature), formed by the Socialist Party, was a clear sign of commitment to equality policy. This government program clearly identified as a priority the fight against all forms of discrimination, paying particular attention to inequality based on gender and sexual orientation. The former Secretary of State for Equality (SEI), Elza Pais, played an active role in addressing sexual orientation equality issues. For instance, she made public statements (August 2010) demanding an end to discrimination on the grounds of sexual orientation with regard to blood donation. This remains an area of controversy in Portugal: legally, it is prohibited to discriminate on the grounds of sexual orientation, but many hospitals ask blood donors to complete surveys which ask about participation in sex practices between men. At present, blood donation centres continue to employ diverse practices, a number of which are clearly discriminatory.

The present Government of Portugal (elected 5 June 2011) revoked the position of Secretary of State for Equality and created a Secretary of State for Parliamentary Affairs and Equality, thus weakening the focus on equality policy.

Same-sex civil marriage was one of the priorities of the XVIII Government, which presented a bill for legalisation in December 2009. It was passed by the Assembly of the Republic on 8 January 2010. The bill was declared legally valid by the Portuguese Constitutional Court in April 2010. On 17 May 2010 (coincidentally the International Day against Homophobia), the President of the Republic ratified the law and Portugal became the sixth country in Europe and the eighth country in the world to allow same-sex marriage nationwide. The law was published in the official journal on 31 May 2010 and became effective as of 5 June 2010. At the same time, other left-wing legislative proposals were being considered, including the possibility of adoption for same-sex couples, but these were rejected. Two bills for the legalisation of same-sex marriage had already been presented to Parliament on 10 October 2008.
bills were introduced separately by the Left Bloc (BE) and the Green Party (PEV), but both were rejected by a parliament in which the governing Socialist Party (PS) had an absolute majority. One year later, the Socialist Party themselves presented the same-sex marriage bill which eventually passed. This kind of arrangement is, unfortunately, a typical feature of Portuguese politics.

An example of a less positive aspect of policy and sexual orientation equality is the way in which the III National Plan for Equality – Citizenship and Gender (2007-2010) (CIG, 2007) addressed these issues. Sexual orientation only appeared in introductory texts, and specific goals or strategies were not included. The IV National Plan for Equality – Citizenship and Gender (2011-2013), however, which was approved in January 2011 during the XVIII Government legislature, included a specific area of strategy for sexual orientation and gender identity, which was a step forward. However, due to the change of government in June 2011, the effective implementation of this Plan remains indistinct.

Although equality policy in Portugal has positive aspects, sexual orientation issues are only a recent component of political discourse and are certainly not yet widespread or mainstream.

**Discourse: voices from the field**

This section reports on interviews with LGBT activists, academics and policy makers on the field of sexual orientation issues. A total of six interviews were conducted specifically for this paper, but our results also include data from informal conversations held on the same topic with a range of individuals who are in some way related to sexual orientation equality policy. The interviewees have a diverse positionality: 2 academics; 1 policy maker; 2 academic LGBT activists; and 1 academic LGBT-activist policy maker. The main objective of the interviews was to explore the boundaries and intersections of civil society, academics and policy makers in the pursuit of sexual orientation equality rights in Portugal. The ideas presented in this part of the paper are the results of an analysis of the information gathered during the interviews.

**POLICY MAKERS AND CIVIL SOCIETY**

Advances in sexual orientation rights in Portugal have been the result of joint endeavours by civil society, namely LGBT associations, and policy makers. This does not mean that there was a consistent common agenda, rather that there were certain specific understandings and combined projects that led to change. Media coverage was an essential instrument for change in legislation and in the attitudes of Portuguese society towards homosexuality.

The LGBT movement is not homogeneous; diverse understandings of equality exist within it. Some LGBT associations assume a state-oriented position, aiming to
gain access to the same rights as heterosexuals (for example, access to marriage); other LGBT associations, meanwhile, take a more radical and transgressive position, questioning the rules and norms that organise life in society, and challenging power structures. These diverse positions have enabled policy makers to establish strategic alliances with state-oriented LGBT associations, and have made specific agendas possible, such as same-sex marriage legislation. The diversity of the LGBT movement and its internal conflicts can be understood as catalysts for legal and social change. Firstly, such conflicts generate invaluable media coverage, and also raise awareness of the fact that apart from a common sexual non-normativity, LGBTs are multidimensional and include diverse socio-political positions.

Alliances between policy makers and specific LGBT associations are now more visible, thanks to project funding and LGBT associations’ increasing cooperation with government institutes responsible for equality policy, such as the Commission for Citizenship and Gender Equality (CIG). Prevailing sexism within LGBT associations should also be noted. These associations invariably reproduce patterns of the societal context in which they exist; sexism and male dominance, therefore, are a pervasive reality even within LGBT organisations. Specifically lesbian issues, for example, are rarely afforded the same prominence as gay issues. Blood donation by men who have sex with men, for example, is a subject that is much more widely discussed and focused on in LGBT associations than assisted procreation, for example, which is currently only available to heterosexual couples and therefore a key equality issue for lesbians. This reality is echoed in the media and in the public arena; one example is that same-sex marriage in Portugal is commonly known as gay marriage.

CIVIL SOCIETY AND ACADEMIA

Specific cases of collaboration between LGBT associations and academia do exist, but these are largely initiatives of LGBT associations that are attempting to benefit from the influence and status of academic discourse and aiming to gain increased public acceptance.

The most significant relation between academia and LGBT associations is an ‘intimate’ one, wherein the majority of academic researchers on sexual orientation issues are themselves LGBT or LGBT activists.

The recent increase in interest among undergraduate and postgraduate students in including sexual orientation issues in their research may indicate positive future developments. Sexual orientation and equality policies may gain more visibility within academia and a more established presence in higher education curricula. There are a number of interesting examples of informal collaboration between academia and LGBT associations in the provision of training courses for profession-
als who work with LGBT people. These training courses aim at promoting greater self-awareness and a recognition of one’s own prejudices, and at developing competences for using an inclusive approach in their professional activities. Nevertheless, more formally planned projects would be of great social value.

The influence of academia and scientific discourse on public opinion should not be underestimated. It has a social legitimacy and authority that may be instrumental in improving equality in Portugal.

ACADEMIA AND POLICY MAKERS

One of the requirements of academic work is a critical approach to reality, which makes it difficult for academic ideas to enter politics. Often in politics there is little critical thinking, merely political strategy, and a negotiation of different interests and motivations. Lobbying and pressure are more often influencers of political decisions than scientific support. This is not specific to the case of equality policy, however; it is rather common in politics.

Decision makers are not often aware of academic research, but scientific knowledge can be a substantial support for political decisions. For instance, the issue of same-sex marriage brought together LGBT associations and policy makers, but academia was not involved. Given that parenthood is a topic of debate whenever same-sex marriage is discussed, scientific insight into same-sex parenthood would have been constructive. As Portuguese legislation explicitly discriminates against same-sex couples regarding adoption rights, the discussion of same-sex marriage can be seen as a missed opportunity for academia to assert itself in politics.

Portuguese academia does not yet appear to be sufficiently concerned with the social and political consequences of research. Though somewhat provocative and ironic, it could be said that the ‘feminist turn’ has not reached Portuguese academia.

FUTURE PERSPECTIVES

The current terrain of Portuguese sexual orientation equality policy reveals a broader and more active relationship between policy makers and LGBT associations than between academia and other actors.

During our interviews, possible future perspectives for sexual orientation equality policy were debated and diverse ideas emerged. Ideas which enjoyed a consensus are presented as follows:

- It is important to promote greater and more significant participation of women in policy making, as well as in LGBT associations’ activities and leadership. Although a significant number of researchers working on sexual orientation issues in academia are women, the academic context in general is still dominated by sexism. Rather than merely recruiting a larger number of women, the main objective is to effect a paradigm shift, to give more relevance to
diversity, to promote an equal approach to diverse research areas, and reject sexist discourse.

- Mainstreaming equality in policy and academia is necessary, particularly in order to support and reinforce socially responsible academic research.
- Networking and lobbying of researchers working on sexual orientation issues should increase, in order to obtain better visibility and relevance for this area of research within academic curricula.
- It is important to identify more people in politics who are willing to disclose their non-normative sexual orientation or who will adopt a clear position of support for LGBT rights.
- A wider dissemination of research is necessary, leading to change in policy and practice and encouraging the participation of LGBT people in research.
- The participation of LGBT groups in the improvement of a research agenda should be developed, and a partnership approach should be implemented in which LGBT groups share ownership of the agenda.
- Media coverage of LGBT rights should be increased using a range of initiatives, from reporting on actions claiming specific rights to documentaries and debates that include sexual orientation issues.
- A transversal, more inclusive approach to equality policy should be adopted, rather than an identity-based politics, acknowledging intersectionality in peoples’ lives.

The Portuguese context of sexual orientation equality policy would benefit from a deeper alliance between policy makers and a more diverse group of LGBT associations, as this would promote the inclusion of different approaches to equality. Academia could also play a major role in equality policy, by providing minority claims with legitimacy and authority.

While much has been achieved in Portugal in a relatively short period of time, we believe that there is still a lot more to be done.

Notes

5. In the context of this paper, ‘civil society’ denotes LGBT associations and informal groups.
6. In Portugal the word ‘gay’ is commonly used in reference to male homosexuals, and not female homosexuals.

References


Public expenditure for domestic work challenges Swedish gender equality

ÅSA GUNNARSSON & ELIN KVIST

Abstract

In several European countries governments have used various forms of public expenditures to stimulate job growth in the domestic service sector. The reforms have mainly been incorporated into labour market policies with the specific aim of encouraging households to employ domestic workers. This raises several from a feminist perspective interesting questions about public expenditure and the relation between care work, family models and taxation in gender and welfare policies. In this article the conflicting interests of policies and legal principles concerning tax reform is shown, which could ultimately undermine general welfare and gender equality reforms. The Swedish experience is contrasted with the development of public expenditure for domestic services in other European countries. Concluding that the introduction of a tax credit for domestic services could be seen as a transformation of the Swedish dual-earner and dual-carer regime, towards a dual-earner regime where care is once again made invisible.
Introduction

In several European countries governments have used various forms of public expenditures to stimulate job growth in the domestic service sector. As Elin Kvist has shown in an earlier work, the reforms have mainly been incorporated into labour market policies with the specific aim of encouraging households to employ domestic workers. Apart from providing proactive incentives for job growth the reforms have been used as a policy objective to reconcile working and family life. The ambition in subsidising domestic labour is to bring undeclared incomes and informal within the legal framework in the hope that particular social groups with weak connections to the labour market will enter the work force and receive the status of working citizens. Domestic services cheques, mini jobs and tax credits, primarily in the forms of tax reductions but also as income tax deductions, are public expenditures used to incentivize the development of a market for domestic services in private homes. The market includes the work of child minders, nannies, carers of elderly, cleaners, maids and the care work of relatives (Kvist, forthcoming).

It is particularly important to analyse this issue from a feminist theoretical perspective, as it becomes necessary to take into consideration the complex structures that encompass public expenditure reforms in each specific country. To begin with, domestic work in general is clearly gendered work, traditionally performed by women on an unpaid basis. Today it is significant that a majority of those performing paid domestic work in Western European homes are women who have migrated (Anderson, 2000; Hochschild & Ehrenreich, 2003; Peterson, 2007; Lutz, 2008). Another important aspect is that the subsidies are situated within various kinds of social care models (Anttonen & Sipila, 1996; Bettio & Plantenga, 2004). In the 1970s domestic work was understood by feminists to be the invisible foundation upon which paid employment rested, and was viewed as a common burden for all women. It is, therefore, surprising that the gender equality debate has not made an appearance in the various national reforms, except in Sweden where the tax credit for domestic services has been debated from such a perspective (Kvist, forthcoming). This raises several
interesting questions about public expenditure and the relation between care work, family models and taxation in gender and welfare policies.

In a Swedish context gender equality is closely connected to all types of reforms that have an impact on the work-family balance. Policies and regulations concerning social welfare, taxation, the labour market, and gender equality have all contributed to the specifically Swedish dual earner/dual carer family model. Swedish market-oriented welfare reforms are intertwined with gender equality reforms in combination with extensive programs for publicly organised care facilities for old and young, which together have promoted women’s labour market participation and dual-income families. Women and men are supposed to share roles and obligations, social rights and tax obligations are attached to the individual and not to the family unit. On this basis, the Swedish tax credit for domestic services challenges the Swedish family model and its objectives. It is a tax expenditure reform that contrasts with universal services and benefits for families. Tax credit for domestic work individualizes the services and also replaces, or becomes a complement to, publicly provided services. Our ambition is to show the conflicting interests of policies and legal principles concerning this tax reform, which could ultimately undermine general welfare and gender equality reforms. We will contrast the Swedish experience with the development of public expenditure for domestic services in other European countries.

The Swedish dual-earner family model in the context of gender and welfare policies

The labelling of Sweden as a representative of state feminism or as a women-friendly welfare state, has its roots in the manner in which the state has actively advanced women’s interests. Empirical evidence supports the image of the Nordic countries as women-friendly welfare states, an image developed not least by feminist scholars who have valued extensive programs that provide welfare for women, families and children, wide female participation in the labour market and gender mainstreaming in policy making (Hernes, 1987; Bergqvist et al., 1999; Bradley, 1996). However, gender equality consists of more than social reforms in the public sphere enabling women to participate on the labour market. It is also about gender equality in the private sphere. Care work located to the private/domestic sphere reinforces gendered patterns of dependency, as care work from economic, cultural, social and historical perspectives is fundamentally and deeply divided between men and women. The gendered nature of the unequal distribution of power and resources between men and women that exists in all welfare state regimes, irrespective of former or current transformative processes, cannot be explained or changed without an understanding of the rationalities for the division of care (Lewis, 2002; Gunnarsson, 2003).
That the value of household production is not officially recognised in the economy frames the context of both sides of the public budget: taxation and social transfers. This leaves the realties of women's lives, with them doing the majority of household and care work, outside the consideration of the tax and social laws. The law contributes to the reproduction of relational dependencies in the family or traditional notions of the productivity of women's labour and their contribution to the economy. To grasp the whole gendered context of social welfare, one also has to consider that the exchange of time, care and economic resources within the household is also a source of welfare production. The opposite of welfare valued in money terms is that valued in time. Households contribute to welfare production by adding the value of time for care work and other domestic services (Ketscher, 1998; Stang Dahl, 1988; Grbich, 1990-91; Staudt, 1996; Young, 1997).

The lack of sex equality produced by the division of labour is recognized by the Swedish welfare state and is officially combated by a combined strategy for the reconciliation of paid work and family life in a dual-breadwinner family. Individual obligations via income tax, and individual social rights based on earnings-related social security schemes are measures that, as one of several objectives, aim to increase economic autonomy for married women. Parallel to individualization, and the ambition to achieve the gender neutralization of social rights and tax obligations, a new insight has slowly gained acceptance that public intervention needs to equalize the burden of caring and unpaid work between the sexes. Caring, principally in the form of parenting, as the basis for entitlements has become an individual right, not a supplementary right, and the financial costs of raising children are shared by public childcare and general child allowances available to all families (Gunnarsson, 2003).

Workfare is at the core of the Swedish welfare state model based on an egalitarian social citizenship ideology, and consequently is also central to policies of promoting gender equality. The major social reforms of importance for gender equality, with their concepts of the universal worker and employment strategies, have expressed the significance of work in achieving economic independence and earning the right to social security. In contrast to a breadwinner model for taxation and social benefits, both men and women have been regarded as self-supportive individuals on a labour market, in line with the ideal of a dual-income earner family model (Gunnarsson, Burman, & Wennberg, 2004; Pylkkänen, 2009).

Commitment to the right of women to be self-supporting was a dominant policy in an early stage of the welfare state project. The combination strategy developed as a solution to the problem that women had to combine the responsibilities of care with the commitment to be self-supporting. This reconciliation policy aimed to eliminate the economic and social subordination of women in the family. Encouraging married women to combine paid work with family life was a driving force in the active integration of women into the public sphere of social citizenship. Radical reforms in the
1960s and 1970s addressed gender equality based on the narrow egalitarian idea of promoting married women’s participation in the labour market (Gunnarsson & Stat-tin, 2001; Gunnarsson et al., 2004; Pylkkänen, 2009: 123-149).

Closely connected to the question of women’s participation in the labour market were political and law reforms, such as publicly financed day-care for children, individual taxation for spouses, and sex-neutral parental leave. Programs for public funded day-care facilities for children expanded in order to meet the demand on women in labour market. Joint taxation of spouses restricted women’s incentive to work. The sex-neutral parental leave reform in combination with a generous parental leave insurance were intended to stimulate fathers and mothers to share responsibility for their children on equal terms (Gunnarsson & Svensson, 2009: 50).

Swedish gender equality politics are closely intertwined with the Swedish welfare state ideology. In the formation of the welfare state gender equality has been a major concern in many welfare reforms, and particularly important in labour market-oriented reforms (Sainsbury, 1996; Bradley, 1996; Bergquist et al., 1999). By promoting an egalitarian social citizenship, based on solidarity and redistributive social justice, the Swedish social democratic welfare state model has had a comparatively high degree of universalism (Kautto, Fritzell, Hvinden, Kvist, & Uusitalo, 1999; SOU, 2000: 83; Gunnarsson et al., 2004). General services and benefits for which residents are the criteria for eligibility are the most inclusive part of Swedish social citizenship in contrast to earnings-related social insurance benefits (Sainsbury, 1994, 1996, 1999; Gunnarsson, 2007). Flat-rate benefits to households with children such as the child allowance, health and child care services and means-tested benefits, such as housing allowance, have had a redistributive effect in favour of women (Skatteverket, 2007: 2; Prop.2009/10:1).

**The Swedish tax credit reform for domestic services**

Tax credit for the purchase of household-related services, introduced in 2007, was a much debated tax policy initiative. The so-called *RUT-avdraget* was inspired by a similar Finnish reform, which was initiated to promote employment among low-skilled workers and to counter tax evasion (Prop. 2008/09:77). In Sweden the question gave rise to highly contentious moral and ideological controversies that swirled for a decade (Platzer, 2007). The initiator was an economist who argued that a tax credit on domestic services would allow unpaid housework to be transformed into paid work, enabling households to become part of the productive market (Pålsson & Norrman, 1994). After a long intensive debate the act concerning tax credit for domestic services was introduced in 2007 by the centre right wing government (Kvist, Carbin, & Harjunen, 2009).
The government’s main arguments for the tax reform were based on economic rationality. In the policy debate the assertion was that lowering taxation on domestic work would provide opportunities for households to buy domestic services, enabling the creation of a new labour market sector. The reform would encourage the replacement of unpaid work with paid work. Another central argument in the debate was that the tax credit for domestic services would provide a chance for legitimate companies in the domestic service sector to win market share from the informal work that was performed within this sector, replacing undeclared work with declared work. The reform would in that sense improve working conditions within the sector, entitling domestic workers to rights and insurances. A third argument was that the tax reform would create job opportunities for those with minimum education and the domestic service sector would provide a entry to the labour market for the unemployed and especially for those groups with few employment opportunities (Kvist et al., 2009).

However, in the debate on the tax reform another line of argument came into focus and created contention. The focal point of the long debate following the first suggestion was the gender-equality benefits of the tax reform. The right wing proponents of the reform argued that it would improve the possibilities of combining work with family life for women and in that way promote gender equality. Right-wing debaters presented the suggestion as a way of reducing the burden of domestic work on the households and improving women’s opportunities to participate on equal terms on the labour market. The tax reform would replace unpaid work with paid work. As women perform most of the unpaid household work, a tax credit for domestic work would provide opportunities for women to perform more work on the paid labour market, improving their position as professionals and providing economic self-provision. As argued in the Governments Bill that presented the reform, a tax credit possibility could result in the reduction of unpaid work hours. When unpaid work hours are replaced by more paid work hours on the labour market women’s employment position and economic independence are improved (Prop.2006/07:94. 31).

Opponents, drown mainly from Social Democratic Party, Left Party, Green Party, women’s organizations and trade unions, proposed another interpretation of gender equality. With references to the uneven distribution of power and recourses between women and men, the gender power system, the gender equality gains and economic rationality of the tax reform were questioned. In a statement from Union of Commercial Employees in 2007 it was argued that having low-paid women from the workers collective cleaning high-income earners’ houses is no solution to the gender equality problems within the homes. Instead this will cement predominant sex roles, which at the same time the gender equality question will become even more of a class question. Inequality in the homes should be solved by men taking more responsibility,
not allowing to buy their way out through public subvention (referral statement from Union of Commercial Employees, 2007-01-22).

Opponents suggested that men should take their share of responsibility for the housework instead, and expressed a fear that the tax reform would risk reinforcing the gender-based division of domestic work. They also argued that the tax reform was redistributively problematic as it favoured high income earners.

Another argument against the reform concerned the work and working conditions it was assumed the tax reform would create. Critics feared that the tax reform would create more dead-end jobs mainly performed by women for low wages, part-time work and insecure jobs. The unequal consequences of the reforms were raised in many areas and added to the agenda different mutually constitutive inequalities, such as class, race and gender, mainly articulated by trade unions socialist members of parliament. These speakers claimed that the tax credit for domestic services mainly meets the needs of the privileged classes. They also claimed that men should take their share of the household chores (Kvist et al., 2009).

THE TAX CREDIT REFORM FOR THE PURCHASE OF HOUSEHOLD-RELATED SERVICES

Under the new Swedish scheme taxpayers are entitled to a credit against their personal income tax amounting to 50 percent of the labour costs associated with the purchase of certain consumer services. Most costs for household work such as cleaning, window-cleaning, gardening, washing, cooking and snow clearing are valid. The rules regarding costs for care services are more restricted. Childminding is permissible and some basic personal care services, primarily of personal help nature in the everyday life of elderly people. No services that resembles healthcare performed by trained and educated professionals are allowed (SKV M, 2010:2). The services must be performed in the taxpayers’ home or in their parents’ home and purchased from a registered company. The tax credit cannot exceed 50 000 SEK per year for each taxpayer.

In December 2008 the tax credit was extended to include a refund of 50 percent of the labour costs related to repair and expansion of single-family homes and owner-occupied apartments, although the 50 000 SEK limit was maintained (Prop. 2008/09:178). This tax credit reform, popularly known as ROT-avdraget, was actually not a new invention. It was a reintroduction of a tax credit that has operated now and then in the tax system to combat periods of economic depression. Tax expenditure to support the use of the labour of craftsmen private homes has been a common element in the Swedish tax system.

One interesting aspect is that RUT-avdraget should not lead to the replacement of professionals providing the services, while ROT-avdraget target the costs for hiring professionals. RUT-avdraget brings value in monetary terms on the invisible care
Part 2. Challenging Differences and Inequalities in and through Policies

The introduction of selective tax cuts for household-related services represents a deviation from the guiding principles of uniform and neutral taxation that have been central to the Swedish tax system since the beginning of the 1990s. Although taxation can serve many goals, the discursive terminology regarding the use of taxing power for non-fiscal purposes has long been one perspective on tax policies. Harvey W. Peck gave the following definition as early as 1936: “Taxation for fiscal purposes means taxation for the purpose of raising revenue to defray government expenditures, while taxation for non-fiscal purposes is taxation not to provide revenue to carry on a given program of public expenditures but to produce directly certain economic or social effects irrespective of whether revenue is actually raised or not” (Peck, 1936).

Tax rules that are designed technically to raise revenue are bench-marked, and tax rules that deviate from this bench-mark of the ‘normal’ tax structure are defined as tax expenditures. The distinction between fiscal and non-fiscal purposes has often been made on the basis of the theory of optimal taxation, which bench-marks non-distorting and neutral taxation. Economic intervention creates, especially according to the neoliberal economic philosophy of Friedrich A. Hayek, excess burdens or welfare losses, which hinder economic growth. In contrast, a neutral tax minimises welfare losses and promotes an efficient allocation of resources (Messere, de Kam & Heady, 2003; Hayek, 1956; Korpi & Palme, 1993).

Neutral taxation has been the bench-mark governing the Swedish tax system since the beginning of the 1990s, justifying uniform taxation, with structural patterns flattening the income-tax-rate schedule and shifting to broader income and consumption tax bases. Tax regulations based on regulatory and stabilizing functions regarding the economy, environmental concerns, demographic problems and social programs are seen as tax expenditure. From this it follows that tax law should not be used to fight unemployment and the growth of the shadow economy, both arguments used to support the introduction of tax relief for domestic services. The manner in which principles of equitable and horizontal taxation have shaped the Swedish tax system allows, in theory, no space for social programs in tax law. However, this attitude has proved to be impossible to maintain. After the 1991s tax reform several changes have
been made to adjust taxation to the individual tax subject’s overall ability to pay. This has not been done by shifting back to a global taxation, instead tax credits have been used to adjust the tax burden for certain categories of taxpayers. Peter Birch Sørensen (2010) argues, although he promotes neutral taxation, that such targeted tax cuts as the tax credit for the purchase of household services may be justified as a second-best policy measure, since the services in question are near-perfect substitutes for untaxed home production and for untaxed services delivered by the shadow economy.

The relation between care work, tax units, family configurations and public expenditures in European domestic services reforms

The structure of the domestic service reforms can be divided into two main categories, tax credits and vouchers. In the Scandinavian countries Denmark, Finland, and Sweden, tax credits are used to stimulate job growth in the domestic service sector. In France, Belgium, Germany, and Austria governments have introduced domestic service vouchers to simplify private households’ purchases of domestic services, but households are also allowed tax deductions for the domestic services they buy in France, Belgium, and Germany (Kvist, forthcoming).

The second interesting dividing line is whether care work is included in the domestic service reforms. In France, Finland, Austria, and Germany care work is included in the domestic service reforms, and both domestic work and domestic care work of children and the elderly are tax deductible. In Denmark, Sweden, and Belgium eldercare and childcare are not included, but services such as cleaning, gardening, and cooking can, of course, be bought by elderly people, and in that sense be regarded as some sort of eldercare. The comprehensiveness of the domestic service reforms depends on how social care is arranged in each country. In the Scandinavian countries, with generous public services for children and the elderly, and France and Belgium with established care arrangements, the domestic service reforms function as a complement to the existing care forms. In countries with more family-oriented care models, such as Germany and Austria, the domestic service reforms are used to solve an emerging care gap. The developments especially in the Nordic countries indicate that these reforms will be particularly important in relation to the care of elderly people, both as a complement to already established public care and also in some countries as a replacement for family care or informal care arrangements provided by women (Kvist, forthcoming).

The third type of difference among the domestic service reforms relates to how the services are bought, whether from individuals or companies. In Germany and Austria where the state relies heavily on families to provide care for the elderly, children, and other dependent persons, it is more common for households to be entitled to employ
individual persons in the household. In countries with more extended welfare states, where the states take more public responsibility for the need of care of various social groups, it is more common that domestic services have to be bought through companies. These employment arrangements, whether the services are purchased through companies or the domestic service workers are employed by the household, are important with respect to the kind of work the domestic service reforms create and the way domestic work is covered by labour laws and regulations. The domestic service work created through the domestic service reforms challenges established labour laws and labour relations (Anderson, 2000; Lutz, 2007; Calleman, 2007; Isaksen, 2010).

FAMILY MODELS

The key themes in feminist debate have been the redistribution of house work and care work between women and men, the upgrading of the status of this work, and the importance of women’s participation in the labour market. Nevertheless, while gendered divisions in paid work have declined, due to women’s entry into the formal labour market, the gendered divisions in unpaid work have remained about the same (Lewis, 1992). What is significant for female labour supply in relation to household production is the division and heterogeneity of labor in the households that occurs once children arrive, and the choice between working in the market and taking care of the child in the home is primarily the basic reason for the fall in female labour supply (Apps & Rees, 2009).

Perhaps, the ambiguity in the feminist debate can best be understood if one considers that households are small economies engaged in production and intra-household exchange where the terms of exchange are set by the market. Welfare states base their distributive principles on different family models. Broadly, comparative studies show two main normative positions regarding tax and social policies concerning spouses, families and children. One is the male breadwinner family model linked to a traditional female, care regime, which fosters a housewife ideal, as in the case of Germany and Spain. As a consequence, the legal system rests on a normative base where the family or the marriage is the unit of assessment for social entitlements and taxation, and where the carer has only supplementary but no individual rights. A male breadwinner regime is of course distinctively sexually segregated – the earner is the husband and the carer is the wife (Sainsbury, 1999: 77-80; Pfau-Effinger, 2004; Lutz, 2008; Wersig, 2011). In countries with this type of family model, the subsidies for paid domestic work replaces the work of the housewife but also the work performed by the informal domestic workers, often migrant women in private households (Pfau-Effinger, Flaquer, & Jensen, 2009; Kvist & Peterson, 2010). The other family model is the dual-earner family model, for which the Nordic countries are renowned. Social entitlements and income taxation are based on the individual’s work performance,
citizenship or residence, not their marital status (Sainsbury, 1999: 77-80). In dual-earner/dual-carer family models such as those in the Nordic countries public subsidies for care work replace or function as a complement to publicly provided services (Kvist, forthcoming).

THE CAPTURE OF THE CARE ECONOMY BY JOINT INCOME TAXATION

Common normative strands in joint taxation are that households constitute economic units and that joint taxation combined with income splitting in a progressive income tax system is a guarantee of neutral treatment for one-earner and dual-earner families. Joint taxation also preserves traditional family configurations such as the male breadwinner model, or the so called ‘housewife marriage’ (Grbich, 1990-91). On the other hand, a basic argument for individual taxation is that the control of money is the appropriate test for ability to pay. The tax burden should be distributed according to the control over economic resources that the individual taxpayer possesses (Stewart, 2011; Gunnarsson, 1995; Simons, 1938).

Today joint filing of aggregated marital income is normally voluntary in those countries that base their income tax on a joint fiscal model. However, the freedom of the choice is imaginary as it often means that the family will loose a substantial amount of disposable income after tax. As long as income tax is progressive, the technique of splitting the aggregated income of both spouses and each spouse filing for half the income will reduce the total tax burden as the spouse with the highest income will be taxed at a lower rate of marginal income tax. This tax relief is magnified for one-earner families. As the income structures in heterosexual families follows gendered lines, income taxation of the marital unit results in the overtaxing of married women. This is truly a disincentive for housewives to enter the workforce, which for example is the case for women in western Germany and in Spain. It also traps many of those married women who work in the position of being secondary earner in the family. Contrary to the claimed neutrality between one-earner and dual-earner families, joint income and wealth taxation favour the marital tax unit. Experiences from Germany, Japan, Spain and the US show that the joint taxation of spouses contributes to a patriarchal, asymmetrical division between unpaid household work and paid work on the labour market. In contemporary tax systems income splitting between conjugal partners almost always has negative consequences for gender equality. Normally tax regulations allowing income splitting to reduce tax for the transferor are used as an element of tax planning. The splitting is merely a technique and the transfer of income is just a fiction. The tax liability of the receiving spouse will not correspond to a legal claim on the assets or income for which she will be taxed (Lahey, 2011; de Villota, 2011; de Villota & Ferrari, 2004; Wersig, 2011; Gottfried & O’Reilly, 2002).

The Nordic countries Denmark, Finland and Sweden all have all individual income tax (Pakarinen, 2011). In contrast to joint taxation, the experiences from Sweden and
the other Nordic countries show that individual taxation is a pre-requisite for the improvement of economic gender equality. When studying the integrated development of gender equality and welfare state regimes in Sweden it can be shown that the individual income tax reform from 1971 opened the way for what has been defined as the women-friendly welfare state. The reform was unique of its kind as it addressed gender equality objectives. It was based on knowledge of the correlation between the labour-market participation of women living in partnership and the income of their cohabitant partner. When the reform was introduced the income tax rate was massively progressive, benefitting the households when women increased their working hours on the labour market (Gunnarsson, 2003: 57-62).

It seems as domestic services vouchers are a more common policy options in breadwinner model countries that practise joint income taxation of spouses. France is renowned for its history of supporting large, male-breadwinner families through an extensive form of joint taxation, which can be defined as a family-splitting system (Gunnarsson, 2003: 72-83; Wersig, 2003; Henderson, 2011). Austria has an individual income tax but allows income splitting between spouses and a taxpayer can also employ his or her spouse and claim the salary as a deduction (Buzanich, 2010). Belgium also applies joint taxation for spouses (Bammens, 2011). In Germany equality of taxation is expressed in the ability-to-pay principle, which in Germany is interpreted as a base for neutrality in the taxation of different forms of cohabitation. In order to avoid tax discrimination against marriage, an income-splitting tariff was introduced through a Federal Constitutional Court decision in 1958. This decision indirectly draws on the constitutional protection of marriage and family by underlining the fact that husband and wife are free to make decisions concerning the division of household labour. The income tax law contains no general provision regarding a joint tax unit, but spouses are allowed to file a joint assessment which is was most couples do as a progressive income tax schedule is applied on the aggregated total income of both spouses, divided into two (Lang, 1999; Wersig, 2011; Scheiwe, 2011; Perdelwitz 2011).

**What to solve?**
**Gender equality, the care gap, evasion of tax base, job security...?**

In the heated Swedish policy debate different interpretations of gender equality caused the most tension. Feminist was arguing against feminist. On one side were the liberal feminists claiming that the outsourcing of unpaid domestic work would liberate women, causing a feminist revolution. Other feminists questioned this interpretation and foresaw the reintroduction of a maid society (Kvist et. al., 2009). The maid is a powerful symbol, referring to a historical past with great class, gender and racial dividing lines, a picture that sits badly with the "Nordic peoples internalized
picture of themselves as modern citizens in a women-friendly society” (Widding Isak-sen, 2010: 11). In the arguments against the reform it was also assumed that it would not only create precarious work conditions; with low wages and dead-end positions but would also mainly benefit high-income earners at the expense of low-income earners. But it was gender equality issues that came to dominate the debate. In Sweden gender equality has a long history of institutionalisation; women’s organisations have had a major influence within the political system and gender equality has been an important and dominant political discourse within politics (Magnusson, Rönnblom, & Silius, 2008; Bergqvist et al., 1999; Rönnblom, 2009). The proponents of the reform argued that it could be viewed as a gender equality measure, which would reduce women’s double work load and facilitate their economic independence through paid work. An established interpretation of gender equality in Sweden has been that women’s participation in the paid labour market is a key feature of gender equality and, following this reasoning the solution to the problem of the unpaid work in the home would be that men take their fare share of domestic duties (Lundqvist, 2009). The introduction of a tax credit for domestic services could in a way be seen as a transformation or a shift away of the Swedish dual-earner and dual-carer regime, towards a dual-earner regime where care is once again made invisible.

Notes


References

Official Documents

Prop.2006/07:94 Skattelättnader för hushållstjänster, m.m. (Governmental bill on tax deductions on domestic services).
Prop. 2008/09:178 Skattereduktion för reparation, underhåll samt om- och tillbyggnad av vissa bostäder (Governmental Bill on tax deduction on repair, maintenance, reconstruction and extension of private housing).
Remiss på Prop.2006/07:94 Skattelättnader för hushållstjänster, m.m. från Handelsanställdasförbund [Referral statement on Governmental bill on tax deductions on domestic services from Union of Commercial Employees,] 2007-01-22.
SKV M 2010:2 Skatteverkets information om skattereduktion för husarbete fr.o.m. den 1 juli 2009 (Swedish Tax Agency Information about tax deduction on domestic work).

Literature

Abstract

Can quality of gender equality policies be defined in ways that apply across different policy contexts and different policy moments? In light of different scholarly debates on the topic and empirical material from gender equality and particularly gender based violence policy debates in Southern and Central Eastern Europe, as well as the European Union polity, this paper discusses dilemmas around defining quality of gender equality policies. It proposes a two dimensional model. The first dimension links quality to procedural aspects: to empowerment at different stages of the policy process, and to transformativity of policies in relation to previous status quo. The second dimension is more substantive, content driven and can be captured along the factors of genderedness, intersectionality, and structural vs. individual focus of policies. Rather than attempting to pin down ‘one size fit all’ criteria, the paper aims to illustrate through policy debates revolving around these dimensions the ways in which they depend on the different discursive, institutional and structural factors defining quality in given policy contexts. Our empirical material comes from the European QUING project on Quality in Gender Equality Policies (www.quing.eu).

Contact

Andrea Krizsan
CEU University Budapest
Nador utca 9
1051 Budapest, Hungary
krizsana@ceu.hu

Emanuela Lombardo
Madrid Complutense University
C/Donoso Cortés 32, 4º 6
28015 Madrid, Spain
elombardo@cps.ucm.es

Key words

quality criteria, gender equality policies, gender based violence, discursive institutionalism
Introduction

Scholars in politics and gender have engaged in the last couple of decades in the study of gender and other equality policies, comparing them as regards their concepts, agendas, tools and actors from a variety of epistemological perspectives (Mazur, 2009). Be the approaches more positivist or more constructivist, at the bottom of these analyses there is a search for identifying ‘successful’ policies that are more likely to promote greater gender+ equality. However, scholarly work coming from a discursive epistemological perspective, which assumes that ‘policy actors engage in conceptual disputes’ over the attribution of meaning and concepts, has shown that the criteria upon which the success of policies, or the quality of equality policies could be assessed are open to contestation (Lombardo, Meier, & Verloo, 2009: 10). They vary over space and may shift over time depending on a variety of factors, including discursive, structural and institutional opportunity structures and different historical path dependencies prevailing in a given context, at a certain point in time (Ferree, Gamson, Gerhards, & Rucht, 2002; Ferree, 2009a). While the quest for quality equality policies is important in the road to equality, the discursive approach challenges the possibility of a universal assessment of the quality of gender+ equality policies.

The paper aims to discuss dilemmas and debates unearthed by discursive policy analysis around some of the quality criteria that emerge as distinctive from scholarly debates on the topic. The questions this paper aims to address are: can we identify quality of gender+ equality policies from a discursive politics perspective which are generally applicable across time and space? Can quality of gender+ equality policies be defined in relation to the content of policies only, or analysis of policymaking processes and actors should also be integrated when defining quality?

The paper proceeds in two parts. In a first theoretical section it proposes a two dimensional model for understanding quality of gender+ equality policies in which content of policies as well as procedural issues linked to both policy process and implementation have to be considered in combination. In its second section the paper explores quality in gender+ equality policies as defined in the theoretical section.
along the criteria of genderedness, structural and intersectional understanding in relation to content, and empowerment and incremental transformation in relation to process. Criteria and dilemmas are substantiated through examples of discursive institutionalist analysis taken from case studies of policy debates on gender based violence from the South and Central Eastern Europe (CEE), as well as the European Union polity itself, which were analyzed within the European QUING project on Quality in Gender Equality Policies (www.quing.eu). Through the analysis of policy discourses as embedded in different institutional contexts and different state civil society interaction and dynamics, we aim to reflect on the meaning of quality criteria, their limitations and interconnectedness. The idea from which we depart is that quality criteria are not fixed across contexts and time, but are highly context-dependent and in a constant process of construction depending on non-discursive factors as well. Our argument is that quality and discourse can finally be reconciled if discursive and non-discursive elements are used in complementary ways and the meaning of quality is reflected upon.

Scholarly debates on quality gender+ equality policies between process and content

When assessing the quality of policies from a gender+ equality perspective we need to ask ourselves: under what terms are we discussing quality? Are we talking of the quality of the policy process? Are we assessing the quality of the content of gender+ equality policies? Or some combination of the two? While we come from a discursive politics scholarship which has privileged the analysis of the content of gender+ equality policies, we argue that a mix of content and process, as implied in discursive institutionalism, is crucial to assess the quality of such policies.

Empowerment has been conceptualized as an important goal in achieving gender justice (Kabeer, 1999, Ferree & Gamson, 2003). Ferree and Gamson conceptualize the empowerment objective along two dimensions: autonomy and authority, that together give content and substance to what gender equality may mean (2003). Autonomy means for them freedom to make life choices and authority means participation in political authority, in making decisions about the group. They operationalize autonomy as the governance of gender (ways in which states control the self-determination of women through the content of policies), and authority as gendering governance (access of women to making decision), and show how the two aspects of empowerment together can capture progress along the lines of gender equality. The two aspects of empowerment that derive are: content and process. Empowerment as personal autonomy can be seen as a criteria for promoting gender+ equality, which is promoted by the governance of gender, the content of policies. Empowerment as collective authority is pursued by gendering the governance and as such is a proc-
Part 2. Challenging Differences and Inequalities in and through Policies

Their duality as developed by Ferree and Gamson (2003) sets the framework for understanding quality in gender+ equality policies. Scholarly debates in the gender and politics literature have come to discuss quality criteria in relation to both aspects of empowerment as developed by Ferree and Gamson (2003). Some studies place the emphasis on linking quality to inclusive policy processes and participation in political authority. It is process which is seen to ultimately also produce quality in terms of content. Other works emphasize the need to link quality to the content of gender+ equality policies. We discuss both of these approaches.

The success of gender+ equality policies has been widely discussed within the literature on gender and politics in relation to feminist achievements in gendering the political agenda. Academics from the RNGS (Research Network on Gender and the State) project have researched what the success factors that enable such gendering are, by placing the emphasis on the role of women’s policy agencies in Western democracies (Stetson & Mazur, 1995; Lovenduski, 2005; Mazur, 2002; Outshoorn, 2004; Haussman & Sauer, 2007; Outshoorn & Kantola, 2007). Weldon’s seminal work on gender based violence policy development also links quality of content to the role of women’s policy agencies in active cooperation with women’s movements (2002a, 2002b). Quality in these approaches is associated with factors producing policy outcomes and can be related to the effectiveness of the women’s policy agency both in gendering the political agenda and its debates and in representing women’s movement concerns (Squires, 2007), that is participation of those concerned in political authority.

Process oriented approaches to gendering policies have contributed to understand the policy process and the role of institutional and civil society actors in producing policy outcomes. In these perspectives the quality of gender+ equality policies lies in the equality bodies’ capacity to gender the policy process (Stetson & Mazur, 1995), in tandem with the women’s movement (Weldon, 2002a), or in the opportunities available for an autonomous women’s movement to access policy processes (Johnson, 2007). However while relatively stable connection between gendered policy processes and gendered content has been showed, this gendering does not necessarily mean a guarantee for a policy outcome that meets quality criteria concerning policy content. As Ferree and Gamson (2004) show, better standing for feminist voices, i.e. better access to political authority in the abortion issue in Germany, does not necessarily imply better achievements along their content criteria: autonomy. That is, this literature looks not so much into the quality of policies in relation to their content but rather into the quality of the results in terms of gendering the policy process at the agenda-setting and decision-making levels. This strand of feminist institutionalism develops in particular two of the neo-institutionalisms referred to by Hall and Taylor (1996): historical institutionalism, which explores the paths of institutionalization
and institutional legacies of a specific public policy area in a given domestic context, and sociological institutionalism, which privileges a focus on policy actors, be they administrative, social, or political, as promoters of political change. An analysis of the role of institutions and actors appears crucial for assessing the quality of gender+ equality policies from a feminist institutionalist perspective.

Other studies, such as Van der Vleuten's (2007) of the EU gender equality policies have contributed to the reflection on the quality of the policy process, this time in relation to policy implementation and adoption. Van der Vleuten (2007) reflects on the role of institutional and civil society actors to seize the opportunities that EU ‘multi-tiered’ governance creates at different (supranational, national, and sub-national) levels. Quality is defined in this case in relation to the capacity of feminist actors to implement EU gender policies in the member states. Van der Vleuten's (2007) ‘pincers’ model explains the adoption and implementation of EU gender equality policies in the member states thanks to the action of actors that exercise pressure on unwilling states from below (by domestic feminist groups), from within (by national femocrats, politicians or legal practitioners), and from above (through the action of the European Commission and the European Court of Justice). Her dynamic theoretical framework reveals the importance of the bridges existing between institutions and gender advocacy coalitions for improving the empowerment of women.

Another scholarly strand within the gender and politics literature has deepened the analysis of the content and meaning of gender+ equality policies (Bacchi, 1999; Ferree et al., 2002; Verloo, 2005; Kantola, 2006; Verloo, 2007; Lombardo et al., 2009; Hudson & Rönnblom, 2007; True, 2009). This scholarship has placed the emphasis on the formulation or design of policies, rather than on policy processes, and implementation, as a relevant criterion to assess the quality of gender+ policies.

Researchers from European projects such as MAGEEQ (Mainstreaming Gender Equality in Europe) and QUING (Quality in Gender Equality Policies) have analysed how gender+ equality policies are framed in Europe in care, domestic work, and reconciliation policies (Kvist & Peterson, 2010; Meier, Peterson, Tertinegg, & Zentai, 2007), gender based violence (Krizsan & Popa, 2010; Krizsan, Bustelo, Hadjiyanni, & Kamoutis, 2007), gender inequality in politics (Lombardo & Meier, 2009; Lombardo, Jalusic, Pantelidou, & Sauer, 2007), and gender policies intersecting with other inequalities (Roggeband & Verloo, 2007; Lombardo & Verloo, 2009a). They have developed a methodology of critical frame analysis aimed at making the interpretative content or meaning of policy documents on gender+ equality more explicit, and critically identifying underlying power relations and gender disadvantage. The method works by identifying the diagnosis of the problem, the solutions proposed, the roles assigned to the actors, the gender and intersectional dimensions of texts, and the norms and mechanisms involved in the construction of specific policy issues (Dombos, Krizsan, Verloo, & Zentai 2009; Verloo, 2005, 2007).
Gender equality quality in the content of gender+ equality policies has often been associated in these discursive politics studies both with theoretical normative ideas coming from feminist literature about what gender equality means in policies and coherence across policy documents. Factors that emerged as potential quality criteria along these two sources included: internal consistency of dimensions of a policy document, such as the correspondence between a particular diagnosis and the solutions proposed, prioritizing gender equality as an aim in itself rather than being bent to other policy priorities, targeting gender inequality with long term, social structurally transformative policy actions rather than short term individually targeted actions, the articulation of gender intersections with other inequalities (the gender+) and understanding gender as an inclusive category, including the attribution of equal gender roles that implies a greater focus on men and not only on women in achieving gender equality. Overall, the shift in this scholarly strand has been that of placing the attention on the relevance of policy design and the normative dimension that emerges in policy documents for assessing the quality of gender+ equality policies. Quality—in this discursive politics approach—does not primarily depend on how policies are made, or implemented but on ‘what’ is passed as policy and ‘what’ is implemented.

Comparative analysis conducted within the framework of these content analysis driven projects brought two important lessons to thinking about quality in gender equality policy. Firstly it pointed to some patterns of ‘good’ gender policy, reinforcing and enriching earlier theoretical thinking. Secondly, it has also shown the contingency of the quality of policy content upon structurally and historically determined institutional and discursive opportunity structures (Ferree & Gamson, 2003; Ferree, 2009, Krizsan & Popa, 2010). Comparative analysis conducted has indicated that the universality of quality criteria emerging exclusively from policy content should be treated cautiously, always in the context of policy processes and with reflection on contextual determinants.

Recent publications within the framework of the process driven scholarly strand (McBride & Mazur, 2010) have also conceptualized gender policy success in terms of a dual model including both inclusive policy process as well as frame proximity between framing of feminist movements and policy outcomes (p.19), the later being a clearly content driven component.

Both empirical findings and the theoretical backing provided by Ferree and Gamson (2003) and other work (McBride & Mazur, 2010, Krizsan & Popa, 2010) point to the need to rely on the complementary nature of the two scholarly strands for making a better contribution to assessing quality of gender+ equality policies. The increasing development of ‘discursive institutionalism’ within the new institutionalisms area of policy studies points to ways in which the two approaches can be reconciled (Schmidt, 2010). Discursive institutionalism is concerned with the role of ideas and discourses as relevant to understand policy change. If “discourse must be set
in institutional context” – as Schmidt and Radaelli (2004: 184) argue – to avoid its abstract and static elements, the capacity to explain institutional change would also benefit from the analysis of policy ideas and discursive interactions that could offer a more dynamic view of institutions as arenas of policy learning and norm production (Schmidt, 2010). Through discursive institutionalism the analysis of policy processes and outcomes and the study of policy discourses could meet in a joint effort to understand policy change in a more holistic way. The use of discursive institutionalism provides elements to assess the quality of gender-equality policies in relation to both process and content, by taking into account the combined role of institutions, actors, and discourses.

Our paper follows the path set by earlier thinking within the QUING project about quality criteria for gender+ equality policies, such as Armstrong, Walby and Strid (2009), Lombardo and Rolandsen (2011) and Krizsan and Popa (2010). Both studies belong to the second scholarly trend which focuses on content analysis by developing quality criteria with reliance on theoretical thinking, and using content analysis to diagnose performance of policies along the so established criteria. Armstrong, Walby and Strid (2009: 263) address the issue of quality of policies on employment and care along these lines. To their question about ‘quality according to what criteria?’ they propose a theoretically grounded vision of equality based on transformation of existing gendered division of labour (the ‘universal caregiver’ and ‘dual-earner-dual carer model’) as the most likely to foster gender equality. The question ‘quality for whom?’ considers the quality of policies from the perspective of different groups of women, thus taking into account gender intersections and introducing positive actions where needed but not using different quality standards for different circumstances and keeping the prioritisation of gender as a relevant quality criterion to achieve gender equality. The ‘quality of what?’ question explores the policy issues and relevant questions that would enable to promote transformative gender policies on employment and care. Armstrong, Walby and Strid (2009) argue that a more holistic approach to policies is needed so that also not explicitly gendered policies (e.g. statutory minimum wage levels) are included in the assessment of the quality of employment policies from a gender perspective due to their differential impacts on gender equality. Their contribution points at the need to assess quality not just in specific policies but by considering the complex interconnectedness of different policy areas, instruments, and levels. Lombardo and Rolandsen’s (2011) study of policy content analyses the framing of intersectionality in EU gender+ equality policy documents and, on the basis of a set of quality criteria for ‘good intersectionality’ in policymaking, assesses the implications of this framing for the quality of intersectionality in gender equality policies. The study finds that, although an intersectional approach is embryonic in EU gender equality policies, the joint use of frame analysis and quality criteria can contribute to reveal (and possibly enhance) policymakers’
awareness concerning intersectionality, thus making equality policies more inclusive and in this sense of better quality. This study contributes to further develop intersectionality as a quality criterion for gender+ equality policies. Krizsan and Popa’s comparative study (2010) analyses domestic violence policy formation in five countries. They argue that gender equality quality of at face gender indifferent domestic violence policies can be assessed in addition to looking at framing also by looking at levels of empowerment of feminist groups within the policy process, including in policy adoption and implementation process.

Starting from comparative content and context analysis conducted on gender based violence policy debates within QUING and beyond this paper attempts to discuss quality criteria in gender+ equality policies along the lines of a dual model looking at both process and content, and with reflection on contextual contingencies, deriving from empirical findings. While informed by theoretical thinking, the discussion will aim to unearth dilemmas and contingencies around the criteria by going back and forth between theory and empirical findings, and to bring the understanding of quality criteria closer to policies and policy processes as they work in practice.

### Criteria for the quality of gender+ equality policies

The criteria for assessing quality of gender+ equality policies that we suggest focus on both policy content and process, where content criteria are seen to serve the more general women’s autonomy criterion as defined by Ferree and Gamson (2003), and process criteria are seen to serve the more general women’s authority criterion defined by them. We will discuss each criterion in relation to theoretical debates as well as dilemmas deriving from empirical findings of the QUING project, and beyond. We discuss content related criteria in three groups, as they emerge from theoretical debates and are substantiated by empirical findings: genderedness vs. de-genderedness of policies; structural vs. individual understanding of gender inequality; and intersectional vs. gender-only focus. Two quality criteria emerge from a process approach: these are empowerment of women with political authority at all stages of the policy process including implementation, and incrementality in transformation of the unequal status quo as regards gender+ relations. We discuss quality criteria separately for analytical purposes but will show ultimately that they need to be discussed in relation to each other. Sections will each give a short theoretical introduction to the relevance of the criteria, present through empirical material how they make a difference towards improving quality, and finally mention where their importance needs to be shaped in relation to other criteria.
CONTENT CRITERIA: GENDERING

To what extent the gender equality quality of policies is determined by how explicitly they relate in their problem definitions and solutions proposed to gender equality? Gendering of policies can be defined in different ways. A first level of analysis is to consider gendering as the treatment of gender as an aim in itself, not a means to achieve some other goal (Lombardo & Rolandsen, 2011). At a second level of analysis this means looking at the visions of gender equality that underpin the policies. Theoretically defined visions of gender equality (Rees, 1998; Squires, 1999; Walby, 2005) express different approaches to defining gendering of policies. Equal treatment visions insist on gender symmetry and neutralising differences, though this implies neglecting women’s structural disadvantages. Equal valuation of different contributions, or the difference approach, points out the disadvantaged category of women and gender equalizes by targeting it specifically. In transformation visions gender equality can only come true if gender relations are transformed and change reaches both women and men. While equal treatment vision is individualizing and short term, transformation visions are driven by social structural transformation and as such are long term.

While theory gives good guidance on what gendering implies, whether gendering has been successful in addressing gender inequalities in a particular policy process is argued to be an empirical rather than a normative question (Walby et al., 2009). In this sense gendering does not necessarily involve explicit references to gender, but developing policies that result in universally more autonomous citizens, both women and men. Thus, the quality criteria that will ultimately check for whether a policy that is not explicitly gendered is nevertheless a good policy will come from an assessment of whether it addresses the autonomy claim and whether it addresses structural aspects of inequality going beyond problems of the individual, and beyond short term targeting to aim for longer term impact.

Gendering in the field of domestic violence policies is a good illustration for some of the dilemmas discussed. Explicit gendering of domestic violence policies, like the Spanish Law on Violence against Women, brings clear advantages of addressing structural problems of gender inequality that stand at the roots of domestic violence. Meanwhile other model laws on the subject, such as the Austrian law on Domestic Violence, follow a policy form in which the gender equality concern is not spelled out explicitly, but they nevertheless bring revolutionary gains to women and gender equality more generally by promoting autonomy and self-determination of victims through an empowerment approach. The gender equal transformation attacking the social structural problem at the roots of domestic violence remains though invisible, possibly delegated to other policy areas, such as specific gender equality policies or delegated to the implementation process where NGOs and other gender equality driven community actors have the opportunity to act upon it (Krizsan & Popa, 2010).
The quality criterion of gendering shows a variety of meanings and manifestations. Dilemmas around its use as a quality criterion concern whether it is seen in its explicit or in its implicit form. Resolution of these dilemmas points to its interrelatedness to some of the other content (structural) and process (empowerment) criteria.

**CONTENT CRITERIA: STRUCTURAL**

A structural understanding of gender+ inequality is a quality criterion that has emerged in different feminist works that have made clear that inequalities systematically affect specific groups of people and they are re-produced through existing social structures (Verloo, 2007; Walby, 2009; Ferree, 2009; Weldon, 2009). Policies that adopt a more structural approach to inequality reveal quality elements in terms of the depth of their understanding of the problem of inequality as rooted in social structures such as the organisation of labour, intimacy and citizenship (Walby, 1990; Connell, 1987; Verloo & Roggeband, 1996; Verloo & Lombardo, 2007) and the long term transformative potential this understanding has for changing them.

Spanish policies on domestic violence adopted in the last decade by the socialist government, especially the 1/2004 Comprehensive Law against Gender Violence, were predominantly framed in structural terms. The problem of domestic violence is understood as caused by existing gender unequal social structures that public policies must tackle (López, 2008; López & Forest, 2008). Gender violence is framed in Spanish texts as a problem whose cause resides in gender inequality, from systematic male domination over women and historical power inequalities between the sexes, that needs to be tackled with comprehensive measures in the judiciary, police, health, and education fields.

The structural quality criterion raises the dilemma of the extent to which quality gender+ policies should address structural elements. Does a domestic violence law have to address social structural inequalities, such as gender stereotypes, or financial dependency of women on men, which stand at the root of domestic violence? Or do these issues belong to other policy fields? Should the law promote individual autonomy by offering efficient remedies through sanctioning, awareness-raising, and empowerment in the shorter term? Good practice domestic violence legislation in Europe (Austria, Croatia) delegate structural gender equality elements either within the ambit of gendered implementation, where gender equality NGOs prominently shape processes and discourses about the issue in structural gender equality terms, or to general gender equality policy field, where more transformative and long term approaches are taken on board.

The structural criterion, which shows a strict interconnection with the gendering quality criterion, is crucial for assessing equality policies that should tackle the roots of the problem. Gender policies that adopt a structural approach address both the structural power hierarchies that are at the core of group inequalities and the individual
discriminations that systematically occur within such structural inequalities (Weldon, 2009; Walby, 2009). However, as the dilemma shows, assessment of this criterion is complex, since gender equality policies can empower individual women while they do not directly address structural elements, and still be considered ‘good’ policies.

CONTENT CRITERIA: INTERSECTIONAL

Feminist scholars in the last two decades have insisted on the relevance of paying attention to intersections between different inequalities (Crenshaw, 1991; Collins, 1998; McCall, 2005; Verloo, 2006; Ferree, 2009; Walby, 2009). The main argument is that gender policies that fail to incorporate an intersectional dimension end up excluding people at the point of intersection between inequalities – as Afro-American women in Crenshaw’s (1991) account – from the possibility of benefiting from policy measures as more privileged women and men do. We suggest intersectionality as a quality criterion for gender+ equality policies as it potentially improves the design of gender policies by making them more inclusive of the concerns of different women and men (Lombardo & Rolandsen, 2011).

The relevance of the quality criterion of intersectionality can better be grasped by considering existing policies from an intersectional perspective. To what extent do policies take into account the needs of migrant undocumented women who are third-country nationals? In Spain, until recent progress in the protection of migrant women’s rights (changes in the Immigration Law 10/2011 in July 2011), migrant women who were undocumented or dependent on their partner for documentation according to norms on family reunification risked being expelled from the country if they denounced the perpetrator on whom they depend for their residence permit (Alarcón & Alonso, 2010). The lack of intersectional design of the gender violence law and its disconnection with migration laws left migrant women less protected from violence. Intersectionality as a quality criterion for gender+ equality policies raises a number of dilemmas especially concerning its practical application. First, how should intersectionality be addressed in the content of policies? Second, to what extent is it possible to promote intersectional policies in the context of the existing EU focus on multiple discriminations that privileges a separate treatment of inequalities (Lombardo & Verloo, 2009b)? Third, regarding consultation processes, what are the criteria for and implications of including or excluding some inequality axes (Kantola & Nousiainen, 2009)? And how could institutions involve different civil society groups concerned with equality in participatory mechanisms without triggering defensive reactions by the groups? Moreover, in former policy analyses we have detected that gender tends to disappear when other groups are discussed, be they young, elderly, or disable people (Lombardo & Rolandsen, 2011). We also found that biases tend to emerge in policies when gender intersects other inequalities, as in the case of stereotypes against migrant women (Roggeband & Verloo, 2007; Lombardo & Verloo, 2009a).
Thus a fourth dilemma that links the intersectional with the gendering criterion is: how to avoid that a policy that focuses on a specific inequality might lead to gender dilution and biases against other inequalities?

A final dilemma is at which stage of the policy process does intersectionality come in as a quality criterion, in formulation or implementation? For instance, intersectionality often brings problems at the level of implementation. Restraining orders for domestic violence are key tools for domestic violence policy (UN 2010). Yet their consistent implementation may have unintended consequences on marginalized, minority, for example Roma women. Restraining orders trigger police and judiciary action, create criminal records which might lead to further victimisation of battered women in the context of racially or ethnically biased police and judiciary practices (European Roma Rights Center, 2007). While having efficient restraining order policy in place improves the quality of domestic violence policy, intersectionally blind implementation processes might lead to results that fails short on the intersectionality. This indicates that the intersectional reading of the problems should come at the implementation level much more than at the regulation level: better quality implementation processes will be able to better respond to the intersectionality criteria (Verloo, 2011).

The intersectional criterion shows interconnections not only with the structural and gendering criteria, but also with fields other than equality policies. Its main dilemmas are at the implementation level.

**PROCESS CRITERIA**

Two quality criteria emerge from a process approach: these are sustained empowerment of women through inclusion of women’s groups at all stages of the policy process including implementation, and incrementality in transformation of the unequal status quo as regards gender+ relations. With the first we mean that inclusive policy processes and participatory implementation processes, which give political authority to women, not only contribute to better quality policy content but also add an additional quality element to gender equality policies. With incrementality we mean that quality also needs to be assessed in the context of the previous status quo, what is perceived as transformation of status quo may be very different in different context and it yet can be valued as quality.

Process criteria: empowerment

Empowerment refers to who is involved in the policymaking process and can be assessed by observing the extent to which policymaking processes include civil society and women’s organisations, or give the authority to women’s voices to speak up on issues of concern. In other words it has to do with more participatory policymaking processes, which feminist experts and activists point as a criterion for good quality policies (Ferree et al., 2002; Fraser, 1989; Verloo, 2005). Participatory policy process-
es are seen as a quality criterion not only because they lead to better quality policy outputs (Weldon, 2002a; Outshoorn & Kantola, 2007; Stetson & Mazur, 1995), but also because giving standing and voice to women to speak about issues of concern for them increases their political authority and self-determination and as such leads to empowerment (Ferree & Gamson, 2003; McBride & Mazur, 2010).

The inclusion of different civil society’s perspectives, particularly by prioritising those of underrepresented groups, increases the possibility of policy documents including an awareness of policymakers’ own biases and can favour greater consideration for the intersection between different inequality axes (Bacchi, 2009). Moreover, empirical data from frame analysis in both MAGEEQ and QUING projects show that policies developed with the participation of civil society actors tend to be framed in more transformative ways (Krizsan et. al., 2009; Verloo, 2007; Lombardo & Rolandsen, 2011). Finally, inclusive processes in which women’s groups have standing at all levels of policymaking, monitoring policies and playing an active role in their implementation, give the possibility for women’s groups to gain ownership over processes of policymaking on issues of concern for them, and as such improve autonomy and self-determination of women (Ferree et al., 2002).

Research deriving from QUING shows that, in domestic violence, similarly framed policies fare as better policies in cases where this empowerment extends over from the development of the policy towards its implementation and later amendment (Krizsan & Popa, 2010). These participatory gendered implementation processes resonate with the gender of governance approach by Ferree and Gamson (2003). Bulgarian, Croatian or Austrian domestic violence policy processes illustrate well the quality relevance of gendered implementation. While domestic violence laws in these countries do not link the issue directly to gender inequality, the laws are nevertheless seen as model pieces of legislation and embraced by feminist groups as quality gender equality legislation. Notwithstanding the de-gendered approach of the framing in these countries, the active and sustained involvement of women’s NGOs throughout the entire policy process, from agenda setting, through policy development and monitoring, managed to gender the interpretation of the law in the implementation process (Krizsan & Popa, 2010).

Despite the in general consensually accepted contribution of different forms of inclusive policymaking, a number of dilemmas emerge. A dilemma that has been raised in the literature concerns ‘feminist taboos’ about the participation of non-hegemonic voices as if this was the only or best way of ensuring the quality of gender equality policies, while improving the knowledge base in other ways is downplayed and presented as a technical move away from politicization (see Lombardo, Meier & Verloo 2010). Yet, policy practice also shows that quality gender equality policies have emerged from policymaking contexts which did not show good records in their consultation practices. The Spanish gender+ violence law adopted during the 2004 Za-
patero socialist government shows progress in its content although it was only to an extent based on consultation practices, due to the lack of institutionalized channels. Estonian gender equality developments in the mid 2000s are also emerging in the context of a progressive state, in the absence of participation of civil society (Jaigma, 2009). The recent Polish domestic violence law (2010) though praised for its quality has been developed and passed without the active participation of concerned feminist NGOs.

Another dilemma is linked to the question ‘who’ is to be consulted, since consulted actors can be groups from civil society which enjoy some privileged position due to material or symbolic resources. This issue has often been raised in relation to the consultation of civil society organizations in EU policymaking processes, where Brussels-based groups funded by the Commission have a privileged position as consulted actors (Armstrong, 2002). Alternative shadow reports written to the CEDAW by Roma women’s groups in several Central European countries or by gay and lesbian groups in Slovenia also point to uneven consultation processes, where marginalized women’s groups find necessary to assert their separate views.

The empowerment criteria gives a strong addition to content criteria meanwhile the dilemmas it brings highlight well that it has to be looked upon in relation to the other criteria discussed in the paper.

Process criteria: incremental transformation

Linking quality criteria to incremental change is an attempt to contextualize quality criteria, and aims to grapple with the idea that we cannot establish absolute criteria for assessing transformation but the transformative element has to be captured through the detection of ‘incremental progress’ on equality in specific contexts. Incremental change refers to the idea that quality of gender equality policies might imply different policies depending on the status quo compared to which the new policies are adopted. It means that an embryonic equality policy regime may see major transformation with the introduction of, for example, anti-discrimination measures, considered in other contexts minimum thresholds. Such a step forward may be seen as a measure of quality in the assessment of equality policymaking in that context. By contrast, in another context where gender+ equality policies have been more consolidated through the years, the assessment of what a quality gender+ equality policy is, will probably be different from the former context as transformation will be assessed on the basis of former achievements. In both cases the aim for gender+ advocates is that of transforming unequal gender+ relations, but the assessment of what is quality needs to be contextualised and understood in relation to the state of equality politics and institutionalisation in specific contexts.

The same policy steps fare very differently in different polities, depending on the incremental change that they bring as a way forward towards better quality gender
equality policy. For example, criminalizing marital rape or domestic violence as a crime per se in Penal Codes is still a major stake in domestic violence policy debates in several CEE countries, and as such adoption of Criminal Code clauses along these lines would qualify as highly transformative in some countries. Meanwhile in much of the rest of Europe debates about domestic violence policies concern the introduction of and technicalities of restraining orders, as criminal recognition of the crime has already happened. Quality policy developments can be interpreted as different in the two cases.

The criterion of incremental change challenges the possibility of a universal assessment of the quality of gender+ equality policies. From a discursive approach, quality policy change can only be assessed in relation to the former status quo and the pre-existing historically shaped, discursive, and material dimensions of a given context.

Conclusions

The search for quality gender+ equality policies is a central endeavor for feminist researchers and activists concerned about equality. Yet, the definition of quality is a contested issue. Coming from a discursive politics approach, our meta-criterion for assessing the quality of policies on gender+ equality is that of keeping quality criteria open to contestation of their meaning and to new, context-sensitive empirical findings. Quality criteria defined theoretically, find different applications if brought closer to policy practice and become meaningful in contextual and often interconnected ways. Thus, we point to some ‘relative’ rather than ‘absolute norms’ for assessing the quality of policies (Bustelo, 2003).

Scholarly debates and empirical practice tell us that both the content and process of policies are key to assess the quality of gender+ equality policies. Drawing on theories of discursive and sociological institutionalism and empirical studies reflecting on quality of gender+ equality policies across Europe and at the EU level, we develop a matrix of criteria for assessing quality that includes procedural criteria such as empowerment and incremental transformation, as well as substantive criteria such as gendering, structural, and intersectional dimensions.

We showed how on the one hand these criteria have quality relevance in the feminist literature, and how on the other hand their presence has to be looked at in context and in relation to each other. The different criteria are interconnected with each other, so that to assess quality it seems necessary to take them into account in specific combinations. Gendering and structural criteria are interconnected in that gender+ policies that are positively gendered also tend to address the structural causes of gender inequality. The intersectional criterion is connected with the structural and gendering criteria as it concerns the relation between gender and other inequalities that have a structural component. Process criteria of empowerment and incremental
change cut across content criteria horizontally: they may bring improvement in quality of policies along all the content dimensions, by qualifying achievements gained along content criteria.

Dilemmas on what is quality and how to assess it continuously arise in a contested concept in continuous transformation such as that of gender+ equality. It is the very process of posing dilemmas that promotes gender+ policy transformations that can push towards better quality. This is why we suggest a ‘change- and context-sensitive’ approach to quality criteria. In our analysis we do find context-specific examples of quality gender+ equality policies. Some cases show greater quality in policy formulation, others in implementation. While we argue here that the combination of procedural and content criteria helps us to better assess the quality of policies, we deem important to acknowledge all steps forward in gender+ equal policymaking, not undervaluing partial successes in either formulation or implementation. Finally, while the need to adapt to different and changing situations brings evidence in favour of the adoption of ‘relative norms’ on quality, the appeal to ‘absolute norms’ is needed when dealing with unfavorable political contexts, such as limited democracies. Openness to contestation of quality criteria that allows them to adapt to change and context indeed needs to recognize democracy as a precondition for the quality of gender+ equality policies.

Notes
1. Gender+ refers to the intersection of gender with other inequalities as developed in the QUING European research project on which this paper is based, and whose members, Mieke Verloo as scientific director, and the European Commission funder we wish to thank (www.quing.eu). We thank Myra Marx Ferree, Anouka van Eerdewijk, Mieke Verloo, and Sylvia Walby for their helpful comments.
2. We have oversimplified existing scholarly approaches here for argument purposes but these are of course much more diversified and include a much broader range of studies than our examples suggest.
4. Thanks go to Mieke Verloo for the idea of this criterion.

References


Dombos, T., Kritzan, A., Verloo, M., & Zentai, V. (2009,


Diversity and social cohesion. Is a politics of recognition at odds with a politics of redistribution?

FRANÇOIS LEVRAU & PATRICK LOOBUYCK

Abstract

Multiculturalism as an official policy strategy has recently come in for significant criticism in a number of Western European countries. Several publications have even declared that multiculturalism is dead. A key criticism of multicultural policy is that such a policy undermines a politics of redistribution, since it erodes the social cohesion upon which a politics of redistribution is built. In this article the authors challenge this criticism. Firstly, we argue that a policy that focuses on recognising minority groups may lead to greater social acceptance of those minorities, and in turn may lead to their feeling more appreciated as participants in society. We will call this the integration-recognition paradox. Secondly, we discuss how a multicultural policy could easily be combined with policies that invest in national unity and in social cohesion.

Contact

François Levrau
Policy Research Centre on Equal Opportunities
University of Antwerp
Lange Nieuwstraat 55
2000 Antwerp, Belgium
francois.levrau@ua.ac.be

Patrick Loobuyck
Centre Pieter Gillis – University of Antwerp
2000 Antwerp, Belgium
& Department of Philosophy and Moral Science - Ghent University
9000 Ghent, Belgium
patrick.loobuyck@ua.ac.be

Key words

multiculturalism, politics of recognition, politics of redistribution, diversity, social cohesion
Introduction

As an official policy strategy, multiculturalism has fallen out of favour in the majority of Western European countries in recent years. The phenomenon can be described as a “backlash against multiculturalism in Europe” (Vertovec & Wessendorf, 2009) or as a “wholesale retreat from multiculturalism in Europe” (Joppke, 2004: 249). In this article, we focus on one critique of multicultural policy, namely that it is at odds with a policy of redistribution as it undermines social cohesion (as a condition sine qua non for a politics of redistribution). We start with a brief description of both types of policy. We show that a politics of recognition (which has also been called ‘multiculturalism’) should be seen as an important complement to a politics of redistribution. Next, we argue that the two policies are not necessarily at odds with each other, because of the integration-recognition paradox: the more the specific identities of minority groups are recognised, the more appreciated the members of those groups will feel. Minority groups will feel more included in society, with a resulting increase in social cohesion. Finally, we examine the possibility of combining a multicultural policy with a (nationalist or non-nationalist) policy of social cohesion. Both strategies (recognition of differences and creating a shared sense of belonging) demonstrate how a politics of recognition does not necessarily undermine a politics of redistribution.

Politics of recognition and politics of redistribution

The ‘multiculturalism debate’ was founded in the view that cultural minority groups in a given society have only limited access to their own cultures. Having access to one’s own culture is seen as an essential element in becoming an autonomous individual, and this is therefore an important political issue for liberals. There is evidently a need for policy that recognises how culture may be a factor which negatively affects the uniform distribution of equal opportunities among members of society. This insight has led to a shift in political philosophy: articulated normative notions no longer refer only to socio-economic inequality, but also to the idea of status unequal-
It has become clear that a socio-economic redistribution policy should be formulated in connection with a policy that prevents the degradation of and disrespect towards people from minority groups. In other words, equality discourses need to include concepts such as ‘dignity’, ‘recognition’ and ‘respect’ (Honneth, 2001). Nancy Frazer (1995) summarised the shift in her statement that a ‘politics of redistribution’ has to be supplemented with a ‘politics of recognition’. While in the first normative paradigm, justice relates to the achievement of equality through redistributing those material things necessary for ensuring people live freely, the second defines a just society as a society in which the personal dignity of all individuals is recognised. The following table summarises the central tenets of each paradigm:

<table>
<thead>
<tr>
<th>Policy focuses on</th>
<th>Politcs of Redistribution</th>
<th>Politics of Recognition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Socio-economic unjustice in the economic structure of society: exploitation, exclusion, marginalisation</td>
<td>Cultural domination and injustice rooted in patterns of representation, interpretation and communication</td>
<td></td>
</tr>
<tr>
<td>By means of</td>
<td>Restructuring labour, wages, investment, taxes</td>
<td>Revaluing undervalued cultural identities and products</td>
</tr>
<tr>
<td>Target group</td>
<td>Classes and groups that have a problematic relationship with the market and means of production</td>
<td>Status groups that experience reduced prestige and recognition compared to other groups</td>
</tr>
<tr>
<td>Goal</td>
<td>Reduction of socio-economic differences between classes</td>
<td>Affirmation of group differences</td>
</tr>
</tbody>
</table>

Based on Fraser (1995)

The two hierarchies can overlap in the sense that the weakest groups economically are frequently those who score lowest in terms of cultural status. Despite their practical similarities, however, they must be treated distinctly, since highly-educated, affluent immigrants may also be victims of racism or discrimination, for example. Although the two policies can work together (since in reality they frequently focus on the same target groups), they are nevertheless distinct (because they focus on different dimensions of equality).

The result is that equality policies should deal with issues related to socio-economic status as well as to those related to cultural status. Multiculturalism, therefore, should be seen as an important addition to the central elements of egalitarian liberal theory, as conceptualised by Rawls (1971) and Dworkin (2000). An egalitarian society strives to maximise the freedom of its members, and will therefore be characterised by a plurality of conceptions of what is good. To protect and maximise the freedom of all citizens, an egalitarian government will, where necessary, guarantee equal opportunities and socio-economic redistribution. Multiculturalism argues that it is too one-sided to define justice exclusively in terms of distribution of material resources. Moreover, thinking in terms of universal rights (traditional civil rights such
as freedom of conscience, freedom of speech and assembly) may not address the specific needs of minority groups. A compensating or accommodating multicultural policy is thus needed when a group's access to its own culture becomes difficult. This kind of policy is not concerned with bestowing unfair privileges on certain groups; on the contrary, it tries to balance laws and eliminate unfair disadvantages. In this context, many criticisms of multicultural policy can in fact be seen as the result of a certain misunderstanding. The opposite of 'equality' is not 'difference' but 'inequality', and 'difference' does not refer to 'inequality' but to 'even-handedness'. The first of these clarifications expresses the belief that differences should be admitted and that inequalities should be eliminated. The second implies that differences should be approached on an equal footing. That does not mean that all individuals should be treated in an equal way – equal treatment of unequal cases is a form of indirect discrimination – but that they should be treated as 'equals'. This means that an individual should be treated in a way that does justice to his or her own particular identity.

**Politics of recognition versus politics of redistribution?**

According to Barry (2001), a society that chooses to implement a multicultural policy and thus chooses to politicise difference will have difficulty maintaining a policy of economic redistribution. "A politics of multiculturalism undermines a politics of redistribution" (Barry, 2001: 8, 321). Minority groups that ask for recognition, according to Barry, are in fact artificially constructed and maintained by a policy that supports public recognition, accommodation and status for certain ethno-cultural differences. A multicultural policy creates groups and therefore inequality. In this way, it erodes social cohesion – the foundation upon which a policy of redistribution is based. The question of whether a politics of recognition undermines a politics of redistribution has recently been the subject of a number of empirical studies (see Van Parijs, 2004, Banting & Kymlicka, 2006). The results do not confirm Barry's conviction unequivocally. Banting and Kymlicka (2005), for example, found no evidence to support the claim that tension necessarily exists between the implementation of a multicultural policy and the implementation of redistributive social programs. They assessed the degree of economic solidarity in several countries (public social expenditure as % of GDP, reduction in poverty, reduction in inequality, child poverty rate, inequality gini coefficients) and analysed the extent to which economic solidarity was at odds with a multicultural policy. They found no evidence of a conflict in the Anglo-Saxon countries, and when additional OECD countries were included in their analysis, no pattern was found. “Countries that adopted such [multicultural] programs did not experience an erosion of their welfare states or even slower growth in social spending compared to countries that resisted such programs” (Banting et al., 2011: 42).
The integration-recognition paradox

On the face of it, Barry's theory of multicultural and redistributive incompatibility appears plausible, yet empirical research shows that countries which implement various multicultural measures can be successful in creating social cohesion, and consequently in preventing the potentially negative effects of increased diversity in society. What is it that causes his theory to fail? We believe the answer lies in a phenomenon we will call the integration-recognition paradox: minority groups that are sufficiently recognised feel more appreciated as participants in society, and will consequently form stronger ties with the society they live in. “If multiculturalism mainly implies a politics of recognition, the groups being recognised in that manner have more reason to put faith in the social system than groups in societies where this is not the case” (Hooghe, 2007: 724).

If a multicultural policy increases minority groups’ confidence in society, it simultaneously creates the necessary conditions for a policy of redistribution:

“After all, if we accept the two central claims made by defenders of minority rights – namely, that mainstream institutions are biased in favour of the majority, and that the effect of this bias is to harm important interests related to personal agency and identity – then we might expect minorities to feel excluded from ‘difference-blind’ mainstream institutions, and to feel alienated from, and distrustful of, the political process. We could predict, then, that recognising minority rights would actually strengthen solidarity and promote political stability, by removing the barriers and exclusions which prevent minorities from wholeheartedly embracing political institutions” (Kymlicka, 2001: 36).

Too often it is assumed that integration requires people give up parts of their own culture and adapt to the culture of their new country in order to be included in the host society. In contrast to this, the integration-recognition paradox assumes that when people are recognised in their own identity and various bindings, they will feel accepted and therefore identify more with the society in which they live. Creating space for diversity and allowing people, to some extent, to live their identity may often be a good strategy for encouraging those people to connect with society. Forced adaptation, on the other hand, does not necessarily lead to integration, and an assimilation policy can often lead to separation. When Muslim women and girls are obliged to remove their headscarves in schools, for example, the result may be that they stay away from school and/or that Muslims begin to set up separate Muslim schools. For a (neutral) government, it is undeniably possible to allow headscarves in schools without making a statement about the value of Islam. A government can, for example, recognise headscarves as an element of equal opportunities (e.g. experiencing an autonomous way of life, experiencing religion). The policy accommodates present diversity with the positive result that minorities feel accepted in society.
Recognition of difference and commitment to social cohesion

Multiculturalism, in all its variations, is always sympathetic to the recognition of, or at least the accommodation of, difference. This, however, does not imply that a multicultural policy cannot be developed alongside a policy that invests in social cohesion. In fact, it can be easily combined with a policy that creates national unity or that promotes shared participation. Below, we discuss both liberal nationalist policies (‘Thin shared nationality’) and non-nationalist social cohesion policies (‘Shared participation and social mix’).

THIN SHARED NATIONALITY

A multicultural policy can be accompanied by a policy that directly creates or maintains social cohesion through the creation of a thin national identity. This is both an empirical and a theoretical finding. With regard to the former, as analysed by Soroka, Johnston and Banting (2005), the situation in Canada shows that a multicultural policy can be maintained without an experienced loss of social cohesion or national support for social welfare programs. Canada has, despite (and because of) multiculturalism, succeeded in achieving a relatively efficient form of shared identity among newcomers (Soroka et al., 2005: 52). Another example is from Flanders, where Flemish integration policy and the Flemish policy of civic integration comprise a combination of both multicultural elements and elements aimed at strengthening social cohesion (See Loobuyck & Jacobs, 2010).

With regard to the theoretical aspect, we see that a number of authors have embraced both a form of liberal nationalism and liberal multiculturalism, and thus indicate that a recognition of diversity does not necessarily undermine a focus on social cohesion, and vice versa. (For discussion see Loobuyck, 2006; Levey, 2001). Will Kymlicka (1995, 2001) is the most prominent example of an author advocating this position, but Yael Tamir’s Liberal Nationalism (1993) also discusses a view of multiculturalism that is almost as strong as the concept of nationalism. More recently, the combination of the two strategies has been eloquently discussed by Tariq Modood (2007a; 2007b). Modood stresses that it only makes sense to mention ‘differences’ when one also mentions ‘commonalities’. What individuals in a multicultural society have in common, he says, is their national identity:

“(…) it does not make sense to encourage strong multicultural or minority identities and weak common or national identities; strong multicultural identities are a good thing – they are not intrinsically divisive, reactionary or subversive – but they need the complement of a framework of vibrant, dynamic, national narratives and the ceremonies and rituals which give expression to a national identity” (Modood, 2007b).
In line with liberal nationalists such as David Miller, Yael Tamir and Will Kymlicka, Modood is convinced that a shared national identity is important because it can evoke a shared emotional experience of belonging together:

"And if there is nothing strong, purposive and inspiring to integrate into, why bother with integration at all? (…) We cannot both ask new Britons to integrate and go around saying that being British is, thank goodness, a hollowed-out, meaningless project whose time has come to an end. This will inevitably produce confusion and will detract from the sociological and psychological processes of integration, as well as offering no defence against the calls of other loyalties and missions" (Modood, 2007a: 151).

According to Modood (2007a; 2007b) it has all too often been overlooked that in those countries which accepted multiculturalism (e.g. Canada, Australia) there was an on-going simultaneous process of nation building (i.e. the creation of Canadians, Australians).

These authors have shown that a government can use a variety of liberal nationalist strategies for ‘nation-building’ without the risk of colliding with the parallel implementation of open, inclusive, democratic and multicultural policies. The process of ‘nation building’ in order to create a shared thin national identity can be neutral, without any reference to private views of what makes a good life (Kymlicka, 2002: 266). A ‘thin national identity’ encompasses a shared language and shared social institutions, but does not include any reference to a shared religion or lifestyle, and so on. For Kymlicka, ‘nation-building’ in a liberal democracy means working on the creation of a shared ‘societal culture’.

"My use of the term 'societal culture' is in conflict with the way the term culture is used in most academic disciplines where it is defined in a very thick, ethnographic sense referring to the sharing of specific folk-customs, habits and rituals. Citizens of a modern liberal state do not share a common culture in such a thick, ethnographic sense – indeed, the lack of a common thick ethnographic culture is part of the very definition of a liberal society. But it is equally essential to modern liberal forms of governance that citizens share a common culture in a very different, and thinner, sense, focusing on a common language and societal institutions" (Kymlicka, 2001: 25).

A ‘societal culture’ in modern liberal societies can thus incorporate great ethnic, cultural and religious diversity. This diversity can be united in a policy that invests in the use of a shared language and shared social institutions.

**SHARED PARTICIPATION AND SOCIAL MIX**

There is another way to combine liberal multiculturalism with a policy of social cohesion. We have briefly discussed the liberal nationalist strategy, and now turn to
non-nationalist strategies, which aim to create social cohesion through shared participation and interaction. These strategies are based on a well known mechanism in social psychology which holds that through real life contact and shared participation, people begin to identify with one another and to care about each other’s fate. “(...) Contact reduces prejudice by (1) enhancing knowledge about the outgroup, (2) reducing anxiety about intergroup contact, and (3) increasing empathy and perspective taking” (Pettigrew & Trop, 2008: 922). Research shows that it is not the factor of diversity in itself which undermines solidarity and trust in society but the way in which this diversity is organised. Mutual trust and mutual identification are far more difficult to achieve in a context of segregation and social exclusion than in a context where diversity is managed in a non-segregated manner (see Oliver & Wong, 2003; Uslaner, 2010, forthcoming). Social mix in many sectors of society may thus be a prerequisite for the success of an inclusive multicultural society. It is a useful tool in the strengthening of social cohesion and the sense of belonging together. According to this strategy, citizens with different national and cultural identities, social backgrounds, native languages or religions will be able to recognise one another as fellow citizens and identify with each other when they meet at work, when their children go to the same school when they live in the same street, and so on. (Loobuyck, 2009). Real life contact between cultural groups allows the anonymous and/or one-dimensional ‘other’ to be seen in a new and more accurate light. Turkish women, for example, will come to be seen not only as members of a minority group that wear headscarves, but also as mothers and neighbours.

The importance of building social cohesion through shared participation can be seen as an argument against segregated schools, and in favour of social mix and interculturalism (Agirdag, Loobuyck, & Van Houtte, 2011). The argument is based on the idea that if children of all backgrounds meet at school, mutual identification and solidarity can arise, including among those children’s parents, who will inevitably share an interest in the quality of education at that particular school. Recent research also shows that the school environment is ideal for the creation of inter-ethnic contacts and friendships. For autochthonous pupils, in particular, school plays a crucial role in their having interethnic friendships, even in cities where interaction between cultural groups may seem to happen more readily than in other cities (Van Houtte & Stevens, 2009). Ethnic minority students may also feel more ‘Belgian’, for example, in schools with fewer minority students, because of the increased probability that they will make friends with autochthonous pupils (Agirdag, Van Houtte, & Van Avermaet, 2011).

The idea of shared participation and meeting as a precondition for solidarity and social cohesion is also an important argument for an active language policy and a policy of civic integration. The main argument for obliging immigrants to learn the host language is not necessarily the logic of nationalist assimilation, nor the intrinsic value of that language, but the instrumental value of the language (Stilz, 2009: 199).
Language is an important part of any equipment policy in that it goes some way towards ensuring equal opportunities (Barry, 2001: 104-109, 225-228). However, a shared language is also important for social cohesion: without a shared language there can be no conversation. A government that emphasises the importance of social cohesion cannot ignore this point. “Sharing a language may help to develop (...) democratic solidarity and trust” (Stilz, 2009: 267). A language policy that enables people to become participating members in the political, social and economic dimensions of society invests in reducing the division between an ingroup and an outgroup. This can be done with no reference to nationalist logic and with respect for and even protection of the languages and identity of ethnic minorities.

Ultimately, of course, ‘interculturalism’ is a collective responsibility, but a government can foster cooperation and meeting of cultures (social mix) at different levels. The issues discussed above in relation to education can also be applied in relation to neighbourhoods and to the labour market. Real life contact and shared participation can ensure that an exclusive focus on specific minority identity is left behind, allowing easier mutual identification as co-citizens. What is therefore needed to achieve social cohesion is not a shared national identity per se, given that cohesion can also be achieved by the commitment of all citizens to shared social projects. These projects may be national projects, but may also take place at city level, in the local neighbourhood, at school and in the workplace.

**Conclusion**

One of the key criticisms of multiculturalism that has arisen in recent years is that it conflicts with redistribution policies. According to Brian Barry’s influential theory, a politics of recognition necessarily undermines a politics of redistribution in that the former has a detrimental effect upon social cohesion. Recent empirical research, however, has shown that this is not necessarily the case. In this article we asserted our belief that the two policies are not at odds with each other, owing to the effects of the integration-recognition paradox. A policy that focuses sufficiently on the recognition of minority groups may lead to greater social acceptance of those minorities, and in turn may lead to their feeling more appreciated as participants in society. What is more, a multicultural policy can be combined with policies that invest in social cohesion and national unity. Both strategies (recognition of difference and the creation of a shared sense of belonging) can actually strengthen social cohesion.

The empirical refutation of Barry’s critique of multiculturalism may be due in part to the fact that many governments which implement multicultural policies do indeed implement simultaneous policies promoting thin national identity and social cohesion.
References


Abstract

This paper offers an appraisal of cultural mediation as a best practice in the creation of inclusion policies for minority communities. We examine the use of existing EU instruments, as well as the current Call for Proposals (2009/C 171/08) on Roma inclusion, to consider how cultural mediation can be used as a tool for Roma participation in the economic, political, and social sectors of mainstream populations. Using examples from two case studies, we argue that cultural mediation is a bridge to civic empowerment and social acceptance of the Roma. We hypothesize that although Roma are marginalized and excluded, they strive for enfranchisement and respect. Cultural mediation can channel this struggle into productive and peaceful transitions for both the Roma and the majority populations in which they are located. The 2008 memorandum, “EU instruments and policies for Roma inclusion” (European Commission Memo/08/462, 2008), acknowledged that there are EU instruments available to combat Roma discrimination, which are under-utilized in Member States. Therefore, we consider direct implementation strategies that might be realized under the current Call for Proposals and the extent to which grant-making under the Pilot Project prioritizes cultural mediation as a best practice in EU inclusion policies.
Introduction

Rights are the markers of citizenship. Claiming rights is part of the process of political belonging (Williams, 1991). While members of majority communities find a sense of belonging through a series of negotiated political and social interactions, those exchanges often take place in ethnically and racially segregated institutions that leave minority communities hidden from political and social agendas. Minority populations, such as Europe’s Roma, are hidden from society because:

- They are under-represented in local and national governments;
- Their communities are socially isolated and fragmented;
- Their history is rife with discrimination and repression that fuels their political alienation;
- Members who are enfranchised have low voter turnout, thus their issues are not reflected in institutional policy agendas.

The European Union’s (EU) social policies have recognized, welcomed, and encouraged the mainstreaming of minority communities and, with respect to the Roma, have promoted local, regional, and national participation in Roma inclusions strategies (European Council, 2009). There is, however, a cleft between policies created at the national level and their implementation – or not – among the member states. Therefore, ethnic discrimination continues even when robust social policies are in place.

As the EU becomes more racially and ethnically diverse, policies that will facilitate minority communities’ claim to rights will require new strategies to enable hidden communities, such as the Roma, to emerge as political and social stakeholders. These strategies may include renegotiation of the social contract. Whether renegotiation will be peaceful or discordant will depend on the degree to which both minority and majority communities are prepared for, and open to, engaging with one another within the institutions of society. Cultural mediation – the process of educating on the cultural practices of diverse groups – can serve as the vehicle for achieving a
realignment of rights and duties and a concomitant increase in citizen participation in civic activities and governmental decision-making. This paper offers an appraisal of cultural mediation as a best practice in the creation of inclusion policies that promote interactions between majority and minority communities. It examines the use of existing EU instruments, as well as the current call for proposals for the Pilot Project, “Pan-European Coordination of Roma Integration Methods-Roma Inclusion” (European Commission, DG Regio, 2009) to consider the use of cultural mediation as a tool for enhanced civil society engagement and greater mainstream participation by minority communities. The paper utilizes the Roma Cultural Mediation Project (Calvo, 2006) and the Lawrenceville Dialogue Project (Mediators Beyond Borders, 2009) as cases for study to demonstrate the impact of cultural mediation as a bridge to civic empowerment of minority populations. We will also discuss our ongoing research that involves the extent to which grant making under the Pilot Project (European Commission, DG Regional Policy, 2009) prioritizes cultural mediation as a best practice in EU inclusion policies.

We hypothesize that marginalized minority communities, who are also politically and socially excluded, still struggle to achieve recognition among majority communities. This contest for acceptance is evident among the Roma in the EU. Cultural mediation can channel these efforts into a productive and peaceful transition both for the Roma and the majority communities into which they settle and can become the catalyst for the Roma’s participation in civic life. The 2008 Social Agenda (Memo/08/462) has acknowledged that there is both a significant set of EU instruments available to combat Roma discrimination and that it is under-utilized in the Member States. Therefore, this paper considers direct implementation strategies that might be realized within the projects funded under the EU Pilot Project, “Pan-European Coordination of Roma Integration Methods” (European Commission-DG Regional Policy, 2009).

**Minority rights in the EU: the policy context**

Since 1993, the EU has steadily acknowledged the importance of protecting the rights of minority communities such as the Roma. The initial impetus for inclusion strategies was to ensure stability within an expanding union, but inclusion has evolved into a normative imperative. The EU has continued to express in principle, in legal documents, and in social policies its commitment to equal treatment of persons regardless of racial and ethnic origin (Vermeersch, 2002). Among minority communities in Europe, the Roma have long been present as a transient minority in the countries within the EU. Equality in education, employment, housing, and healthcare for the Roma has been a seminal issue in the accession processes of the central and eastern European states (CEES) (Kovats, 2000).
The Roma hold a unique position among minority groups in Europe. The Roma have no defined homeland as a result of their wide dispersion throughout Europe. They are a minority everywhere. In many countries, the Roma are neither recognized as a national minority nor as an ethnic minority. Since, however, the Roma are citizens of a given country, local laws and policies are decisive in determining their position and status. This places the Roma at a disadvantage with respect to other national minorities. Many of the rights and guarantees of protection that exist for other minority populations have been obtained through bilateral treaties in which the Roma cannot participate (Ringold, Orenstein, Wilkens, 2005). Since the Roma have countries of origin throughout Europe, they are neither politically mobilized, nor are they considered to fit the definition of a national minority. The Roma are a transnational ethnic minority – a true ‘European’ minority – that makes improvement of their status largely dependent on EU policies.¹

As a transnational minority, the Roma have representative associations that are active across state borders. The Roma, however, often fall between those programs’ guidelines for minority populations, which generally presume the presence of a stable population that resides within a single state. The culture and history of the Roma population make accessing these programs a challenge. Furthermore, the Roma have not been viewed as the beneficiaries of equal treatment directives and programs from various Commission offices, whether they are regional, social or economic in nature. Targeted support has been directed to the Roma in the CEES for almost two decades, but not until most recently in their greater dispersion across EU member states. Funding for Roma related programs under EU supported EIDHR and EQUAL sources has arrived only in the last several years. Despite the long attention to equal treatment for minorities, and the significant attention to Roma communities in the CEES, direct attention to the social and economic plight of the Roma across the EU has been fairly recent.

The Commission’s own communications recognize “for the first time that the Roma face a very specific situation across the E.U.” (European Roma Summit Memorandum 08/559, 2008). For example, the findings of a High Level Advisory Group of Experts identified fourteen barriers all ethnic minorities could face in seeking employment, but that Roma face almost always and in their entirety.² The Commission concluded that the Roma faced “persistent discrimination, both at individual and institutional levels, and far-reaching social exclusion” (European Roma Summit, 2008). The Commission determined, however, that the remedy for exclusion of this population was not targeted programs for cultural mediation, conflict resolution, or inclusion, but rather that “the main priorities are pretty clear: education, employment, health and housing” (European Roma Summit Memorandum 08/559, 2008). Those solutions are more typically provided on a state-by-state basis. While they are necessary to at-
tend to basic needs, those programs do little to integrate the minority Roma population into greater contact, inclusiveness, or coexistence with majority populations. Yet, the EU has continued to support local, regional, and national participation in inclusion strategies directed to increase the Roma’s ability to participate in public life, become advocates for change in policies affecting their community, and to combat anti-Roma prejudice and xenophobic stereotypes. While well intentioned, however, results from projects conducted thus far were sporadic, unsustainable, and failed to address the root causes of the Roma’s absence in economic, political, and social life. Despite the lack of success in most Roma-directed initiatives, the European governments have remained committed to improving the economic, political, and social status of this group and to executing programs to facilitate the Roma’s integration into the majority communities into which they migrate.

In 2005 the EU launched the “Decade of Roma Inclusion” (hereafter referred to as the Decade). The Decade was conceived as an international consortium of governments, intergovernmental and non-governmental organizations, and Roma civil society groups that pledged their cooperation to address the substantive deficiencies and process flaws that had plagued previous efforts at delivering aid to the Roma population. Decade participants were tasked with a dual mission: to expedite progress towards improving the welfare of the Roma and to promote the transparent and quantifiable review of past and current programs, with a view towards developing a set of ‘good practices’ that could be applied to future EU funded programs (Open Society Institute, 2007).

Decade members began by identifying four funding priorities for Roma designated projects: education, employment, healthcare, and housing. In addition, the governmental and intergovernmental members of the Decade’s consortium were asked to collaborate on the creation of policies to address the more systemic issues relating to the Roma: poverty, ethnic discrimination, and gender mainstreaming. In response, participating governments pledged to reallocate resources to achieve those results and to align the development of programs to match the funding requirements of multinational, international, and bilateral donors. Collaboration from the civil society sector was obtained when the Open Society Institute (OSI) joined as a Decade partner.

OSI undertook a comprehensive evaluation of EU funded projects, commissioned from 1989 through 2007, which were directed towards improving the economic, political, and social status of the Roma in Europe. The purpose of the review was to develop recommended best practices for future EU financing of Roma initiatives. In September of 2008, the European Roma Summit was convened in Brussels. Summit participants advocated for greater ‘inclusiveness’, the creation of systemic approaches to address the problems experienced by the Roma, and funding to execute programs. It is unclear, however, whether these objectives have come into effect in
ways that Roma communities, and more notably majority communities, would recognize in practice. Much of what is described by country, sector, and program in the Commission’s weighty “Community instruments and Policies for Roma Inclusion” (Commission of the European Communities, 2008) illustrates direct service provision to and for Roma, some of which is effected by Roma without EU and national government funding. These community instruments and policies do not evidence any efforts to promote crossover participation by the majority host community, which would ensure and institutionalized the Community’s objective of the Roma’s full social, political and economic inclusion. According to the “Recommendations of the European Forum of Foundations for Roma Inclusion”6, sustainable solutions that can have a positive impact will require commitment of local authorities, mobilization of leaders to promote community cohesion, and active participation of Roma and members of mainstream communities.

One program born from the Decade’s initiative was the European Commission’s pilot program, “Pan-European Coordination of Roma Integration Methods – Roma Inclusion”7 (hereafter, Pilot Program). On July 28, 2009 the Commission (DG Regional Policy) published a call for proposals for projects across the defined funding priorities in order to implement the European Parliament’s program on Roma inclusion. Proposals were sought in three areas considered to be critical to intervention on behalf of the Roma: early childhood education and care, self-employment and micro-credit, and information and ‘awareness raising’. The objective of the third project stream, information and awareness raising, was to identify strategies and best practices that could be implemented in projects designed to increase awareness about, and to disseminate information concerning, Roma communities. The goals of this project stream were to eliminate racism and to narrow the social distance between the Roma and the majority communities within which the Roma are located. The Commission envisioned that this would be accomplished through programs that promoted intercultural dialogue, between the Roma and the majority communities, together with opportunities for social and civic participation that would engender effective citizen engagement of the Roma and the majority community members.8 In September of 2009, three projects were selected for funding under the Pilot Program. The projects are under the direction of non-governmental organizations located in Hungary and in the Netherlands.

It is our contention that EU funded programs that include a component to train cultural mediators from both the majority and Roma communities will best meet the Commission’s goal of creating sustainable programs that will promote the social, economic, and political inclusion of the Roma in civic life. Our contention is supported by the OSI’s findings, which state that the priority areas where the EU can make significant contributions to national action to promote Roma equality are in “promoting Roma participation and consultation” in decision-making processes related to them – and
to public life generally – with the goal of reinforcing Roma civil society (Open Society Institute, 2006). We propose that programs, which incorporate a cultural mediation component, will be more inclusive, sustainable, and better positioned to remedy the systemic ills that are faced by the Roma. We present examples from two case studies, one from the EU and one from America, to illustrate this point.

**Cultural mediation as a policy initiative.**

**Case study: Access Ireland**

In recent years inward migration has contributed to greater diversity among the largely homogeneous population in Ireland. The influx of ethnically, racially, and culturally diverse groups has challenged the Republic to create legal and social mechanisms to combat discrimination and to promote equality. The Roma are generally acknowledged as one of the most marginalized and disadvantaged groups among the minority communities in Ireland. The Roma fare poorly on every indicator used to measure disadvantage: unemployment, education, health status, political representation, and access to decision making (Economic and Social Research Institute, 2007). While there is a broad consensus on the marginalized and disadvantaged status of the Roma, there is far less agreement on the specific frame of reference for the problem and, therefore, no lessons for effecting sustainable remedies.

Over the past decade, the Irish government has responded by initiating and enacting legislation designed to combat discrimination against, and to promote equality of, minority groups such as the Roma. For example, the Employment Equality Act of 1998 prohibits discrimination in employment on various grounds, including membership in traveler communities, and the Equal Status Act of 2000 provides for, among other things, equal treatment in education, services, and accommodations. This legislation is enforced through the Equality Authority, which includes a Director of Equality Investigations who works towards the elimination of discrimination and the promotion of equality (Advisory Committee on the “Framework Convention for the Protection of National Minorities”, Opinion on Ireland, 2003). Yet the enactment of legislation, alone, could not address the cultural rifts that fueled continued discrimination of the Roma by majority communities in Ireland. In order to better remedy the situation for the Roma, Access Ireland commenced a civil society initiative known as the Roma Cultural Mediation Project.

Access Ireland is a non-governmental organization whose mission is to facilitate the integration of people of diverse cultural backgrounds to promote the physical health and psychological wellbeing of minority communities. Access Ireland’s work involves training individuals from ethnic minorities to work as cultural mediators and to promote the use of cultural mediation in the health and social services sectors. Cultural mediation training was the cornerstone of the “Roma Cultural Mediation Project,”
a partnership developed among educational, municipal, and non-governmental organizations. The project members entered into a transnational cooperation agreement with comparable organizations in Belgium, France, and Slovakia to replicate Access’ work in those member states.

The Roma Cultural Mediation Project was intended as a resource for both minority communities and for their service providers in the health and social services, mediation, and translation sectors. Access Ireland trained cultural mediators to bridge communications between service providers and the minority ethnic users to provide information, support and encouragement to the service providers and those who engaged the services. The training was delivered through a ‘train the trainer’ model that was designed to raise awareness of various aspects of cultural difference. Cultural mediators facilitated access and outcomes in the utilization of services for members of the minority ethnic population, provided cultural competency training for service providers, and assisted in the creation of culturally competent informational materials. In 2009, Access Ireland partnered with the Immigrant Council of Ireland and was awarded additional funding under the European Integration Fund to develop a training methodology for cultural mediation, to train additional mediators, and to work towards mainstreaming the mediation service.11

Despite the engagement of a civil society initiative to train cultural mediators and the existence of legislation intended to cure the problems associated with discrimination, the Roma remain an oppressed community in Ireland. They are subjected to violence partly because the majority communities view the Roma as competitors for scarce economic and social service resources. While the outcomes of the Roma Cultural Mediation Project indicate that cultural mediation can provide more effective communications between minority communities and service providers, we contend that cultural mediation can also be employed to pre-empt and contain violence between minority and majority communities. Our contention is premised upon lessons learned from the “Lawrenceville Dialogue Project”, an initiative with Somali Bantu refugees in the Pittsburgh, Pennsylvania, USA.

Case study: the Lawrenceville Dialogue Project

In 2004, Pittsburgh, Pennsylvania became home to approximately 200 Somali Bantu refugees. This community is comprised primarily of female heads of households, with between seven and ten children per family. Many members of this group, in particular the children and young adults, have lived the majority of their lives in refugee camps in Ghana. These Somali Bantu are semi-literate in their mother tongue and have had only minimal opportunities for basic education. Their cultural, linguistic, and social differences impeded their adaptation to city life and made this community vulnerable to both abuse and conflict.
Most of the Somali Bantu families were resettled in the Lawrenceville neighborhood of Pittsburgh. Lawrenceville is a lower middle class, racially and ethnically homogenous neighborhood. Historically, Lawrenceville has been home to eastern European immigrants who worked in the city’s steel mills; those individuals comprise the majority community within Lawrenceville. Children from the Somali Bantu and majority communities attend Lawrenceville’s Arsenal Middle School, a Pittsburgh public school that serves children, ages eleven to thirteen, in grades six through eight. Inclusion of the Somali Bantus changed the Lawrenceville community’s demographic and brought a concomitant increase in ethnically based violence, which was manifested among the students at Arsenal Middle School (DiMola & Lunsford, 2007).

In November of 2008, Mediators Beyond Borders (MBB), a Pittsburgh based NGO and the Center for Victims of Violence and Crime (the Center), a community based non-profit organization, met with the principal and support staff of Arsenal Middle School. The purpose of the meeting was to develop strategies to address the increased ethnic violence between students from the Somali Bantu and the majority community. An examination of the School’s statistics on disciplinary actions and referrals to the juvenile court system revealed that events which precipitated the ethnic violence did not originate at the School, but were initiated within the community: among neighboring families, at bus stops, in the grocery stores, and in the health clinic. MBB and the Center posited that the root cause of the ethnic tensions may be traced to the failure to educate either group on the other’s social and cultural practices and historical narrative. As a result, misinformation, distrust, and xenophobia became drivers for violence in the neighborhood, which reached its zenith at Arsenal Middle School.

MBB and the Center developed a program to address ethnic violence. The program focused on building capacity for social integration within Lawrenceville’s Somali Bantu and majority communities. The program’s goals were articulated as follows:

- To provide a sustainable mechanism for resolving community based conflicts that would include members of both communities and their service providers;
- To implement an educational component addressing the history of the Somali Bantus and the history of the Lawrenceville to correct misinformation about both communities;
- To engender respect across both groups;
- To enact a “no tolerance” policy towards violence, both at the School and within the community;
- To disengage Arsenal Middle School as the mediator between the Somali Bantus and the majority community in Lawrenceville and to return the School to its educational mission.
It was determined that application of the ‘third side’ model (Ury, 2000) of conflict resolution would yield a solution that would be efficient, resilient to change, and sustainable.

The ‘third side’ model

The third side is a model of conflict resolution that is premised upon the theory that in every conflict there exists a ‘third side’ that can be engaged to bring disputants into accord. The third side examines conflict from the point of view of the community that surrounds the parties in discord. It is a systemic approach that provides disputants with three opportunities to transform conflict from destructive action into constructive change by: identifying and addressing the source(s) of conflict; acting to resolve the conflict; and providing mechanisms to contain any escalating power struggles that may evade resolution.

In the Lawrenceville Dialogue Project, the third side model was implemented through a program based on dialogue facilitation among the Somali Bantu community, the majority community, and the surrounding community of educators, healthcare providers, police, and other business and service providers. The project included community mediation and education that utilized a ‘train the trainer’ model. The project involved two initiatives: dialogue facilitation and education and community mediation and social integration. Dialogue facilitation and education were developed in three stages: homogeneous group dialogues, dialogues across heterogeneous groups with shared interests, and dialogues across heterogeneous groups with disparate interests.

The first stage in dialogue facilitation involved identifying members from the various community groups who would participate in the homogeneous group conversations. Members were encouraged to ‘self-identify’ into groups, as opposed to being assigned based on socially constructed categories. Self-identification was intended to engender unity among the members within a particular group. The following questions were posed to the members in the homogeneous group dialogues:

- What are your concerns in the neighborhood?
- What would you like to see happen in the neighborhood?
- What do you like the most/least about living in Lawrenceville?
- What would you like others to know about Lawrenceville?

Facilitators used techniques, such as playback and appreciative inquiry, to allow the community members to hear their own concerns, as well as the concerns of others. Facilitators then engaged the groups in dialogue to identify and articulate interests that were common among the group members.
The second stage involved convening dialogues across diverse groups who had shared or common interests; for example parents of children at Arsenal Middle School and women from the Somali Bantu and majority communities. Facilitation across diverse groups with shared interests provided an opportunity to educate the group members about one another and to begin to identify common concerns. For example, a group comprised of parents of children at Arsenal Middle School shared their collective concerns regarding their children's education. The goals of these facilitations were to promote the sharing of histories, to banish cultural myths, and to pave the way for larger group dialogue.

The third step in the facilitation process involved convening dialogues across diverse groups with disparate interests, for example: men and women, employed and unemployed persons, older and younger community members. The previous small group dialogues empowered the participants by providing them with tools to effectively articulate and manage conflict in a group setting among persons who did not share a commonality of interests. Facilitation through small to larger group dialogues paved the way for introduction of the third side model, which became the foundation for the community mediation and social integration initiative.

The community mediation and social integration initiative was designed to increase acceptance and integration of the Somali Bantu community into the majority community, while both preserving an appreciation of Somali Bantu culture and an acknowledgement of Lawrenceville’s cultural history. A project coordinator liaised with representatives of various groups within the Lawrenceville neighborhood to determine how social acculturation would impact the Somali Bantus and to assess the ability of the Somali Bantus and the majority community to work within established guidelines to report and resolve disputes. One goal was the development of a best practices model to promote acceptance of the Somali Bantus’ integration into Lawrenceville, while preserving their cultural identity, and to retain respect for the history and traditions of the majority community in Lawrenceville.

The best practices model involved training cultural mediators from various groups in the community, including providers, business owners, educators, healthcare providers, and the police. Cultural mediators were then dispersed into the neighborhood to convene conversations around the following topics: the majority community’s level of resistance to integration; the barriers to integration facing the Somali Bantus; the rise in racial and ethnic tensions as a result of the resettlement of the Somali Bantus in Lawrenceville; and the attitudes of public and private service providers towards members of the Somali Bantu community.

While The Lawrenceville Dialogue Project is an ongoing initiative, several outcomes have been realized. First, Arsenal Middle School has experienced a reduction in violence between students from the Somali Bantu and the majority communities. The School has hired a member of the Somali Bantu community to serve as an inter-
preter in residence. This person works with Somali Bantu parents to, among other things, encourage parents to keep their female children in school and to participate in parent-teacher meetings. Second, the University of Pittsburgh Medical Center has initiated cultural competency training on the healthcare practices and health-related rituals of the Somali Bantu community for its medical professionals stationed at the University’s Children’s Hospital and community health clinic in Lawrenceville. Third, ten Somali Bantu women, who were trained as cultural mediators, instituted a summer soccer league that drew participation from children of both the Somali and majority communities. These outcomes indicate that cultural mediation should be identified as a best practice to be applied to projects involving integration of minority communities.

**Cultural Mediation as a Best Practice**

Cultural mediation is driven by the following principles. First, issues must be framed with reference to both the minority and majority communities. There is a ‘culture’ that exists within both groups that must be acknowledged and respected. All too often the cultural mediator is someone identified from only the minority community, without any recognition that the issues and concerns of the majority community must be acknowledged if a sustainable solution is to be reached. Second, issues from both the minority and majority communities do not exist in a vacuum. Engagement of the often silent and under-utilized third side – business owners, healthcare providers, educators, civil service, and civil society – will diffuse power imbalances and ensure that the concerns of parties to the conflict, and the community as a whole, will be heard and respected. This is particularly important in communities where competition is present for limited economic and/or political resources. Third, cultural mediation must be viewed as existing on a continuum between recognition and facilitated discourse. As the composition of a society changes, both minority and majority populations must be willing to recognize the cultural, political, and social traditions of one another in order for facilitated discourse to ensure equal access to information, banish myths, and confine xenophobia.

**Implications for Additional Research**

The OSI’s 2008 study reviewed EU funded projects for the Roma in order to identify factors that contributed to a project’s success or failure. The purpose of the study was to develop a compendium of good practices that could be “replicated or scaled up” (Harvey, 2008) and used for project development by local governments, civil society, and the European Commission. The goal was to improve the standards for evaluating requests for funding.
The utility of this study, for our purposes, is that it examined forty-seven projects that were undertaken from 1989 through 2007 and identified common problems that impacted the efficacy and sustainability of those programs. The study delineated the following as examples of unacceptable and good practices for the expedient and efficacious program deliverables. Unacceptable practices involved projects that were implemented from the top down and lacked the participation of the Roma as project stakeholders. By contrast, good practice projects had a thematic focus, included the Roma and other community partners as stakeholders, and employed a bottom-up approach to empower and provide institutional linkages for the Roma (Harvey, 2008). In addition, the study found that political consensus on issues affecting the Roma, development of a national institutional framework for addressing those issues, the creation of local implementation systems, and an issue-oriented approach to the question of social inclusion were critical to the success of projects directed towards the Roma (Harvey, 2008). Implementation of these practices facilitated the creation of sustainable projects that developed the economic, political, and social capacities of the Roma. The study cited the Roma Cultural Mediation Project as an example of a good practice project (Harvey, 2008). While the Roma Cultural Mediation Project includes many of the good practice parameters identified in the study, it is our contention that best practice projects will be those that not only employ a participatory, rights-based approach, but also include initiatives that are grounded in and trusted by the targeted community of Roma and the majority community of the location where the project will be initiated.

We contend that the good practices identified in the OSI study will become best practices when they include initiatives to empower and sustain both the targeted community of the Roma, as well as the majority communities. As the Lawrenceville Dialogue Project and the Roma Cultural Mediation Project demonstrated, utilization of the third side model of mediation as a best practice in programs directed towards minority populations, such as the Roma, will yield effective and sustainable results. Based upon this premise, our research tracks and analyzes the implementation of the projects selected for funding under the European Commission’s pilot program. Project tracking and analysis will span the length of the grantee’s program, which is between twelve and twenty-four months in duration. We are studying the projects to determine the following:

1. Whether any of the funded proposals include a module for the identification and training of cultural mediators from both the Roma community (also referred to as the ‘targeted’ community) and the non-Roma community (also referred to as the majority community);

2. The extent to which any of the funded proposals incorporate the good practice guidelines, developed by the Open Society Institute, for E.U. funded projects directed towards the Roma;
3. Whether the third side model should be advanced as a best practice within the set of identified and emerging good practices relative to E.U. funded projects for the Roma.

We have developed the assessment rubric illustrated in Figure 1, below, that categorizes project practices into those that are unacceptable, acceptable (or good), and best across the three stages of project implementation: preparation, implementation, and evaluation. We have included the unacceptable and good practices that were identified in the OSI study and as best practices those practices that we have defined from literature and field research. We will examine the funded projects within the framework of the two case studies addressed in this paper. Our assessment rubric will be used to score the projects to determine whether they employ unacceptable or good practices for E.U. funded programs directed at Roma populations or best practices as we have identified.

**FIGURE 1: ASSESSMENT RUBRIC**

<table>
<thead>
<tr>
<th>PROJECT STAGE</th>
<th>PRACTICE PARAMETERS</th>
<th>Unacceptable practice¹³</th>
<th>Acceptable practice¹⁴</th>
<th>Best practice¹⁵</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Project preparation</strong></td>
<td>1. Project lacks a strategic plan and adequate preparation prior to execution</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. Stakeholders do not include member of either targeted or majority communities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3. Failure to build partnerships within the targeted or majority communities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Project execution</strong></td>
<td>1. Project has a ‘top down’ approach; neither targeted nor majority communities are consulted</td>
<td>1. NGOs are prepared to execute project; project has a strategic plan</td>
<td>1. NGOs are prepared to execute project; project has a strategic plan that includes work with majority community where project will take place</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. Project fails to empower members of either community; advocacy solely by third parties</td>
<td>2. Targeted community members are stakeholders</td>
<td>2. Stakeholders include members of targeted, as well as majority, community</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3. Project fails to address political issues of the community</td>
<td>3. Partnerships are built within the targeted community</td>
<td>3. Partnerships are built within the targeted and majority communities</td>
<td></td>
</tr>
<tr>
<td><strong>Project evaluation</strong></td>
<td>1. No evaluation or discussion</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. Project failed to build capacities or project was not sustainable</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3. Project failed to develop leaders in either community</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1. Project has an evaluation mechanism; results are discussed with targeted and majority communities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. Project builds capacity within the targeted and majority communities and is sustainable</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3. Project develops leaders within both communities</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. See, e.g. 2000/43/EC providing implementation guidelines for equal treatment between persons irrespective of racial or ethnic origin.

3. Twelve countries, with significant Roma populations, have committed to improve the social and economic status of Roma.


5. The Open Society Institute is an NGO founded by George Soros.


11. Access Ireland was not funded under the Pilot Project.

12. Field research refers specifically to the Lawrenceville Dialogue Project.


14. Ibid.

15. See Lowe and DiMola (2010).


The ups and downs of gender mainstreaming in the EU research policy – the gender toolkit and training activities in FP7

LUT MERGAERT & KATLIJN DEMUYNCK

Abstract

The gender impact assessment studies from FP5 and gender monitoring studies of FP6 show that the results from the gender mainstreaming efforts in the EU research policy area remain below expectations. Women remain under-represented in EU-funded research and the issue of gender is far from being systematically addressed in the projects. With the adoption of FP7, the Gender Action Plans were abandoned. Instead, the Commission decided to raise awareness for gender issues in the research community by developing a gender toolkit and by offering training activities for research professionals. We outline the changing gender policy agenda within the EU research policy, describe the case of the gender toolkit and training initiative and reflect on the lessons learnt from this experience. We argue that training efforts are only one element in a more comprehensive gender mainstreaming strategy that should incorporate also other elements, not in the least some (preferably ‘hard’) incentives for actors to effectively take up gender in their work. We want to contribute to the reflections on gender training, a practice to which gender theorists have most recently turned their attention, and its place within the wider gender mainstreaming strategy.

Contact

Lut Mergaert
Yellow Window Management Consultants
Lange Lozanastraat 254
2018 Antwerp, Belgium
lut@yellowwindow.com

Katlijn Demuynck
Genderatwork vzw
Middagijnstraat 10
1210 Brussels, Belgium
katlijn@genderatwork.be

Key words

European Commission, gender mainstreaming, gender training, gender equality policy, research policy
Introduction

Following the Beijing Conference, in 1996, the European Commission issued a Communication, also known as the mainstreaming communication, on “Incorporating equal opportunities for women and men into all Community policies and activities” (European Commission, 1996) in which it set out its approach towards gender mainstreaming. In this Communication, the Commission defined gender mainstreaming policy as “not restricting efforts to promote equality to the implementation of specific measures to help women, but mobilising all general policies and measures specifically for the purpose of achieving equality”.

A next important step was made with the Treaty of Amsterdam, signed in 1997, in which equality between women and men was enshrined as one of the European Union’s objectives. The commitment herewith made is to eliminate inequalities and to promote gender equality throughout the European Community in accordance with Articles 2 and 3 of the EC Treaty (gender mainstreaming) as well as Article 141 (equality between women and men in matters of employment and occupation) and Article 13 (sex discrimination within and outside the work place). The European Commission’s commitment to gender equality was reaffirmed in the Community Framework Strategy on Gender Equality (2001-2005) (European Commission, 2000b), which set out a strategy towards attaining the goal of gender equality for all Community activities, including in the fields of science, research, technology and development. The follow-up to the Framework Strategy was put forward in the Commission’s Roadmap for Equality between Women and Men 2006-2010 (European Commission, 2006). It reaffirmed the dual approach of gender equality based on gender mainstreaming (the promotion of gender equality in all policy areas and activities) and specific measures.

Gender mainstreaming was taken up also in the research policy area, and the directorate-general in charge was lauded for its pioneering initiatives (Pollack & Hafner-Burton, 2000). The gender equality policy mix under the subsequent RTD Framework Programmes (the EU funding programme for research and technological development projects) has evolved and different tools have been mobilised towards
achieving gender equality in research. Still, policy outcomes have remained below expectations (European Commission, 2001b, 2009). The problem, we argue, lies in the fact that the policy mix, both under FP6 and under FP7, has been incomplete and that notably incentives for the actors to take up their gender-related responsibilities have been missing, herewith confirming the argument of Hafner-Burton and Pollack (Hafner-Burton & Pollack, 2009).

This paper consists of two main parts. The first part gives an overview of how gender mainstreaming was implemented and evolved under FP5 and FP6. The second part takes a closer look at the (stand-alone) ‘gender toolkit and trainings’ initiative that was launched by the Commission under FP7, describes the challenges posed by the project and how these were addressed. It also elaborates on the approach followed for the one-day gender training sessions, and ends with a critical reflection.

In our conclusion, we point out what we see as flaws in the approach towards gender in EU-funded research and argue for a comprehensive policy mix in which gender training is just one component.

**FP5: The introduction of gender mainstreaming in European research**

When launching the Fifth Framework Programme (FP5) for research and development (which ran from 1998 till 2002), the Commission adopted the gender mainstreaming approach in line with the announcement made in its progress report on the follow-up of the Communication “Incorporating equal opportunities for women and men into all Community policies and activities” (European Commission, 1998a).

Already in April 1998, the conference on “Women and Science” was organised in Brussels (European Commission, 1998b). At this conference, six women scientists gave an account of the difficulties they experienced as a woman in science and portrayed a world of science in which profound changes were needed in thinking and behaviour, both from men and women, so that women can feel at home in scientific research (Dewandre, 2002).

Consequently, the Communication on “Women and Science: mobilising women to enrich European research” (European Commission, 1999) was adopted on 17 February 1999. It set out the concrete measures planned by the Commission to take the gender dimension into account in the EU research policy. Nicole Dewandre, who in January 2001 was appointed Head of Unit of the newly created ‘Women and Science’ Unit in the Commission’s DG Research, explained that this action plan was conceived to provide a platform for all stakeholders, including women scientists, policy-makers, and scientific institutions (Dewandre, 2002).

In this Communication, the Commission recognised the threefold relationship between women and research: the first aspect concerns women’s under-representation...
in research and the need to encourage women’s participation in research (research ‘by’ women), the second aspect concerns the gender dimension of the research agenda and the need for research to address women’s needs as well as men’s (research ‘for’ women), and the third aspect finally calls for gender-specific research so that research contributes to an enhanced understanding of gender issues and the functioning of gender in society (research ‘about’ women).

The Communication also defined two main objectives:

- To stimulate discussion and the sharing of experience regarding the under-representation of women in research among the Member States, to allow action to be taken as effectively as possible at all levels.
- To develop a coherent approach towards the promotion of women in research funded by the European Union, using the Gender Watch System as a tool for ensuring that gender issues are taken into account wherever relevant.

Several EU-level initiatives addressed the first objective. A network of national civil servants, the so-called Helsinki Group, was established in 1998 and met for the first time in November 1999 in Helsinki (hence its name) to facilitate dialogue among the Commission and the Member States and countries associated to the framework programmes on research policy and the development of gender indicators in research. The Helsinki Group is still active and meets twice a year.

In the frame of the European Technology Assessment Network (ETAN), set up to promote communication and debate at the European level between policy researchers and policy makers on important science and technology (S&T) policy issues, an expert group of women scientists worked on the issue ‘addressing the gender balance in research policy’. Their report, entitled “Science policies in the European Union: promoting excellence through mainstreaming gender equality” (European Commission, 2000a), concluded that the underrepresentation of women threatens the European goal of achieving scientific excellence and pointed out the gendered nature of the organisation and financing of science in the European Union.

In April 2000, another conference was organised in Brussels: “Women and Science: Making Change Happen” (European Commission, 2000c), with the aim to hold a wide debate among scientists and decision makers about the challenges of the under-representation of women in scientific research, and about the means and measures needed to tackle the problem at different levels of implementation of research policies in Europe.

Within the DG Research, a working group on ‘women and science’ was set up bringing together the various Commission services in charge of the research programme, and met for the first time in June 2000.
In March 2001, there was the first meeting of the Sub-Group of Statistical Correspondents of the Helsinki Group, which would support the work of the Helsinki Group members for the collection of (statistical) data. The Communication from 1999 announced the Gender Watch System as a tool for improving the integration of the gender dimension within FP5 (1998-2002) and research policy in general. It consisted of aiming at 40% representation of women in panels and advisory groups, collecting sex-disaggregated data, encouraging gender research within FP5 and conducting gender impact assessment studies on FP5 (European Commission, 2001b). These were to cover the specific programmes in a synchronised manner to critically assess the way gender questions had been treated throughout FP5. The findings of the gender impact assessment studies on FP5 (European Commission, 2001b) were presented in a conference “Gender & Research” which took place in Brussels on 8-9 November 2001 (European Commission, 2001a).

The gender impact assessment studies brought to light an unevenness in both the approach and the results achieved in terms of gender equality in FP5. In terms of women’s participation, clear progress could be noted towards the 40% target in some programmes (research domains), while others were systematically lagging behind. The structural provisions for gender mainstreaming in the Framework Programme were incomplete: while proposal preparation material did make clear reference to the importance of equal opportunities and women’s participation, it did not address the integration of the gender dimension in the content of the work; the Guides for Evaluators failed to mention gender and the gender dimension had not been integrated into the evaluation criteria and procedures, which resulted in limited attention being paid to gender issues during evaluation. The Work Programmes of the different research domains showed variable degrees of gender-sensitivity and some studies pointed out that the weight given to technical aspects was so great that it excluded any social considerations and thus also the gender dimension. The studies also emphasised the importance of the availability of sex-disaggregated data, as the process of data collection proved still to be in its early stages.

**FP6: a comprehensive approach for advancing gender equality in research, but results (still) not meeting the expectations**

The Sixth Framework Programme (FP6, which ran from 2002 till 2006) strived to promote gender equality in scientific research, both from the point of view of promoting the participation of women scientists and from the point of view of the integration of the gender dimension in the research agenda. The Decision establishing FP6 (European Parliament & European Council, 2002) stated: “The principle of sustainable development, socio-economic, ethical and wider cultural aspects of the envisaged activities, and gender equality, will be duly taken into account, where relevant for the
activity concerned”. And: “Efforts aimed at achieving equal gender representation in the actions envisaged will be ensured”.

FP6 still emphasised the threefold goal of promoting research by, for and about women. A comprehensive range of structural provisions to support gender mainstreaming were put in place. Under FP6, for the first time, two gender-specific research calls for proposals were launched under the Science and Society activity area (Woman and Science 2004, and Women and Science 2005) as well as a call for the setting up of a European Platform of Women Scientists (in September 2003). This Platform, intended to network the existing ‘women in science’ networks and to channel their opinions and concerns to the EU-policy making level, was established in February 2005 as an EU-funded project for a duration of 39 months – with FP6 ‘seed money’ of 2 million euro for its launch, but with the aim to become self-sustainable.

A new tool, the ‘Gender Action Plan’ (GAP), was introduced and made mandatory for all Networks of Excellence (NoEs) and Integrated Projects (IPs) – which were the ‘funding instruments’ to be used for the larger-scale projects. To be eligible for funding, each NoE or IP proposal submitted under FP6 had to include a ‘Gender Action Plan’ in which applicants were expected to indicate the actions and activities they would develop to promote gender equality within the project, and to provide sex-disaggregated data on the workforce involved in the research proposal. Furthermore, applicants were requested to explain whether there are ‘gender issues’ associated with the subject of their work and how these gender aspects would be taken into consideration into the research content (European Commission, 2005). Essentially, a GAP had to provide a diagnosis of the current situation regarding gender within the proposal and a practical plan on how progress is intended to be made. The GAP, as an integral part of the proposal, had to be assessed by the evaluators who select proposals for funding, although evaluators did not have to give a mark to the GAP. Once a project got approved for funding, the implementation of its GAP was part and parcel of the project implementation, and as such to be followed up by the ‘project officer’ (the EC’s staff member in charge of administrative matters regarding the project), and had to be reported upon.

Six gender monitoring studies were commissioned, each covering several activity areas, with the aim to monitor progress towards gender equality and gender relevance awareness in FP6. As with the gender impact assessments from FP5, the findings from these studies were also to be fed into the preparatory work for the next Framework Programme (FP7).

The report on the overall findings from the different studies (European Commission, 2009) as well as the ‘Gender Equality Report’ about women’s participation in FP6 (European Commission, 2008) demonstrate that progress has been made towards gender equality under FP6 compared to FP5. The analyses show that women’s participation at the Framework Programme level in committees and panels continued
to increase. In evaluation panels, for example, women’s participation rose to 34%, when it was 27% in FP5 and only 10% in FP4 (European Commission, 2008). Also the share of projects integrating gender rose in comparison to FP5 and the awareness-raising effect in the research community has been substantial (European Commission, 2009).

However, the gender monitoring studies also found that gender in the content of research was frequently overlooked by the FP6 projects and that researchers lacked capacity to adequately deal with gender issues (European Commission, 2009). But neither awareness-raising nor capacity-building initiatives had been foreseen by the Commission under FP6.

While a new tool, the Gender Action Plan (or GAP) was developed and introduced to support the integration of gender issues in the largest projects, no specific accompanying measures were taken to properly inform the research community or to equip research teams to use the tool effectively. Neither was an assessment of the quality of the GAP expressly included among the evaluation criteria for proposals.

In summary, the approach taken by the EC to gender mainstreaming in the research to be funded under FP6 was a continuation of the earlier policy choice of encouraging research with, for and about women. It did not break in any way with the earlier gender in research policy, but showed a consistent path. The differences in comparison to FP5 in terms of gender equality provisions were structural improvements aimed at strengthening the gender mainstreaming approach. Still, the provisions were incomplete, and this fact can explain why the results in terms of progress towards gender equality have remained below expectations.

**FP7: a ‘shrunk’ approach to gender, but a new initiative: a gender toolkit and training activities**

With the launch of FP7, the GAP was dropped as mandatory instrument. The consideration of gender aspects in the research proposals is in formal FP7 documents (Guide for Applicants; FP7 Negotiation Guidance Notes) presented as ‘optional’ rather than a requirement, and ‘postponed’ to the negotiation phase. Commissioner for Science and Research Janez Potčnik in his speech on 14 May 2009 at the Prague Conference where ten years of ‘women and science’ activities by the EC were celebrated, offered the following explanation: “Gender Action Plans were introduced in the Sixth Framework Programme, to monitor the existence of gender aspects in all EU funded research, from social science to nanotechnologies. I must admit that their implementation was not the smoothest: there were technical problems, low gender awareness among the scientific community and among Commission officials made it extremely difficult.” To this, he added: “In FP7 we have then put in place a different approach: instead of requesting Gender Action Plans at project level, we have put more em-
phasis on gender aspects when drafting the work programmes; we have organised gender training activities and established an FP7 group who will analyse the annual work programmes from a gendered perspective” (Potcznik, 2009).

Thus, rather than reinforcing the measures of FP6 by complementing them with awareness-raising and capacity-building initiatives, a stand-alone new form of specific action was introduced in FP7: the development of a gender in research toolkit and gender training, aiming mainly at the research community. While the primary target of the one-day training sessions was the research community, there were no provisions foreseen to train the Commission’s staff who had to assume responsibilities in the implementation of FP7, be it as call coordinators, evaluation moderators, contract negotiators or as project officers.

A challenging concept: all-in one-day training on gender in research

The purpose of the toolkit and training which the DG Research commissioned was to raise awareness on the issues concerning gender in research and to provide the research community with a practical tool to help them to integrate gender in their research practise, and to teach them how to apply this tool. In the design of the training session we had to take into account a number of constraints and possible stumbling blocks: we had only one day, a potentially mixed audience as far as knowledge level and practice were concerned and we foresaw potential resistance amongst the audience towards the training because of the subject.

GENDER IS ABOUT WHO, BUT ALSO ABOUT WHAT AND HOW...

Gender is a vast subject and essentially transversal in nature. It touches on all aspects of research: from the human resources management issues to team composition and task division. On top of that, gender in research is not only concerned with the equal opportunities (having a balanced representation of women and men in research teams at all levels). Gender is also relevant in a majority of research domains where the content itself is concerned. The possible questions to be asked are vast: they range from who shapes the research agenda to how the research is designed and executed. How could we possibly tackle all these issues in just one day?

GENDER?

Another difficulty that we had to address was the expected difference in knowledge and practice level of participants. Some trainees would probably have considerable gender knowledge, others hardly any, incomplete or even faulty knowledge. From the preceding evaluation studies, we knew that the practice of putting gender in research was very thinly spread in the research community. Moreover, since it was not to be
an obligatory course, we were likely to attract the already convinced more easily then the dead-set against. This meant that we would probably have a mixed audience with trainees that were neophytes and others with some to considerable knowledge on gender issues but overall very little ‘good practices’ on putting gender into research to share.

**GENDER IS PERSONAL**

Last but not least, experience had taught that gender training is met with many forms of resistance on the part of the trainees. Gender is a subject which touches all people personally and that taps into conscious and unconscious attitudes and convictions of which trainees often are only partially or not aware. We knew therefore from the start that it would not suffice to offer trainees rational arguments and complete information on gender issues in research to break through these resistances.

**GENDER IS PROFESSIONAL**

Another important source of resistance concerning gender issues for trainees in their professional capacity is the frustration of not knowing how to ‘do’ gender. Gender is for many an obligation that is imposed top-down. Professionals that are imposed a task, can be seriously demotivated if they are not at the same time briefed and trained on how to adequately fulfil this task. A professional that does not have the knowledge nor the tools and instruments to fulfil a task is very likely to reject the usefulness of that task.

**An interactive, pragmatic, concrete and practical training format**

Developing a format that could deal with the above-described constraints and still produce a successful and high-quality training has been a clear challenge. We opted for an interactive training technique, combined with a pragmatic and non-ideological approach to the subject matter, strengthened by concrete examples from the daily practice of research and practical case exercises to reinforce learning. All this was to be designed and realised by a multidisciplinary team.

**A MULTIDISCIPLINARY TEAM**

To create the toolkit and training package, we needed a multidisciplinary team with not only a mix of different disciplines and thus content fields, but also a mix of competences. We needed gender training experts that had training competences and a good all-round gender expertise, we needed experts on gender mainstreaming as it was and is practised in the different EU Research Framework Programmes, and last but not least, we needed field experts – experts in a certain research field that also
had gender expertise in that research field – in the nine different research domains for which we would build case studies.

In order to optimally use and valorise all these different competencies, the project was conceived as a learning process, not just for the intended target audiences that would attend the training and use the toolkit, but also for the team members. For that purpose a rigorous quality control system was devised, consisting of the following components:

- a training-of-trainers session was organised at the beginning of the project for all team members;
- the field experts were coached by the training experts to reinforce their training competencies;
- all trainees completed a questionnaire at the end of the training day and an impact evaluation was conducted 3 months after the training;
- all trainers completed a questionnaire after each training, to be able to gather all relevant information and experiences that presented themselves during the training session;
- continuous feedback and regular meetings with core team members were conducted.

This comprehensive monitoring and evaluation system permitted the project to optimize the training format by adapting it gradually to the needs and concerns expressed by participants. The knowledge base that ‘grew’ out of the team’s interaction and the feedback from partners and participants was used during the project but still deserves further exploration.

**AN INTERACTIVE TRAINING TECHNIQUE**

The choice for interactive learning techniques is based on the experience that it is the most efficient and effective method for adult learning. Interactive learning techniques are based on the active involvement of the training participants. Research (Pike, 1989) suggests that over a period of three days, people remember 10% of what they read, 20% of what they heard, 30% of what they saw, 50% of what they saw and heard, 70% of what they said, and 90% of what they said as they were doing (e.g. orally working out a problem).

In other words, learning can only be optimized if trainees participate actively, and thus say and do themselves during the training what they are supposed to learn. The way we translated this was to make trainees actively participate in debates about the subject and applying the knowledge in practical exercises.

Adults, contrary to children, are self-directed and expect to take responsibility for decisions. Adult learning programs must accommodate these fundamental aspects (Knowles, 1984): (1) adults need to know why they need to learn something, (2) adults need to learn experientially, (3) adults approach learning as problem-solving, and (4)
adults learn best when the topic is of immediate value. Andragogy theory goes as far as saying that instruction for adults needs to focus more on the process and less on the content being taught. Strategies such as case studies, role playing, simulations, and self-evaluation are most useful. Instructors adopt a role of facilitator or resource rather than lecturer or grader.

This training technique allows at the same time to handle resistances amongst trainees. In the debates and exercises resistances are allowed to surface and thus become apparent and can then be dealt with by the trainer.

Another advantage of interactive learning techniques is that the trainer is given a lot of indications concerning the knowledge level, practice on and attitude towards gender of the trainees. The trainer can thus adapt the content or the level of the content throughout the training course. This is crucial in the light of the fact that gender is a transversal subject. It allows the trainer to focus on aspects that are crucial to the trainees and thus to optimise the limited time available for the training. One could argue that interactive techniques and practical exercises take a lot of time and thus slow down the training or limit the amount of theoretical knowledge that can be conveyed to participants. But, as we see the limited effect of classical ex-cathedra approaches to learning (letting participants read, hear and/or see only) we can safely assume that the amount of knowledge that can be sustainably learned in one day, in such a way that the putting into practice is optimal, is limited anyway. Our strategy was to search for a 'déclic' or a trigger moment: the training becomes 'an experience' in which eye-openers serve as bridges that trainees can take with them to their professional context and that serve as gateways for a more consistent attention for and thorough approach towards the gender aspects in their research.

A PRAGMATIC AND NON-IDEOLOGICAL APPROACH TO THE SUBJECT MATTER

The trainer her- or himself is also a factor in the equation that is a gender training. Gender trainers are (still) predominantly female. That fact is undoubtedly a heritage from the feminist origins of the concept of gender mainstreaming. For the same reason, gender trainers are in general also feminists.

Feminism on the part of the trainer can be a handicap for a successful gender training in two interlinked ways: the impact it has on the perception of the trainees who might or might not be feminist and the bias it constitutes for the trainer. Feminism is not liked by the general public. It never was, but nowadays its connotation has become that of an obsolete social movement with an outdated crusader mentality. This prejudice in itself is of course a social construction which merits (feminist) deconstruction and which says a lot about contemporary society with all its contradictions between on the one hand attitudes and beliefs on gender issues and verifiable facts on the
other. Nevertheless, this prejudice is a social fact and more likely than not present in the training room in a more or less active way.

Human beings all have their own bias: their specific life-experience, the way they look at life and society will make them pick up certain facts while other facts pass by unnoticed. We filter constantly based on our personal bias all available information. Nobody therefore has a completely objective way of viewing a given social reality, because nobody gives all the facts the same weight. And the gender trainer – who is most likely a woman and a feminist – is inevitably also biased in this way. In the gender training setting this situation has to be taken into account by the trainers: they must be aware of their own bias and the potential – negative or positive – impact it may have on the perception of their trainees. Denying your bias will not be productive. The best possible strategy is to address your own bias as a trainer and make it work for you. If a trainer admits to and illustrates her bias, trainer and trainee step out of an oppositional relationship and chances are higher trainees will also start to recognise their own biases.

This fits with a pragmatic non-ideological strategy to gender training and gender mainstreaming in general. In this strategy, gender equality is a policy goal we are all supposed to strive towards, whether we are personally convinced or not of the urgency or pertinence of that goal. The social and political struggle it took to formulate gender equality as a legal principle lies behind us, and trainees are now expected to make a contribution to achieve this goal in their professional capacity. In this setting, participants can agree to disagree. They have a professional duty to apply gender mainstreaming and they are not obliged to agree with all feminist claims they rightly or wrongly assume are part of present-day feminism. In other words, they could regard themselves as good gender mainstreamers without seeing themselves as feminist, avoiding in this way the building-up of resistance that may grow out of participants’ prejudices against feminism. Gender mainstreaming thus becomes a professional tool and is no longer limited to a few with personal feminist convictions.

In this context, drawing the attention to the fact that gender is as much about men as it is about women, becomes more credible: it becomes easier to see how women and men are locked up in and hindered by gender stereotypes and suffer negative consequences as a result. Men start to feel more concerned by the subject, since also for them a lot is at stake.

**CONCRETE EXAMPLES FROM THE DAILY PRACTICE OF RESEARCH**

A problem with gender mainstreaming in general is that the concept itself and the strategy it stands for have remained for the majority of researchers a very abstract and fuzzy notion. From the start it was clear we needed a lot of concrete examples to illustrate the workings of gender in research: examples of the consequences of
gender-blind research on the one hand and examples of the benefits of making research gender-sensitive on the other. We compiled a list with all trainers and experts participating in the project. It drew from our past experiences and from the evaluation rounds of former EC Framework Programmes. This list was constantly updated throughout the trainings with the examples provided by the participating researchers.

Examples that draw from real life, or in this case from real research, allow to make the ‘gender discourse’ more tangible to researchers. They have mostly associated gender in research with the equal opportunities aspect and the problem of women’s under-representation in research projects. Many researchers feel little concerned by this; they have difficulties in seeing how their daily research practice relates to gender: in their view, women’s underrepresentation is a problem created by society, not by research. The double focus on gender in research we maintain throughout the training, in combination with a high level of interactivity and many concrete examples make it easier for researchers to grasp how all this relates to their daily research ‘praxis’. It makes it easier to make the point that every individual has a personal responsibility to first of all not (involuntarily) reconstruct and thus maintain unwanted gender differences, but on the contrary to do what their professional sphere of influence allows them to do, to contribute even in a very small or modest way to the long term goal of gender equality in research. For this reason we avoided to use the term ‘gender mainstreaming’: it is mentioned only as an element in the EC strategy to achieve gender equality. We do not tell the researchers to mainstream gender, we tell them to strive for more gender equality and to use gender as a variable in their research.

THE TRAINING MATERIAL: A PRACTICAL TOOLKIT...

Training materials can be a very important element in the training process. In the frame of the project “Gender in Research as a mark of excellence”, a toolkit was constructed which the participants could take back home and hopefully apply in their future research. The aim of the toolkit was to be succinct, practical and visually attractive. Instead of trying to condense all information on gender in research and reproducing it in the toolkit as a sort of extensive manual, our strategy was to give the users a structured overview of what they need to know on gender in research with relevant references to additional sources of information.

The toolkit contains several very visual tools: research was presented as a logical cycle with four basic steps (research idea, research proposal, the research implementation and the dissemination phase) throughout which all actors involved need to pay attention to both dimensions of gender in research (women’s participation and gender in the content of the work). This visual representation was completed with a one page checklist giving researchers some basic guideline on how to integrate gender considerations in their research project throughout the different phases.
The training relied on one more building block: case studies in nine different research fields. The case studies are based on real project proposal abstracts of about one page. These abstracts give concise information on the research proposal, which is of course inevitably incomplete, but contains enough material to work with. For practical and confidentiality reasons, it was impossible to work with complete research proposals. The gender experts from the project core team, supported by the field experts, analysed three abstracts per field and formulated for each of the three abstracts a number of concrete gender pointers concerning the double focus: who does the research (how can this project help realise the objective of a more gender-balanced team at all levels) and what research is done how (how can be ensured the research addresses both men’s and women’s needs). The cases consist thus of the (mostly) gender-blind abstracts with their annexed gender commentary. Per research field the three cases are completed with an overview of the potential gender content of that particular research field as it is formulated in FP7.

With the nicely presented and visually strong toolkit the project wanted to make a case for the professional approach taken to gender training within this project. Participants appreciated this approach and the toolkit certainly helps researchers to get a better grip on what gender in research signifies and what they can do about it. However, one can always do better...

**Lessons learned from the *Gender in Research as a mark of excellence* project**

In this final section, we reflect on some areas where further improvements can still be sought. Indeed, we encountered specific difficulties throughout the project on a number of issues that lie however largely beyond our control, and which thus cannot be eliminated altogether.

While the problem of the mixed public was for a large part counterbalanced by the interactive method that was used for the training, there were two profiles whose needs were insufficiently met: researchers from very technical fields for whom it remained difficult to make a link between their specific research field and gender issues and trainees that were already well aware of gender issues and whom expected very specialist advice on gender in a specific context or research field. It is nevertheless worth to consider that the learning process of trainees depends not only on the training format and the competence of the trainer, but also on the attitude of the trainees. They must be willing to take responsibility for their learning process and use the training ‘experience’ to their advantage. Some trainees with a significant gender background for example, learned from the experience of others, scaled up their advocacy skills or became aware of their own bias. Technical researchers were suggested to reflect on
the users of their research results, to question the research agenda-setting criteria and their own social responsibility.

Language and more broadly cultural differences reduced the efficacy of the training in certain circumstances. Cultural differences between European member states can be very enriching if they become a training topic (as was the case in some East-European countries where the heritage of the communist system was still tangible). Still, a day is not very long for the trainer to become aware of the specific circumstances concerning gender issues in a given country or context. The format allows for this to become part of the exchange between participants, but it cannot take up too much time. A bigger concern was the language problem. The training language was (in most cases) English and participants were not always proficient enough in that language to grasp all nuances as they were presented by the trainer or other participants and in some countries many had difficulties to actively engage in the interactions. Moreover, adults can be embarrassed by this and do not always give notice to the trainer that their language competence is an issue. At this point, we may conclude that the international exchange is an added value if all participants have a sufficient command of the course language. If not, it would be interesting to translate the format and content of the course to the local language, with the added benefit of being able to take into account the local history and present context in these trainings.

In the course of the project, the team became aware that training competencies were crucial to the success of the training sessions and more important than the research expertise of the trainers in a certain field. The format of the training allows trainers to tap into the field expertise of the participants and to deconstruct and reconstruct with them the case studies.

The participants quite often voiced critiques during the training session on the EC policy on gender in research. Experienced participants were not happy that the Gender Action Plans (mandatory for the largest funding instruments during FP6) were altogether abolished even if they recognised these GAPs were as an instrument not perfect. In their understanding, there is no obligation to integrate gender in FP7 projects, only the encouragement and awareness building by means of the toolkit and training package. Many voiced doubts over the long-term success of this strategy and hoped that the effort of competence building in the research community would be followed and reinforced by a more complete strategy of the EC including a form of obligation for project holders to make a visible effort to integrate the gender concerns in their research projects.

The experience has shown that it is possible to create and realise an effective training course on gender in research in one day for a mixed audience. The impact of the training has been measured and there are clear indications that a considerable impact has been achieved with the training and the toolkit. Several participants showed indications of having become ‘change agents’ in the sense that they influence their
institutional context by for example encouraging their colleagues to attend the training course, by stimulating the use of gender as a mark of excellence or by altogether creating a more positive and constructive discourse on gender and its potential benefit for research.

**Conclusion**

Based on our experience and reflections, we conclude that offering gender training as a stand-alone initiative is not enough to ensure a sustainable integration of gender issues in all European research projects. Not only is it impossible to train everybody by means of an ‘ad hoc’ initiative, training should be available for all actors and on a continuous basis. Moreover, training efforts are only one element in a more comprehensive gender mainstreaming strategy that should incorporate also other elements, not in the least some (preferably ‘hard’) incentives for effectively taking up gender in research – herewith confirming Hafner-Burton and Pollack’s argument that for effective mainstreaming it is necessary to “get the incentives right” (Hafner-Burton & Pollack, 2009).

**Notes**

1. Both authors have been core team members of the project ‘Gender in Research: toolkit and training activities’, which was awarded by the European Commission to the consortium composed of Yellow Window, Genderatwork and Engender, and reinforced with trainers from Fraunhofer Institute, Wuppertal Institute, as well as with individual trainers. Lut Mergaert has been mainly responsible for the first part of this paper that deals with the context and history of gender mainstreaming in the EU research policy field. Katlijn Demuynck has been mainly responsible for the part of this paper that describes the experiences from the gender toolkit and training project.

2. The European Commission has supported scientific research and development through its so-called RTD Framework Programmes (FP) since the eighties. The Commission’s important communication on mainstreaming was published in 1996, at the time when FP4 was running (1994-1998).

3. The Work Programme describes the research objectives and the topics on which research funding will be made available through calls for proposals. It sets the priorities to be met for achieving the strategic objectives of each specific FP part.

4. Under FP7 the EPWS obtained additional money to support its functioning. At the end of 2008, it represented through its members over 12,000 women scientists.

5. On average, an IP project involved 25 participants and received Commission funding of €9.5m over four years, and an NoE involved 30 participants with an Commission contribution of €7.5 over four years. Source: Evaluation of the Sixth Framework Programmes for Research and Technological Development 2002-2006. Report of the Expert Group, February 2009.

6. The European Commission in this context uses only the term “gender”, while it can be understood as including ‘sex relevant’ issues.

8. Andragogy consists of learning strategies focused on adults. It is often interpreted as the process of engaging adult learners with the structure of learning experience. Originally used by Alexander Kapp (a German educator) in 1833, andragogy was developed into a theory of adult education by the American educator Malcolm Knowles.


The increasing role of Italian regions in combating discrimination: the case of Piedmont

MIA CAIELLI & VALERIA SANTOSTEFANO

Abstract

The aim of this paper is to analyse the extent of European Union non-discrimination law implementation in Italy, with a particular focus on the role that the various regions of Italy play in combating inequality. A study of the Piedmont case will be central and will concentrate on the following aspects in particular: the process that led to the inclusion of the equality issue in the regional agenda; the policy-making process; and the terms of anti-discrimination policy. We will argue that as action against discrimination meets significant limitations at national level, regional intervention should be carefully observed in order to attain a greater understanding of its potential to fill certain gaps and overcome some of the ambiguities that have arisen during national transposition of EU anti-discrimination directives.

Contacts

Mia Caielli
Institute for Social and Economic Research Piemonte
University of Torino
Via Nizza 18
10125 Torino, Italy
mia.caielli@unito.it

Valeria Santostefano
Institute for Social and Economic Research Piemonte
University of Torino
Via Nizza 18
10125 Torino, Italy
santostefano@ires.piemonte.it

Key words

anti-discrimination law, equality policies, Italian regions, equality bodies
Introduction

European Union law of the last decade has widely influenced the Member States’ approach to anti-discrimination and equality issues in terms of institutional frameworks, structural mechanisms and policy tools. The process of Europeanisation ensures a minimum degree of protection from discrimination based on gender, race and ethnicity, sexual orientation, age, disability and religion, but the degree and scope of this protection may differ considerably between States, especially where certain grounds of discrimination are concerned. Significant differences can also be found at national level in highly decentralised countries with regional and local governments of varying importance.

This paper will focus firstly on the Italian case, examining how European Union directives have been implemented and outlining the key limitations of such processes. Secondly, we turn to the role of Italian regions, focusing particularly on the case of Piedmont. The study will start by exploring the process that put the equality issue on the regional agenda; next, it will focus on the policy-making process; and finally it will deal with the terms of anti-discrimination policy. In 2006, through its Equal Opportunities Department (Assessorato alle Pari Opportunità), Piedmont implemented a number of measures aimed at eliminating discrimination at regional level. In the same year, the Regional Government also presented a bill regulating equal opportunities and anti-discrimination issues within regional competences. Despite the difficulties that were still being encountered during the bill’s approval process, the Equal Opportunities Department decided in 2009 to promote a research project designed to support the development of a regional anti-discrimination action plan. In addition, Piedmont had recently approved a Government resolution for the implementation of anti-discrimination measures, and had signed a Memorandum of Understanding with the National Office Against Racial Discrimination (hereafter UNAR), which is a section of the Italian Presidency of the Council of Ministers’ Department for Equal Opportunities whose remit was established by the enactment of Council Directive 2000/43/EC through Legislative Decree no. 215 of July 9 2003. This agreement would lead to the
creation of a Regional Agency addressing discrimination based on gender and gender identity, sexual orientation, race and ethnicity, religion, age and disability. We attempt to shed some light on the limitations of action against discrimination at national level; in addition, we emphasise that Italian regions are playing a innovative role that should be observed more closely in order to fully understand its potential to overcome some of the difficulties that anti-discrimination action has encountered at national level. In order to support the analysis of the Piedmont case we will focus on the developed policy process, on the adopted approach to inequality and on the role of the different parties involved.

The European anti-discrimination legal framework

The Lisbon Treaty, in force since 2009, renewed European Institutions’ and Member States’ obligation to combat discrimination and promote the implementation of the principle of equality. First of all, it provided a new legal basis for future policies, making the Charter of Fundamental Rights of the European Union legally binding. This is of significant relevance to anti-discrimination law since its third title is entirely dedicated to equality, covering a wide spectrum of prohibited discrimination factors, embracing the notion of substantial equality and expressly permitting the adoption of affirmative action where gender is at issue. Secondly, the Treaty on the Functioning of the European Union (TFEU) reproduces the detailed anti-discrimination provision that the 1997 Amsterdam Treaty had included in art. 13 TEC, empowering the Council, acting unanimously on a proposal from the Commission and following consultation with the European Parliament, to take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. On the basis of this provision and following the creative role played by the European Court of Justice, which applied the principle of equality to a wide range of cases going well beyond what had been established in the Treaty of Rome, two significant Directives were enacted at the beginning of the 21st century: Council Directive 2000/43/EC, which implemented the principle of equality of treatment between persons irrespective of ethnic origin, and Council Directive 2000/78/EC, which established a general framework for equal treatment in employment and occupation, covering disability, religion or belief, sexual orientation and age. Simultaneously, sex discrimination was also being addressed by Directive 76/207/EEC. This new European anti-discrimination law moved towards a broadening of the scope of the fundamental principle of equality and represented, at least for some Member States, a significant step forward in protecting disadvantaged groups and updating the equality models that had been typical of 1970s legislation. It is important to note that the non-discrimination principle had already been established in the 1957 Treaty of Rome but at that time it was strictly related to the establishment and function-
Part 2. Challenging Differences and Inequalities in and through Policies

It is widely known that the purpose of Article 48 EEC was to prohibit discrimination based on nationality between citizens of the Member States as part of the right to free movement of workers within the Community and that the purpose of article 119 EEC, stipulating the principle of similar wages between men and women for the same work, was merely economic and aimed to safeguard fair competition (Palici di Suni, 2009). Consequently, banning discrimination on the grounds of nationality did not ensure a right to equal treatment with regard to race or ethnicity, and the principle of equality between the genders has been established for any significant amount of time only in the field of employment and occupation. A good example of these new directives’ change in perspective can be found in the evolution of gender equality legislation. The aforementioned Directive 76/207/EEC on implementing the principle of equal treatment for men and women concerning access to employment, vocational training and promotion, and working conditions had its legal basis in art. 119 EEC: it was first modified after Amsterdam by Directive 2002/73/EC, which was adopted on the basis of Article 141(3) EC, providing that the Council may adopt measures to ensure the application of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation generally. Its field of application was later widened by Directive 2004/113/EC, which implemented the principle of equal treatment between men and women in the access to and supply of goods and services on the basis of Article 13 EC, borrowing concepts and tools from the Racial Equality Directive and the Employment Equality Directive such as procedural provisions relating, for instance, to protection from reprisals and to the role of associations or organisations having an interest in the enforcement of the directives. Finally, in 2006, all of the legal provisions relating to sex discrimination that had been divided among several directives were consolidated in the Recast Gender Employment Directive (2006/54/EC) (De Schutter, 2006).

More than ten years have passed since the adoption of the above-mentioned non-discrimination directives: they have been implemented in all 27 EU Member States but the degree of implementation varies greatly between countries and the level of protection from discrimination also differs considerably with regard to grounds of discrimination. For instance, a large number of Member States chose not to restrict their non-discrimination laws to the grounds found within Directives 43/2000/CE and 78/2000/CE and expressly prohibited discrimination based on other factors such as health condition, marital status and language. Other Member States, however, targeted homophobia and realised far more comprehensive protection from discrimination on the grounds of sexual orientation. Age discrimination, meanwhile, is often the most neglected of the grounds of discrimination, since EU law permits multiple justifications of different treatment on the basis of age, and levels of acceptance for this kind of discrimination are very high in many national equality laws (Sargeant, 2008).
The Italian legal framework: national and regional anti-discrimination laws

Article 3 of the Italian Constitution states that all citizens “are equal before the law, without distinction of sex, race, language, religion, political opinion, personal or social conditions”. Grounds of discrimination such as age, sexual orientation and disability are not mentioned, as they appear in the TFEU or in more recent national Constitutions. This does not mean that there is a need for constitutional reform since the general principle of equality should prevent any discriminatory treatment. The implementation of the new EU ‘discrimination’ directives, however, provides evidence that for many decades both national and regional legislative bodies have taken little action to fight against discrimination which is not expressly banned, while combating historically unequal treatment on the basis of gender, language or religion, or dealing with the race-related problems that have accompanied immigration since the mid-1980s. With respect to age discrimination, for example, the transposition of Directive 2000/78 presented particular challenges because, like the majority of Member States, Italy did not have any existing general legislation: implementation consisted of the enactment in Legislative Decree 2004/216 of the Directive’s age discrimination provisions without stipulating any adaptation of existing practices. In addition, since art. 6 of the Directive permits justification of both direct and indirect age discrimination, uncertainty remains as to which forms of age discrimination can be treated as justified by national courts, and compulsory retirement ages are also still a controversial issue (Bell, Chopin & Palmer, 2007). Furthermore, with regard to the other grounds of discrimination, protection from unequal treatment remained far from satisfactory for many years: the original transposition law employed an extensive interpretation of the EU Directives’ contents, both for exceptions to the fields of application and for justifications.

However, a number of the limitations of Italian enforcement of equality directives have already been eliminated: for example, the shift of the burden of proof was finally introduced in 2008 after the Commission launched an infringement procedure that year against Italy and many other countries such as the Czech Republic, Estonia, Ireland, Greece, France, Hungary, Malta, the Netherlands, Finland and Sweden (Calafà, 2009), while other steps were also taken to combat discrimination on certain grounds. In 2009, the Chamber of Deputies failed to approve a proposal tackling homophobic hate crime and a highly controversial draft law on this matter is now under discussion once again². Italy currently prohibits and punishes the instigation of discrimination or violence on only racial, ethnic, national or religious grounds, while homophobic intent is already considered an aggravating circumstance in the commission of a criminal offence in many Member States and even a crime itself in certain other countries.
In some ways, regional legislation on discrimination issues seems to be more innovative than national legislation. In 2001, a significant reform of Title V of the Constitution, which deals with regions, came into force and introduced a new division of legislative powers among the State and its regions, overturning the criteria that had been previously applied. The State has exclusive legislative power in certain specified matters, while other matters are covered by concurrent legislation; this means that regions have legislative power except in the case of certain fundamental principles which are reserved for state law in many significant matters such as protection and safety of labour, education (without infringing on the autonomy of schools and other institutions, and with the exception of vocational training), professions, scientific and technological research and support for innovation in the productive sectors and health protection. What is more, regions have residual legislative power in all non-specified matters and they are also expressly empowered to combat gender discrimination by art. 117 Cost. This constitutional change had important consequences for regional relations with the European Union since the regions and the autonomous provinces of Trento and Bolzano should take part in the preparatory decision-making processes of EU legislative acts in those fields that fall within their jurisdiction, and they are responsible for implementing international agreements and EU measures, subject to the rules set out in State law which regulate the exercise of subsidiary powers by the State in the case of non-performance by the regions and autonomous provinces. On this basis, Tuscany became the first Italian region to ban discrimination against homosexuals in the fields of employment, education, public services and accommodation (Tega, 2008). The Government opposed this new law (no. 63/2004) but the Constitutional Court (decision no. 253/2006) stated that good practices aimed at promoting better conditions for LGBT people and engaged in at regional level are legitimate on condition that regional law respects the allocation of functions between State law and regional law provided for by the Constitution: the Court upheld the majority of this innovative legislation but ruled that only State law may: (a) regulate proceedings that give consent to the changing of sexual characteristics; (b) provide rules governing non-discrimination on the grounds of sexual orientation and gender identity in the field of sale and provision of goods and services; and (c) select in advance the person entitled to give consent to medical treatment on behalf of an unconscious patient. Other regions such as Liguria and Emilia-Romagna are taking similar steps: they recently enacted specific laws concerning protection from discrimination based on sexual orientation and gender identity while a considerable number of regional statutes have been modified during the last five years so that they expressly refer to a ban on sexual orientation, age and disability discrimination.

Italian regions are therefore playing an innovative role in combating discrimination because of their legislative powers in dealing with new matters, even though the division of power between the State and regions in such matters remains somewhat
unclear, especially because of the national exclusivity of the competence in the “de-
termination of the basic standards of welfare related to those civil and social rights
that must be guaranteed in the entire national territory” stated in art. 117, I (Pegoraro
& Pavani, 2010). Despite the many interpretative problems that the Constitutional
Court is attempting to solve in the exercise of its power to decide disputes concerning
the constitutionality of national and regional laws and conflicts arising over the allo-
cation of powers between the State and the regions, the last decade has seen signifi-
cant incidence of regions’ regulating discrimination related issues. As seen above,
is particularly the case with regard to gender equality, because of the explicit
constitutional mandate contained in art. 117, VII, providing that “Regional laws have
to remove all obstacles which prevent the full equality of men and women in social,
cultural and economic life, and promote equal access of men and women to elective
offices”. This induced a large proportion of regions (50%) to introduce gender quotas
in the electoral laws for their legislative assemblies despite the National Parliament’s
failure to adopt such measures aimed at promoting women’s political participation.
To date, Piedmont has not approved a new electoral law for the Regional Council
espousing equality among men and women, but it has taken important steps in pro-
moting substantial gender equality and in combating discrimination on the grounds
of sexual orientation and race. The Piedmont Statute, in force since 2004, states in
art. 13 that “The Region guarantees equal opportunities between women and men
and it acts through law and other acts to remove any obstacle preventing full equal-
ity in social, political, cultural and economic life. Law shall ensure equal access for
women and men to elective offices and to bodies, organs and all offices appointed by
the Council or the Cabinet”. Other provisions are dedicated to the protection of eld-
ery people, children and persons with disabilities, and to welfare rights for migrants
and refugees.

Some innovative regional laws have been enacted in the last two years for the promo-
tion of women’s rights. Law no. 8/2009 (Integrazione delle politiche di pari oppor-
tunità di genere nella Regione Piemonte e disposizioni per l’istituzione dei bilanci di
genere) on equal opportunities between men and women expressly refers in its first
article to the EC Treaty and to the European Charter of Fundamental Rights, which
introduces gender budgeting at both regional and local levels. Laws no. 11/2008
and no. 16/2009 deal specifically with violence against women. The first (Fondo di
solidarietà per il patrocinio legale alle donne vittime di violenza e maltrattamenti)
provides a public fund for supplying female victims of violence with legal assistance,
and the second (Istituzione dei Centri aintiviolenza con case rifugio) provides ‘shel-
ter houses’ for each province with the aim of offering victims protection, material and
psychological support and legal assistance. This is the first regional law approving
(unanimously) a bill that was introduced by a public initiative supported by 12 000
people – 4000 more than required by Art. 78 of Piedmont Statute. The success of this
popular initiative was largely due to the campaigns of women’s rights associations and trade unions operating in the area.

Additionally, a highly significant bill was presented to the Regional Council in 2006 outlawing all forms of discrimination on the grounds of gender, gender identity, racial or ethnic origin, religion or personal belief, disability, age and sexual orientation in the matters of regional competence, such as labour, housing and health services. The bill, no. 303/2006, has been discussed and amended but not yet passed.

National limitations of the institutional anti-discrimination initiative and the terms of the Piedmont case analysis

The objective of this analysis is to draw attention to the potential role of Italian regions in implementing anti-discrimination policies in a national context limited by several constraints. An examination of the process of implementing new EU discrimination directives reveals the difficulty and inadequacy of introducing new forms of protection against discrimination. Various researchers have pointed out that such limitations are often related to the institutional, political and socio-cultural factors that shape the political approach to the treatment of inequality (Lombardo & Bustelo, 2009). Analysing the normative frameworks and its constraints, Del Giorgio and Lombardo (2009) stressed the existence of national gatekeepers, which limit the implementation of valid opportunities offered by European prescriptions: “Governmental action to transpose EU anti-discrimination directives has sometimes highlighted a lack of political will to promote equality if not a resistance to the discourse of anti-discrimination” (Del Giorgio & Lombardo, 2009: 2). In this way, elements such as the type of political parties in government and the political divisions between left- and right-wing coalitions are critical for the institutionalisation of equality, as are the difficulties of the left-wing and more progressive parties in dealing coherently with such policies (Del Giorgio & Lombardo, 2009). Wider analysis of the political treatment of inequality has shown a shift from a unitary to a multiple character in the Italian approach with the predominance of gender as the key institutionalised inequality in terms of promoted policy and guaranteed anti-discrimination protection, followed by race or ethnic origin inequality, while other inequalities (e.g. sexual orientation and age) remain institutionalised to a lesser extent.

Legal and political constraints limit the opportunities created through the formation of bodies designed to deal with equality policies, such as the Minister for Equal Opportunities, head of the Department for Equal Opportunities, and the Italian national equality body UNAR required by EU Directive 43/2000 to combat racial and ethnic discrimination and dependent on the Department for Equal Opportunities. Several analyses of UNAR have highlighted its lack of independence, especially when dealing with institutional discrimination, its limited powers of action to respond to UNAR re-
quests for proof in cases of discrimination) and of intervention (chiefly moral suasion or social mediation in cases of litigation and soft low interventions), scarce institutionalisation of civil society participation in the policy-making process together with a general lack of coordination with other equality institutions (especially within the Department for Equal Opportunities where UNAR is located). Finally several difficulties have been connected to the political treatment of multiple inequalities, in that UNAR is entitled to act against discrimination based on race and ethnic origin, while discrimination based on gender is treated by the Councillor for Equality, a body under the Ministry of Labour which currently acts against discrimination on the labour market through regionally and locally based networks (Law 726/1984). Other types of inequality are not treated by any specific body and action against discrimination is left to individual initiative, with the exception of discrimination based on disability which is specifically precluded by law n. 67/2006, and which allows NGOs registered at the Department for Equal Opportunities to sustain legal causes on behalf of the victim.

Drawing on the aforementioned national limits, the case under analysis and the main phases of the Piedmont regional anti-discrimination policy-making process, we employ cross-cutting analysis elements to study the policy process that yield to anti-discrimination regional policy, the approach to inequality and the parties involved in shaping both the process and the approach. Firstly, considering policy making a dynamic process (Sutton, 1999), we will focus on the way in which the issue of inequality entered the regional political agenda, on the most important phases of the policy process and on the way in which this process has been influenced by external factors such as political constraints and stakeholder requests. Secondly, we will focus on the approach to discrimination that the region adopted in terms of the grounds of discrimination that were included in its sphere of action and in terms of treatment of inequality which might be considered unitary, multiple or intersectional (Kantola & Nousiainen, 2009). Thirdly, we will highlight the roles assumed by a number of actors in the policy process concerning the Regional Equal Opportunities Department initiative, namely civil society organisations that have an active role in anti-discrimination action at a Regional level, organisations responsible for research activities and national institutions in charge of anti-discrimination policies. The analysis is largely based on a reconstruction of the institutional framework, and relies on policy documents, norms and bills, projects details and activity reports from regional and national contexts.

The case of Piedmont

FIRST PHASE: PUTTING EQUALITY ON THE AGENDA

The path for regional anti-discrimination initiatives was laid by a number of wider programmes, such as the European anti-discrimination framework, national anti-dis-
Part 2. Challenging Differences and Inequalities in and through Policies

Discrimination policies and certain civil society activities. The first step was the establishment of the regional Department (Assessorato) for Equal Opportunities in 2005. Initially, the Department’s activities focused on equal opportunities between men and women and its organisational structure conformed to the gender mainstreaming intent. For these reasons the Division – that is, the administrative working unit – was positioned under the direction of the regional presidency cabinet (Gabinetto della Presidenza della Giunta Regionale), responsible for coordinating the Regional Directors’ work in order to guarantee coherence and unity of intervention. The year 2006 marked an important shift in the Department’s approach from a focus on equal opportunities between men and women to a multilevel approach. After a period of internal reorganisation, the Department promoted several legislative initiatives in order to counter the legislative deficiencies of the Piedmont Regional Institution in the field of equality. Bill no. 303/2006 (Norme di attuazione della parità di trattamento e del divieto di ogni forma di discriminazione nelle materie di competenza regionale) aims at promoting anti-discrimination practices and human rights in each field of regional competence. The first article of the bill refers to the Universal Declaration of Human Rights, art. 13 of the Treaty establishing the European Community, and art. 3 of the Italian Constitution as a legal framework for the regional anti-discrimination intervention. The bill was an explicit effort to place Piedmont’s approach within the European multiple anti-discrimination framework and it represents the expansion to a multilevel regional approach to inequality. The bill identifies gender and gender identity, sexual orientation, religion or belief, disability, age, race or ethnic origin as grounds of discrimination that are expressly forbidden.

During the bill’s approval process, the Department planned a full year of activities for the “2007 European Year of Equal Opportunities for All”. The most important initiative in this framework was the Melting Box – International Fair of Equal Opportunities. The event was included in the Equal Opportunity Ministry National Plan of the European Year, as an event for communication, culture and sport (Project network n. 4) and the fair focused on preventing and overcoming stereotypes. The Melting Box fair is considered to have played a crucial role in integrating such themes into the regional political agenda for several reasons, in that it brought the multilevel approach into regional mainstreaming on equality and anti-discrimination, and also in that it provided a space for discussion among the movement’s key actors. In the meantime, bill no. 303 was encountering difficulties in the approval process. The text was amended by right-wing parties as well as by left-wing parties promoting such legislative initiative: in 2008, it became clear that it would not be easily or quickly approved.

SECOND PHASE: ACTION/RESEARCH “AGAINST DISCRIMINATION”
The difficulties encountered in approving bill no. 303/2006 did not stop the regional anti-discrimination policy developing. Instead, the Department for Equal Oppor-
tunities began to explore alternative routes. In October 2008 Piedmont signed an agreement with the Piedmont Regional Institute of Social and Economic Research (hereafter IRES Piedmont). According to the terms of the agreement, the Institute would be provided with funds in order to implement research activities supporting the development of a proposal for a regional public organisation aimed at acting against discrimination prohibited by EU Directives 43 and 78 of 2000. The purpose of the Department was to build knowledge in the field of anti-discrimination capable of orienting and facilitating the development of the regional policy against discrimination even if a specific law had yet to be passed. The absence of any legal basis was controversial, considering the Department’s wish to act against discrimination at least based on the grounds included in the European discrimination directives and the difficulties encountered in applying such an approach.

The research project’s focus lay on the legal system and on the equality mechanisms developed in Europe at national and regional levels. This phase concentrated on defining the legal framework for Piedmont action against discrimination and on benchmark activities and processes and the quality of the main national and regional European equality bodies working against discrimination in order to adapt best European practices for the Piedmont context. Subsequently, the research focused on the following issues: a stakeholder analysis consisting in mapping and analysing the most important stakeholders working against discrimination at regional level; a needs-analysis; and a preliminary investigation of the different needs arising from the various grounds of discrimination. These two phases maintained a participatory approach and incorporated actors who were involved in anti-discrimination initiatives at regional level.

With regard to the research/action “Against discrimination”, to its role in the policy-making process, and considering the current analysis certain elements should be stressed. Firstly, the research was initially focused on discrimination on the grounds included in the EU discriminations directives: gender, sexual orientation, race or ethnic origin, religion or belief, age and disability. As the research was implemented, the team broadened the scope of the investigation to include nationality and gender identity; this extended framework was maintained by the region in its policy documents. The research’s approach to inequality should also be stressed: single types of inequality were considered crucial (unitary approach) but intersections among them were questioned, such as their consequences (intersectional approach). Moreover, the working group also decided to maintain their focus on multiple discrimination (multiple approach).

A third element that should be highlighted is the kind of research being undertaken. Action research aims “to solve pertinent problems in given contexts through democratic inquiry in which professional researchers collaborate with local stakeholders to seek and enact solutions to problems of major importance to the stakeholders”
Part 2. Challenging Differences and Inequalities in and through Policies

In this case the research team cooperated with a group of experts actively involved in the promotion of equality and anti-discrimination at regional level. This group was composed of seven members representing the various types of inequality included in the analysis. This helped to launch a participatory process of data collection, and also to involve civil society and institutions from the outset through the main formal and informal networks which the experts were connected to.

THIRD PHASE: TRANSLATING RESEARCH OUTCOMES TO PIEDMONT ANTI-DISCRIMINATION POLICY

Some of the results of the action research ‘Against discrimination’ were particularly significant. In terms of the legal framework, the analysis showed the relevance of regional competences in the field of anti-discrimination policy; as section 2 explains, Italian regions acquired new competences following the 2001 Constitutional reform and many regions have already passed specific anti-discrimination laws. Moreover, a national law requires regional intervention: Decree no. 286/1998 on immigration provides regional observatories of discrimination based on race, ethnicity, religion and national origins in order to support victims of discriminatory acts (Art. 42). Although this measure relates to a limited number of grounds of discrimination, it confirms the relevance of Italian regions’ role in this field. The investigation of national and regional European equality bodies highlights certain pieces of strategic information. Regional equality bodies exist in several European countries⁸. Despite differences in status, powers, approaches and structures, regional equality bodies seem to strengthen the relationship between population and territory: their establishment answered the need to bring anti-discrimination action closer to the beneficiaries. This process has been facilitated by the involvement of non-governmental organisations (NGOs) which play an active role in anti-discrimination at regional level; regional equality bodies and NGOs share the provision of services for victims, prevention and awareness raising activities, and so on. In this way, existing practices, competences and knowledge have been expanded and improved while networks amongst organisations have also been encouraged. The stakeholder analysis phase revealed a remarkable number of public and non-governmental organisations in Piedmont, while the needs analysis confirmed the relevance of regional intervention in providing content advice. As of the end of 2009, bill no. 303/2006 had still not been approved. Once the research had been concluded, the Regional Department for Equal Opportunities developed the terms of the anti-discrimination policy. In November 2009 the Regional Government approved resolution no. 51-12642 containing measures against discrimination in terms of prevention, elimination and victim assistance. The resolution scheduled the creation of a Regional Coordination Centre Against Discrimination, responsible for promoting research and monitoring discrimination at regional level, network-
ing with stakeholders and mapping initiatives and projects implemented within the regional boundaries. The Centre would cooperate with UNAR. These activities were considered part of a transitional phase aimed at preparing for the establishment of an Independent Agency as a regional equality body in charge of discrimination prevention and elimination, and equality promotion. The resolution also requested the identification of a network of local anti-discrimination centres based on existing organisations (e.g. municipalities or NGOs) through a regional call for tender. The Director of the Regional Council Presidential Cabinet – General Affairs and Equal Opportunities for All Division, together with representatives from the other regional divisions would define the steps towards establishing the Agency. For this reason, the resolution requested an Anti-discrimination Action Plan. In 2010, changes took place in Piedmont regional government; a centre-right coalition was elected and the anti-discrimination policy was not overturned, though several changes have been proposed. A new resolution is being prepared so that the anti-discrimination policy can finally be implemented.

From the regional Piedmont case to national policy

The National Office Against Racial Discrimination played a supportive role in the Piedmont anti-discrimination policy making process. Because of this, UNAR and Piedmont signed a Memorandum of Understanding as part of the 2009 regional resolution; this document guarantees the National Office’s support to the Regional Anti-discrimination Coordination Centre and intends to connect regional discrimination prevention and elimination to the national initiative. The connection between the Piedmont anti-discrimination initiative and UNAR is part of a wider regional and local anti-discrimination policy. Since 2009, UNAR have been planning to implement a national network of territories involved in anti-discrimination which will mean involving regional and local authorities, supporting the establishment of regional and local centres responsible for victim support, and involving civil society organisations in local networks in order to bring the anti-discrimination initiative closer to the population. UNAR follows the Emilia Romagna model: in 2007 Emilia Romagna established a regional centre against discrimination based on race, ethnic origin, nationality and religion. This centre coordinates a network of more than 200 NGOs and public bodies working as local offices responsible for giving information, receiving discrimination reports and, depending on the position of the office and on the type of case, dealing with discrimination through social mediation. UNAR has signed a Memorandum of Understanding and an Operational Agreement with Emilia Romagna; moreover, since 2009, UNAR has been attempting to apply this model to other Italian regions and provinces. To date, five agreements with regions, twelve with provinces and three with municipalities have been signed; the agreements are supported, and
often anticipated, by the activities of several projects initiated by UNAR with the aim of encouraging networking among the regional and local authorities. Currently, because of these projects, several UNAR experts are following the processes activated at regional and local levels, stakeholders are being mapped and analysed, and seminars and training activities are being organised. With the endorsement of this model, UNAR intends to “establish a national centre for surveying and monitoring the phenomena of racial discrimination; formulate standards of intervention and ensure basic and uniform levels of report management; collect homogeneous and comparable statistical data, with the purpose of giving an effective description both on a national and local level of the phenomena of racial discrimination; promote on a regular basis training and refresher courses for all the local entities connected to the regional networks activated through the memoranda of understanding; ensure a direct, continuing and committed involvement of all the NGOs operating in the field of non-discrimination in each geographical area included in the agreements” (UNAR, 2009). Thus, the Piedmont policy is integrated in the national policy.

Conclusions and final remarks

In the case of Piedmont, equality and anti-discrimination issues initially entered the regional agenda because of the political objectives of the centre-left Regional Government elected in 2005; a key role was also played by European law and politics, in which the multilevel approach to equality was emphasised. Besides the introduction of bill no. 303/2006, the “2007 European Year of Equal Opportunities for All” was an opportunity for the Department for Equal Opportunities to expand its regional intervention on inequality based on gender, sexual orientation, race and ethnicity, age, disability and religion with the support of the Equal Opportunity Ministry. The Department then maintained this approach and later expanded it to include further grounds such as gender identity and nationality. Moreover, the multiple approach and intersectionality perspective became part of the regional policy making process.

On the one hand, the analysis of the Piedmont case highlights the persistence at regional level of certain constraints previously identified in the national framework, while on the other hand it also reveals an attempt to overcome them; the difficulties encountered by bill no. 303/2006 seem to refer to a lack of political motivation and to the conflict between right- and left-wing parties and among left-wing parties themselves. The new centre-right government coalition has not abandoned the anti-discrimination policy developed by the previous government, however, even if no official document has yet clarified the recent changes. A public declaration by the Regional Councillor for Equal Opportunities has confirmed the engagement of the Regional Government with the anti-discrimination initiative. Moreover, the analysed process highlights mixed political treatment of inequality: besides the unitary ap-
proach shifting to a multiple one, attention has also been focused on intersectional-ity within several initiatives, such as the action research “Against discrimination”. The inclusion of civil society organisations has also been promoted: the region initiated a dialogue during the Melting Box fair and financially supported the implementation of civil society projects in 2007. However, the action research represents a genuine step forward. Stakeholders were able to voice their needs and influence the policy-making developments by taking part in participatory research aimed at supporting the policy-making process. Finally, the initial proposal of an independent regional agency for dealing with discrimination would satisfy critics of UNAR’s lack of independence, but a renewed organisation proposal will soon be presented and such a proposition is unlikely to be included.

To summarise, although political gatekeepers limit the development and implementation of anti-discrimination initiatives both at national and regional levels, progress is still being made and the regional Piedmont policy seems to overcome some of the limits encountered at national level in terms of scope, political treatment of inequality and civil society's inclusion in the policy-making process. Nevertheless, some shortcomings remain; the Piedmont regional anti-discrimination policy is not legitimated by a regional law, but is a soft law intervention whose functioning might rely on the political will of future regional governments without any guarantee of being sustained even economically. Moreover, in order to confirm the effective surpassing of several national shortcomings, it will be necessary to observe not only the Piedmont regional policy implementation but also the national model of regional and local anti-discrimination networks planned by UNAR. In this context, it will be relevant to consider the risks involved with the differentiated levels of protection that this model might lead to within different territories of the same national context, and to compare the Italian regional anti-discrimination initiative with those of other European countries in order to understand its relevance at a wider level.

Finally, with regard to the national anti-discrimination initiative, and focusing particularly on the role of UNAR, it seems that recent management practices have been designed to overcome a number of the problems associated with national gatekeepers highlighted previously. The strengthening of action against institutional discrimination seems to have led to a failed attempt to suppress UNAR by a group of members of the Italian Parliament belonging to the Lega Nord Party, part of the current government\textsuperscript{13}. Moreover, a group of deputies of the same political party addressed a parliamentary question (4/10501 – 20/01/2011) to the Ministry for Equal Opportunities relating to an official request from UNAR to remove an indirectly discriminatory criterion in a Trieste municipal resolution aimed at financially supporting families with newborns and excluding families with less than ten years of residency. The Ministry answered, confirming the impossibility of intervening, and drawing attention to the principle of independence of the national equality body stated both in EU di-
Part 2. Challenging Differences and Inequalities in and through Policies

rective 43/2000 and in Legislative decree 215/2003. The 2010 annual UNAR report testified to the office’s renewed commitment to addressing grounds of discrimination other than race and ethnic origin in its inclusion of an analysis of discrimination based on sexual orientation, age and disability and its reports on projects aimed at dealing with multiple discrimination. To conclude, UNAR signed an agreement with the national Councillors of Equality and the recently formed Observatory for Safety against Discrimination in order to coordinate action against discrimination so that it supports victims in particular. These potential national developments should be considered alongside regional developments in order to gain a fuller understanding of anti-discrimination policy in Italy.

Notes

1. Although this paper is the result of a group research project, paragraphs 1, 2 and 3 were written by Mia Caielli and paragraphs 4, 5, 6 and 7 were written by Valeria Santostefano. Under the supervision and coordination of Elisabetta Palici di Suni, University of Turin.

2. Bill no. 2802 presented to the Chamber of Deputies on 14 October 2009 “Norme per la tutela delle vittime di reati per motivi di omofobia e transfobia”.

3. For further analysis of the Italian case see Lombardo and Del Giorgio (forthcoming).

4. Until 2005, the Regional Government of Piedmont had neither an equal opportunity division nor a Regional Councillor; the division for the promotion and development of entrepreneurship and cooperation (Promozione e sviluppo dell’imprenditorialità e della cooperazione) was the only division responsible for equal opportunities promotion within the regional body. After 2005, when the centre-left political parties came into power following ten years of centre-right governments, the regional Equal Opportunities Department was created and a Regional Ministry ‘Assessor’ was also nominated within the regional government, new personnel was hired and a budget line was opened within the regional budget demonstrating a renewed interest in this field of activities.

5. The organisation chart of the region is composed of: 18 government branches (Assessorati), each in charge of a specific policy sector (e.g. Environment, Social and family policies, etc.); each branch is composed of several divisions, responsible for a specific field of intervention.

6. The Declaration was adopted by the United Nations General Assembly on 10 December 1948.

7. Gender identity was already included in bill no. 303/2006.

8. Texts that have been particularly interesting for our purposes include the analysis of the Equal Opportunities Unit in Flanders (Belgium), the Haute Autorité de Lutte contre de Discriminations et pour l’Égalité Rhones-Alpe (France) and the Centro contro le discriminazioni of Emilia Romagna (Italy).


10. Further regions involved are: Liguria (04/12/2009), Puglia (30/07/2010) and Sicilia (17/03/2010).

11. The projects are financed by the Italian Ministry of the Interior, along with the European Fund for the Integration of third-country nationals (European Social Fund); further information on the financial issues and on the policy itself can be found in: UNAR, 2010.

12. See the public letter from the Regional Equal Opportunities Assessor Giovanna Quaglia published by the newspaper TorinoSette – La Stampa, 29/04/2011, pg. 5.

13. Amendment no. 1.146 of Bill no.2518, art. 1.


Equal is not necessary?
Intergenerational solidarity in aging societies

PETER THIJSSSEN

Abstract

In this essay we try to develop a theoretical model to a research field that is somewhat morsalized and under theorized, namely that of intergenerational affairs. Most research tends to focus on the problematic of the lack of intergenerational reciprocity and institutional trust in aging advanced industrial societies. However, a more holistic and less static approach that incorporates the inter-subjective verification processes related to forces of system integration such as group pressure and reciprocity is necessary in order to understand why intergenerational solidarity survives in aging advanced industrial societies. In this respect we rely heavily on Durkheim’s dual typology of mechanic and organic solidarity, as well Honneth’s recent work on the importance of inter-subjective recognition. Our central conclusion is that empathy seems to be the driving force of intergenerational solidarity. Hence, it might be a mistake to enforce programmes that are only trying to restore short term equality in intergenerational relations.

Contact

Peter Thijssen
Department of Political Sciences
University of Antwerp
St-Jacobstraat 2
2000 Antwerp, Belgium
peter.thijssen@ua.ac.be

Key words

intergenerational solidarity, aging, Durkheim, Honneth
Introduction

The last decennia we have seen a lot of scholarly attention for the concept of intergenerational solidarity (e.g., Attias-Donfut, 1991; Laslett & Fishkin, 1992; Walker, 1996; Chauvel, 2001, 2010; Howse, 2004; Bengtson & Oyama, 2007; Dumas & Turner, 2009). The upsurge of interest is probably related closely to the fact that (welfare) states are currently facing important structural challenges such as population aging, individualization and globalization. Based on the existing literature intergenerational solidarity could be defined as ‘an awareness and sense that generations should support each other’. There is no denying, however, that if one considers intergenerational solidarity in the context of the current issue of population aging and matura tion, the emphasis is mainly on the excessive transfers going from the smaller younger generations towards the larger older generations (Tornstam, 1995: 23; Van Parijs, 2011). This represents a remarkable conceptual curtailment in three ways. First, it narrowly stresses manifest behaviour based on instrumental reasoning instead of latent feelings and emotions. Yet, as we will demonstrate later on, the link between a broadminded society and big-hearted individuals seems nevertheless crucial. Second, it one-sidedly focuses on one type of group-membership, namely statically defined generations, rather than on differently situated individuals in a common aging process (dynamic entity) or on society in general. Third, it uses a selective approach as the emphasis is on the lack of reciprocity rather than on the reasons why intergenerational solidarity might survive in spite of decreasing reciprocity.

At first sight the problematisation of the manifest assistance of young generations to older generations might come as a surprise, as research has demonstrated quite clearly that the reciprocity of assistance in terms of social security provisions has always declined with age (Komter & Vollebergh, 2002: 175). The older one gets, the more assistance one receives and the less one gives. However, if some generations are longer ‘old’ and/or more numerous, the asymmetry may become excessive and undermine the essence of intergenerational solidarity. Namely the fact that generations support each other, as reciprocity enhances solidarity (Bawin-Legros & Stassen, 2002). This self-destructive logic would appear to apply in particular to financial
transfers within pensions systems based on repartition and in health care spending in aging democracies. Due to the democratic importance of large numbers, the balance of power is shifting towards the elderly. Moreover, given that the older generations have much higher turnout rates (Wattenberg, 2008) and that they have much to lose if the existing provisions would be curtailed (Campbell, 2003) their political influence may even outstrip their actual numbers. Even if the voting behaviour of the older generations is not systematically influenced by their own self-interest, politicians will probably not risk to lose their support by affecting their vital interests (Goerres, 2009). “The possibility exists that future distributive conflict over state resources will be played out less along lines of class, skill, of ideology, and more along generational lines, with growing elderly age cohorts increasingly gaining the upper hand over shrinking younger age cohorts” (Tepe & Vanhuyse, 2009: 2).

It must be said, though, that this kind of argumentation uses a narrow instrumental view on solidarity. It assumes that citizens tend to evaluate institutionalized redistribution at generational level separately from inter-subjective redistributive processes and more importantly also separately from the feelings of compassion and empathy associated with them. Accordingly, the institutionalised solidarity is only sustainable if there is a degree of equity between the amounts that generations contribute and the allowances they will eventually be entitled to. Although we have no way of knowing what the future holds precisely, and given that the notion of ‘degree of equity’ is rather vague, all the indications are that the relatively small generations embodying the working population of today will, in any case, need to contribute more substantially for health care and old age provisions than the relatively large generation(s) that is beginning to exit from the labour market. According to this narrow instrumentalist analysis, the institutionalised intergenerational solidarity may come under serious pressure, because it is not equitable and sooner or later the younger generations will challenge it. Hence, many scholars propose the urgent adoption of policies that could reverse and control the excessively asymmetric financial transfers between the young and the old, before it is too late (Kotlikoff, 1992; Gossseries, 2008; Van Parijs, 2011). Examples of such policies include the redesigning of pension and health care schemes (e.g. increasing pension age and drug reimbursement rate reductions), the installation of new political institutions (e.g. reserved parliamentary seats for the young generations), the adoption of new indicators in national accounts (generational accounting).

However, the notion of excessive of inequitable institutionalized solidarity might be a contradictory construction because it is based on dubious conceptual and empirical thinking. For one thing, Mauss has advocated quite convincingly that the excessiveness and the lack of reciprocity might constitute the essence of the gift donation involved in solidarity behaviour. Moreover, the individual problematisation of the increasingly asymmetric institutionalized intergenerational solidarity has hitherto
largely failed to materialize. As social contributions are withheld at source, many individuals are barely aware of how much they are putting into the system. As we know for now instrumental reasoning is often hampered substantially by the limitations of bounded rationality. In practice, it is in any case hard to determine precisely how large the *quid* and the *quo* are for a specific individual, let alone for generations. As contributions and allowances are spread out strongly over time and may vary considerably as a result of small technocratic interventions on the part of government, the cost price of solidarity is still largely masked. Moreover, most individuals are noticeably conservative when weighing costs against benefits, and are therefore averse to risks and especially losses (Elster, 2007). People attach larger value to losses in comparison with the status quo than to similar gains. The dismantlement of the present system of institutionalized intergenerational solidarity would after all constitute a leap into the unknown. And that may well prove a step too far, even for bungee-jumping generations. As a matter of fact people tend to interpret reciprocity rather broadly (e.g. Boeri et al., 2001; Van Els et al., 2004; Gossseries 2008).

Hence, we will argue that a more holistic and dynamic approach is necessary, which takes into account inter-subjective sources of social integration besides the forces of system integration. In this respect we are inspired by the solidarity model that was recently presented by Thijssen (2011). This model implies a reformulation of Durkheim’s (1893) distinction between mechanical and organic solidarity. Mechanical solidarity is conceived the synthesis of an inter-subjective dialectic linking principles of group-based communality with feelings of compassion. Organic solidarity is the synthesis of a similar inter-subjective dialectic involving motivations related to functional interdependence and empathic feelings. In the first part of this essay we will demonstrate that this conceptual framework leads to a better understanding of the differential processes facilitating intergenerational solidarity. Subsequently, we will evaluate the viability of the mechanical and the organic dialectic with respect to intergenerational solidarity.

**The theoretical framework**

Inspired by Honneth’s recognition theory (1996) both mechanical and organic solidarity are conceived as a synthesis of a moral dialectic of the general and the particular whereby general principles of recognition are inter-subjectively verified. This inter-subjective verification proceeds according to an agonistic logic, whereby misrecognized individuals activate and sustain a struggle for recognition. Mechanical and organic solidarity are based on two distinct types of general recognition principles. In the case of mechanical solidarity, the emphasis is on the link between likeness and cohesion of group members. Social equality is conductive to social rights that guarantee every member of society a fair amount of essential goods regardless
of achievement. In this respect mechanical solidarity is anchored in a ritualized social contract. If differences should become apparent that are not legitimated by the existing status hierarchy, group members will feel a moral compulsion to alleviate them. Moreover, the alleviation of differences creates mutual dependencies and through these dependencies individuals get used to regard themselves as part of a mechanical whole. In the case of organic solidarity, the emphasis is on the diversity that exists between solidary parties. The distinct functions that individuals fulfil in the division of labour make them interesting to each other, not only as trading partners but ultimately also as fellow individuals. In this respect organic solidarity is the product of consensual contracting. The recognition of the value of otherness is essential to successfully integrate individuals in an organic whole as it guarantees them a fair amount of social esteem under the prevailing hegemonic value structure.

Furthermore, both solidarity dialectics are linked by feedback and feed-forward processes. The increased division of labour induced by a modernizing state context might stimulate organic solidarity to the extent that individuals will become more and more aware of their own individuality and will therefore be inclined to question the essentialism of generational memberships. However, inspired by Maffesoli’s

**TABLE 1: A TYPOLOGY OF SOLIDARITY**

<table>
<thead>
<tr>
<th>RELATIONSHIP BETWEEN INDIVIDUALS WITH ...</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A SIMILAR PROFILE</strong></td>
<td><strong>A DIFFERENT PROFILE</strong></td>
</tr>
<tr>
<td>[Mechanical solidarity]</td>
<td>(Organic solidarity)</td>
</tr>
<tr>
<td>1 Group-based solidarity</td>
<td>3 Instrumental solidarity</td>
</tr>
<tr>
<td>‘You are a member of the group from which I largely borrow my identity.’</td>
<td>‘You are an interesting exchange partner. You may be able to help me in the future.’</td>
</tr>
<tr>
<td>• Universalistic identification: ego and [other member of] the community</td>
<td>• Universalistic identification: ego and exchange partner</td>
</tr>
<tr>
<td>• Externally imposed/rational consideration</td>
<td>• Contractual logic/rational consideration</td>
</tr>
<tr>
<td>2 Compassionate solidarity</td>
<td>4 Empathic solidarity</td>
</tr>
<tr>
<td>‘You are like me, but you don’t have what I have [and you need it]. That makes me feel shameful.’</td>
<td>‘You are not like me but nevertheless I understand and respect you.’</td>
</tr>
<tr>
<td>• Particularistic identification: ego versus [generalized] other</td>
<td>• Particularistic identification: ego versus [significant] other</td>
</tr>
<tr>
<td>• Redistribution</td>
<td>• Recognition</td>
</tr>
</tbody>
</table>

**Mechanical dialectic**

**Organic dialectic**

**Profiles of the beneficiaries**

**Structural principles**

**Who are they?**

**Social integration**

**Intersubjective verification**

**What are they?**

**System integration**

**Universalistic identification**

**Contractual logic**

**Rational consideration**

**Ego and exchange partner**

**Ego and (other member of) the community**

**Ego versus (significant) other**

**Ego versus [generalized] other**

**Redistribution**

**Recognition**
‘neo-tribes’ (1996) and Anderson’s ‘imagined communities’ (1983) the moral individualism implied in the organic solidarity dialectic can also activate the inclusion in new emotional communities, which could be frameworks for mechanical solidarity. This dynamic processes from mechanical solidarity to organic solidarity, and back links the mechanical social contract to the organic consensual contract, exteriorized in a new kind of contract of equity. It is precisely the equitability of the intergenerational contract that is at issue here. Is it sensible to resort to structural engineering to restore the intergenerational reciprocity?

Based on the two dialectics Durkheim’s original dichotomous conceptualization can be transformed into a comprehensive typology of four pillars of intergenerational solidarity (Table 1). The four pillars are group-based intergenerational solidarity, instrumental intergenerational solidarity, compassionate intergenerational solidarity and empathic intergenerational solidarity (Thijssen, 2011). While most institutional reforms tend to focus solely on the interplay between the social structural principles underlying intergenerational solidarity (quadrants 1 and 3) a holistic analysis gives due attention to the feelings of solidarity (quadrants 2 and 4) that result from the inter-subjective verification of these structural principles. In the next sections we will focus on all four pillars.

The mechanic dialectic of intergenerational solidarity

MECHANICAL THESIS: GROUP-BASED INTERGENERATIONAL SOLIDARITY

The fact that group members share a set of rights and duties, which are guarded and regulated by group norms and pressure, still is an important basis for the emergence of solidarity. This is also the case in broader contexts, such as the rule of law, whereby group norms and peer pressure are legally and institutionally embedded, witness the existence of the contemporary welfare state. The modern citizen has transferred his duties of solidarity to the state, as it were, so that solidarity has, in a sense, become a collective responsibility. We show solidarity because we are compelled to. The payment of taxes and social security contributions is a duty one cannot back out of unpunished. In this sense, the generational contract (Musgrave, 1986; Bengtson & Aschenbaum, 1993; Véron et al. 2007) is also an inseparable part from a more encompassing social contract. It is no coincidence that the contract metaphor ties in nicely with the insurance logic on which (Bismarckian) welfare states are founded. Because the vulnerability of ‘old age’ is a fate that most citizens share it makes sense to conceive of a collective insurance. The institutionalised solidarity in the welfare state thus exhibits basic similarities with the mutual assistance found among members of primitive societies or hordes. Stateless individuals today are just as vulnerable as individuals used to be who had been banished from their tribe or horde. However, it speaks for itself that this unconscious and enforced solidarity is becom-
ing increasingly less self-evident in today’s individualised and negotiated society (Giddens, 1991). This is due, first and foremost, to the rising educational attainment level and, in the second place, to citizens’ declining faith in the (political) authorities who are responsible for the shaping of social security. In the volume of collected writings entitled *Critical Citizens*, Ronald Inglehart (1999) demonstrates that the educated populations in Western industrialised countries are finding it increasingly difficult to accept authoritatively imposed decisions. Moreover, they are increasingly losing faith in the political authorities and their policies. This is a dangerous trend. In the words of Russell J. Dalton, it “strains the social contract that underlies the democratic process because the voluntary compliance of the citizenry is essential to democratic governance” (Dalton, 2004: 200). In this context of waning political faith it is indeed not unthinkable that citizens will begin to call into question their contribution to the system of institutionalised solidarity.

Some scholars echoing Durkheim in his later work argue that a common binding factor needs urgently to be found in order to counterbalance the trend towards boundless individualism. According to Alexander (2006: 31) a culturally defined and institutionally enforced universalized civil society should be able to perform this role perfectly. Yet in order for a democratic state to fulfil this role, it must be able to count on the support of its citizens. Inspired by Habermas’s notion of *constitutional patriotism*, some authors argue for an enhancement of individual connectedness with the nation: “Il est aujourd’hui impossible de préserver l’État-providence sans refaire nation, c’est-à-dire sans revivifier le socle civique sur lequel s’enracine la reconnaissance d’une dette sociale mutuelle” (Rosanvallon, 1995: 70).

Complementary, one might refer to subsidiary group memberships whose significance derives from the primary life sphere. Emotional communities and neo-tribes similar to the family may provide a solid communal context for mechanical solidarity to flourish. Despite the demise of a number of familial functions (Popenoe, 1993), there is after all still quite a lot of evidence of solidarity within the family: the provision of care and assistance is characterised primarily by a philanthropic particularism, a preference for relatives above all other needy persons in one’s environment (Komter, Burgers & Engbertsen, 2000: 100). It is therefore not true that transfers within the framework of the welfare state are increasingly repressing expressions of intergenerational solidarity within the family. For one thing, *inter vivos* transfers between relatives would appear not to be in decline (Kohli, 1997).

An often-cited reason for the survival of familial solidarity is sense of duty. Because parents have brought it into the world, it is a child’s duty to assist its parents if they require help. The parents ensured the existence of the child, so now it is up to the child to ensure the continued existence of the parents. In many (pre)modern societies, children are a kind of insurance for the parents’ old age. Laslett (1992: 27) has pointed out that this *bilateral procreative agreement* may constitute a crucial ele-
ment in the survival of intergenerational mechanic solidarity. Women in particular tend to regard it as their duty to care for older relatives (Finch & Mason, 1993). We can, however, not deny that social obligations have become less compulsive than they used to be (Komter, Burgers & Engbertsen, 2000: 84). In other words, the procreative contract brings with it fewer obligations than it once did. Familial solidarity is therefore increasingly less enforced. Characteristic in this context are the reforms in systems of statutory duty of maintenance. Moreover, given that the divorce rate has increased strongly, the likelihood of a parent, either voluntarily or not, walking away from his or her parental ‘duties’ has therefore also increased. For that matter, research has shown that divorce often has a negative effect on the degree of familial solidarity: “divorce followed by single parenting is associated with weaker ties between parents and adult children” (White, 1994: 946).

MECHANICAL ANTITHESIS:
COMPASSIONATE INTERGENERATIONAL SOLIDARITY

As we have explained in the introduction, solidarity does not only spring from institutional principles or instrumental considerations, but is explicitly rooted in distinct feelings related to the inter-subjective verification of these principles (Mayhew, 1971; Honneth, 1996; Komter & van Oorschot, 1998; van Oorschot, 2000). Compassionate solidarity, which we have already discussed, is a case a point. Like group-based solidarity, compassionate solidarity presupposes a subjective communality that accentuates that despite their communality group members sometimes find themselves in different situations. In this respect, both compassionate and group-based solidarity are specific manifestations of the mechanical dialectic. However, unlike in the case of group-based solidarity, compassionate solidarity does not require reciprocity. On the contrary, compassionate solidarity is based on the impossibility of reciprocity: “I feel that, because of external factors, the other is unable to engage in a reciprocal relationship”.

This kind of compassionate solidarity is, implicitly, also an important legitimation for the current welfare state. As Nussbaum asserts, “compassion has many potential roles in public life. It can provide crucial underpinnings for social welfare programs...” (Nussbaum, 2004: 55). Feelings of compassion, be it religiously inspired or not, have always been an important motive for interpersonal charity. Huddy et al. (2001: 468) indicate, for example, that public support for pensions systems depends upon the situation in which the retired persons find themselves: “Program support depends centrally on continuing stereotypes of older people as helpless and needy, a view that may be increasingly challenged by demographic statistics that highlight the elderly’s growing affluence and power”. However, on the other hand compassion depends also on the structural context in which one finds oneself. Rousseau already argued in Discours sur l’origine et les fondements de l’inégalité parmi les hommes
(1754) that certain hierarchical societal structures, such as a caste system, stand in the way of compassion. Tocqueville emphasized in *De la démocratie en Amérique* that ‘democratic structures’ contribute to feelings of compassion: “cette disposition à la pitié que l’égalité inspire” (1840, vol. 4: 112). Similarly, Marshall (1977 (1947)) links the universalization of political rights to the expansion of social rights. As the etymology of the word ‘compassion’ (*com* ‘together’ + *pati* ‘to suffer’) suggests, it is associated with communality and it is not an enjoyable sensation. In a sense, the institutionalised system of the welfare state was designed to avoid such experiences and to ensure that feelings of compassion could be largely avoided. Hence, institutionalized intergenerational solidarity is an explicit outcome of the mechanical dialectic. Interestingly, both Rousseau, Tocqueville, and Marshall already drew attention to the fact that the institutionalisation of solidarity was effectuated in order to crowd out compassionate solidarity. This is the agonistic logic, whereby misrecognized individuals activate and sustain a struggle for recognition and redistribution. It is precisely in this sense that the greater vitality of an increasingly large group of elderly citizens may have an effect on compassionate solidarity. Insofar as pensioners had literally ‘spent’ themselves and could therefore no longer be professionally active, they understandably inspired compassionate solidarity in those who still possessed enough strength and energy to work. For that matter, the terms ‘retirement’ and ‘rest pension’ tie in with this very notion. However, survey results show that younger pensioners in particular are by no means ready to retire. On the contrary, they want to remain active and are increasingly looking to experience a second youth (Boeri et al., 2001; Van Els et al., 2004). Against this background, there is clearly less room for compassionate solidarity. In fact, members of the generations making up the working population may actually become envious of the leisured retired as the greater vitality of the old also makes them more visible. Indeed, the most visible elderly person, though not necessarily the most representative, is the still relatively young and vital senior citizen. By contrast, heavily care-dependent elderly persons are increasingly often not cared for at home but in specialised rest and nursing homes, so that they have become less visible. Consequently, the mechanical dialectic is hampered because there are less concrete inter-subjective encounters with individual group members that trigger feelings of compassion.

**The organic dialectic of intergenerational solidarity**

**ORGANIC THESIS: INSTRUMENTAL INTERGENERATIONAL SOLIDARITY**

As Durkheim made already abundantly clear, in increasingly differentiated and individualized societies, mechanical forms of solidarity are gradually replaced with relationships of organic solidarity whereby solidarity is no longer regarded as a social duty but rather as a product of a reciprocal bartering process that is exteriorized
in a proliferation of bilateral consensual contracts. In this context, it would initially appear to be quite problematic that, under our social security systems, the young, professionally active cohorts are usually the providers of assistance while the older, almost professionally inactive cohorts tend to be the recipients. All the more so as the indications are that solidarity transfers are becoming increasingly significant, both qualitatively and quantitatively.

Let us consider some of the qualitative shifts in solidary behaviour. On the basis of a system of institutionalised solidarity, state institutions provide social benefits to any entitled person who finds him or herself in a precarious situation. Sometimes these individuals are entitled to benefits because they have paid social contributions (insurance principle), while in other cases entitlement and contributions are unrelated. Clearly this is quite a fundamental distinction, as the distribution logic applied is entirely different. In the first situation, the solidarity is conditional. You are entitled to social assistance insofar as you have accumulated social rights. In the second situation, the solidarity is less conditional and dependent on the common recognition of individual needs (mechanical dialectic). It suffices for someone to be in a precarious situation in order for that individual to be entitled to assistance. However, besides these qualitative shifts in intergenerational transfers within social security, there have also been a number of quantitative changes. In most aging societies the younger generations will, proportionally, have to contribute more than the generations who are exiting the labour market now or will be doing so in the near future:

“Generational accounting of taxes and benefits on the basis of population forecasts almost invariably point to implicit public pension deficits in the near future: the discounted value of public pension benefits exceeds by far the discounted value of public pension contributions” (van Dalen & Verbon, 1999).

However, we need to look beyond the financial transfers within the framework of the pensions and health care system, and within the context of a specific life phase at that. For one thing, the reasoning takes no account of the interpersonal transfers that were exchanged when the non-working ‘recipients’ were still working ‘contributors’. One could, after all, consider pensions as a form of compensation for the cost of education (Schokkaert, 2004). Today’s pensions claimants could then be seen to have contributed during their working careers to the cost of schooling for the younger generations. And the youngsters, for their part, could be seen to redeem that educational debt in the form of pensions contributions from the moment they become wage earners. The average educational attainment level has undoubtedly risen over the past decades. Obviously, such an evolution carries a price tag. However, while the cost of education per pupil/student has grown rather explosively, the number of pupils/students has, at the same time, decreased as a result of declining birth rates. Moreover, some argue that the utility of education also has devalued (Chauvel,
The added cost associated with population aging is therefore only very partially offset by a comparable growth in the educational budget. It could also be asserted that the unprecedented wealth in which the younger generations grow up is the fruit of the labour of previous generations. Again though, certain questions arise. Despite the wealth and affluence experienced today, our society is increasingly becoming an ‘empire of scarcity’ because growing wealth has gone hand in hand with an inflation of needs. Youngsters often have to work excessively hard just to achieve the level of wealth they were accustomed to in the parental home. Although labour productivity is still increasing, so that average per capita working time has declined substantially, the average working time per household has undeniably increased. The two-earner household has become the norm, which can be problematic for deviating household types. Furthermore, increasing labour productivity has not appeared out of the blue. Often, it is achieved through the levers of flexibility and reorganisation. Again, though, one would appear increasingly to have reached the limits of human ability: “Even among the financially comfortable the generation gap in malaise (psychological disorders) has widened steadily” (Putnam, 2000: 263). If increasing welfare is a gift from the older generations to the young and the future generations, it would appear to be a poisoned one. The growing welfare has, at least in part, come at the cost of the exhaustion of natural resources. After all, one cannot deny that the consolidation of welfare growth is, to an extent, artificial, in the sense that the public authorities have had to accumulate substantial debt in order to attain it. The view that it invariably concerns long-term investments would, after all, seem untenable.

Furthermore, we need to look beyond financial transfers within the framework of social contributions. After all, as Durkheim already pointed out in 1893, modern organic solidarity is the product of individual differences, more specifically in terms of their respective positions in the distribution of labour. For example, the generally non-working elderly have more leisure time, more income from assets and more life experience than youngsters. On the other hand, the generally working youngsters are more vital and they have a larger earned income. Clearly such differences are conducive to a level of complementariness when it comes to exchanging solidarity. In this sense, it is perfectly understandable from an instrumental point of view that youngsters should contribute a substantial part of their incomes to pensions and healthcare for the elderly, because in return they could profit from the life experience, the leisure time and/or part of the accumulated wealth of the elderly. Still, under the influence of all kinds of societal forces, there is growing evidence of a structural asymmetry in this exchange process.

While the professionally active generations are obliged to pay social contributions, there is no genuine institutional framework that compels the older, no longer working, generations to offer anything in return. Although most countries have extensive
legal provisions that regulate the relationship between parents and their children, these provisions generally pertain to underage children only (Marin, 2000). It must be said, though, that adult children are legally entitled to a share of their parents’ inheritance. However, this does not change the fact that there are on the whole no laws relating to inter vivos transfers from non-working elderly parents to their working children.

Moreover, we observe a number of societal processes that restrict the use of certain means of exchange. There are clear indications, for example, that experience and wisdom are becoming increasingly less useful as currencies of exchange for the elderly. A particularly stimulating study in this respect is Margaret Mead’s *Culture and Commitment: A Study of the Generation Gap* (1970). Mead distinguishes between three types of cultures: postfigurative, configurative and prefigurative culture. In each of these cultures, a different age group serves as the primary point of reference (1970: 1). In a postfigurative culture, which was the dominant type during almost the entire history of humankind, the past provides by far the most important point of reference. In this sense, it is logical that the old, who have accumulated wisdom and are most experienced, should be the primary guides. So a postfigurative culture is characterised by the fact that the old are the ultimate role model for the young. The saying ‘As the old sing, so pipe the young’ illustrates this cyclical pattern perfectly. Differences between the young and the old are thus interpreted as an eternal fact of life temporary effect that is closely connected with the biological aging process that we are all going through. The young are seen to be bustling with energy and therefore to be idealistic and rebellious. The old, on the other hand, are often characterised as level-headed, not so reckless and on the whole more conservative.

It is nevertheless clear that the postfigurative culture is based on a social status quo that is diametrically opposed to abruptly changing contexts, such as may be occasioned by the introduction of new technologies. In this contexts people tend to look at their peers as their guides. Consequently, the postfigurative culture could temporarily transform in a configurative culture. According to Mead a configurative culture was dominant in the turbulent 1960s (1976: 20). As the old grew up in an entirely different social context than the young, they hold different values and opinions, and are no longer able to assist the young in their actions and behaviours. Because of this generation gap, youngsters living in a configurative culture will, in the first instance, look at their peers for guidance. “Do not trust anyone older than 30” was one of the mantra’s of the protest movement.

Mead argues that the third type, i.e. prefigurative culture, is the societal model of the future. In a prefigurative culture, everyone focuses on the young, because the latter are better equipped to face the challenges of the future in a society changing at the speed of light. All the indications are that the societal changes which we have experienced in recent decades have been so drastic and far-reaching that a situation has
arisen that is incomparable with the past. Mead therefore distances herself from the
postfigurative and configurative cultural models and argues for a drastic trend break
through the introduction of a prefigurative framework. In a prefigurative culture, the
younger generation serves as the ultimate role model (1970: 68). It is striking how
prophetic the analysis of Mead was, because thirty years on many cultural sociolo-
gists have observed shifts that tie in very closely with her prefigurative vision of the
future. The French notion of ‘jeunisme’ nicely illustrates that the virtue of youth is
hijacked by other age categories. Indeed, following up on the phenomenon of pro-
longed adolescence, the age limit of the group we call the young has gradually been
raised. The sociocultural characteristics that are typically associated with the young
tend increasingly to hold for a broader age group. Consequently, the category of the
young is becoming more and more heterogeneous in terms of age. Moreover, age
groups whose young years are far behind them also increasingly mirror themselves
in the young. It would appear that a growing group of senior citizens are laying claim
to leisure activities and consumerism, two important characteristics of contemporary
youth culture. Consequently, there is less and less evidence of a generation gap and
of tangible differences.

An important consequence of the emergence of a prefigurative culture is that the
older generations lose an important function, namely that of the ‘edifying’ example
and the embodiment of wisdom. This development may have implications for inter-
generational solidarity, as it would appear to jeopardise the reciprocity of the rela-
tionship of solidarity. Instrumental solidarity, for example, springs from the exchange
of services and goods between persons who occupy different positions in the social
distribution of labour. If one accepts that this does not necessarily involve an ex-
change of equivalent homogenisable goods, the older generations would, thanks to
the life experience that they have accumulated, have a precious resource. However,
as we have pointed out, this means of exchange would appear to mean less and less
in a cultural context where prefigurative elements seem to dominate.

Be that as it may, there is no denying that the old, in part as a result of improved med-
ical care, now remain vital for much longer, while in many advanced industrial socie-
ties the average actual retirement age has not increased significantly. In this sense,
there is less complementariness, as means of exchange that used to be unique to the
older generations, are now increasingly shared with the professionally active genera-
tions. The vitality of the younger generations made them more suitable to participate
in the labour market and thus to acquire an earned income. As today an increas-
ingly large proportion of pensions recipients are still relatively vital, we can no longer
speak of a meaningful difference in this respect. From an instrumental point of view,
this is of course a benefit rather than a drawback. Because of their greater vitality, the
retired old are, after all, better able to provide informal care for the working genera-
tions. After all, many pensioners provide care for their grandchildren or they help out
with other household chores. If those in work had to purchase such services, they
would suffer a substantial loss of income. This form of solidary behaviour, too, ties
in perfectly with the investment logic that constitutes the foundation of instrumental
solidarity. One makes available whatever one possesses in abundance at a given
moment (‘money’) and one receives in return something that one possesses far less
of (‘time’). The professionally active make a financial contribution to the pensions of
those who are no longer active. In return, some are able to lay claim to care time that
is made available by the old. Importantly, however, this informal assistance is in any
case voluntary and thus more precarious. Moreover, we notice that, in practice, such
reciprocity occurs mainly within the context of the family. The same holds for the gifts
and inheritances from the old that some members of the younger generations are
able to benefit from.

ORGANIC ANTITHESIS: EMPATHIC INTERGENERATIONAL SOLIDARITY
In the foregoing paragraphs, we have demonstrated that three pillars of the intergen-
erational solidarity model may be seriously decayed. The fact that the entire system
has not collapsed yet must be largely due to the fourth pillar, which consists in so-
called empathic solidarity. This type of solidarity originates in a shared affection and
likenindedness between separate and distinct individuals. We are concerned here
with the emotions associated with the inter-subjective verification of the instrumen-
tal principles outlined above. Inspired by Durkheim and Honneth this inter-subjective
verification process is called an organic dialectic.
There would appear to be two reasons why empathic solidarity, particularly between
the young and the younger segment of the elderly population, is flourishing. First,
we recall that postmodern society is increasingly characterised by prefigurative cul-
tural patterns. As contemporary society is evolving at an unprecedented pace, the
wisdom of the old is not considered as valuable as it once used to be. Increasingly,
the young are serving as the ultimate role model. In this respect there has undeni-
ably been a transfer of social status and authority from the older generations to the
younger. Generational conflicts, in the sense of clashing interests and communica-
tion breakdowns, are becoming less and less common. Moreover, the life spheres of
the young and those of the young pensioners are becoming more and more similar
and are increasingly overlapping, including in a spatial sense. As we have previously
mentioned, proximity engenders affection. This also relates to the second aspect.
As a result of longer education, the fact that youth unemployment is still high, and
improving relations with parents, youngsters tend to continue to live in the parental
home longer. By way of conclusion, we can say that the inter-subjective verification
of instrumental principles may reveal increasing asymmetries in a narrow pecuniary
sense but they are covered with the cloak of empathy.
Conclusion

Many scholars advocate the urgent adoption of age equality policies that could reverse and control the excessively asymmetric financial transfers between the young and the old. However, others have criticized them because of their narrow understanding of generational imbalances. Dumas & Turner (2010: 42) have therefore recently argued that further research is needed “on the forms of solidarity which promote the rights and duties required to secure the current and future welfare needs of each generation”. This is exactly what we have tried to do based on the recent synthesis of Durkheim’s and Honneth’s solidarity theories (Thijssen, 2011). First, in order to evaluate the viability of the mechanical dialectic we evaluated whether existing national or supranational frameworks are a fertile ground for group-based intergenerational solidarity. Our conclusions in this respect are not reassuring. On the one hand, we doubt that the citizens of the contemporary welfare state still have enough in common to constitute a genuine community displaying real togetherness. On the other, it seems unlikely that more primary group relationships, which often involve a stronger we-feeling, are sufficiently stable to compensate for the lack of community at a higher, aggregate level. Second, we considered whether, in an individualised society, it is perhaps better to rely on the insurance or investment logic that constitutes the basis of what we have previously referred to as instrumental solidarity. One invests in a social contribution in order to ensure that one would receive assistance should one ever require it. For two related reasons, this pillar would appear to provide very little support for intergenerational solidarity, which is growing in qualitative as well as in quantitative terms. On the one hand, collective insurance implies that either the insured all run a similar risk or that no adequate information is available about how great the risk actually is. Unlike in the past, this uniform uncertainty is now an increasingly untenable assumption. If, for example, one considers age to be a social risk, then clearly the sizeable and relatively ‘healthy’ baby-boom generation runs a much greater ‘risk of old age’ than previous generations. Instrumental considerations such as a financial quid pro quo today provide no guarantee whatsoever for intergenerational solidarity. For that matter, a similarly asymmetrical relationship is increasingly apparent in relation to other material or immaterial means of exchange. In contemporary prefigurative culture, the old have, for example, largely lost their role-model function.

However, a holistic analysis of intergenerational solidarity does not only rely on structural solidarity behaviour at macro level but also integrates inter-subjective evaluations and feelings. We set out to ascertain whether feelings of compassion can provide a legitimation for intergenerational solidarity within social security systems. Unfortunately, our expectations in relation to compassionate solidarity are not particularly great either. The most visible, though by no means the most representative,
category of senior citizen today are those in their sixties who are still vital. Indeed, baby boomers tend not to retire from society and instead seem to set out in search of a second youth. It speaks for itself that this visible group does not evoke feelings of compassion in the younger, professionally active, generations.

Last but not least, we ascertained whether intergenerational solidarity is perhaps induced by the fact that members of different generations tend to share more feelings and interests. In contrast to the previous three pillars, the pillar of so-called empathic solidarity would indeed appear to be solid. The respective social environments of young pensioners and the young would seem to be exhibiting a growing degree of similarity, and even to overlap spatially. This is largely due to the dominance of prefigurative cultural patterns. Youth culture has become the norm, also for young seniors. This creates a context that is conducive to feelings of empathy and intergenerational solidarity. Unfortunately, it is somewhat premature to conclude that all is well that ends well. The willingness to show intergenerational solidarity and to redistribute between generations seems to depend largely on mutual esteem or the fact that the young and the old recognize each other as cooperative members of society. The future will prove if this form of recognition is strong enough to warrant the gradually increasing intergenerational redistribution.

Notes

1. Evidently the notion of ‘young generations’ could easily be expanded to the future generations that are still unborn. However, because the conceptual problems involved in the identification and the conceptualisation of their ‘future rights’ are immense we will not deal with them in this paper.

2. Considering the involvement of consecutive generations (Laslett & Fishkin, 1992) the intergenerational consensual contracts are usually not bilateral but rather trilateral. If the young generations are to receive anything ‘in return’ for their support to the older generations, it will have to come from future generations. This is the essence of the notion of indirect reciprocity on which a trilateral generational contract is based (Kohli, 2004).


Creating topographies of in/equality.
The implementation of the EU directive on access to goods and services in Austria and its consequences

NORA GRESCH & BIRGIT SAUER

Abstract

The implementation of the (2004/113/EC) could have been an opportunity to improve the existing equality laws and equal opportunity architecture in Austria. However, the transposition in 2008 preserved existing gaps in anti-discrimination policies and created specific differentiated ‘topographies of in/equality’. Equality is thus not an inviolable human right anymore that can be claimed when someone is discriminated against. The paper argues that this is due to the ‘Austrian way’ of how the transposition of the EU directive was carried out. The institutionalization of neo-corporatism and consensus democracy – decisions in ‘the realm of shade’ – along with the rearticulated conservative gender discourse and a focus on the labour market in the parliamentary debates led to a weak transposition of the EU directive into Austrian law. Characteristically for this Austrian way of policy-making is the inclusion of representatives of women’s interests in relevant deliberative sites outside of the decision making bodies, their exclusion from the inner circle of decision-making and, hence, the non-acknowledgement of their arguments in the laws – as in the amended Equal Treatment Law.
Introduction: ‘Politics in the realm of shade’

Studying the transposition of EU Directives into national law has been on the feminist scientific agenda for quite a while (van der Vleuten, 2007). While most of the research analyses the outcome of the implementation of international norms with respect to national gender equality policies, this chapter focuses on the factors, which impact on the transposition of an EU directive into national law and wants to explain the outcome of the transposition process.

In political science literature on Europeanization and compliance with EU norms, Austria is characterized as belonging to the ‘world of national politics’ (Falkner & Treib, 2008). Rather than getting europeanised, the country follows its national paths in transposing EU law. This chapter wants to detect the consequences of the characteristics of policy making in the Austrian corporatist consensus democracy for the transposition of the EU directive 2004/113/EC, the “European Council Directive implementing the principle of equal treatment between men and women in the access to and supply of goods and services”.

Austria has been characterised as a conservative welfare regime with a dominant male breadwinner model. Although social democratic governments since the early 1970s tried to ‘emancipate’ women from the ‘traditional’ choices of envisioning their lives as mothers by integrating them into the labour market, the gendered division of labour did not change significantly. To this day, women have higher unemployment rates, the gender-hierarchical work segregation is large, the female proportion of part-time employment is high and the gender wage gap is still considerable (Grisold, Waltner, & Zwickl, 2010). In addition, the extent of public child-care facilities is rather poor. In the 2008 World Economic Forum ranking Austria was placed 29th out of 130 countries (Hausmann, Tyson, & Zahidi, 2008: 44). In 2010 Austria slid to 37th place out of 134 countries, because of a worsening performance in educational attainment and economic participation and opportunities for women (Hausmann, Tyson, & Zahidi, 2010: 64).

The slow transformation of the conservative gender regime is primarily located in two related characteristics of the Austrian political system. First, Austrian neo-corporat-
ism with its particularly close cooperation between social partnership, parties and state bureaucracy is a fortified structure of ‘male-bonding’ (Appelt, 1995). The social partners and state administration dominate policy-making on welfare issues, market relations and wages, including the sexual division of labour and the reconciliation of work and family. This setting makes the substantive representation of women, i.e. the ‘acting for women’, in policy processes concerning the labour market and social security especially difficult, even though the quantitative political representation of women in elected bodies has increased over the last 20 years. From 1994 to 2005 the share of female ministers in government grew from 22.7% to 40% and the percentage of women in parliament from 21.9% to 32.8% (Steininger, 2006: 254-256). In 2010, women MPs held 30% of the seats in parliament (www.parlinkom.gv.at/PERK/FRAU/WODIEFRAU; Bundesministerin für Frauen und Öffentlichen Dienst, 2010).

Gender equality policies and machineries developed slowly from the 1970s onwards. Austria established a specific form of ‘state feminism’: women’s policy units created within the state bureaucracy were important for the success of women’s movements campaigns on abortion, sexuality, violence against women and political representation (Köpl, 2001, 2005; Sauer, 2005, 2007a, 2007b). However, the gender equality policy field has suffered from so-called ‘package solutions’ between the more women-friendly social democrats (Sozialdemokratische Partei Österreichs, SPÖ) and the more family-oriented Christian-conservative party (Österreichische Volkspartei, ÖVP). A ‘policy package’ always included gender equality measures as well as more family oriented measures. All in all, governmental change over time, then, has resulted in waves of institutionalisation and de-institutionalisation (Rosenberger, 2006, 2009) characterizing this policy field.

Second, the weakness of Austrian gender equality policy is due to a particular characteristic of Austrian practice in developing and handling policy implementation, which we refer to as ‘politics in the realm of shade’. For us, the term denotes the exclusion of publicity, resulting in a lack of transparency and in informality within the development of a policy process. This also relates to the manner in which decisions come about, who is involved and whose interests are represented and supported. The short history of gender equality since the 1970s shows that policy-making in the realm of the shade, characterized by consensual pre-parliamentary negotiations in corporatist structures, is strongly androcentric. This pattern of Austrian policy-making, we suggest, can help explain the specific way in which EU equality directives are transposed into the Austrian national context.

The implementation of 2004/113/EC could have been an opportunity to improve the existing equality laws and equal opportunity architecture. However, in the following, we first will describe the (poor) outcome of the transposition of the EU goods and services directive especially which claims were transposed into the versions of the law in 2008 and in 2011. While the EU directive 2004/113/EC could have been an
opportunity to improve the existing legislation and equal opportunity architecture we will show that the transposition, implemented by amending the Austrian Equal Treatment Law in 2008, did not change the structure but preserved existing gaps in anti-discrimination policies. The paper will argue that path-dependency exists with respect to the content of the law: The EU directive has been embedded in the logic of the conservative national gender discourse as well as in the logic of a dominant waged labour discourse and therefore created specific differentiated ‘topographies of in/equality’. This was recently strengthened with another amendment of the Equal Treatment Law in 2011.

This result, we secondly argue, is due to the ‘Austrian way’ of how the transposition of the EU directive was carried out (see also Gresch & Sauer, forthcoming). Therefore, the focus of our attention in the next section will be on the characteristics of the policy process in Austria, which include the qualitative and quantitative representation of civil society organizations and women in the policy process as well as frames used in the policy debates. Our analysis will third trace the involvement of political organizations and political actors and their respective claims and the framing of the policy issue during three phases of the policy process transposing the EU directive: the drafting of the law, the draft review and the parliamentary debates for the first policy process of 2007/2008. Fourth, the chapter will conclude with an assessment of the consequences of the analysed implementation of 2004/113/EC for the Austrian equal treatment architecture.

Transposition of 2004/113/EC into Austrian law: creating topographies of in/equality

THE RESTRUCTURING OF AUSTRIAN EQUAL TREATMENT LAW

In the Austrian context, 2004/113/EC was transposed into national law in 2008 by amending three pieces of legislation: the Equal Treatment Law (Gleichbehandlungs- gesetz of 1979, amended in 2004), the legislation on the equality machinery, the Federal Law on the Equal Treatment Commission² (GBK) and Equal Treatment Attorneyship³ (GAW) (Bundesgesetz über die Gleichbehandlungskommission und die Gleichbehandlungsanwaltschaft), responsible for the enforcement of the equal treatment requirements of the law, and the Federal Equal Treatment Law (Bundes-Gleichbehandlungsgesetz), which pertains to equal treatment regulations concerning public servants in state institutions.⁴

Before the implementation of 2004/113/EC, the Equal Treatment Law was structured along different grounds of discrimination as well as different public sites and divided into three parts: part I contained the regulations concerning the equal treatment of women and men within the labour market, part II covered the requirements regarding equal treatment on the basis of ethnic origin, religion or philosophy of life, age,
and sexual orientation pertaining to the working environment. Part III focused on the regulations concerning discrimination on the basis of ethnic origin in specific areas outside the labour market.

With the implementation of 2004/113/EC in 2008, this structure of the Equal Treatment Law has been altered to transfer the paragraphs concerning the equal treatment of women and men in terms of the access of goods and services in other areas than the labour market as part IIIa into the third part of the Equal Treatment Law. Until then, part III had focused on equal treatment regardless of ethnic origin in all areas except the labour market. Although the paragraphs of part III all pertain to non-workplace areas, they now cover only ethnic origin and gender as grounds of discrimination, while excluding religion/philosophy of life, age or sexual orientation from protection outside the workplace. In addition, part III since 2008 also distinguishes between the different areas where protection against discrimination is applicable. While equal treatment on grounds of ethnic origin is explicitly protected in the areas of social assistance, including social security as well as health services, social privileges, education and, of course, access to goods and services, the areas of education as well as media and advertising are explicitly exempted from protection on grounds of gender in part IIIa. As a consequence of transposing the Goods and Services Directive in this way, the Austrian Equal Treatment Law now constitutes three topographies of in/equality with differentiated scopes of protection against discriminating behaviour.

The first topography of in/equality relates to the landscape or context of the labour market. Regarding this context gender, ethnic origin, religion/philosophy of life, age and sexual orientation are covered by the regulations as possible grounds of discrimination. During the recent amendments of the Equality Treatment Law this topography of in/equality was further carved and strengthened. For example, the scope of protection by the law was expanded through the recent amendment to include people who are discriminated against because they are close to a person who is protected by the Equal Treatment Law. If a person is discriminated against, for instance, because she or he is close to a transgender person she or he can also claim for compensation.

The second topography of in/equality relates to the context of other areas than the labour market. Concerning this area only discriminating behaviour on grounds of gender and ethnic origin is protected, especially in the access of goods and services, which now explicitly includes housing. For example, discriminating advertisements for housing facilities are forbidden after the new amendment, but only in regard to the mentioned grounds of discrimination.

The third topography of in/equality concerns the landscape of other areas than the labour market and here explicitly the areas of social assistance, including social security as well as health services, social privileges and education. Discriminating behaviour in these
areas is only protected on grounds of ethnic origin, but not on the grounds of gender. Moreover, the Austrian topographies of in/equality also include a *non-topography* or an invisible topography of in/equality which relates to the areas of private and family life as well as media and advertising. The regulations of the Equal Treatment Law are explicitly exempted for the mentioned areas.

In addition to these changes, the adoption of the directive resulted in an expansion of the scope of the Equal Treatment Law as well as of the offences of discrimination.8 The amendments to the Equal Treatment Law in 2008 included9: introduction of harassment and sexual harassment as an offence of discrimination; increase of the minimum compensation claim in case of sexual harassment from 400 to 720 Euros; introduction of measures for law enforcement, including the prohibition of disadvantage for people who report or sue people who discriminate, also regarding witnesses in all parts of the Equal Treatment Law; creation of the possibility to choose if a person concerned sues for compensation of damage or for the continuation of the contract in cases of discriminating terminations of working contracts; clarification that the amount of compensation has to reflect multiple offences of discrimination in an appropriate way; the publication of all decisions of the Equal Treatment Commission on the website of the Chancellory in its complete, but anonymous form.

With the amendment of the Equal Treatment Law in 201110 again only gender and ethnic origin are protected against discrimination in other areas than the labour market11 (through unification of part III and IIIa) although the draft of the ministry included the so-called ‘levelling up’ of religion/philosophy of life, age and sexual orientation as grounds of discrimination into the second topography of in/equality.12 The main changes of the amendment of the Equal Treatment Law in 2011 were13: the introduction of regulations determining the drafting of reports for companies about the income situation of their employees every other year for working towards more transparency and parity regarding the gender pay gap; increase of the minimum compensation claim regarding harassment from 720 to 1000 Euros; prohibition of discriminating advertisements of housing facilities.

**THE RESTRUCTURING OF THE ARCHITECTURE OF EQUAL TREATMENT MACHINERY**

The architecture of equal treatment legislation, and the corresponding institutionalization of the Equal Treatment Commission (GBK) as well as the Equal Treatment Attorneyship (GAW), has been in existence since the end of the 1970s; it has been changed as a result of the implementation of the EC anti-discrimination directives into national law at the beginning of the new century, which were processed slowly and only with pressure from the EC (Rosenberger 2009).14 Until the introduction of the completely revised Equal Treatment Law in July 200415, the Equal Treatment Commission (GBK) as well as the Equal Treatment Attorneyship (GAW) dealt only with cases regarding discrimina-
tion on grounds of gender within the labour market (Tertinegg & Sauer, 2007: 21). Originally, the establishment of the Equal Treatment Commission (GBK) was part of the requirements of the Equal Treatment Law when it was introduced in 1979, located at the Ministry for Women and situated within the Austrian negotiation structure of (Tertinegg & Sauer, 2007: 5). This positioning determined the composition of the GBK, with members sent by the ‘social partners’ and Federal Ministries. It also continued the ‘corporatist’ culture of informal negotiation, intransparency and secrecy (Bei, 2008: 143). In regard to its legal power, the decisions of the GBK do not have legally binding power, and are instead recommendations or legal opinion (Allhutter, 2003: 85-87; Tertinegg & Sauer, 2007: 21). The GBK can thus be described as an with the task to (Tertinegg & Sauer, 2007: 22). Nonetheless, a justification of its recommendation in a particular case is mandatory if a court decision differs from a decision of the GBK (Tertinegg & Sauer, 2007: 22).

Although the terms of its establishment led to the expectation that the GKB could play an active role in the realization of equal treatment in the labour market (Tertinegg & Sauer, 2007: 5), the responsible ministry – that of social affairs – sought to prevent the publication of information on companies infringing equal treatment rights. It continued this strategy even ten years after the law came into force (Bei, 2008: 144). Moreover, despite various amendments of the Equal Treatment Law (including the revisions generated by 2004/113/EC), no civil society organization has had a regular seat within a senate of the GBK. Furthermore, the obligation to publish all decisions of the Equal Treatment Commission on the website of the Chancellery in its complete form is restricted in so far that they have to be formulated in an anonymous way.16

According to the introduction of new grounds of discrimination in the Equal Treatment Law, the GBK was extended from one commission to three senates. Senate I became responsible for the equal treatment of men and women in the workforce, senate II for equal treatment on grounds of ethnic origin, religion, philosophy of life, age and sexual orientation in the workforce and senate III is in charge of equal treatment on grounds of ethnic origin in all other spheres. In the cases of multiple discriminations, senate I is in charge.17

With the implementation of 2004/113/EC in 2008, responsibility for cases of discrimination on grounds of gender in areas outside the workplace has now been assigned to senate III. This is a new addition to the remit of senate III. The title of senate III reads thus: “Senate III for equal treatment without difference pertaining to ethnic origin in other areas and for equal treatment of women and men concerning the access to goods and services.”18 Since the amendment in 2011 the new title is: “Senate III for equal treatment without difference pertaining to gender or ethnic origin in other areas.”19 Moreover, the composition of senate III has also been changed as a result of the amendment in 2008 extending its remit. Instead of having just one member sent by the ministry of education, science and culture, one member is now sent by the
ministry for science and research and one member by the ministry for education, art and culture. The ministry for health, family and youth is also a new inclusion, sending one member. Thus, the total membership of Senate III (except for the president) has been raised from 10 to 12 and no seats for civil society organizations have been created. While it is the task of the GBK to mediate between parties in advance of potential court proceedings, the Equal Treatment Attorneyship (GAW) is responsible for providing comprehensive advice, support and information to people regarding their rights and claims for equal treatment. The establishment of a legal advisor for equal treatment rights was part of the Equal Treatment Law amendment of 1990 (Allhutter 2003, 54-86). With the major restructuring of the Equal Treatment Law in 2004, this ‘ombud-institution’ was also extended to mirror the structure of the law with its three areas of equal treatment.

Thus, three different attorneyships addressed questions of discrimination:

1. The attorneyship for cases pertaining to the equal treatment of women and men in the workforce (Anwältin für die Gleichbehandlung von Frauen und Männern in der Arbeitswelt);
2. The attorneyship for cases pertaining to the equal treatment without difference concerning ethnic origin, religion or philosophy of life, age or sexual orientation in the workforce (Anwalt/Anwältin für die Gleichbehandlung ohne Unterschied der ethnischen Zugehörigkeit, der Religion oder der Weltanschauung, des Alters oder der sexuellen Orientierung in der Arbeitswelt);
3. The attorneyship for cases pertaining to the equal treatment without difference concerning ethnic origin in other areas (Anwalt/Anwältin für die Gleichbehandlung ohne Unterschied der ethnischen Zugehörigkeit in sonstigen Bereichen).

Due to the federal structure of Austria, besides Vienna, there are also four regional attorneys for the equal treatment of women and men in the workforce in the (federal states). They are located in the Länder Tyrol (Innsbruck, also responsible for cases occurring in Salzburg and Vorarlberg), Carinthia (Klagenfurt), Styria (Graz) and Upper Austria (Linz). The implementation of the Goods and Services Directive has also brought about changes in the attorneyship responsible for equal treatment regarding ethnic origin in areas other than the workplace. Given the extension of the remit to gender, three attorneys are now working within this area and in 2008 were titled and since 2011. One of the newly created positions of an additional attorney is currently held by the only male attorney within the three attorneyships. As the foregoing discussion indicates, the transposition and implementation of the Goods and Services Directive has resulted in detailed, if limited, changes to the role, remit and scope of the equality law and the equality machinery.
Austrian neo-corporatism as a structure for ‘male-bonding’ and informal policy-making

The Austrian way of policy-making might explain the marginalization of women and women’s claims in policy processes of transposing the EU Goods and Services Directive into national law. In the following we will briefly characterize the Austrian neo-corporatist and consensus oriented way of decision-making. The particular institutionalisation of a neo-corporatist and federal political system is crucial for analysing policy processes in Austria (Tálos, 2006: 425). Being structured as a federal republic, Austria has two chambers of parliament – the so called National Council as the directly-elected first chamber of parliament and the so-called Federal Council as the second chamber of parliament, representing the governments of the nine Austrian federal states. The National Council is the primary legislative body, as the Federal Council is rather weak and has usually only the right to make objections to decisions of the National Council, which it can ignore (Fallend, 2006: 1032-1033). In contrast to other federal systems, comparative research continuously stresses the centralized architecture of the relationship between federal and provincial levels, and leads to Austrian federalism being characterized as a weak form of that political arrangement (ibid.; Watts, 1999).

In contrast to other neo-corporatist formations, the Austrian version is characterized by the organization of private sector professional interests as public corporations. The respective public and private professional associations are highly centralized within the ‘chamber-system’ (see endnote 1) and the chamber organizations are legally entitled to be involved in processes of policy drafting as well as policy implementation (Fink, 2006: 443-444).

Furthermore, the realm of influence of Austrian neo-corporatism is embedded within two different functional networks, one vertical, the other horizontal (Tálos, 2006: 430-431). The describes institutionalized interactions as well as often close cooperation and advocacy for common interests between parties and the chambers. These networks reinforce the main ideological cleavages in Austrian politics: on the one hand the links between the Austrian Trade Union Association, the Chamber of Labour and the Austrian Social Democratic Party SPÖ are well established. On the other hand one finds connections between the Christian-conservative Austrian People’s Party ÖVP, the Chamber of Commerce and the Conference of Presidents of the Chamber of Agriculture (ibid., 430). The is constituted by informal and institutionalized interactions between the chambers, and, on occasions, between the chambers and the government (ibid., 431).

The social partnership, Austria’s ‘corporate corporatism’ (Neyer, 1996: 88ff.; Czada, 1992: 223) is literally (Appelt, 1995: 612). This androcentric structure has contributed to the exclusion of dealing with women’s issues, with the exception of abortion, from
political deliberation. At the end of the 1970s, dissent among the interest organisations and conflicts within the ‘social partnership’ diminished their influence in political processes (Tálos, 1997: 436). This formed an opportunity structure in which women-specific issues could be raised. The SPÖ institutionalised women’s policies by the end of the 1970s through a top-down modernisation process after some pressure from the women’s movement. Subsequently, Austria developed a specific form of ‘state feminism’ in which the national women’s policy machinery, the state secretary, and, since 1991, the Ministry for women, promoted women’s movements’ demands (Sauer, 2007a).

Although the described institutionalization and different networks of the neo-corporatist system have been a key feature of policy-making for decades, its leverage within policy drafting processes has declined within the last ten years due to national, European and international pressures on national policy-making. The conservative-populist government coalition of Christian-conservative ÖVP and right-wing FPÖ (Freiheitliche Partei Österreichs [Freedom Party]) (2000-2006), for instance, refrained from including the social partners during policy drafting on a broad range of issues, preferring instead the opinions of experts from outside the chamber networks (Tálos, 2006: 440). During the early years of government (2000-2001), the ÖVP-FPÖ coalition stopped sending out policy drafts for review to the chambers, but altered this practice after protest from the social partners and public criticism (ibid.). In contrast to governmental engagement with the chambers and expert advisors, the Austrian political system has not to date systematically institutionalized the inclusion of NGOs and their expertise in the policy development process. Bills are rather randomly sent out for a review process.

In general, drafts of laws are prepared by civil servants in the respective ministry who often consult different experts during this phase. Information about which experts are invited to participate in the drafting process is not publicly accessible. Drafts are then usually sent to the parliament and given to parliamentary working groups for their comments (Müller, 2006: 112; Tertinegg & Sauer, 2007: 23). The reviewed draft is subsequently submitted to various interest groups by the responsible ministry with an invitation to comment. The interest-groups consulted vary from ministry to ministry. While some institutions have the right to receive policy drafts, such as the social partners, the invitation to other organizations to comment on the proposal lies within the discretion of the relevant ministry (Tertinegg & Sauer, 2007: 23). Even so, every citizen and organization has the right to submit suggested amendments to the policy proposal within a specific time period to the ministry. These statements and suggestions must be published in the parliamentary archive and are subsequently reviewed by the particular ministry (ibid.). Some of the suggestions may be included in the second draft of the proposal, which will then be discussed in the council of ministers, the cabinet, and if passed, debated in parliament.
This results in policy-making in the ‘realm of shade’ characterized by low numbers of women present in policy processes – in the drafting and the review process of a bill as well as in parliamentary procedures, the low representation of women’s claims in policy processes and by the marginalization of women’s policy machineries and of civil society organisations. This institutional context is relevant for analysing the implementation of 2004/113/EC in so far as it will point to the central role and political leverage of certain networks as well as their relevance for influencing the parliamentary debates. It also illuminates the limited political influence of women’s civil society organizations and women’s policy agencies.

Explaining the transposition of 2004/113/EC in a social partnership context

In order to assess the poor implementation of the goods and services directive we will describe the transposition process pointing out the features of the ‘Austrian way’ of policy-making and to the framing of the issue in political debates.

TRACING THE TRANSPosition PROCESS

In January 2007, the Ministry for economy and labour, responsible for the implementation of 2004/113/EC, began the policy drafting process with expert consultations. Important for this first phase was the involvement of the ministry of justice, the ministry for social affairs, the ministry for women, media and public service, and the social partners, as well as the Equal Treatment Attorneyship GAW. The anonymity of publishing discrimination and the non-binding decisions of the GBK were criticized by women’s and civil society organizations in their review of the policy proposal, while the Equal Treatment Attorneyship (GAW) pointed out that the anonymity requirement could be used to avoid the obligation to make decisions and cases public. But much to the surprise of the attorneyship, none of the suggestions it put forward were transposed into the draft that was published on the ministry’s website on October 29, 2007, even though the advice it offered was positively received during the consultations. In a written statement on the proposal, the Equal Treatment Attorneyship was critical of the fact that the draft was not sent to its office for comment before publication. Instead, the attorneyship and another 28 interested groups and organizations (e.g. Trade Unions, Chamber of Labour, Austrian Association of Women’s Organizations, HOSI/Initiative for Lesbians and Gays Vienna) had to comment on the published draft within 18 days (13 working days) – a very short time. Hence, the review process of the bill was rather arbitrary and selective due to the short time period of review and due to the fact that only a limited number of civil society organizations were able to react. In sum, the creation of a hierarchy of the scope of protection against discriminating behaviour was harshly criticized by civil society organiza-
Part 2. Challenging Differences and Inequalities in and Through Policies

...experts involved in the review process. All reviews of the draft were then analysed and discussed by the ministry for economy and labour and the ministry for women, media and public service with a view as to which suggestions to include in the final government proposal (Regierungsvorlage). But, the critiques of the GAW and of women’s groups and other civil society organizations did not make it into the second government proposal. This second draft of the law was debated within the council of ministers and approved of on December 19, 2007 (Gleichbehandlung 2007) and subsequently submitted to parliament on December 21, 2007. The legislative proposal was announced during the 44th session of parliament on January 16, 2008 and referred to the Equal Treatment Committee (Gleichbehandlungsausschuss) of the Austrian parliament for consideration. The SPÖ lead Committee scrutinised the draft only on May 20, 2008. This is an unusually long lapse of time between receiving and considering proposals that have already passed the council of ministers.

Interestingly, on March 19, 2008 Robert Marschall, the editor of Wien konkret, an on-line magazine focusing on events in Vienna, made public that he had submitted a complaint to the EC about Austria’s tardiness in implementing the EU directive on equal access to goods and services during the required time frame. In making his case, he referred to the ‘ticket scandal’ in advance of a soccer match in February 2008, when men had to pay 87 percent more for a ticket than women (Männerdiskriminierung 2008). This complaint speeded up the transposition process.

The policy process continued in May 2008 and the submitted draft was approved by the parliament’s Equal Treatment Committee with the support of a majority of deputies from SPÖ, ÖVP, Greens and the right-wing Bündnis Zukunft Österreich (BZÖ, Association Future Austria). The parliamentary debate followed on June 6, 2008. The bill was sharply contested by the deputies of the right-wing FPÖ alone. A majority comprising of SPÖ, ÖVP, Greens and the BZÖ deputies ensured its adoption. In this stage of the transposition process, female members of parliament took part in the policy process and discussed the issue of equal access to goods and services. The bill was then considered by the Committee of Women’s Affairs of the Federal Council (Ausschuss für Frauenangelegenheiten des Bundesrates) and unanimously approved by its SPÖ, ÖVP and the Green Party members on June 17, 2008. The Committee requested the Federal Council not to object to the draft, which was passed by a majority of the Federal Council deputies on June 19, 2008. The amendments to the Equal Treatment Law were published July 2, 2008 and came into force August 1, 2008 (Neues Gleichstellungsgesetz, 2008).

FRAME STRETCHING

Moreover, the decision-making process was accompanied by a conservative framing of gender relations, focussing on biological differences between men and women,
and by a biased framing of the EU directive towards the labour market. The debates in the National and in the Federal Council were dominated by arguments of FPÖ deputies against any equal treatment measures and against gender mainstreaming by almost neglecting the content of the law, i.e. the transposition of the EU directive on goods and services.

The debate in the National Council opened with a statement from Karlheinz Klement (FPÖ) that set the stage for the subsequent discussion. Referring generally to gender equality policies, he ridiculed the need for such measures. As a consequence, subsequent speakers gave only marginally attention to the fundamental changes introduced in the proposal, and to the commentary of social partners and civil society. The reference points within which Klement framed his arguments against gender equality measures reflected the dominant frames of Austrian gender equality discourse: ‘protection’, ‘sex differences’, and ‘focus on the measures regarding the labour market’, although 2004/113/EC explicitly focused on gender equality requirements outside the labour market (Di Torella, 2005). Klement and his FPÖ colleagues reinforced the conservative gender discourse in Austria by charging that the proposal dissolved sex differences and discriminated against men. Klement suggested that the objective of the proposal was to re-educate\textsuperscript{39} or socially reengineering\textsuperscript{40} relations between the sexes. This intent, he argued, was evident in the ‘guideline for non-discriminating language’ as well as ‘gender mainstreaming’ in the workplace or in schools and kindergartens. He attacked the campaign of the Minister for Women, Doris Bures, against domestic violence as a discrimination against men, stating: “Here, we experience gender-madness and a discussion that is exclusively led as a feminist one”.\textsuperscript{41} Klement concluded by emphasizing that there were other important areas to ‘help’ women from being discriminated against and that there should not be a ‘politics of division’, but measures to promote the ‘connectedness’ between the sexes.\textsuperscript{42} All other statements against the amendment of the Equal Treatment Law were given by Klement’s male colleagues from the FPÖ, who argued that “to gender” would lead to an “abolition of the sexes”\textsuperscript{43}, a “move towards an illiberal society”\textsuperscript{44} with gender mainstreaming as “the enemy of the rule of law”.\textsuperscript{45} The important issues, in their view, were the equal pay gap, the “real problems of women, like problems of single mothers”.\textsuperscript{46}

The only points of critique on the substance of the proposal made by the FPÖ deputies related to a potential abuse of the law by suing for a continuation of a limited or probational working contract due to an ‘alleged’ discrimination, and the anti-discrimination requirements in respect of housing: “You want to dictate to whom I, as a private man, rent out my apartment or to whom I, as a private man, sell my used car? You want to tell me that? Ladies and gentlemen, this is the abolition of democracy”.\textsuperscript{47}

Subsequent speakers stressed that affirmative action and the proposed improvements were necessary to combat discrimination and to achieve equal treatment and
equal opportunities in a democratic society. Interestingly, the statement that this amendment provided “more protection and help” for the “weak sex of society” is made by the only male MP not from the FPÖ, Johannes Zweytick from the ÖVP, who contributed to the debate. Although he also constructed his argument within the frames of “protection” and “sexual difference”, he advocated for the law.

The main point of critique from speakers supportive of the proposal was raised by Gertraud Knoll from the SPÖ who judged the amendment a “great progress” while remarking that it could have been even better if the minister of economy would have been more committed to it by, for example, linking positive actions concerning women with state funds for private businesses.

Apart from this point of critique, speakers generally emphasized the necessity and importance of the law to combat discrimination and of having rules to ensure that “nobody is discriminated against in Austria” as well as the proposal being a further move towards more democracy, justice and a “respectful living together”. While arguing in favour of the law, the areas especially emphasized as important for equal treatment measures were the unequal salaries paid to women and men for like work, violence against women and the family-work balance – issues not covered by the Goods and Services Directive.

Furthermore, crucial improvements introduced by the proposal were welcomed during the debate, such as the novel measure of choosing between financial compensation or the continuation of the working contract by those found to have been subject to discrimination, the increase of minimum compensation from 420 to 700 Euros, the consideration of multiple discrimination when fixing the amount of compensation, and the inclusion of limited and probational working contracts within the remit of this law. Thus, the main focus of the debate – besides conservative gender images – revolved around the changes to equal treatment measures concerning the labour market and paid little attention to equal treatment outside the labour market, which was the main focus of 2004/113/EC. Moreover, the exclusion of advertising, the media and education from the proposal was almost completely ignored, as was the creation of topographies of in/equality and differently protected grounds of discrimination in regard to specific areas.

Conclusion

The directive on goods and services was only rather selectively transposed into Austrian law. The transposition of 2004/113/EC as well as the recent amendment of the Equal Treatment Law in 2011 led to a further hierarchy of protection against discriminations by assigning different and specific grounds of discrimination to different scales of protection herewith creating different topographies of in/equality. Equality is thus not an inviolable human right anymore that can be claimed when someone
is discriminated against. The entitlement of claiming equal treatment is structured along the mentioned topographies of in/equality and in our case only people who are participating in the working process are entitled to the broadest scope of protection against discrimination. People who cannot participate in the labour market are thus left – through the architecture of the Austrian Equal Treatment Law – much more vulnerable and marginalised than people who work.

This nationally path-dependent transposition of the EU directive is due to the Austrian way of policy making. In the grand coalition of 2006 between SPÖ and ÖVP the tradition of ‘package solutions’ might explain the reluctance of the SPÖ to be more assertive in seeking better implementation of the EU directive and for strengthening the existing policy machinery. Although it was possible to find a form of deliberation on the transposition process, the institutionalization of neo-corporatism and consensus democracy – decisions in ‘the realm of shade’ – along with the rearticulated conservative gender discourse and a focus on the labour market in the parliamentary debates led to a weak transposition of the EU directive and an even more non-transparent Equal Treatment Law making the policy process as a whole only slightly responsive to progressive and visionary legislation that would support the creation of gender equal life opportunities.

Women’s civil society organisations as well as women’s policy machineries, namely the GAW, were present, but only marginally represented in the debates about the policy transposition. Characteristically for this Austrian way of ‘doing politics’ is the inclusion and valuation of representatives of women’s interests in every relevant deliberative site outside of the decision making bodies, but the non-acknowledgement of their arguments in the actual law proposals and the exclusion of women’s policy machineries from the inner circle of decision-making. The claims of the women’s policy machinery in the drafting process did not make it in the final version of the bill; also, the critique of civil society organisations were not heard (see for similar results Köpl, 2005; Sauer 2004, 2007a).

Even though we found discourse coalitions between feminist NGOs, other civil society organizations, the equal treatment machinery and the trade unions, their content was lost in the consensual policy-making process and in the sacrifice of gender equality to other policy goals, such as the inclusion of women into the labour market.

In conclusion, we can explain the transposition of 2004/113/EC into Austrian law as being path-dependent, dominated by the typical process of Austrian neo-corporatist and consensually male-dominated policymaking. Hence, also with respect to gender equality policies, Austria belongs to the ‘world of national politics’.
The social partners of the Austrian political system are the Austrian Trade Union Association (Österreichischer Gewerkschafts Bund, ÖGB), and the ‘chambers’, which also represent the interests of employees and employers: the Chamber of Labour (Bundesarbeitskammer, AK), the Chamber of Commerce (Wirtschaftskammer, WKÖ) and the Chamber of Agriculture (Landwirtschaftskammer).

2. The Equal Treatment Commission (GBK) decides on cases of discrimination.

3. The Equal Treatment Attorneyship (GAW) gives advice in cases of discrimination.

4. The changes within the Federal Equal Treatment Law will not be considered in this chapter, since they primarily comprise an adaptation to the definitions of the Equal Treatment Law and concern the area of public employment.


7. BGBl 7/2011.


9. This summary is given at: www.parlament.gv.at/PG/DE/XXIII/ME/ME_00142/imfname_089586.pdf (accessed 24.05.2009)

10. www.parlament.gv.at/PAKT/VHG/XXIV/1/1_00938/index.shtml#tab-ParlamentarischesVerfahren (accessed 10.08.2011)

11. The final law proposal was voted down by the Equal Treatment Committee of the National Council on January 13, 2011 after an amendment request of Dorothea Schittenhelm (ÖVP) so that now again only gender and ethnic origin are protected against discrimination in other areas than the labour market. During the negotiation within the Equal Treatment Committee and the following debate in the National Council, she legitimized her request that these regulations would restrict the personal freedom of people who would offer access to goods and services and that such a leveling up would still be under discussion within the European Union (Report about the debate within the Equal Treatment committee of the National Council: http://www.parlament.gv.at/PAKT/VHG/XXIV/NRSITZ/NRSITZ_00093/SEITE_0197.html (accessed 17.08.2011))


14. Austria was convicted by the European Court in May 2005 for delay in implementing the directives (Frey 2006, 52)


17. http://www.gleichbehandlungsanwaltschaft.at (accessed 05.06.2009)

18. The original wording reads: “Senat III für die Gleichbehandlung von Frauen und Männern beim Zugang zu und bei der Versorgung mit Gütern und Dienstleistungen”.


22. BGBl 7/2011.


24. Abortion is a long-standing policy position of the Social Democratic Party, and so has been included on the political agenda (Köpl 2001).


26. Please note that due to the implementation of 2004/113/EC regulations of insurance legislation were changed as well because insurance companies calculated with a higher average quotient for contracts if women were concerned. This part of the directive was already implemented in December 2007 and drafted together with the ministry of justice. The implementation of the remaining stipulations of 2004/113/EC was treated separately and represents the focus of the following description (E-Mail communication with Anna Ritzberger-Moser; May 2010).

27. Comment to the law proposal by the Equal Treatment Attorneyship; http://www.parlament.gv.at/PG/DG/XXIII/ME/ME_00142 имfname_091734.pdf (accessed 03.07.2009)

28. Interview with Anna Ritzberger-Moser; 02. July 2009. Mrs Ritzberger-Moser was the responsible person for developing the law proposal within the ministry for economy and labour and explained in a very helpful manner the development process.


30. Comment to the law proposal by the Equal Treatment Attorneyship; http://www.parlament.gv.at/PG/DG/XXIII/ME/ME_00142/
imfname_091734.pdf (accessed 03.07.2009)

35. http://www.wien-konkret.at
36. Decision 250/BNR (XXIII. GP).
38. BGBl. I Nr. 98/2008.
41. Karthiheiz Klement, FPÖ, 261. The German terms he uses are ‘Gender-Wahn’, ‘Gender-Wahnsinnigkeit’ and ‘Gender-Wahnsinn’ and are here translated as ‘gender-madness’.
42. Karthiheiz Klement, FPÖ, 264.
43. Manfred Haimbuchner, FPÖ, 267.
44. Manfred Haimbuchner, FPÖ, 268.
45. Manfred Haimbuchner, FPÖ, 268.
46. Manfred Haimbuchner, FPÖ, 267.
47. Manfred Haimbuchner, FPÖ, 268.
48. Gisela Wurm, SPÖ, 267; Brigid Weinzinger, Grüne, 272; Doris Bures, SPÖ, 275-276; Christine Marek, ÖVP, 277-278; Edeltraud Lentsch, ÖVP, 281; Gertraud Knoll, SPÖ, 281-282.
49. Johannes Zweytick, ÖVP, 283.
50. Johannes Zweytick, ÖVP, 283.
51. Gertraud Knoll, SPÖ, 281.
52. Edeltraud Lentsch, ÖVP, 281.
53. Christine Marek, ÖVP, 278.
54. Please note that the exclusion of the areas media, advertisement and education was a major topic within the session of the Equal Treatment Committee that was held prior to the session of the National Council. At http://www.parlament.gv.at/PG/PR/IAHR_2008/PKo660/PKo660.shtml (accessed 26.5.2009)

References


List of Interviewees

Anna Ritzberger-Moser, ministry for economy and labour, responsible person for developing the law proposal on implementing 2004/113/EC within the ministry, 2nd July 2009.

Anna Sporrer, service unit with regards to the constitution within the chancellory (Bundeskanzleramt-Verfassungsdienst), advisor to the ministers, 24th June 2009.
Reclaiming the transformative potential: gender mainstreaming in Dutch development cooperation

ANOUKA VAN EERDEWIJK & TINE DAVIDS

Abstract

International development is one of the arenas in which gender mainstreaming has been readily adopted after the Beijing conference in 1995. Reviews of gender mainstreaming suggest that the transformative potential has not been realized. In this paper, we scrutinize what happened to the transformative promise of gender mainstreaming in development policy and practice by specifically drawing from experiences in Dutch international cooperation. We observe how gender mainstreaming policies have tended to undermine the so-called stand-alone track, and have missed out on the mid-level of policy making. Moreover, notions of gender have been instrumentalized, depoliticized and evaporated in mainstream development discourse. Our review of policy and practice leads us to questioning the conceptual foundations of the notion of gender mainstreaming. We place the resilience of institutions to transformation, as captured in the promise of gender mainstreaming, in the perspective of governmentalities, and in particular relate it to the contemporary neoliberal context. We finally argue that continuous validation of concepts of both gender and change is key to transformative gender mainstreaming strategies and practices.

Contact

Anouka van Eerdewijk
Department of Anthropology and Development Studies
Radboud Universiteit Nijmegen
Thomas van Aquinostraat 4
PO Box 9104 - 6500 HE Nijmegen, The Netherlands
a.vaneerdewijk@maw.ru.nl

Tinne Davids
Department of Anthropology and Development Studies
Radboud Universiteit Nijmegen
Thomas van Aquinostraat 4
PO Box 9104 - 6500 HE Nijmegen, The Netherlands
t.davids@maw.ru.nl

Key words

gender mainstreaming, international development, governmentalities, neoliberalism, transformation
Introduction

The Fourth World Conference on Women in Beijing 1995 was a milestone at which gender mainstreaming was launched as the core strategy to bring about gender justice and empowerment of women. Gender mainstreaming originated from, and has been embraced by the international development sector, encompassing a range of multilateral and bilateral agencies as well as a large number of non-governmental organizations worldwide. In the early 2000s, however, disappointment grew about what gender mainstreaming had brought for the promotion of gender equality. Fifteen years later, there have been a number of successful and positive experiences, some of which have ironically been labelled ‘islands of success’ (UNDP, 2006). There has been substantial criticism of the extent to which gender mainstreaming has actually led to the institutional transformation of power relations it was originally intended for. A range of evaluations in both international organizations such as the Worldbank or United Nations Development Programme (UNDP), and bilateral donors, including UK’s Department for International Development (DFID), the Swedish and Norwegian development agency SIDA and NORAD, revealed that the practice of gender mainstreaming was haunted by technocratization and depoliticization. Also with respect to non-governmental organizations, it was repeatedly pointed out that gender-rich policies tended to evaporate into gender-poor practices.

These critical voices contrast sharply with the sense of victory and high expectations that accompanied the Beijing conference. In this paper, we scrutinize what happened to the transformative promise of gender mainstreaming in development policy and practice. In addition, we scrutinize how this disappointing practice has been reflected upon, and analyse the conceptual foundation of the notion of gender mainstreaming. By combining the lessons of policy, practice and theory, we draw a number of strategic lessons. In section ‘Track complementarity and the missing middle’, we argue for more complementarity between the stand-alone and mainstreaming track at the so-called ‘missing middle’. In section ‘Instrumentalization and depoliticization’, we highlight the ways in which notions of gender have been instrumentalized and depoliticized in mainstream development discourse. We place the resilience of
institutions to transformative gender notions in the context of the neoliberal age in section ‘Framing and neo-liberal governmentalities’. These observations provide the basis for our argument in ‘Discursive ambiguity or maintaining a gender narrative’ that continuous validation of concepts of gender and change are key to gender mainstreaming strategies and practices.

This paper is inspired by a trajectory on gender mainstreaming entitled On Track with Gender, a Dutch initiative to inspire and stimulate dialogue between practitioners, policy makers, consultants and academic scholars in the field of development. The On Track with Gender trajectory, which ran from 2008 to early 2011, has delved into these strategic and conceptual questions on gender mainstreaming in an action learning process which sought synergies between practitioners’ and academic knowledge. On Track with Gender started with a ‘Taking Stock’ phase, in which gender mainstreaming policies and practices in Dutch aid agencies and academic institutes in women, gender and development studies were reviewed. The second phase, ‘Moving Forward’, sought to contribute to the mainstreaming of gender in Dutch development practice; in this phase, case studies were collected in four different policy areas (microfinance, value chain development, violence against women, and the new aid architecture), on the basis of which synthesis papers were prepared. Both the synthesis papers and case studies have been extensively discussed with an audience of non-gender and gender experts, with the aim of both identifying entry points for the enhancement of gender mainstreaming in those specific areas, and to detect overarching lessons in gender mainstreaming strategies. This paper draws on the cases analysed in the synthesis papers, and is inspired by those overarching lessons. In that sense, the paper focuses on gender mainstreaming policies and practices in the development arena of the Netherlands. The Netherlands have been a pioneer in integrating a gender perspective in the field of development cooperation. Despite this early success, the struggle for gender equality has faced a number of setbacks (Roggeband, 2009). These waves of successes and setbacks make the Dutch case interesting for an investigation of the pitfalls of gender mainstreaming. We link the insights from the Dutch experiences to an interdisciplinary body of literature, including development studies, political science, international relations, organizational studies and anthropology, as well as feminist studies. In doing so, we seek to move beyond the disappointment about the success of gender mainstream, and share lessons to revitalize this agenda. Before elaborating these strategic points, we start with briefly sketching the promise and the critique on gender mainstreaming in the next section.
Gender mainstreaming: the promise and the critique

The many development cooperation agencies that have more or less readily adopted a gender mainstreaming policy since Beijing make widespread use of the ECOSOC definition (Moser and Moser, 2005; OECD 2007):

"Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women’s as well as men’s concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality” [UN, 1997: 1].

Within the EU context, the final report of the Group of Specialist on Mainstreaming of the Council of Europe has proven an important reference point for gender mainstreaming definitions (Verloo, 2005: 348-350). In this Council of Europe report, gender mainstreaming is defined as: “The reorganization, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels and at all stages, by the actors normally involved in policy-making” (Council of Europe, 1998: 15, in Verloo, 2005: 350).

Looking at these two definitions of gender mainstreaming, the high expectations of the transformative potential of gender mainstreaming come as no surprise. The ambitions in both definitions are high: gender mainstreaming is to reorganize and improve all phases of policy processes, in all domains and all areas, by making gender concerns an integral dimension.

Gender mainstreaming identifies the level of structures and systems, of which policy making is a core dimension, as its object of change, because the gender-bias and exclusionary character of policy processes has material consequences for women and men in many parts of the world. The inherently gendered character of policy making in its many manifestations (Goetz, 2006 [1995]; Acker, 1990) calls for a strategy that tackles gender biases at all levels, in organizations, processes, development practices and structures (Beveridge and Nott, 2002). With this focus on addressing structural gender-biases, gender mainstreaming is more transformative than previous gender equality strategies (Verloo, 2005; Roggeband and Verloo, 2006). Yet, assessments of the realization of these ambitions come to critical conclusions about the transformative results of gender mainstreaming policies, practices and concepts.

A survey of the Development Assistance Committee of the OECD ‘saw major changes among donors’ in terms of adopting gender mainstreaming policies (OECD, 2007: 10): an increase in the budget for gender policies, in the number of gender specialist in the staff, and of the influence of gender units on decision making. A little less than
one fifth of sector-allocable aid was focused on gender equality, but most gender spending of donors has tended to focus on social sectors: two-thirds of the 3.1 billion USD spent on gender equality goes to sectors such as “basic education and basic health, including population and reproductive health” (Ibid.: 11). Overall, the report observed that: “Almost all DAC members have gender equality policies, but only a handful have the staff, budgets and management practices needed to implement these policies. Lip service abounds, practice remains weak” (OECD, 2007: 7).

The operational commitment to gender equality and women’s empowerment was the most important challenge. In a similar vein, the NORAD synthesis report of a number of gender policy evaluations of bilateral and multilateral agencies underlined the weak actual and practical implementation of strategies for gender equality and women’s empowerment in operational activities (2006: 15).

These conclusions from the OECD and NORAD, to highlight just two evaluations, do not stand on their own (e.g. UNDP, 2006; IEG, 2010; Cornwall et al., 2004; Dawson, 2005; Wendoh & Wallace, 2005; Rao & Kelleher, 2005). There has been positive news as well, for instance the review of experiences of Oxfam Novib and seven of its partners shows that gender policies have solidified commitment to gender equality, and that activities address “not just the condition of women, but also their position” (Mukhopadhyay et al., 2006: 123). Yet, it was simultaneously pointed out that gender infrastructures were not always structurally continued and that it remained a challenge to get women into the organization and the field (Mukhopadhyay et al., 2006: 123). Piálek underlines that the importance of a gender perspective is now widely recognized, but that the strategy of gender mainstreaming has made the acceptance of responsibility of gender policies “elusive” (2008: 295), and gender-rich policies evaporated into gender-poor practice.

The experiences of bilateral donors, international agencies and Northern and Southern NGOs have in common that gender mainstreaming efforts have led to the formulation of policies, but that with regard to their implementation “evidence is mixed” (Moser & Moser, 2005: 19). The focus on institutional inputs was accompanied by a neglect of the “operational and programming implementation of gender mainstreaming”, and on top of that, “the outcomes and impact of implementation in terms of gender equality are still largely unknown” (Moser & Moser, 2005: 19). Put differently, many NGOs and other development organizations and agencies have acknowledged the importance of gender mainstreaming and women’s empowerment, have taken up its language, but in an institutional sense, actual implementation and fulfilment of the transformative potential has been disappointing, despite the positive cases and ‘islands of success’.

Whereas we share the critical conclusions about the transformative results and potential of gender mainstreaming, we seek to go beyond the often repeated adagio that the disappointment about the realization of the transformative potential of gen-
under mainstreaming only concerns its implementation and not its definitions or understanding. We are therefore not highlighting the ambitious character of this agenda from a cynical perspective. In fact, our critical examination here of the definitions is fuelled by our concern about the weak conceptualization of how policy processes can be changed, and secondly, of how changes in policy processes contribute to achieving gender equality. When considering the widespread and seemingly ready adoption of gender mainstreaming by international development agencies, national governments, bilateral donors, non-governmental donor agencies, Southern NGOs and so on, the underconceptualization of the anticipated transformation becomes even more problematic. The lack of clarity on what constitutes the transformation that gender mainstreaming strives to achieve, which steps have to be taken, who is involved and what processes and strategies it compromises, seems to give agencies ‘carte blanche’ in claiming to ‘do gender’ (e.g. Beveridge & Nott, 2002; Verloo, 2005). In the next four sections, we seek to address these underconceptualizations by drawing from both practical experiences in Dutch development cooperation and more theoretical discussions.

Track complementarity and the missing middle

Original ideas of gender mainstreaming pointed to the twin-track approach: a stand-alone track in which specific measures target women’s empowerment and gender equality, and a mainstreaming track that integrates gender equality as a cross-cutting issue into all policies, programmes and budgetary decisions (Moser & Moser, 2005; see also Van Eerdewijk & Davids, 2011). Whereas women’s rights organisations had played a pivotal role in defining the progressive agenda and outcomes of the Beijing FWCW in 1994, support for these types of organisations weakened after the adoption of gender mainstreaming policies (Moser & Moser, 2005). In Dutch and many other development agencies, the ready adoption of gender mainstreaming policies was often at the expense of the stand-alone track. This not only had detrimental effects on the women and gender programmes in Dutch development agencies, but also led to instable and decreasing funding trends for women’s rights organisations worldwide. The FundHer report has shown that the financial support for women’s organisations and programmes has declined sharply (AWID 2007; and more recently Mukhopadhyay and Eyben 2011). This implies that the activist role played by feminist organisations has been downplayed in the era of gender mainstreaming (Roggeband, 2009; Van Eerdewijk, 2009; Mans, 2009). In the specific Dutch context, an influential network such as Vrouwenbgeraad collapsed at the end of the 1990s after financial support from the government was stopped, and it was several years before a new platform was established (WO=MEN Dutch Gender Platform). Likewise, the academic institute VENA (Vrouwen en Autonomie), whose research and advice had direct influence on
development policy as expressed in the 1990 policy memorandum ‘A World of Difference’ (in which the minister made women and autonomy the focal point (speerpunt) of his policy) lost its frontrunner role and closed down in 1996 due to a lack of funding (Van Santen, 1993). Mainstreaming, hence, has led to the breakdown of gender infrastructure, expertise and resources. Claims for stand-alone programmes and strategies have been stated and restated over the past decade. In order to counter the weakening financial support for the women’s movement, the ministry launched the MDG3 Fund in 2008, which made 70 million euro available for women's organisations and gender programmes worldwide. In 2011, this fund has been continued and renewed in the Funding Leadership and Opportunities for Women Fund (FLOW) for another four years. WO=MEN, the Dutch Gender Platform, has successfully lobbied for a stand-alone track in Dutch foreign policy: the Parliament has called for reservations for gender in the foreign policy budget, in times of severe budget cuts, and for the elaboration of an overarching gender policy by the Ministry of Foreign Affairs.

Maintaining a stand-alone track is hence the first lesson, but there is more to the twin-track strategy. An important avenue for future policies is to explore the complementarity between the two tracks. The potential of such complementarity is illustrated in approaches to eradicate violence against women, which is often perceived and approached as a stand-alone issue (Mibenge, 2011; Van de Sand, 2010). Organisations like Tostan in the Senegambia and Forum Street Children Ethiopia (FSCE) have embedded their strategies in long-term community-based programmes in their regions of operation, and have made significant gains in the eradication of female genital mutilation (FGM) and other forms of violence. Tostan’s interventions against FGM were taken up in the context of health, hygiene and welfare programmes, which allowed the campaign to reach a much broader audience than the mothers and girls that are usually targeted in FGM campaigns: “This approach actually identified a widespread ambivalence and even resistance to FGC (female genital cutting) from groups beyond ‘mothers’ and ‘girls’ and allowed for strategies of resistance designed not only for women, but also for men, youth, elders and others seeking to eradicate the practice” (Mibenge, 2011: 10).

This approach of embedding violence against women strategies in broad community-based programmes lead to “another success: other structural forms of gender discrimination were identified by the community” (Mibenge, 2001: 10). PROCOVISE, a programme against sexual violence in South Kivu (Democratic Republic of Congo), focuses exclusively on sexual violence, but has successfully linked up with local mainstream activities, and has “connected women’s rights to wider goals such as democratisation and peace-building” (Mibenge, 2001: 11; see also Van de Sand, 2010).

Examples of track complementarity can also be found in mainstream organisations that have integrated or linked up with stand-alone initiatives, for instance in the field of micro-finance. Whereas micro-finance institutions have generally been successful
in reaching large numbers of women, the empowerment effects of such interventions are disputed. Gender cannot be equated with women, and outreach to women cannot be equated with empowerment impacts. Mayoux’s review of seven case studies of partner organisations in different parts of the world suggests that “access to micro-finance services can potentially lead to women’s economic empowerment in the sense of enabling them as individuals to diversify economic activities and increase incomes” (2011: 28) and increase household well-being; yet, the effects of such outcomes on household relations, intra-household decision-making power and women’s collective action is not clear. In fact, reverse effects have however been reported, such as the increase in women’s workloads, and in some contexts, the withdrawal of men from household finances when women’s economic contributions became stronger. The empowerment impacts of micro-finance could be reinforced through “integrating an empowerment focus in the delivery of core micro-finance activities” (Mayoux, 2011: 31), for instance through educational training, female leadership programmes, reproductive health clubs for adolescents or integrated health training for adult women.

These different examples shed light on the relatively underexplored combination of stand-alone and mainstreaming strategies. The link of violence against women to broader interventions and programmes allows for generating more support, scaling up of activities, and for broader impacts. For more ‘mainstream interventions’, such as microfinance or value chains development, additional and empowerment focused initiatives are required in order to have an empowerment impact. Considering that gender mainstreaming is not a goal in itself, but a process of which “the ultimate goal is to achieve gender equality” (UN ECOSOC, 1997: 1), further strengthening of the complementarity between the two tracks is of pivotal importance to improve the empowerment impacts of gender mainstreaming strategies.

A third strategic lesson from current gender mainstreaming practices relates to the evaporation of gender equality objectives in the translation of policies from the organizational to lower levels. Most of the mainstreaming instruments that Dutch development agencies developed around and after the Beijing conference focus on the integration of gender equality and women’s empowerment into organizational assessment scans as well as input and outreach targets (see also Van Eerdewijk, 2009). Despite the general acceptance of the relevance of these instruments, their actual practice in the Dutch agencies is problematic, because they translate the gender equality objectives set at organizational level directly to the level of individual staff operating within the different programmes. The level of programme policy, that is the middle ground between organizational policy and implementation within the programmes, is not addresses with these instruments, as a result of which the targets and scans have to be implemented in a context which has not set gender-specific priorities. The absence of gender analysis and the subsequent gender priorities at
programme level has created a ‘missing middle’ (Rao, 2011) in which gender mainstreaming tends to evaporate in organizations. This missing middle contributes to the so-called diagnosis-prognosis paradox. The definition of gender mainstreaming from the Council of Europe (1998) is useful to grasp the problematic nature of this paradox, as this definition explicitly identifies ‘the actors normally involved in policy-making’ as the ones to reorganize, improve, develop and evaluate policy processes in such a way that a gender equality perspective is incorporated (Verloo, 2005: 348-350). Gender mainstreaming is a “strategy that aims to transform organizational processes and practices by eliminating gender biases in existing routines (...) is regarded as an opportunity to counter the gender bias in regular policies, and to avoid the continuous reproduction of male norms in policy making” (Benschop & Verloo, 2006: 19). The Council of Europe definition, which makes explicit which actors are supposed to make this happen, exposes the paradox in which the institutional transformation required to address the diagnosis is trapped: the fundamental change has to come from the actors who are actually embedded in the hierarchies that gender mainstreaming has diagnosed as in need to transformation. The problem diagnosis of institutional bias underlines the importance of the maintaining the stand-alone track of the dual approach, and the argument to explore the complementarities and dynamics between the twin tracks.

Instrumentalization and depoliticization

This brings us to the fourth point that gender mainstreaming strategies require a clearer understanding of institutional change. The UN ECOSOC definition speaks of integrating “women’s as well as men’s concerns and experiences [as] an integral dimension” in all policy-making, at all levels, all stages and all areas, “so that women and men benefit equally and inequality is not perpetuated” (1997: 1). This integration of a gender equality perspective implies a reorganization of policy processes, because the mainstream is neither neutral nor apolitical, but: “can be resistant to a redistribution of resources between male and female members of society. (...) It is important therefore, that gender mainstreaming budgets require not only addressing men and women’s different interests equally but also redressing the longstanding exclusion of women’s interests through budgetary redistribution” (Mibenge, 2011: 13, our emphasis).

Sexual reproductive health care, child care and primary education for girls are, for example, often regarded as trivial budgetary issues in comparison to the military defence budget. Making micro-finance work for gender equality implies doing micro-finance differently, and this: “requires a real gut commitment to gender justice within the organization as a key criterion for decision-making about which particular financially sustainable policies to implement and where ‘smart subsidies’ might be
needed to support women’s empowerment as a longer term investment” (Mayoux, 2011: 39-40).

Gender mainstreaming hence means doing things in a fundamentally different way: it “is an inherently contested process that is never simply about adopting a new policy” (Benschop & Verloo, 2006: 22).

It is highly questionable whether this inherently contested character has been acknowledged in the widespread and ready adoption of gender mainstreaming in the past fifteen years. The numerous critiques on the instrumentalization of gender suggest that the transformative and political core-dimension of gender mainstreaming has often eroded. In a critical evaluation of the empowerment potential of the third Millennium Development Goal which focuses specifically on gender equality, Kabeer concludes that “The vision and values of women’s groups and organizations across the world have been translated into a series of technical goals, to be implemented mainly by the very actors and institutions that have blocked their realization in the past” (Kabeer, 2005: 22).

Batliwala and Dhanraj (2004) argue for reflection on the assumptions of both feminist and mainstream actors about the theories of change behind interventions, and point out that economic empowerment programmes “are being designed and delivered in increasingly disempowering ways, instrumentalising poor women, and being distorted to serve other agendas” (p. 17). In the process of being mainstreamed, the power has been taken out of empowerment, and Batliwala (2007) argues that empowerment is one of the best examples of the “distortion of good ideas and innovative practices as they are lifted out of the political and historical context in which they evolved and rendered into formulas that are ‘mainstreamed’. This usually involves divesting the idea of its cultural specificity, its political content, and generalizing it into a series of rituals and steps that simulate its original elements, but lacking the transformative power of the real thing. Thus good ideas – evolved to address specific development challenges – are altered into universally applicable panaceas. Transferring the correct rhetoric – buzzwords and catch phrases emptied of their original meaning – is a vital part of this legerdemain” (Batliwala, 2007: 557).

Mainstream development discourse has reduced the provisional and dynamic characteristics of empowerment to “a simple equation, in which there is a linear connection between choice, action and outcome”, in which women and men are approached as individuals abstracted from “the social and intimate relationships that constrain and make possible their empowerment” (Cornwall & Edwards, 2010: 3, 4).

The depoliticization of gender mainstreaming has not only been observed in development discourse and practice, but also in many other types of organizations where, in a similar vein, gender equality interventions have failed to challenge the status quo: “Most manuals depict gender mainstreaming as a harmonious process, and any tension between mainstream and gender equality is usually dealt with by advocating...”
education, training and the involvement of gender experts. This can be seen as an attempt to de-politicize the process of gender mainstreaming” (Benschop & Verloo, 2006: 22).

The adoption of gender mainstreaming has indeed created a demand for gender knowledge in the field of international development, which has led to a proliferation of gender training, workshops and manuals. In their reliance on frameworks, checklists, guidelines and tools, gender mainstreaming policies have taken over the language and practice of the development business and, in that process, the social change required for gender equality has been rationalized into standardized protocols, procedures and technologies (Parpart, 2009; Roggeband, 2009). Parpart (2011) relates the partial fulfilment of gender mainstreaming, to put its disappointing performance mildly, to the resilience in organizations. When organizations are inherently gendered, this also means that gender inequality exists because of interests being maintained in that inequality. Gender mainstreaming thus by definition implies dealing with resistances.

Framing and neo-liberal governmentalities

We argue to understand this resilience of institutions to gender mainstreaming in a governmentalities perspective that can provide critical insights into why ambitions have not come true. The notion of governmentalities enables a critical exploration of particular mentalities and regimes in government and administration which direct the conduct of citizens, but are usually taken for granted (Davids, van Driel, & van Eerdewijk, 2011). This Foucauldian perspective approaches government, institutions and policy making as part and parcel of disciplinary powers operating in- and outside institutions. This implies not only a concern with how others are governed, but also how we govern ourselves by becoming moral subjects (see for example Dean, 2004; Hunt & Wickham, 1998; Larner & Walters, 2004). A governmentalities perspective makes it possible to see the particularities of gender mainstreaming practices and understand how these have been shaped by neo-liberal techniques of governance. Trying to capture and analyse these resistances within a perspective of governmentalities not only facilitates a better understanding of these resistances, but also allows us to move beyond the questions whether or not the strategy of gender mainstreaming should be done away with or not.

The depoliticization and instrumentalization gender mainstreaming underwent is a sign of the neo-liberal age in which international development has been operating since the mid-1990s (Marchand, 2009). Successive UN conferences, including the FWCW Beijing (1995) and the International Conference on Population and Development (ICPD, Cairo, 1994), served as a platform for the systematic negotiation of a progressive agenda of social justice, in which gender justice and body politics
were key, during the 1990s (Clark et al. 1998; Harcourt 2009). Yet, from the start this process has taken place in the context of a global economic policy terrain that was almost entirely subordinated to neo-liberal economic thinking dominated by the Washington Consensus (Sen, 2005: iii). The technocratization and depoliticization of gender mainstreaming runs parallel with the often criticized technical and minimalist agenda of the Millennium Development Goals, in which the perspective of social justice and fundamental and political processes of social change have been pushed out of view (Kabeer, 2005; Van Eerdewijk et al. 2009). The impact of the neo-liberal context on the contemporary contested status of gender mainstreaming therefore carries a wider relevance and reveals how the development agenda itself has been narrowed down.

The notion of framing and policy frames (Benford & Snow, 2000; Verloo & Lombardo, 2007; Lombardo & Meier, 2006) gains specific relevance here to grasp what is at stake. In the newly emerging field of gender in value chains, for example, which operates at the interface between gender, poverty and business, different arguments are being used for different target groups in the chain to work on gender issues. The 1990s human development agenda of the UN, with the human being as the central subject of development, focuses on expanding capabilities to allow individuals to use opportunities. This perspective requires an equal distribution of the benefits of economic growth, and interventions are geared towards equal opportunities and equal access. Alternatively, the World Bank has posited that gender inequality has high economic costs and leads to wasted human resources and missed opportunities for innovation. From an economic perspective, unequal growth is considered ‘inefficient’; interventions therefore focus on growth and making the economy more efficient and inclusive by ensuring participation of both men and women (Laven & Verhart, 2011). In micro-finance programmes targeting women, three arguments why and how to ‘do gender’ circulate: one based on efficiency (women as better savers and loan repayers increase financial sustainability), a second based on poverty reduction (focusing on women, the majority of the poor, is needed to reach poverty reduction targets), and a third based on gender equality and empowerment (access to financial services is seen as a human right and increases women’s well-being, and social and political empowerment). These arguments appear to be mutually reinforcing, and are often used interchangeably, but “this apparent consensus conflates three very distinct paradigms of micro-finance and gender, based on contrasting underlying political approaches to development. Each paradigm has its own interpretation of concepts like ‘sustainability’ and ‘participation’ as well as its own priorities. [... In many development agencies], these three paradigms co-existed in a very uneasy tension, manifesting in conflicts and misunderstandings” (Mayoux, 2011: 19). The failure to “acknowledge and address the potential conflicts and ‘black holes’ between these paradigms” (Mayoux, 2011: 19) has led to a strong focus on financial sustain-
ability of micro-finance institutions at the expense of explicit women’s empowerment programmes, while the rhetoric of women’s empowerment continued to be used to attract donor funding.

In the neo-liberal discourse that increasingly dominates international development, gender equity is easily and readily reduced to ‘smart economics’ (e.g. World Bank 2006). This reduces gender relations to a focus on women, often resembling an ‘add-women-and-stir’ strategy and, above all, considers women as efficient economic actors. Gender mainstreaming consequently becomes framed in terms of a business case argument, in the sense that integration of gender will lead to better results i.e. to poverty reduction and development. Gender and women then become instruments for realizing other goals, while men and masculinities are often left out of sight. Paradoxically, women are simultaneously identified as the main victims of poverty, and as being able to combat poverty on their own (Chant, 2007; Davids & van Driel, 2009; Davids, Van Driel, & Parren, 2009). The business case frame tends to discipline women into neo-liberal subjects (Lairap, 2004): “women in particular are being ‘instrumentalised’ to fit neoliberal development discourse. (…) One of the critiques of the GAD (Gender And Development) field centres on the issue that gender relations have been de-contextualized and that women are now being instrumentalised in order to meet wider development objectives. Such is the case with the Millennium Development Goals, as gender equity is being reduced to quantifiable measures, or with the use of microcredit schemes to turn women into efficient economic or market actors” (Marchand, 2009:20).

Another risk that accompanies the neo-liberal emphasis in different programmes on women, motherhood, fatherhood and family programmes is that not only neo-liberal subjectivities are (re)produced, but also hetero-normative subjectivities inscribed: “Given the new emphasis on global fatherhood and marriage initiatives, combined with the ongoing attacks on women’s reproductive rights agendas and the push for a ‘pro-family’ agenda in the United Nations, privatisation schemes that seek to reinforce traditional constructions of femininity and masculinity and related forms of heterosexual intimacy in local development projects are part of the new neoliberal governance of heteronormative intimacy, a fact that thus far only queer studies scholars and activists have addressed” (Lind, 2011:10).

Because the formation of subjectivity is not neutral, but in itself a highly political process, mainstreaming gender in governmental programmes and policies run the risk of normalising certain subjectivities above others. Normalization creates specific governmentalities and frames of references that are not questioned and often remain invisible. The integration of gender and women into mainstream policies has consequently not been advocated on the basis of the potential contribution of mainstream policies to the advancement of gender equality, but because integrating gender and women can make mainstream policies more effective. In these kinds of frames, the
conceptualization of gender is often ‘taken for granted’, i.e. it is about women and men in unequal power relations. Defining women’s positions in terms of disadvantages means that positions held by men are the norm, which in turn can reinforce the gendered power processes gender mainstreaming strategies aim to change (Parpart, 2009: 59-60; Benschop & Verloo, 2006: 21).

**Discursive ambiguity or maintaining a gender narrative**

And this brings us to our final point, that the validation of gender concepts, in both institutional and geographical contexts, as key to gender mainstreaming. The well-established field of organizational gender studies has sought to unpack the dynamics of feminist interventions in a diverse range of organizations. “Gender mainstreaming in practice always had to find a way to deal with existing gender bias in order to change the gendered systems, structures and cultures. However, there is very little attention [...] on the competition of goals and the dynamics of genderedness of organizations in the process of change” (Benschop & Verloo 2006: 22).

As we have shown, the competition of objectives is indeed one of the factors contributing to the evaporation of gender at the missing middle. Critics have questioned the extent to which the reorganization that gender mainstreaming implies can be realized through policy processes. These reflections seem to create a divide between two apparently opposed perspectives: “Much of the debate concerning the effectiveness of mainstreaming is about whether it is understood as working within existing paradigms or changing them. Is it possible to secure the desired policy action by ‘infusing’ gender into existing ways of doing and organising things – and by so doing to incrementally secure real gains for women? Or will transformative policies for women’s empowerment only be achieved through discursive and organisational transformation?” (Eyben, 2010: 55).

The incremental and often instrumental approach has succeeded in putting for instance violence against women on the agenda: after pointing to the health and economic costs, the human rights’ aspects of such violations are also increasingly recognized (Eyben, 2010: 58-59). Eyben refuses to position herself in one of the two camps, and demonstrates how gender mainstreaming is about subversive accommodation, about playing the game, and simultaneously identifying “the opportunities for introducing discursive shifts with the dominant rules of the game” (Eyben, 2010: 58).

In order to create and maintain broad support for a gender policy, it can be useful to deliberately leave objectives and ways of doing gender policies vaguely defined. This can create “space for others to make their own assessment of their situation and to choose and act upon the meanings they associate with this discursive goal, each from their own location and vantage point” (Eyben, 2010: 58). Yet, such discursive
ambiguity is only useful when feminist bureaucrats see little opportunities to secure a collective understanding of gender equality policies in line with their desired meanings. In case other actors in the institution have a strong capacity to “impose their meaning in the absence of a countervailing narrative” (Eyben, 2010: 58), discursive ambiguity carries the risk of the imposition of instrumentalized or de-gendered understandings of the gender equality agenda. In the organizational studies literature, interventions in an organization “in ways that will advance gender-equality objectives while simultaneously serving the organization’s instrumental goals” (Ely & Meyerson, 2000: 591, emphasis theirs) have been referred to as the dual agenda (Benschop & Verloo, 2006: 21-22). Such a dual agenda has potential, because “very often the same processes that create gender inequities also undermine an organisation’s instrumental objectives” (Ely & Meyerson, 2000: 591). This dual approach is a dominant way of thinking and doing gender in international development, and has for instance been a key strategy for the Gender Department of the Dutch Ministry of Foreign Affairs in recent years. Yet, “There are many ways of ‘doing business’ and making micro-finance sustainable and profitable. Gender equality and women’s empowerment can increase financial sustainability, but equally financially sustainable micro-finance can rely on gender subordination in order to sell profitable products to women and men which reinforce gender stereotypes and do not benefit women” (Mayoux, 2011: 39).

After reviewing the introduction of their dual approach in a manufacturing and retail company plant and corporate headquarters, Ely and Meyerson come to the conclusion that gender got lost and that it is crucial to maintain a gender narrative, “one that keeps gender analysis and concerns about gender equity front and center” (2000: 603). In fact, “for organization members to hold on to gender in their narratives about the change processes in which they are engaged […], is, in itself, a crucial intervention into the organization’s gender relations. [They] can function as a subversive social practice, [and its] transformative potential is especially high” (Ely & Meyerson, 2000: 604).

Engaging in a dialogue and maintaining a gender narrative is actually the core of gender mainstreaming, because “a deep commitment to gender equality cannot be expected to exist prior to a gender mainstreaming endeavour” (Benschop & Verloo, 2006: 22). This becomes all the more important considering that the meaning and conceptualization of gender, gender mainstreaming and gender equality is far from straightforward, and this reality points to the need of an ongoing engagement with the question what this gender narrative exactly entails.

Key to such validation exercises is the involvement of a variety of actors, and especially to bring together decision-makers, women’s rights activists, and gender experts (Roggeband, 2009). The transformative dynamics of such interlinkages have been captured in Woodward’s notion of ‘velvet triangles’ (2003). It is inspired
Part 2. Challenging Differences and Inequalities in and through Policies

by feminist use of the original ‘iron triangle’ concept which displayed the interplay between feminist politicians, feminist bureaucrats (‘femocrats’) and the women’s movement (Sawer, 1998). Woodward called it a velvet triangle, because of its ‘soft’ informal and open nature. With their different positioning – located inside, outside and somewhere in-between the formal institutions – members of the ‘velvet triangle’ are able to act as a powerful alliance and can create creative tensions to push and promote gender equality and women’s rights narratives in institutional settings (see also Locher & Prügl, 2009). The potential for success has recently been illustrated by the Gender Alliance seeking to influence the adoption and implementation by the Southern African Development Community (SADC) of a progressive gender protocol (Made & Lowe Morna, 2009).

Concluding remarks

The second phase of the On Track with Gender trajectory was designed to stimulate dialogue between gender and non-gender experts in specific policy areas. In the collective review of the synthesis papers and the underlying case studies, we learned that it is indeed powerful to define and redefine the meaning of gender, equality and empowerment in relation to specific policy areas. Concepts mean different things to different people in different contexts. Therefore, constant validation of concepts is needed; not so much to battle over meanings, but to deepen understanding of what gender equality policies and practices are about. Gender equality and women’s rights concepts need to be contextualized in specific policy areas, that is at the missing middle and by building on the complementarity of the stand-alone and mainstreaming track. By exploring the connections between ‘business case’ and ‘women’s rights’ discourse, the potential conflicts and black holes between those frames provide fertile ground for the validation of gender concepts. Such a validation also allows for the contextualization of gender equality objectives, strategies and results to the wide range of geographical and socio-cultural contexts that international development operates in. Gender mainstreaming hence also implies engaging with the translation of notions of gender equality and women’s rights across policy levels and in different institutional and geographical contexts.

Not only has gender too often been narrowed down to the category of women only or as a heterosexual relationship of women and men, changing gender relations too often has been conceptualized as easily changeable, located outside both institutions and individuals. This underconceptualization of change correlates with diagnosis-prognosis paradox of gender mainstreaming strategies (Roggeband & Verloo, 2006), in which gender may be taken on board in the analysis as a cultural and structural phenomenon underlying gender inequality, the way to achieve gender equality is coined in terms of agency. This underconceptualization results in unrealistic ex-
expectations projected on individual gender experts to transform their gendered organizations and, through it, society at large. The practice and evaluation of gender mainstreaming seems to be caught in two interlinked conceptual paradoxes. It was the theoretical shift from women to gender and in relation to that from negative to positive notions of power, which enabled a view on institutions and policy making as problematic in terms of being gender-biased and exclusionary (Davids et al., 2009). And yet, the blindness of gender mainstreaming to “policy as a site for resistance and contestation” (Eyben, 2010: 55) undermines its effective design and implementation and, in turn, the realization of transformation. It is ironical that whereas feminist analysis, that pointed to the genderedness of institutions and policy making, was crucial in identifying those institutions and processes of policy making as an object for transformation, gender mainstreaming practices have been built on a rather simplistic notions of both gender, change and policy processes.

1. This paper is an outcome of the On Track with Gender initiative, in which the Centre for International Development Issues Nijmegen (CIDIN), the Ministry of Foreign Affairs, Hivos, Oxfam Novib as well as ICCO, Cordaid and the Royal Tropical Institute engaged in a process to reflect on the policy, practice and theory of gender mainstreaming in order to take it to the next level (www.ontrackwithgender.nl). On Track with Gender was funded by the Development Policy Review Network (DPRN).

References


Part 3

Equal Opportunities throughout the life course
Abstract

This paper focuses on the effect of both the relational status and the resources of the partner on the probability of employment exit for Belgian men and women. We use longitudinal panel data from the Panel Study of Belgian Households (PSBH, 1994-2002). Two existing theories offer opposite hypotheses concerning the effects of partner resources on the personal career. Economic theory predicts a positive effect of partner resources on employment exit and social capital theory predicts a negative effect. Previous research in different countries, but mainly in the Netherlands, delivered mixed results. Our findings show that labour market resources of the partner (i.e. employment and educational level) have a negative effect on employment exit for Belgian men and women. Financial resources however, and more specifically a relatively large wage advantage by the partner, have a positive effect on employment exit. We can conclude that labour market participation is encouraged by labour market resources of the partner but restricted by a wage advantage of the partner. Social capital theory and economic theory can thus be integrated into one theory by distinguishing between labour market resources and financial resources.

Contact

Anneleen Baerts
Research Department
University of Antwerp
Middelheimlaan 1
2020 Antwerp, Belgium
anneleen.baerts@ua.ac.be

Ignace Glorieux
Research group TOR
Department of Sociology
Vrije Universiteit Brussel
Pleinlaan 2
1050 Brussels, Belgium
ignace.glorieux@vub.ac.be

Key words

labour market, careers, marriage, cohabitation, gender
Introduction

Since the 1960s, the number of married women in the labour market has strongly increased. Consequently, traditional male breadwinner families are gradually being replaced by dual earner families. In these families, decisions about work and family life are often negotiated by both partners (Pixley, 2008). Characteristics of one partner can affect the limitations and possibilities of the other partner’s career. For example, a partner’s (high) income can restrain individuals from engaging in (full-time) paid labour. On the other hand, the decision of one of the partners to take a step back in his/her career, for instance by working part-time and taking care of the children, can offer possibilities for the career of the other partner.

Han and Moen (1999 & 2001) propose an analytical framework that emphasizes the many interlocking interfaces between men and women and between work and family life in a partner relationship: the coupled careers model. Research by Han and Moen (1999) in the United States reveals that career paths of women are dependent on the career patterns of their husbands. Therefore, the researchers state that careers of partners are ‘coupled’.

In this paper, we focus on the effect of the partner on one aspect of the career: employment exit. From their early career until their retirement, women are more likely than men to exit employment (see graph 1). The relatively large number of women leaving the labour market results in a loss of human capital for many organizations and for the labour market in general, contributes to the underrepresentation of women in senior positions, and negatively affects women’s retirement pensions. Also, it counterbalances the policy efforts that are being made in order to increase female participation rates, within the framework of the Lisbon goals and the ageing of the European population. Therefore, it seems important to study the determinants of employment exit. In past research on employment exit, the main focus has been on the effects of children and marital status, but less on characteristics of the partner. However, in a context of a growing number of dual earner families, the role of the partner becomes increasingly important.
In this paper, the mutual influence between both partners is studied: 1) the effect of the male partner on the female partner’s employment exit, and 2) the effect of the female partner on the male partner’s employment exit. The Panel Study of Belgian Households (1994-2002) is a very suitable data source for this study. It offers the possibility to link the one partner’s data to the other’s and provides longitudinal career data which makes it possible to identify employment exits.

**Employment exit in Belgium**

In this paper, employment exit will be defined as a transition from a state of paid employment (including temporary breaks in which a formal, contractual relationship with the employer remains, e.g. maternity leave) to a state of unemployment, education, housekeeping or (early) retirement. Transitions to voluntary as well as involuntary, and permanent as well temporary states of non-employment are considered. Graph 1 reveals distinct patterns of employment exit for men and women throughout the career. Before the age of 30, employment exit is very common (up to 10%) for both men and women. From the age of 30, men’s rates of employment exit decrease while they stay consistent at a higher level for women. The proportion of women that yearly exits employment remains higher than the proportion of men until the age of retirement, when exit rates peak.
These findings are important when explaining the gender wage gap and the gender career gap. Career differences between men and women are often explained by gender differences in promotion probabilities (the so-called glass ceiling effect), but previous research using the PSBH-data indicates that gender differences in employment exit are also an important factor (Deschacht, Baerts, & Guerry, 2011: 75-105). Because women are more likely to exit a state of employment, the proportion of women in the working force decreases by age (Graph 2). High job positions (‘senior positions’) however, are more likely to be occupied by older employees. Therefore, it can be stated that the number of women in senior, well-paid job positions is not only limited by lower promotion probabilities to these positions for women but also by relatively high rates of employment exit in lower hierarchical levels.

![Graph 2: Female Proportion of Working Force (>=15hours/week) by Age, PSBH 1994-2002](image)

In a study by Gayle et al. (2009), it is even stated that the existence of the gender wage gap and vertical segregation between men and women on the labour market in the US can be entirely explained by women leaving the labour force, and especially leaving executive positions, at higher rates than men. A study by Deschacht, Baerts, and Guerry (2011: 75-105) however, shows that this is not the case in Belgium. Using the PSBH-data, it is shown that differences in employment exit and (re-)entry explain
‘only’ one third of the underrepresentation of women in high positions and less than one fifth of the gender wage gap. We can conclude that gender differences in promotion probabilities do play a large part in the gender career gap in Belgium, but that differences in employment exit should certainly not be ignored.

**Theory**

Almost 50 years ago, Jacob Mincer (1962) already studied the labour market participation of married British women and looked at differences in participation behavior according to the husband’s educational level, wage, age and job status. Since then, a lot has changed in the domain of work and the family and in the field of research regarding these domains. The transition from traditional male breadwinner families to dual earner families gave a boost to research concerning the effect of the partner on the career. Moreover, more longitudinal panel data were collected, which made it possible to study labour market transitions.

Firstly, many previous studies look into the effects of the relational status, i.e. being married, cohabitating or single, on the career. A widely spread hypothesis states that being married has opposite career effects for men and women (Rosenfeld, Van Buren & Kallberg, 1998; Booth & Francesconi, 1999; Verbakel & De Graaf, 2008). These effects are frequently referred to as *marriage premiums* for men and *marriage penalties* for women (Verbakel et al., 2008). Analyzing Dutch Labour Force Surveys (1977-2006) Verbakel et al. (2008) find positive effects of being married (as opposed to unmarried cohabitation) on labour market participation (employment and working full-time) for men and negative effect for women. In a later study, analyzing the Family Surveys of the Dutch Population (1998-2003), Verbakel (2010) finds a negative effect of marriage (vs. cohabitation) and unmarried cohabitation (vs. being single) for men’s employment exit and a positive effect of marriage for women’s exit. Findings from both Dutch studies confirm the hypothesis of marriage penalties for women and marriage premiums for men. Verbakel et al. (2008) mention some possible causes for this inequality. Married men are believed to be more productive because of a higher sense of responsibility and therefore employers favour married male employees or selection effects are at work because men with successful careers do simply have a greater chance to get married. The hypothesis for women is based on human capital theory. Married women are more likely to take (full-time or part-time) career breaks than single women, which causes a delay in expanding their human capital and consequently reduces their career possibilities (Verbakel et al., 2008).

Ghysels (2000) investigated the effect of relational status, and more specifically of unmarried cohabitation and divorce on labour market participation of British (BHPS) and Flemish (PSBH) women. Unmarried cohabitation has a positive effect on labour market participation for women, especially in older cohorts. Divorce only has a sig-
significant effect on participation for British men, who are less likely to be employed after having experienced a divorce in the past. From this study, it can be derived that unmarried cohabitation has a negative effect on employment exit for women.

Secondly, for men and women with a partner, the characteristics and resources of that partner can also play a part in their personal careers. The most obvious example includes labour market resources such as level of education, job position, level of job authority, number of working hours, et cetera. Two widely spread theories offer opposite hypotheses concerning the effects of partner characteristics.

According to social capital theory, partner resources have positive effects on the career. Labour market resources of the partner contribute to the personal social capital (i.e. meaning social networks, skills and knowledge) and consequently increase career opportunities (Van der Lippe & Siegers, 1994; Bernasco et al., 1998; Corijn, 2001; Verbakel et al., 2008).

Economic theory by Becker (1981), on the other hand, predicts a negative impact of partner characteristics on career. From an economical perspective, task specialization (the division of labour within the household) is the most effective choice for couples. When there is a difference in productivity between the two partners in one of the two domains – domestic or paid work – a comparative advantage exists and both partners are better off by a strict division of labour. Women have a comparative advantage in the home domain because of their monopoly on childbearing, which gives men a comparative advantage in the work domain and makes them breadwinners. When one of the partners, mostly the male, has attained a favourable position in the labour market, the other partner has less incentive to perform paid work or to aim for a higher position. Therefore, according to economic theory, the traditional gender role pattern is the most favourable option for households.

Bernasco et al. (1998) attempted to integrate these two apparently contradicting theories by distinguishing between two kinds of individual resources. Financial resources, or income from paid work, are expected to have a negative effect on the occupational attainment of the partner. Labour market resources – or skills, knowledge, access to information, attitudes and ambition – on the other hand, are expected to provide a positive influence. Using the Dutch Family Survey (1992-1993) the authors investigated the effect of partner resources on employment exit by Dutch men and women. Positive effects of the accumulated human capital, the level of education and the wage of the partner on women’s employment exit were found. Also, positive effects of the level of education and the human capital of the partner on men’s employment exit were found. The income of the female partner was unknown and could not be studied. It is concluded that financial as well as labour market resources of the partner have a positive effect on transitions from employment to non-employment, which contradicts the hypothesis that labour market resources have a positive effect on career attainment, and is in accordance with economic theory.
Verbakel (2010) studied the effect of labour market resources on employment entry and exit, and on increases and reductions of weekly working hours. She finds different results than Bernasco et al. (1998) analyzing the Dutch Family Surveys (1998-2003). As regards employment exit, negative effects of the husband's occupational status are found for women and negative effects of the wife's employment are found for men. In other words, labour market resources of the partner prevent Dutch men and women from leaving employment. It is concluded by the author that labour market participation is not restricted by partner's resources, not even under specific conditions (historical period, human capital and children) and that the division of paid work within the household is not dependent on economic factors. Verbakel (2010) however does not study financial resources, stating that the reliability of wage information might be limited in retrospective survey designs.

Bernardi (1999), just as Bernasco et al. (1998), attempts to integrate economic and social capital theory. Instead of distinguishing between two types of resources (labour market and financial resources), he distinguishes between two types of outcomes. Using information on the complete working histories of Italian working women, his research results reveal that the resources of the partner have a negative effect on women's labour market participation but a positive effect on women's occupational attainment. Analyzing women's transitions from employment to housekeeping, he finds positive effects of the partner's occupational attainment and of his relative occupational status or 'comparative advantage' on the labour market. So in this study again indications were found that economic theory can be applied to women's labour market participation.

Smits, Ultee, and Lammers (1996) also investigated the effect of relative occupational status of both partners on women's labour market participation, but come to different conclusions than Bernardi (1999). Using Eurobarometer-data (1988-1991) for 12 EU-countries, they conclude that women's participation is at highest when the (current or last) occupational status equals her partner's.

Contrary to the previous mentioned studies, Corijn (2001) doesn't find any pronounced partner effects on labour market transitions of married women from Flanders or Brussels (Family and Fertility Survey, FFS, 1991-1993). Transitions from employment to unemployment or housekeeping are not significantly influenced by the partner's level of education or social background. Women are however more likely to become unemployed when their husband is also unemployed. Also, a positive effect of the presence of young children was found. Indications neither for economic theory nor for social capital theory were found in Corijn's study. She even states that women's career decisions are barely influenced by characteristics of the partner and that these decisions are mainly individual.

Similar results were found by De Graaf and Ultee (1991). They studied partner effects on Dutch men and women for two kinds of labour market transition: from employed
to unemployed and the other way around. They conclude, just as Corijn (2001), that men and women are more likely to become unemployed when their partner is unemployed. Moreover they want to know if these effects can be explained by homogamy between both partners (by-product hypothesis) or if the characteristics of the partner have direct effects (partner effects). According to the by-product hypothesis, selection processes on the marriage market explain that partners have similar chances at (un)employment and the existing correlation in employment status can be explained by the similar characteristics. In the analyses, the level of education of both partners and the family situation are controlled for and still a significant effect of the employment status of the partner was found. It can be concluded that a mutual direct influence between the partners exists and that partner effects explain transitions from employment to unemployment. Since a positive correlation between both partners’ employment statuses was found, the authors state that ‘pull-effects’ are at play (in accordance with social capital theory). A negative correlation would indicate ‘substitution effects’ (in accordance with economic theory). In other words, one partner pulls the other one into a situation of unemployment.

McGinnity (2002) also studied the effect of the partner’s employment on labour market participation. Transitions from employment to unemployment and the other way around were studied for a population of German (GSOEP) and British (BHPS) women. The author wanted to investigate whether, when one partner becomes unemployed, the other partner is more likely to find a job. For German women, indications were found for an added worker effect when the husband was unemployed. When one partner becomes unemployed, the other will find a job to supplement the family income. For Britain, a disincentive effect of unemployment benefits was found for transitions from inactivity to employment. For transitions from employment to inactivity, only a significant positive effect of the husband’s non-participation (and not of the husband’s unemployment) was found.

Based on these previous studies, we can now formulate our hypotheses. In accordance with the theories of marriage premiums for men and marriage penalties for women, having a partner (and especially being married) on the one hand and the presence of children in the household on the other hand, have a positive effect on employment exit for women and a negative effect for men.

The next hypotheses concern the effect of the partner’s resources. In previous research in several countries, indications have been found for both social capital theory, which predicts a negative effect of the partner’s resources on employment exit, and economic capital theory, which predicts a positive effect on employment exit. The findings on the effect of the partner’s employment status are clear: employment of the partner has a negative effect on employment exit. The findings on the effect of labour market and financial resources on employment exit are however less unanimous. In the Netherlands, Bernasco et al. (1998) find positive effects of both kinds...
of resources, Bernardi (1999) finds a positive effect of labour market resources but Verbakel (2010) finds a negative effect of labour market resources. The only study on partner effects in Belgium (Corijn, 2001), and more specifically in Flanders and Brussels, does not find any significant effects of partner resources on employment exit.

Based on this previous research, we can state three hypotheses. At first, employment by the partner has a negative effect on employment exit. Secondly, the direction of the effect of labour market resources (education, occupational status, etc.) is not clear a priori. Thirdly, the direction of the effect of financial resources is not clear either, but the effect might differ from that of labour market resources and therefore both types of resources have to be distinguished and their effects should be studied separately.

Hypotheses:
1. Having a partner, and especially being married, has a positive effect on employment exit for women and a negative effect for men.
2. The presence of children has a positive effect on employment exit for women and a negative effect for men.
3. Employment by the partner has a negative effect on employment exit for men and women (social capital theory).
4. The effect of labour market resources of the partner on employment exit might be either positive (economic theory) or negative (social capital theory).
5. The effect of financial resources of the partner on employment exit might be either positive (economic theory) or negative (social capital theory).

Data

In this paper, the data from the longitudinal Panel Study of Belgian Households (PSBH) will be used. The data collection for this household survey took place between 1992 and 2002. Three regional cluster samples (for Flanders, Brussels and Wallonia) were used. The dataset consists of 11 waves in which 8,741 adults were interviewed yearly. The data are representative for the Belgian population on individual as well as on household level. To account for attrition throughout the waves, weight coefficients are used in the analyses.

In this paper, only the data from wave 3 until wave 11 will be used. From 1994 on, the PSBH was integrated in the European Community Household Panel (ECHP). Therefore, the questioning in the first two waves differs slightly from that in the following waves. The PSBH data are very suitable for this study because it provides longitudinal career data on the one hand and on the other hand it offers the possibility to link the one partner’s data to the other’s. Both partners filled out the same questionnaire, so the information concerning partner characteristics is relatively reliable as it is provided by the partner him- or herself.
The sample that will be used in the analyses comprises male and female respondents who are employed (not self-employed but working for an employer) at the time of the survey. Only respondents who have completed at least two successive PSBH-surveys are included.

**INDEPENDENT VARIABLES**

The independent variables, the effect of which on employment exit will be examined, consist of the relational status on the one hand and characteristics or resources of the partner on the other hand.

The *relational status* indicates whether the respondent is married, cohabiting with a partner or does not have a partner.

The *resources of the partner* that are included in the analyses are employment status, type of employment, level of education and wage.

A dummy variable indicates whether or not the partner is employed for at least 15 hours a week at the time of the survey. The *type of employment* is further specified by distinguishing between partners who are self-employed, workers, employees or ‘others’.

The *level of education* is divided into three categories: low, average and high. A ‘low’ level of education indicates people whose highest diploma is not higher than that of ‘general lower secondary education’ in the Belgian education system. This generally means that the respondent did not finish secondary education and did not participate in education until the age of 18 (the legally compulsory learning age in Belgium since 1983). Respondents who at most finished secondary education are in the category ‘average’. Finally, respondents with a college or university degree are classified as having a ‘high’ level of education.

Wage is a partner resource that is often excluded from other studies, e.g. for reasons of unreliability of the variable in retrospective designs (Verbakel, 2010). In this paper, the actual monthly net wages as yearly reported by the respondents are used. If this question in the questionnaire is not answered, but the respondent did indicate a wage category on a scale from 1 to 18, the midpoint of this category is imputed. To assure the comparability of the wages between the different waves, the monthly wages are converted to real wages.

**CONTROL VARIABLES**

Firstly, personal characteristics of the respondent will be controlled for. These control variables include the age, employment (full-time/part time), level of education and wage of the respondent.

In addition, the *presence of children* under the age of 18 in the household is controlled for and a distinction is made between children under and over the age of 7. All children who are resident in the home of the respondent are considered. Moreover,
Child birth (between t and t+1) is controlled for, because this event is believed to have a large impact on (especially female) employment.

Duration variable
Finally, job tenure will be defined as the number of years that have passed since the year in which the respondent started to work for his/her current employer, or in other words the duration of the last job spell. This variable will be the duration variable, indicating the duration between entering the risk set (emploi ment entry) and experiencing the event (employment exit) in the event history analysis (see Methodology section).

Dependent variable
The dependent variable is the probability of experiencing an employment exit between year t and year t+1, given that the respondent is at risk and has not experienced the event before since entering the risk set. A dummy variable was created to indicate an event of employment exit (employment exit=1, no exit=0). More specifically, an employment exit is defined as a transition from a state of paid employment (including temporary career breaks) to a state of unemployment, education, housekeeping or (early) retirement.

Methodology
To analyse the data, event history analysis (EHA) (Allison, 1984; Yamaguchi, 1991) will be used. This is a regression method for longitudinal data designed to study events. The goal of EHA is to estimate the effect of certain explanatory variables on the probability of experiencing a certain event, using a regression model. In this study, the scrutinized event is employment exit.

The dataset in EHA consists of a risk set that contains all the respondents that are exposed to the risk of experiencing the event. In this study, the risk set consists of employed men and women (not self employed). The respondents enter the risk set in the first year of a job spell (when starting to work for their current employer) and are removed from the risk set after their first employment exit or after the age of 60. Some cases are right censored, which means that we do not have information about the moment at which the respondent leaves the risk set. However, right censoring is not a problem when using hazard rate models.

The dependent variable in event history analysis consists of a hazard rate: the conditional probability of experiencing the event, given that the event has not yet occurred. This can easily be estimated by dividing the number of events by the number of people in the risk set. In the PSBH dataset, the yearly hazard rate for exiting employment is 4.6% for women and 2.8% for men in the risk set. These figures demonstrate the
existence of a large gender gap in employment exit: female employees are 64% more likely to exit employment than male employees.
The use of a duration variable is characteristic for event history analysis because duration dependence in the hazard is assumed. The duration variable models the effect of the time that has passed since entering the risk set on the dependent variable. Job tenure or the duration of the last job spell will be the duration variable in our analyses. This variable will, in other words, show the evolution of the probability to exit employment throughout a job spell. Ideally, the duration variable would be the duration of the last uninterrupted employment spell, which might be longer than the last job spell, but this information was unavailable in the PSBH.
Because the exact timing of the event is unknown (only the year is known), discrete time hazard rate models (Singer & Willett, 1993) are used. In practice, person-year files are used in discrete time event history analysis. Therefore, all PSBH waves are merged into one data file and for every period in which an individual is exposed to the risk (a person-year) a separate observation is created. For every person-year a dichotomous variable is added that indicates whether or not the individual left employment between year \( t \) and year \( t+1 \). Each respondent can experience the event maximally once. After experiencing the event, the respondent is deleted from the risk set. The most suitable regression method for discrete time models is logistic regression. Using logistic regression, the log odds to make a specific transition between year \( t \) and year \( t+1 \) can be estimated. In the remaining part of this paper, these log odds will be interpreted as probabilities.
Hazard models are very suitable for handling discrete time data, but one possible disadvantage of the data set needs to be mentioned. As PSBH-respondents are interviewed in yearly intervals in a restricted time period (1992-2002), it is difficult to determine or put restrictions on the duration of the destination state (here: state of unemployment). Because the PSBH offers yearly data, it is impossible to identify the event of employment exit if this state lasts less than a year, for example if a respondent became unemployed after being interviewed in 1995 (\( t \)) and becomes employed again before being interviewed in 1996 (\( t+1 \)). If a respondent has the same non-employed state in two consecutive years, it is also possible that (s)he has changed states in meantime, going back and forth between employment and unemployment. Therefore, all transitions into states of non-employment will be considered as employment exits, even if the respondent only stays in this state for a short period of time (which we are unable to know).
Results

WOMEN’S EMPLOYMENT EXIT
In table 1, six nested discrete time event history models for women’s employment exit are shown. The first model contains the duration variable, the control variables for the respondent’s personal and family characteristics (children) and finally, the respondent’s relational status. The probability to exit employment is at highest during the first five years of a job spell and then it declines. The probability remains at its lowest between 11 and 20 years of job tenure and then it increases again. Controlling for the effect of job tenure, the probability of employment exit stays relatively stable throughout the career. Only women over the age of 50 have a significantly higher probability to quit employment than younger employees. No significant effects of having children on women’s employment exit were found. The effect of child birth, however, is strongly significant and positive. The birth of a child triggers women to exit employment. This is remarkable knowing that maternity leave is not considered as an employment exit in the paper. The last control variable, education, also has a significant effect on employment exit. The higher the educational level of the respondent, the less likely she is to exit employment.

Our hypothesis predicts a positive effect of having a partner, and being married in particular, on employment exit. Our results indicate the opposite. Married and cohabiting women are less likely to exit employment than single women. In other words, a marriage and cohabitation premium exists for Belgian women’s employment.

In model 2, an interaction effect between education and relational status is added to the model. A significant negative effect was found for the interaction between having a high educational level and being married. Highly educated married women are less likely (0.187-1.025= -0.838) to exit employment than lowly educated married women. The negative effect of marriage on employment exit (see model 1) seems to apply to highly educated women in particular.

In a third model, the partner’s employment status was added. Women with an employed partner are less likely to exit employment than single women. Women with an unemployed partner do not differ from single women concerning their employment exit. These findings are in accordance with our hypothesis: employment by the partner has a negative effect on employment exit. A working partner encourages women to remain employed. This finding is in accordance with our hypothesis which was based on social capital theory.

In model 4, the partner’s type of employment is further specified. The negative effect of the partner’s employment on employment exit is only significant when the partner is an employee (white collar). The probability of employment exit does not differ between women with partners who are self-employed, workers or perform another type of employment and women with non-employed partners.
### Table 1: Discrete Time Event History Analysis: Log Odds for Women’s Employment Exit

<table>
<thead>
<tr>
<th></th>
<th>Model 1</th>
<th>Model 2</th>
<th>Model 3</th>
<th>Model 4</th>
<th>Model 5</th>
<th>Model 6</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>ALL RESPONDENTS</td>
<td>RESPONDENTS WITH PARTNER</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b</td>
<td>b</td>
<td>b</td>
<td>b</td>
<td>b</td>
<td>b</td>
</tr>
<tr>
<td><strong>Job tenure 0-5j (ref.)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6-10j</td>
<td>-0.701**</td>
<td>-0.681**</td>
<td>-0.71***</td>
<td>-0.665**</td>
<td>-0.585*</td>
<td>-0.583*</td>
</tr>
<tr>
<td>11-15j</td>
<td>-1.155***</td>
<td>-1.13***</td>
<td>-1.142***</td>
<td>-0.862**</td>
<td>-1.139**</td>
<td>-1.139**</td>
</tr>
<tr>
<td>16-20j</td>
<td>-1.155***</td>
<td>-1.125***</td>
<td>-1.147***</td>
<td>-0.909**</td>
<td>-0.911**</td>
<td>-0.902**</td>
</tr>
<tr>
<td>+20j</td>
<td>-0.527*</td>
<td>-0.542*</td>
<td>-0.522*</td>
<td>-0.481 (0.054)</td>
<td>-0.399</td>
<td>-0.382</td>
</tr>
<tr>
<td><strong>Age -30j (ref.)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>31-40j</td>
<td>-0.062</td>
<td>-0.048</td>
<td>-0.043</td>
<td>-0.065</td>
<td>-0.115</td>
<td>-0.087</td>
</tr>
<tr>
<td>41-50j</td>
<td>0.016</td>
<td>0.06</td>
<td>0.06</td>
<td>0.091</td>
<td>-0.124</td>
<td>-0.113</td>
</tr>
<tr>
<td>+50j</td>
<td>1.505***</td>
<td>1.595***</td>
<td>1.479***</td>
<td>1.61***</td>
<td>1.638***</td>
<td>1.655***</td>
</tr>
<tr>
<td><strong>No children (ref.)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Youngest child &lt; 7j</td>
<td>0.303</td>
<td>0.397</td>
<td>0.353</td>
<td>0.492 (0.06)</td>
<td>0.571*</td>
<td>0.594*</td>
</tr>
<tr>
<td>Youngest child 7-18j</td>
<td>0.243</td>
<td>0.29</td>
<td>0.292</td>
<td>0.448 (0.05)</td>
<td>0.494*</td>
<td>0.472</td>
</tr>
<tr>
<td><strong>Child birth</strong></td>
<td>1.11***</td>
<td>1.192***</td>
<td>1.109***</td>
<td>1.2***</td>
<td>1.103***</td>
<td>1.121***</td>
</tr>
<tr>
<td>Full-time employment</td>
<td>-0.453**</td>
<td>-0.472**</td>
<td>-0.451**</td>
<td>-0.234</td>
<td>-0.311</td>
<td>-0.305</td>
</tr>
<tr>
<td><strong>Education: Low (ref.)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Average</td>
<td>-0.343*</td>
<td>0.147</td>
<td>-0.319**</td>
<td>-0.506**</td>
<td>-0.411*</td>
<td>-0.373</td>
</tr>
<tr>
<td>High</td>
<td>-1.264***</td>
<td>-0.573</td>
<td>-1.221***</td>
<td>-1.475***</td>
<td>-1.364***</td>
<td>-1.475**</td>
</tr>
<tr>
<td><strong>Single (ref.)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Married</td>
<td>-0.328*</td>
<td>0.187</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cohabitating</td>
<td>-0.781*</td>
<td>-0.726</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Education * Partner</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Average * Married</td>
<td>-0.696 (0.054)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Average * Cohabitating</td>
<td>-0.046</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High * Married</td>
<td>-1.025**</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High * Cohabitating</td>
<td>-0.306</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Single (ref.)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Partner employed</td>
<td></td>
<td></td>
<td></td>
<td>-0.454**</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Partner not employed</td>
<td></td>
<td></td>
<td></td>
<td>-0.013</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Partner not employed (ref.)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Self employed</td>
<td></td>
<td></td>
<td></td>
<td>-0.266</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Worker (blue collar)</td>
<td></td>
<td></td>
<td></td>
<td>-0.275</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee (white collar)</td>
<td></td>
<td></td>
<td></td>
<td>-0.438*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
<td>-0.519</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Partner’s Education: Low (ref.)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Average</td>
<td></td>
<td></td>
<td></td>
<td>-0.514*</td>
<td>-0.227</td>
<td></td>
</tr>
<tr>
<td>High</td>
<td></td>
<td></td>
<td></td>
<td>-0.573*</td>
<td>-1.685*</td>
<td></td>
</tr>
<tr>
<td><strong>Education * Partner’s Education</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Average * Average</td>
<td></td>
<td></td>
<td></td>
<td>-0.439</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Average * High</td>
<td></td>
<td></td>
<td></td>
<td>1.217</td>
<td></td>
<td></td>
</tr>
<tr>
<td>High * Average</td>
<td></td>
<td></td>
<td></td>
<td>-0.365</td>
<td></td>
<td></td>
</tr>
<tr>
<td>High * High</td>
<td></td>
<td></td>
<td></td>
<td>1.324</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>CONSTANT</strong></td>
<td>-1.859***</td>
<td>-2.29***</td>
<td>-1.898***</td>
<td>-2.054***</td>
<td>-2.2***</td>
<td>-2.227***</td>
</tr>
<tr>
<td>N Person Years</td>
<td>6159</td>
<td>6159</td>
<td>6159</td>
<td>4867</td>
<td>4528</td>
<td>4528</td>
</tr>
<tr>
<td>N Events</td>
<td>259</td>
<td>259</td>
<td>259</td>
<td>188</td>
<td>167</td>
<td>167</td>
</tr>
<tr>
<td>Nagelkerke R²</td>
<td>0.118</td>
<td>0.122</td>
<td>0.118</td>
<td>0.129</td>
<td>0.138</td>
<td>0.143</td>
</tr>
</tbody>
</table>

*p ≤ 0.05 **p ≤ 0.01 ***p ≤ 0.001
In the next model, the partner's level of education is added to the model. The higher the partner's level of education, the less likely a woman is to exit employment. The personal level of education of the respondent is controlled for, so the effects cannot be ascribed to educational homogamy. In this model, when the partner's educational level is included, the child-variable does have a significant effect. Women who have a child younger than 7, have a higher probability to exit employment than childless women when the partner's educational level is held constant.

A model with an interaction term (Partner's education*Child, not shown in this paper) provides indications that mothers of young children with a highly educated partner are less likely to exit employment than mothers of young children with a lowly educated partner, but the interaction effect is not significant at a 95% significance level (sig.=0.068). However, this finding is opposed to Verbakel's (2010) finding that mothers are more likely to leave the workforce if they have a highly educated partner. Finally, an interaction effect between the educational levels of both partners is added in model 6. The interaction terms are not significant. The effect of a woman's partner's educational level does not change according to the woman's personal educational level.

The finding regarding the partner's educational level, which is considered to be a 'labour market resource', is in accordance with social capital theory as well. Having a partner with an average or high level of education prevents women from quitting employment, regardless of their own educational level. Our results are not consistent with those of Bernasco et al. (1998) and Bernardi (1999), who found positive effects of partner resources on employment exit, and Corijn (2001), who found no significant effects.

Next, the effect of the partner's monthly wage on women's employment exit is investigated (table 2). The women's personal wage is added as a control variable to avoid side effects of wage homogamy between the partners. In model 1, the wage of the partner is added as a continuous variable but it does not have a significant effect. In the next model, a categorical variable indicating the wage hierarchy of the partners (man outearning woman/women outearning men/equal wages) is added. Women whose wage is at least 10% lower than their partner's wage are more likely to exit employment than women with a wage equal to or higher than their partner. According to Winkler, McBride & Andrews (2005), the wage hierarchy (man outearning woman/women outearning men/equal wages) in couples varies considerably across a number of dimensions, including the relative earning threshold that is chosen. In model 2, this arbitrary threshold was 10%. In a final model however, the difference between both partners' wages is further specified. The effect is only significant when the partner's wage is at least 25% higher than the respondent's wage and even stronger when it is at least 50% higher.

These findings are in accordance with economic theory. The partner's wage in general does not have a significant effect on employment exit but a wage advantage by the
partner of at least 25% does. Women whose partner has a comparative advantage on the labour market (in terms of wage) are more likely to exit employment.

**TABLE 2: DISCRETE TIME EVENT HISTORY ANALYSIS: LOG ODDS FOR WOMEN’S EMPLOYMENT EXIT: EFFECT OF PARTNER’S WAGE**

<table>
<thead>
<tr>
<th></th>
<th><strong>MODEL 1</strong></th>
<th><strong>MODEL 2</strong></th>
<th><strong>MODEL 3</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Job tenure 0-5j (ref.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6-10j</td>
<td>-0.516*</td>
<td>-0.469</td>
<td>-0.446</td>
</tr>
<tr>
<td>11-15j</td>
<td>-0.815*</td>
<td>-0.786*</td>
<td>-0.737*</td>
</tr>
<tr>
<td>16-20j</td>
<td>-1.434**</td>
<td>-1.327**</td>
<td>-1.233**</td>
</tr>
<tr>
<td>+20j</td>
<td>-0.811*</td>
<td>-0.691*</td>
<td>-0.549***</td>
</tr>
<tr>
<td>Age -30j (ref.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>31-40j</td>
<td>-0.256</td>
<td>-0.294</td>
<td>-0.329</td>
</tr>
<tr>
<td>41-50j</td>
<td>0.258</td>
<td>0.195</td>
<td>0.087</td>
</tr>
<tr>
<td>+50j</td>
<td>1.915***</td>
<td>1.723***</td>
<td>1.539***</td>
</tr>
<tr>
<td>No children (ref.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Youngest child &lt; 7j</td>
<td>0.366</td>
<td>0.32</td>
<td>0.278</td>
</tr>
<tr>
<td>Youngest child 7-18j</td>
<td>0.586*</td>
<td>0.527</td>
<td>0.457</td>
</tr>
<tr>
<td>Child birth</td>
<td>1.149***</td>
<td>1.175*</td>
<td>1.241***</td>
</tr>
<tr>
<td>Full-time employment</td>
<td>-0.456*</td>
<td>-0.273</td>
<td>0.043</td>
</tr>
<tr>
<td>Wage/1000</td>
<td>-0.0002</td>
<td>-0.0001</td>
<td>-0.0001</td>
</tr>
<tr>
<td>Partner’s Wage/1000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wage = Partner’s Wage (ref.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wage &gt; Partner’s Wage*1.10</td>
<td>-0.274</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wage &lt; Partner’s Wage*0.90</td>
<td>0.921**</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wage &gt;= Partner’s Wage*0.90 (ref.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wage &lt; Partner’s Wage*0.90</td>
<td></td>
<td></td>
<td>-0.268</td>
</tr>
<tr>
<td>Wage &lt; Partner’s Wage*0.75</td>
<td></td>
<td></td>
<td>0.932**</td>
</tr>
<tr>
<td>Wage &lt; Partner’s Wage*0.50</td>
<td></td>
<td></td>
<td>1.415***</td>
</tr>
<tr>
<td>Constant</td>
<td>-3.164***</td>
<td>-3.955***</td>
<td>-4.285***</td>
</tr>
<tr>
<td>N Person Years</td>
<td>4053</td>
<td>4053</td>
<td>4053</td>
</tr>
<tr>
<td>N Events</td>
<td>120</td>
<td>120</td>
<td>120</td>
</tr>
<tr>
<td>Nagelkerke R²</td>
<td>0.072</td>
<td>0.085</td>
<td>0.105</td>
</tr>
</tbody>
</table>

*p ≤ 0.05 *p ≤ 0.01 ***p ≤ 0.001

**MEN’S EMPLOYMENT EXIT**

The nested models for men in table 3 are equal to those for women (table 1). The first model also contains the duration variable, the control variables and the respondent’s relational status. As for women, men’s probability to exit employment is at highest during the first five years of a job spell and then declines. The probability remains at its lowest between 11 and 20 years of job tenure and then it increases again. Also similar to women, the probability of employment exit stays relatively stable throughout the career when job tenure is controlled for. Only men over the age of 50 have a significantly higher probability to quit employment than younger employees.
Contrary to women, the effect of (the age of) children has a significant effect for men in model 1. Men whose youngest child is between 7 and 18 years old are less likely to exit employment than other men. This confirms the theory of a fatherhood premium for men’s careers. The effect of child birth, on the other hand, is not significant. Full-time employment and a high level of education both have significant negative effects on employment exit for men.

Our hypothesis predicts a negative effect of having a partner, and being married in particular, on employment exit. However, no significant effects of being married or cohabitating are found. An interaction effect between education and relational status, as is shown in model 2, is not significant either. Our hypothesis regarding a partner or marriage premium for men has to be rejected.

The employment status of the partner does have the expected effect on employment exit. Men with an employed partner are less likely to exit employment than men with a non-employed partner. This is in accordance with the finding that having an employed wife prevents men from becoming non-employed in the Netherlands (Verbakel, 2010). Considering model 4, the negative effect of the partner’s employment seems to apply in particular to men with partners who are workers or employees.

In model 5, the partner’s level of education is included. Men with a highly educated partner have a lower probability to exit employment. Again, the finding concerning the partner’s employment and labour market resources (educational level) are in accordance with social capital theory.

The interaction effect between the educational levels of both partners in model 6 has a significant negative effect for average educated men with average educated partners. These men are less likely to exit employment than average educated men with lowly educated partners. In other words, having a partner with the same educational level of education, or educational homogamy, reduces the probability of employment exit for average educated men.

In table 4, 3 models analyzing the effect of the partner’s monthly wage on men’s employment exit are shown. The findings are very similar to the findings for women in table 2. The partner’s wage does not have a significant effect on employment exit but a wage advantage by the partner does. Men are more likely to exit employment when their partner’s wage is at least 50% higher than their personal wage. Economic theory seems to apply for the effect of the partner’s wage on employment exit for both men and women. When one partner has a comparative advantage on the labour market, the other partner has a higher probability to exit employment.
<table>
<thead>
<tr>
<th>MODEL 1</th>
<th>MODEL 2</th>
<th>MODEL 3</th>
<th>MODEL 4</th>
<th>MODEL 5</th>
<th>MODEL 6</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ALL RESPONDENTS</strong></td>
<td><strong>RESPONDENTS WITH PARTNER</strong></td>
<td><strong>b</strong></td>
<td><strong>b</strong></td>
<td><strong>b</strong></td>
<td><strong>b</strong></td>
</tr>
<tr>
<td><strong>Job tenure 0-5j (ref.)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6-10j</td>
<td>-0.649*</td>
<td>-0.643*</td>
<td>-0.656*</td>
<td>-0.896*</td>
<td>-0.819*</td>
</tr>
<tr>
<td>11-15j</td>
<td>-1.033**</td>
<td>-1.026**</td>
<td>-1.067**</td>
<td>-1.079*</td>
<td>-1.028*</td>
</tr>
<tr>
<td>16-20j</td>
<td>-1.384**</td>
<td>-1.392**</td>
<td>-1.359**</td>
<td>-1.3**</td>
<td>-1.226**</td>
</tr>
<tr>
<td>&gt;20j</td>
<td>-0.459</td>
<td>[-0.05]</td>
<td>-0.45</td>
<td>-0.463*</td>
<td>-0.648*</td>
</tr>
<tr>
<td><strong>Age -30j (ref.)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>31-40j</td>
<td>-0.152</td>
<td>-0.168</td>
<td>-0.182</td>
<td>-0.216</td>
<td>-0.325</td>
</tr>
<tr>
<td>41-50j</td>
<td>-0.014</td>
<td>-0.029</td>
<td>-0.131</td>
<td>-0.18</td>
<td>-0.327</td>
</tr>
<tr>
<td>&gt;50j</td>
<td><strong>2</strong>*</td>
<td><strong>1.987</strong>*</td>
<td><strong>1.734</strong>*</td>
<td><strong>1.737</strong>*</td>
<td><strong>1.661</strong>*</td>
</tr>
<tr>
<td><strong>No children (ref.)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Youngest child &lt; 7j</td>
<td>-0.408</td>
<td>-0.398</td>
<td>-0.415</td>
<td>-0.453</td>
<td>-0.389</td>
</tr>
<tr>
<td>Youngest child 7-18j</td>
<td>-0.557*</td>
<td>-0.564*</td>
<td>-0.593*</td>
<td>-0.635*</td>
<td>-0.586*</td>
</tr>
<tr>
<td><strong>Child birth</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Full-time employment</td>
<td>-0.476</td>
<td>-0.468</td>
<td>-0.358</td>
<td>-0.629</td>
<td>-0.698</td>
</tr>
<tr>
<td>Education: Low (ref.)</td>
<td>-1.53***</td>
<td>-1.529***</td>
<td>-1.529***</td>
<td>-1.877***</td>
<td>-1.946***</td>
</tr>
<tr>
<td>Average</td>
<td>-0.234</td>
<td>-0.185</td>
<td>-0.196</td>
<td>-0.213</td>
<td>-0.099</td>
</tr>
<tr>
<td>High</td>
<td>-1.071***</td>
<td>-1.219*</td>
<td>-0.963***</td>
<td>-0.974***</td>
<td>-0.622*</td>
</tr>
<tr>
<td><strong>Single (ref.)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Married</td>
<td>-0.232</td>
<td>-0.247</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cohabitating</td>
<td>0.421</td>
<td>0.642</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Partner * Education</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Married * Average</td>
<td>0.015</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Married * High</td>
<td>0.203</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cohabitating * Average</td>
<td>-0.712</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cohabitating * High</td>
<td>-0.016</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Partner not employed (ref.)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Partner employed</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Partner not employed (ref.)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Self employed</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Worker (blue collar)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee (white collar)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Partner’s Education: Low (ref.)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Average</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Education * Partner’s Education</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Average * Average</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Average * High</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High * Average</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High * High</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>CONSTANT</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>N Person Years</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>N Events</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Nagelkerke R²</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*p ≤ 0.05  **p ≤ 0.01  ***p ≤ 0.001
**Conclusion and discussion**

In this paper the effects of having a partner and children and of partner resources on employment exit were studied. In the Theory-section of this paper, five hypotheses were formulated, based on previous studies.

Our first hypothesis about the effect of men and women’s relational status on their career was completely rejected by our analyses. Previous research suggested that marriage, or a partner relationship in general, has a positive effect on women’s employment exit and a negative effect on men’s employment exit. However, we found a negative effect of marriage and cohabitation on women’s employment exit. For men, no significant effects were found. Because single women in our study are more likely to exit employment than women with a partner, we can conclude that women experience a ‘partner premium’ with regard to employment.
Our second hypothesis stated that the presence of children has a positive effect on employment exit for women and a negative effect for men. This hypothesis was broadly confirmed. Women with dependent children, and especially young children (<7), have a higher probability to exit employment than women with no dependent children. However, this effect is only significant when the partner’s educational level is held constant. Nonetheless, a strongly significant and large positive effect of child birth on employment exit was found in all models for women. For men, as expected, a negative effect of having children on employment exit was found. However, only men with older children (>7) differed significantly from men with no dependent children. The effect of child birth on men’s employment exit is non-significant.

Our third hypothesis concerned the effect of the partner’s employment status. A negative effect of a partner’s employment on employment exit was predicted. It was found that single employees and employees with unemployed partners are more likely to exit employment than those with employed partners. This effect applies in particular to women with partners who are employees (white collar) and to men with partners who are employees or workers (blue collar). For these couples, it is confirmed that having an employed partner contributes to the personal social capital and therefore decreases the probability of employment exit.

Finally, the labour market resources and financial resources of the partner were studied. Results from previous research were mixed so no predictions could be made. Our results reveal that for Belgian women, having a partner with a high or average level of education has a negative effect on employment exit. For men, only the effect of having a partner with a high level of education is significantly negative. Men who have an average level of education and have a partner with the same level of education are the least likely to experience employment exit. For women, the effect of the partner’s educational level does not change according to the personal level of education. The findings concerning the effect of the partner’s employment status and educational level on employment exit both confirm social capital theory. Having an employed and highly educated partner contributes to the personal social and human capital and prevents employees from leaving employment. The findings concerning the effect of the partner’s wage, on the other hand, support economic theory rather than social capital theory. No significant effects of the partner’s wage on employment exit were found. What does matter is the wage hierarchy in couples. Having a partner with a wage that is higher than the personal wage, has a positive effect on employment exit. When one partner has a wage that is significantly higher than the other’s, the first partner has a comparative advantage on the labour market. The meaning of ‘significantly higher’ differs between men and women. For women, the partner’s wage has to be at least 25% higher, for men, the partner’s wage has to be at least 50% higher than the personal wage. In other words, the threshold for women to obtain this position of comparative advantage on the labour market in a partner relationship
is higher than for men. This is in accordance with the statement by Winkler (1998: 46) that if a husband earns just a small amount less than his wife, he might still be perceived as the ‘primary earner’ because of traditional gender roles. A wife is then only considered to be the primary earner when she earns substantially more than her partner. Only in this last case, the male partner will prioritize his wife’s career and consider labour market exit.

Our results confirm the hypothesis of Bernasco et al. (1998) that a distinction has to be made between the effects of labour market resources and financial resources of the partner on employment exit. Labour market resources of the partner, like employment and a high level of education, have a negative effect on employment exit while the financial resources of the partner have a positive effect. In the study by Bernasco et al. (1998) in the Netherlands this hypothesis was rejected and it was found that both kinds of partner resources pushed the respondents out of the labour market. However, using Belgian data, we find that labour market resources of the partner discourage employment exit and that a (relatively large) wage advantage of the partner encourages employment exit. These results are more or less in accordance with results by Verbakel (2010) who found a negative effect of the partner’s occupational status on employment exit for Dutch women and a negative effect of having an employed partner on employment exit for Dutch men. Verbakel (2010) however did not study financial resources and concludes that labour market participation is not restricted by partner’s resources and that the division of paid work within the household is not dependent on economic factors. We can not completely agree with the latter statement and wish to adapt it to our results: Labour market participation is encouraged by partner’s labour market resources but restricted by partner’s comparative wage advantage.

We can conclude by stating that partners’ careers are indeed ‘coupled’ (Han & Moen, 1999). Having a partner can provide opportunities and constraints for the personal career and resources of the partner can provide positive as well as negative career impulses. In the future, this will become more and more relevant as dual earner families are still on the rise. For example, insights into family and partner effects can be used to prevent women from leaving employment, in order to prevent the loss of personal and organizational human capital and to tighten the gender career gap. In this study, we learned that particularly single women, women with (young) children and women with a well-earning partner or a partner with little occupational resources need extra incentives to remain employed.
1. It is however possible that partners of respondents are self-employed.
2. By dividing the wages by their consumer price index, 1996 being the reference year.
3. For effects that are scarcely significant, the p-values are shown between brackets in tables 5 to 7.

**References**


Verbakel, E. (2010). Partner’s resources and adjusting working hours in the Netherlands: Differences over time, between levels of human capital, and over the family cycle. *Journal of Family Issues*, 31(10), 1324-1362.


Neither conflicting nor simply complementary: how social inequality research can profit from paying attention to genetic variation

MARTIN DIEWALD

Abstract:
Social science has largely ignored, if not negated, the role of genetic variation for the incidence and timing of social events and behaviours from birth to death, including social inequalities. Yet genetic and social influences are not simply additive forces, but interact in manifold ways over the life course. Psychological characteristics and processes are important mediators between social and genetic factors. Neglecting this interplay may even lead to an underestimation of social causes of life-course outcomes. Based on an introductory general demonstration of how genetic and social forces interact over the life course, this article argues how considering genetic factors may contribute to central methodological and theoretical issues of social inequality research. Leaving aside the unrealistic ‘blank slate’ assumption at birth underlying standard social research, consideration of the genetic make-up delivers a more accurate starting point for the analysis of social forces shaping success and failure. I then provide an overview of mechanisms through which gene–environment interplay influences the distribution of risk and risk compensation over the life course. A concluding section touches the question of what the measurement and interpretation of genetic forces may mean for social justice discourses.

Contact
Martin Diewald
Department of Sociology
Bielefeld University
P.O. Box 10 01 31
33501 Bielefeld, Germany
martin.diewald@uni-bielefeld.de

Keywords
social inequality, behavioural genetics, life course, gene–environment interplay
Sociologists are becoming increasingly aware that their explanations suffer from the fact that individuals do not respond to societal influences in the same way, or even in a contingent way, solely on the basis of individual or contextual social characteristics. In other words, the assumption of uniform causal effects is misleading (e.g. Abbott, 2001). Genetic variation is obviously a major source of individual differences in reactions to social conditions, which – if unconsidered – leads not only to less complete but also to less precise explanations. This is the reason why the study of mechanisms shaping people’s life chances over the life course is becoming an increasingly interdisciplinary endeavour, with psychology and behavioural genetics joining sociology and economics to illuminate the ‘black boxes’ that still exist in explaining social inequalities out of individual heterogeneity (e.g. Bowles, Gintis, & Osborne, 2005). Nevertheless, many social scientists are still reluctant to address genetic influences, although empirical research in behavioural genetics has shown convincingly that a vast majority of individual-level outcomes are genetically influenced to a substantial degree. This applies not only to ‘proximal’ phenotypic properties such as health and personality but also to more ‘distal’ ones such as education, demographic events, and social inequalities (cf. Guo & Stearns, 2002; Turkheimer, 2000). There is growing agreement among the disciplines that this finding constitutes a major advance in social science research, calling into question widely used approaches that treat interindividual differences at birth as a black box and assume—against all evidence—that human beings are ‘blank slates’ (Pinker, 2002). This growing interest has been clearly documented in recent special issues of the influential journals *Nature* (2008), Sociological Methods & Research (2008), *American Journal of Sociology* (2008), *Developmental Psychology* (2009), and *Journal of Marriage and Family* (2011), all dealing more comprehensively with the interaction between biology and the environment. However, up to now, there has been little theoretical effort to link behavioural genetics with sociological theory, and there are few (if any) studies available that test the genome–environment interplay using state-of-the-art methodologies. There is still far from enough longitudinal data with sufficient cases to test for the complicated patterns of gene–environment interplay.

For the study of social inequalities, existing behavioural genetic analyses have shown considerable impacts of the genome on various inequality dimensions. For
skill formation and educational success, numerous studies have shown considerable genetic influences mediated through psychological characteristics (e.g. Johnson, Vernon, & Feiler, 2008 for educational success; Spinath & Spengler, 2010 for intelligence), with genetic influences not disappearing but increasing with age (e.g. Bergen, Gardner, & Kendler, 2007). The interaction of genetic and social influences has started to become a focus of research showing that the family environment plays an important role for the degree of heritability (e.g. Harden, Turkheimer, & Loehlin, 2008). Career and labour market attainment are genetically influenced as well (e.g. Björklund, Jäntti, & Solon, 2005). However, up to now, there are only a very limited number of studies in this field, and no studies showing how genome and environment interact to produce these outcomes. The same is true for social and political participation. For perceived quality of life, there are well-proven genetic influences (e.g. Schnittker, 2008) with gene–environment correlations and interactions moderating the impact of social influences on subjective well-being (Johnson & Krueger, 2006). Looking at failure in life, studies of deviant behaviour and behavioural problems indicate that genetic influences contribute substantially to their explanation as well (e.g. Thapar, 2003) along with gene–environment interactions (South & Krueger, 2011). In sum, these examples demonstrate that the consideration of genetic influences is not simply of sporadic importance, but that these appear to be important sources of objectively and subjectively defined social inequalities over the whole life course. Nevertheless, up to now, especially the investigation of genome–environment interplay has many chasms, mostly due to both a lack of appropriate data and a lack of social researchers able and willing to invest in this research field. In this paper, I argue why it is worth making the effort to integrate genetic influences into large-scale studies of social inequalities, even if one is much more interested in social instead of genetic influences in the explanatory chain. For this purpose, I first outline some basic principles of how sociological theory, the life-course approach, behavioural genetics, and psychological constructs may come together to provide more accurate social explanations of social outcomes (section ‘Social theory, behavioural genetics, and the life course’). These arguments are further elaborated for the case of social inequality research (section ‘The case of research on social inequalities’). The concluding section discusses implications for social justice discourses.

Social theory, behavioural genetics, and the life course

Genome–Environment Interaction and Genome–Environment Covariance

Disentangling genetic and social causes is not a zero-sum game of whether genetics or environment plays the greater role in explaining a certain outcome. Instead, the interest lies in the genome–environment interaction and in genome–environment
covariance as processes explaining how genetic causes are channelled through social causes and how social causes are differentiated by genetically influenced response patterns (e.g. Freese, 2008; Jaffee & Price, 2007; Rutter, Pickles, Murray, & Eaves, 2001).

The term genome–environment *interaction* (Plomin, DeFries, & Loehlin, 1977) refers to processes by which genome effects on individual development and behaviour are moderated by environmental conditions. In other words, effects of specific alleles or of the overall genome differ across social groups, situations, and societies (e.g. Johnson & Krueger, 2005; Shanahan, Vaisey, Erickson, & Smolen, 2008). Genome expression is largely conditioned socially by factors at the level of the individual (e.g. social position, age), properties of the social network (e.g. relations and interactions with family and friends, availability of social support), social contexts (e.g. household composition, neighbourhood), and whole societies (e.g. welfare state regimes, social policies, cultural patterns, wealth).

This impact on behaviour of social experiences, contexts, and structural as well as institutional properties of the society is, as already mentioned, heavily dependent on genetically influenced individual characteristics and their impact on individual self-selection into social contexts at a network, organizational, and societal level. If it is not taken into account that genes can influence the environments persons live in either directly through persons’ behaviours or indirectly via selection (referred to as genome–environment *covariance*), environmental impact is mistakenly interpreted as pure social cause, although this social cause is co-determined by genetic influences (Price & Jaffee, 2008). Many putative indicators of the environment are highly heritable (Kendler & Baker, 2007; Schnittker, 2008). In other words, assessing and controlling for these genetic influences makes it possible to produce more correct estimates of environmental effects that actually are exogenous. Therefore, controlling for covariance patterns is important if we are to solve the puzzle of “the separation of structural from individual effects” (O’Rand, 1996: 3) or of “structural imposition and choice” (Lindenberg, 1986: 23) that is such a major task in sociological life-course research and in sociological analysis as a whole.

Finally, based solely on the fact that heritability is a population-specific measure of the relative effect of genes and environment on a phenotype (Adkins & Guo, 2008; Nielsen 2006), a specific environmental factor may strongly mediate the genetic risk of a specific outcome in some populations, whereas in others, the same genetic predisposition may be more frequent, and/or there may be no specific environmental factor mediating this genetic predisposition. Thus, in the study by Shanahan et al. (2008) mentioned above, not only did social capital substantially mediate the relationship between genetic DRD2 risk and school continuation, but, in addition, boys with DRD2 risk were less commonly observed in settings that are rich in social capital. In order to disentangle the complex patterns of genome–environment
interrelationships, the following aspects have to be taken into account to transform a mere statistical association between genome and outcome into an explanation based on a chain of interlinking causal factors (e.g. Freese, 2008; Kendler, 2001; Rutter et al., 2001; Shanahan, Hofer, & Shanahan, 2003):

1. Measuring biological and/or psychological processes is necessary to follow the link between genome and behavior, because the genome never influences behavior directly but only by way of physical and mental states and processes.

2. Measuring social influences at the level of individual attributes alone confounds social environment influences and individual reactions to them. Therefore, the various levels of contextual influences – as dealt with in a variety of sociological and economic market theories – should be approached as directly as possible via independent measurements.

3. Understanding how a social situation influences genetic expression requires looking back at biographical developments and the accumulation of life experiences.

4. Heritability estimates of outcomes not only characterize a population (or sample) of individuals but also constitute properties of social systems that reflect the extent to which genetic variation in that system influences individuals’ outcomes. They are “expected to vary across societies, historical periods and social contexts” (Nielsen, 2006: 208).

PSYCHOLOGICAL CONSTRUCTS AS MEDIATORS BETWEEN THE GENOME AND SOCIAL OUTCOMES

I follow Freese (2008) in his argument that the genome influences human behaviour in the first instance through inner, either physical or psychic processes. There is no direct link between the genome on the one hand and income, education, fertility, or divorce on the other, although all of these characteristics are genetically influenced to a substantial degree. The prominent mediating constructs include fairly stable and general personality characteristics such as the Big Five (e.g. John & Srivastava, 1999), self-direction, risk aversion, time preferences, and cognitive ability (cf. Borghans, Duckworth, Heckman, & ter Weel, 2008; Cunha & Heckman, 2009). These constructs are thought to be relevant because they guide individual action. However, this view should be supplemented by the perspective of the selection of individuals by collective actors, as in the case of recruitment into work organizations. These selections are oriented towards not only certificates of education and training plus ascriptive criteria but also individual characteristics that are genetically influenced as well (e.g. Jackson, 2001).

These arguments have led some to conclude that it is not necessary for social scientists to consider genetic information at all, because these inner characteristics and
processes can be used more appropriately as the mediating link to explain social outcomes. As a result, the question of how genes and environments interact to produce the characteristics embodied in individuals is left unaddressed. Investigation then starts with the question of how these attributes interact with social environments to produce actions and lead to biographical outcomes. Yet, even if one is not interested at all in genetic influences in the explanatory chain, this strategy is only applicable under the quite unrealistic assumption that these intervening inner processes are fully and accurately measured and correctly specified in the analysis. Otherwise, the black box problem is still not resolved, and measurements are still biased (see Freese, 2008, p. 18, for an illustrative example).

THE LINK BETWEEN BEHAVIOURAL GENETICS AND THE LIFE-COURSE APPROACH

It is now widely accepted both in sociology and psychology that longitudinal studies have become the ‘Hubble telescope’ of social science research (Butz & Boyle Torrey, 2006; see also Diewald & Mayer, 2008). Methodologically, longitudinal studies are undoubtedly superior to cross-sectional designs in order to assess causality. But as Rutter et al. (2001) concluded, longitudinal life-course data are a necessary but not sufficient basis for accurate assessment of causal effects. One reason is that the life course is linked, in many ways, to biological processes. Therefore, the inclusion of genetic information can considerably enhance the causal analysis of life-course and individual developmental characteristics (Butz & Boyle Torrey, 2006; Shanahan et al., 2003). However, the sociology of the life course means more than just longitudinal measurement. It focuses on the explanation of life courses as “institutionally embedded purposive action” (Mayer, 2009: 415) resulting in a set of positions and participations in various life domains over the lifetime. Therefore, preconditions of individual agency pay a crucial role, as well as the addressing of individual characteristics by societal institutions. In the tradition of sociological life-course research, cultural, institutional, and structural forces are the main predictors of life-course patterns, and the individual actor dealing with them is described by his or her social characteristics. Transcending this tradition, because of the often only low to moderate shares of explained variance and correlations describing the interplay of the individual with the society, stability and change of psychological characteristics are increasingly recognized as being important for understanding how a society shapes the life of individuals (Diewald & Mayer, 2009; Elder & Shanahan, 2006; Settersten, 2003). Moreover, the significance of life-course events, individual traits, and how they interact is largely dependent on historic change (Caspi & Moffitt, 1993; Diewald, 2007). Nonetheless, as Freese (2008) has proposed, even when psychological characteristics are included, the relevance of individual heterogeneity for the interplay between actor and society may still be conceptualized and measured insufficiently,
because it is hardly possible to include all relevant individual characteristics in one study. And when influential unobserved characteristics correlate with the observed ones, the measured impact of the latter is biased to an unknown degree.

The contribution of genetic forces in explaining this interplay between structural, cultural, and institutional imposition on one side and individual agency on the other has been categorized by Shanahan and Hofer (2005) and Shanahan and Boardman (2009). In addition to gene–environment covariance (see above), they proposed the following models of gene–environment interactions within a life-course theoretical framework: First, in a stress–diathesis model, an environmental factor (a stressor such as parental neglect) triggers a genetically predisposed difference in the individual (such as aggressive behaviour). This produces outcomes for which little or no genetic difference would be observed in the absence of this specific environmental factor. Second, in a bio-ecological model of compensation, favourable environments prevent the outbreak of a genetic predisposition. Third, under the rubric of environmentally structured opportunities and constraints, social contexts may provide social control in the form of social norms or structural constraints preventing undesired behaviours induced by genetic propensities. And fourth, social contexts can lead to a significantly higher level of functioning. Positive and enabling social contexts can increase the effects of genetic differences by providing disproportionate benefits to those whose genetic endowment already disposes them towards more favourable outcomes. The latter two mechanisms most likely also result in negative or positive gene–environment correlations.

The case of research on social inequalities

GENETIC VARIATION AS A STARTING POINT FOR SOCIAL INEQUALITIES

Arguments to include genetic variation in sociological social inequality research are not completely new to sociology (Jencks, 1980; Scarr & Weinberg, 1978), but neither have been established in theoretical work on this subject (Nielsen, 2006) nor considered and operationalized adequately in empirical research (Saunders, 2002; Savage & Egerton, 1997). According to sociological reasoning, the individual’s starting point in life is defined by ascribed characteristics such as sex or ethnicity and by being born into a particular family environment and the living conditions this entails. Thus, differential pathways and differential success and failure over the life course are assessed theoretically and statistically by asking whether salient ascriptive characteristics and the parental home have provided the child with good or bad starting chances in life. If we assume that sociology seeks to answer the question of what a society makes out of its members, then the theoretical problem here is that sociological inquiry into the social determination of life chances starts with something that is already socially formed at least in the sense of interpretation—race, gender, and
the family of origin to which the individual belongs. The statistical problem is that modelling life-course events and patterns as well as social mobility chances through the relative contributions of ascription and achievement is only valid if we assume all individuals to be ‘blank slates’ – which is incompatible with behavioural genetics (Pinker, 2002).

In contrast, genetic variation defines the population heterogeneity that exists prior to the individual social influences that shape people’s rankings in the system of social inequalities. The fate of being born as female or male, into a specific family with a specific ethnicity, is replaced from this viewpoint by the fate of being born with a specific genetic make-up. This leads us to a new conceptualization of opportunity versus social closure based on the extent to which the genetic component of attainment is overridden, or modified, by social influences. This is a more consistent measure of opportunity than traditional social mobility or attainment modelling with social origin variables as indicators of ascription. In contrast, chances for social mobility are now characterized “by comparing the levels of realized genetic potential for intellectual development across different social groups” (Guo & Stearns, 2002: 906). As a population parameter, genetic variation, in historical as well as international comparisons, can be used as a key factor distinguishing different societies according to the degree to which they allow genetic predispositions to unfold, thereby influencing the individual life course either for better or for worse. Although there are still no systematic overviews, international as well as historical comparisons can be expected to reveal major differences in this respect (Adkins & Guo, 2008). How specific parents and siblings treat a newborn, how boundary making defines ethnicity from the very beginning, and how gendering defines the sexes is not the starting point in life, but is already part of the social structuring of life chances. It does not confound the social processes generating social inequalities with the point of departure for these social processes. Most importantly, the measured impact of ascriptive characteristics and positions such as the attributes of the family of origin can be disentangled from genetic variation confounded herewith, thus distinguishing between genetic and social inheritance.

GENETIC AND SOCIAL TRANSMISSION OVER THE LIFE COURSE: RISK AND RISK COMPENSATION

As outlined above, behavioural genetic research has demonstrated that relevant predictors, mediators, and indicators of social inequality are caused by and intertwined in a dynamic interplay between genetic and environmental factors unfolding over the life span. Taking genetic variation as the starting point for the emergence of social inequalities over the life course (see section ‘Genetic variation as a starting point for social inequalities’) in no way denies the relevance of the familial background. As behavioural genetic studies have shown, genetic inheritance of advantage and
disadvantage is indeed moderated to a substantial degree by family background (Behrman & Taubman, 1989; Bowles & Gintis, 2002; Guo & Stearns, 2002; Harden, Turkheimer, & Loehlin, 2007; Hertz, 2005; Nielsen, 2006; Rowe, Jacobson, & van den Oort, 1999; Turkheimer, Haley, Waldron, D’Onofrio, & Gottesman, 2003). Even the resources used by parents to promote their children’s success in school and on the labour market – not just education, but social capital, income, and wealth – and the transmission of these resources are genetically confounded, because acquiring them (Bowles & Gintis, 2002) requires specific characteristics and economic preferences (Cesarini et al., 2007) that have genetic foundations.

But how can this interplay be conceptualized when moving beyond the family of origin and following the course of life to identify the constellations of environmental factors that, through time, act in concert with genetic factors to make social successes or failures more or less likely? In the following, I propose the theoretical concepts of risk and risk compensation to be combined with the four mechanisms of genome–environment interaction over the life course (Shanahan & Boardman, 2009) mentioned above. As Mayer (2009) in his review of recent developments in life-course research summed up, combining degrees and durations of risk exposure and of related risk compensation by different welfare state regimes and public policies is a major advance in life-course research. Up to now, risk exposure has been mainly restricted to risky life-course events or episodes such as divorce, unemployment, poverty, and overt behaviours (e.g. DiPrete, 2002; Gangl, 2004; Schoon, 2006). However, from a behavioural genetic perspective, the definition of risks already starts with heterogeneity in genetic propensities to ‘embodied’ characteristics that play a role in the social construction of inequalities over the life course. These characteristics may result in more or less risky or favourable individual behaviours, or serve as criteria for institutional and organizational selection into more or less risky or favourable locations and positions. Contrary to the conventional view, ‘risk’ in this sense should not be confined to negative characteristics (e.g. aggression, anxiety). Risk also comprises low or missing propensities to positive characteristics (e.g. cognitive skills, self-control). Social risks, and risk compensation respectively, then arise in three steps from such genetic propensities:

a. as the development of positive and negative embodied characteristics;

b. as the manifestation of such embodied characteristics (e.g. aggression) in observed behaviours (e.g. deviance);

c. as unequal life-course outcomes shaped outside the realm of individual behaviours alone.

This view is consistent with the four mechanisms of genome–environment interaction (Shanahan & Boardman, 2009). Yet considering the first two steps, it widens the perspective more systematically from four to eight mechanisms that need to be distinguished (see Table 1):
TABLE 1: TAXONOMY OF RISK AND RISK COMPENSATION IN A BEHAVIOURAL GENETIC VIEW

<table>
<thead>
<tr>
<th>Social influences leading to..</th>
<th>POSITIVE</th>
<th></th>
<th>NEGATIVE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>characteristics</td>
<td>behaviours</td>
<td>characteristics</td>
</tr>
<tr>
<td>... increase</td>
<td>1 (‘enhancement’)</td>
<td>2</td>
<td>3 (‘triggering’)</td>
</tr>
<tr>
<td>... decrease</td>
<td>5</td>
<td>6</td>
<td>7 (‘compensation’)</td>
</tr>
</tbody>
</table>

We pass here when it comes to developing a new taxonomy of descriptive terms for all eight possible combinations, but simply want to draw attention to the underlying logics of how genetic and social influences interfere to produce unequal life-course outcomes. In addition, we do not discuss here all the mechanisms through which various dimensions of social inequalities emerge but confine ourselves to the possible contribution of genetic factors, though we are well aware that – to name only one example – earnings are dependent not only on individual characteristics and behaviours but also on institutional and structural factors.

That these additional distinctions are not a mere subtlety may be demonstrated with the following example: As the sociological adage that “a gene for aggression lands you in prison if you’re from the ghetto, but in the boardroom if you’re to the manor born” shows, sociologists often doubt that genetically influenced general traits and skills do ultimately constitute important factors in determining life chances (Conley, 2008: 1). There are at least two possibilities for how such divergent pathways occur: either the disposition to aggression is transformed for upper-class children into situation-specific, culturally accepted ‘know-how’ – skills that make a positive difference in the sense of ‘power’ or assertiveness – or this disposition is effectively eliminated. The traditional thinking on the gene–environment interaction tends towards the latter interpretation, which sees this as a social control mechanism by which upper-class parents attempt to socialize their children and discourage overtly offensive behaviour. But the second interpretation may be valid as well. Here, aggression is not eliminated but translated (in the sense of Freud’s concept of sublimation) into behaviour that is not necessarily pleasant but conforms to the standards of higher social classes. Up to now, however, there has been almost no attempt to bring psychological research on skill development and behavioural genetics together with the sociological ideas on cultural capital and the cultural transformation of basic skills or characteristics into positively evaluated practices for managing institutional interactions (see Lareau & Weininger, 2003).

Also controlling for genome–environment covariance can lead to more appropriate assessment of the roles of agency and structuration in shaping social inequalities.

Also controlling for genome–environment covariance can lead to more appropriate assessment of the roles of agency and structuration in shaping social inequalities.
This applies first to the impact of parental behaviour on child development and early life-course outcomes. For example, passive genome–environment covariance refers to the impact of genes children share with their parents, if parental genes likewise contribute substantially to shaping parental behaviours that influence the children’s upbringing and social environment during childhood. Thus, children with a certain genetic make-up are more likely to be reared in certain environments than children lacking these genetic dispositions. Imagine, for example, that parents want to foster their children’s intellectual development. They will have an easier time of doing so, and better chances of success, if they possess the desired intellectual characteristics themselves, and if they have passed the corresponding genetic predispositions on to their children (e.g. Harding et al., 2005: 107; see also Caspi et al., 2000: 338; Wright & Beaver, 2005).

SOcial ORIGIN, EDUCATION, AND DESTINATION

Studies standing in the tradition of status-attainment approaches (for an overview, see Grusky, Ku, & Szelényi, 2008) aim primarily to specify the attributes characterizing those individuals who end up in more desirable rather than less desirable jobs (indicated by prestige, income, or other quantitative indicators). Characteristically, these studies investigate the extent to which the present occupational status of individuals is associated with the occupational status of their original family rather than their own educational attainment. Forming a triangle, the basic attainment model thus comprises three paths: (1) the direct impact of social origins on occupational status, (2) the direct impact of social origins on education, and (3) the direct impact of education on occupational status, with (2) and (3) measuring the indirect effect of social origins on occupational status (see Figure 1).

To further substantiate the use of genetic information for social inequality research, we refer in the following to this status attainment as the branch of social inequality research in which the question of nature and nurture has been discussed more than elsewhere in the social sciences (e.g. Beenstock, 2009; Jencks, 1980). Distinguishing between inherited and social transmission of advantage and disadvantage is at the core of this approach, because its application to define societies as socially more open or closed relies entirely on interpreting different chances of children from different social origins as purely social (e.g. Saunders, 2002). The central idea is that in open societies, the association between social origins (and ascribed characteristics) on one side and occupational status on the other should vanish on the condition
that all relevant indirect effects are controlled for. That is, modern societies are not pure meritocracies in the sense that, once educational qualifications are controlled, occupational attainment is no longer dependent on social origin. This paradigmatic model of social mobility has prompted a vast number of studies typically showing that the actual transmission processes between generations seem to be more complex than expected. Most researchers agree that multiple factors and mechanisms in addition to the classic elements of the ‘Blau-Duncan’ model contribute to individuals’ social successes and failures in life. Consequently, this model has often been supplemented and extended by adding variables on the predictor side related to both the origin path and the mediating education path (e.g. Harding et al., 2005). Frequently examined origin variables include, for example, parental education, family structure, and family size. Frequently employed variables aiming to complete the mediating path are, for instance, cognitive and noncognitive skills or social support by peers or teachers (e.g. Hauser, Warren, Huang, & Carter, 2000; Heckman & Rubinstein, 2001, Heckman et al., 2006).

Especially the increasing inclusion of psychological characteristics, for a long time neglected in social inequality research, touches upon recent international discussions in social inequality research. Other than assumed, a significant dependence of children’s outcomes on parents’ ones still remains net of education and training (e.g. Bowles & Gintis, 2002). This is disadvantageous, because of the increased demands for talent in both the economy and society. As, among others, Jackson, Goldthorpe, and Mills (2005) argue, certified qualifications may become increasingly devalued, and more general competencies and personality characteristics become increasingly valued by employers due to changes in work organization and occupational structure. If this is the case, the persistent effect of social origin may then be due to the fact that the family provides such competencies and personality characteristics to a higher degree than the system of education and training. Again, of course, if possible, all these important characteristics should be measured directly in a causal analysis. However, this will hardly be possible given the divergent requirements in different segments of the labour market. Therefore, even if one introduces more than cognitive ability and motivation into the status attainment model, the assumption remains that there are still other important characteristics and behaviours that are unobserved (e.g. physical attributes or orientations; Heineck, 2006) and thus distort any estimation of observed correlations between social origin and destination. The inclusion of all relevant mediating characteristics and behaviours for all three paths displayed in Figure 1 remains a challenging endeavour – a project that could comprise part of a “call for a large theoretical and research effort on which we have only made the start” (Jackson, Goldthorpe, & Mills, 2005: 27).

Disentangling genetic and social transmission under the common rubric of social origin must then remain on the agenda for the reasons discussed above. Otherwise,
despite all these reasonable extensions of the basic model, the intergenerational transmission of social success remains something of a black box and thus, the observed correlation between the outcomes of parents and those of their children remains mainly descriptive, not distinguishing reliably between various mechanisms of genetic and social transmission (Beenstock, 2009: 137; Bowles & Gintis, 2002: 4). Thus, including genetic information remains not only theoretically important, but methodologically important as well. Moreover, the additional aim of using status attainment research to identify promising possibilities to compensate for social disadvantage is dependent on disentangling those mechanisms that can be influenced more easily from those that cannot.

Building upon this strength, behavioural genetics could help to resolve another recent debate about overlaps between cultural capital concepts and competencies (Goldthorpe, 2007). If cultural capital as a social closure mechanism is indeed confounded significantly with competencies that are valued in a meritocracy, which, in turn, are confounded with genetic effects as discussed above, then the standard sociological interpretation of a purely cultural mechanism is called into question. From the two strands of research in this field, however, the idea of cultural capital as the ‘imposition’ of evaluative norms in the form of facility with ‘highbrow’ aesthetic culture may be less influenced by genetic confounding than more ability-based concepts of cultural capital as ways to deal with institutional demands successfully such as a ‘sense of entitlement’ (Lareau, 2003; Lareau & Weininger, 2003). But, up to now, no research has been done to test this.

Conclusions

Genetic differences appear to be important sources of objectively and subjectively defined social inequalities, and they interfere with social influences in many ways over the whole life course. In this sense, considering genetic and social influences together is neither conflicting nor simply complementary. It is not simply complementary, because genetic and social influences are not additive but often intertwined. And it is not conflicting, because a better understanding of how genetic effects interfere with social ones over time would lead to more accurate measurements of the social conditions of social inequalities – even if one is not interested in genetic effects at all. Moreover, the important question regarding the degree to which social inequalities can be assigned to individual decisions versus structural and institutional conditions could be answered with more precision if the genome–environment interplay were disentangled. We can speak of environmental influence on inequality (or any other phenotype) only if genetic pathways have been controlled. This has hardly been done up to now. Currently, behavioural genetic studies are especially rare in the study of career and labour market attainments; integration and participation in
social, cultural, and political life; and in several facets of subjective perceptions of quality of life.

We strongly believe in social explanations of social inequalities, because environmental explanations seem so obvious that alternative explanations (like genetic pathways) have not been taken systematically into account. Once we take genetic pathways, gene–environment correlation, and gene–environment interaction into account, this must by no means lead to vanishing social influences, but to better explanations of how and why individuals react differently to the same environmental conditions. Moreover, the behavioural genetic differentiation between shared and non-shared environment seems to be a fruitful concept to disentangle contextual influences that has hardly been used in social research up to now (Turkheimer & Waldron, 2000). As has been shown, the inclusion of psychological constructs into sociological study designs is no alternative but an important completion if we want to understand how genetic and social influences interact.

Presumably, the reconsideration of genetic influences in social inequality research would also influence social inequality discourses from which they are still more or less excluded. A first question is whether we should accept genetic variation – leading to differential potentials for desired and undesired characteristics and action propensities – as a ‘natural’ basis for social inequalities. At least in the existing literature, the more that existing inequalities can be traced back to genetic sources, the more a society is regarded as an open society (e.g. Nielsen, 2006: 198). However, is this interpretation as an open society true if the lottery of the genes plays the decisive role? Moreover, genetically informative studies show that in rich environments (affluent, stable families or good schools), genetic variation leads to more inequality with regard to embodied characteristics like IQ. In other words, if we opt for an optimal unfolding of genetic propensities, this leads to an accentuation of the inequality of these propensities that – ceteris paribus – should lead to more inequality in life-course outcomes. It is not the place here to discuss these questions in detail. However, they make evident that integrating genetic and social perspectives does touch upon not only the causal analysis of social inequalities but also their interpretation and evaluation.

Notes

1. The distinction among active, passive, and reactive types of gene–environment covariance still remains valid (Plomin et al., 1977).

2. The sociological default interpretation of the substantial links between social origin and social outcomes is social closure. However, insofar as important innate, genetically influenced abilities are unequally distributed between social origins, this interpretation is biased to an unknown degree.


Abstract

The concept of ‘overqualification’ as an indicator of labour market integration raises important questions regarding the extent to which our integration instruments are capable of valorising the ‘human capital’ that immigrants bring to society. In this article we look at highly educated immigrants’ risk of overqualification in comparison to that of individuals of Belgian origin, based on data from the Labour Force Survey (2007 & 2008). The central research question concerns the degree to which people of different nationalities and/or length of stay in Belgium work at professional levels that are appropriate to their educational levels. Hierarchical logistic regression models reveal that the most important determining factors for overqualification are level of education, field of education, employment sector and professional statute. Overqualification is more than just a matter of choosing an appropriate field of study; it is also linked to other variables such as an individual’s country of origin, length of stay and gender.

Contact

Johan Geets  
Policy Research Centre on Equal Opportunities  
University of Antwerp  
Lange Nieuwstraat 55  
2000 Antwerp, Belgium  
johan.geets@leereenlevenlang.be

Key words

highly educated immigrants, labour market integration, overqualification
Problem formulation

First, we will examine the social relevance of the theme, the concept, the types of (mis)matches and their consequences, before analysing the Labour Force Survey (LFS) data. Our main focus, perhaps unusually in the ‘equal opportunities’ literature, lies on highly educated immigrants. While it may be true in general that highly educated people have access to better opportunities and tend to fare better on the labour market, our question is to what extent this is also the case for immigrants. A simple transfer of qualifications and skills from one country to another is rarely guaranteed, due to the fact that standards of education and/or work experience are not always easily transferable internationally (Chiswick, 1978; Chiswick and Lee and Miller, 2003; Flatau and Petridis and Wood, 1995; Friedberg, 2000; McDonald and Worswick, 1999; Miller and Neo, 1997). An indicator of this and an important dimension of labour market integration is the match between level of education and level of employment. An overqualified person is someone who has a job requiring fewer qualifications than those that he/she (theoretically) has, based on his/her level of education. The concept of ‘overqualification’ deserves a place in a series of essential debates that go far beyond the domain of ‘human research management’: what fields to study and for how long; discrimination on the job market; labour integration; and labour migration. The effect of a mismatch (vertically and horizontally) between wages, job satisfaction and the search for a new job (job turnover or job mobility) has already been examined in several previous studies (see e.g. Allen and van der Velden, 2001; Garcia-Espejo and Ibanez, 2006; Bender and Heywood, 2006; Verhaest, 2006). It has often been concluded from these studies that a mismatch leads to lower wages, lower job satisfaction and higher job mobility, which is desirable neither for the employee nor for the employer. Existing research has also shown that school-leavers (Verhaest, 2006), women and ethnic minorities are the most vulnerable groups when it comes to overqualification (Battu and Sloane, 2003; Kler, 2006). Highly educated people in those groups can expect an even greater risk of overqualification (Wolbers, 2003, 2008).
In light of these results, it seems relevant to examine whether similar conclusions can be drawn from LFS data, in order to enable policy makers to conceive a competence policy that is better oriented towards target groups. The various risk groups in question will be discussed in more detail later. The central question concerns the extent to which people of different nationalities and/or length of residence in Belgium work at appropriate professional levels.

The remainder of this paper is organised as follows: the second part of the paper briefly reviews findings in the empirical literature. The third part presents the dataset and reports findings from the bivariate analysis, where we investigate which groups are considered highly educated and which are considered overqualified. The fourth part outlines the empirical framework with hypotheses and multivariate results. In parts five and six we discuss our findings and the practical implications of this research. Finally, in part seven, we review the limitations of this study and formulate recommendations for future research.

Review of the literature: labour market position of skilled immigrants & overqualification

Proponents of human capital theory claim that skill plays a key role in the employment prospects of international migrants, since the more skilled the worker, the greater her or his productivity, and thus the better job and mobility prospects she or he will have on the labour market. Critics such as Syed (2008) argue that this approach tends to simplify the employment and broader social-cultural challenges migrants face. Al Ariss and Özbilgin’s multilevel investigation (2010) indicates the importance of considering the relationship between individual, organisational and contextual perspectives when studying career experiences. The customary human capital narrative of skilled migrant success stories must be expanded to take into account the interrelated and interdependent multilevel challenges faced by skilled migrants on the host labour market at macro-national level (e.g. law, economy), meso-organisational levels (e.g. recruitment policies) and micro-individual levels (e.g. identity and agency, motivation and career aspirations).

Syed (2008) noted that employment opportunities available to skilled migrants on macro level in industrialised countries are not always stable, and depend upon the socio-economic situation of the host economy. At the same time, labour markets in developed countries are becoming increasingly competitive, due to rapid influxes of skilled immigrants. Remennick’s study (2003) highlights the structural challenges faced by Russian migrant engineers in Israel. He found that structural opportunities in the engineering industry were too limited to incorporate the large number of Russian engineers, and that employers preferred to employ Israeli-born engineers. The net result was a mass de-professionalisation and social marginalisation of migrant
engineers. Similar results were also found in the USA by Waldinger and Perlmann (1998). At meso-level, for example, a study by the International Labour Organisation revealed that more than one in three qualified migrant applicants had been unfairly excluded in employment selection procedures in a number of industrialised Western countries (ILO, 2004). A Canadian investigation into the selection and recruitment of highly skilled immigrants also found that the main problem for immigrants was that despite having similar qualifications and skills to workers with Canadian backgrounds, they were prevented from going further in the recruitment process (in other words, they were not invited for an interview or assessment) (Oreopoulos, 2009). The accreditation and recognition of foreign qualifications and work experience is also an issue that remains neglected in host labour markets.

The results of a study by Koopman (2010) on how integration policies and welfare state regimes have affected the socio-economic integration of immigrants suggest that multicultural policies which grant immigrants easy access to equal rights but do not provide strong incentives for host-country language acquisition or interethnic contacts, in combination with a generous welfare state, produce low levels of labour market participation and high levels of segregation. Sweden, Belgium and the Netherlands, which combined multicultural policies with a strong welfare state, have produced relatively poor integration outcomes. Countries that employed either more restrictive or assimilationist integration policies (such as Germany, Austria, Switzerland and France) or have a relatively lean welfare state (e.g. the United Kingdom) have achieved better integration results.

On the basis of this data, we may assume that discrepancies in overqualification among countries may also reflect specific features of the respective labour markets. While some countries are more successful in employing immigrants but leave them at greater risk of being overqualified (as in Italy, for example), others have lower rates of immigrant overqualification but higher rates of immigrant unemployment (as in Belgium). In general, labour market characteristics may be useful in explaining why some countries have a greater incidence of overqualification, especially those characteristics likely to affect the supply of low-skilled labour (e.g. the existence of a mini-

![Figure 1: OECD-model](image-url)
There are several methods for measuring overqualification empirically. In the overall literature, there are three principal techniques for measuring mismatch: the objective, the subjective and the statistical method. These methods were initially developed to measure vertical mismatch (Verhaest, 2006). The OECD (2007) uses the objective method, and compares levels of education from the International Standard Classification of Education (ISCED-code)¹ with the International Standard Classification of Occupations (ISCO-code).² Using this measuring technique, external (outside of the employee) indicators determine whether the employee’s level of education ‘matches’ their job. We will use this method for reasons of comparability and in light of the absence of other useful variables such as income³ and subjective indicators of education-employment match).

In all OECD countries except New Zealand, immigrants are more overqualified than the majority population. The European Union Labour Force Survey (2003-2004) shows that women, recent immigrants and immigrants from countries outside of the OECD are most likely to be overqualified (OECD, 2007). In Canada, the overqualification rate is very high for both foreign-born and native-born employees (between 21% and 28%), but the difference in overqualification levels between foreign-born and native-born employees in Canada is relatively low compared to many other OECD countries. Despite a demand-driven migration regime, overqualification persists in Canada. In view of the relatively high overqualification rate of native Canadians, we can assume this is due to a kind of ‘crowding out’ effect caused by an excess of highly skilled workers. In Luxembourg, the lowest levels of overqualification were found for male and female majority-population employees (4% and 3% respectively) and for male immigrant workers (6%). Only in Poland, Hungary, Slovenia and Switzerland were female native-born overqualification rates lower than the female foreign-born rate in Luxembourg (14%).

The overqualification rate for immigrant women is higher than that of male immigrants in 19 out of 25 OECD countries. The overqualification rate for immigrant women is highest in Greece (53% for foreign-born women compared with 9% for native-born women) and in Italy and Germany too there are significant differences between the overqualification rates for foreign-born and native-born women (27% and 7%; 24% and 10% respectively). In Poland, however, there is no difference between the two rates (9% for both foreign-born and native-born women).

We can conclude that structure of the labour market (e.g. wage or job competition), migration regime (e.g. supply- or demand-driven), welfare regime (e.g. existence of a minimum wage) and integration regime (e.g. reception policy, activation policies, recognition of qualifications and competences) are all factors which may affect the
ease of immigrants’ entry to the labour market and their subsequent labour market position. However, as will be demonstrated, individual characteristics also explain a large proportion of the disadvantages observed for immigrants.

**Applied data & target group**

The term ‘newcomers’ in our definition refers to immigrants who have been living in Belgium for less than ten years, while the term ‘oldcomers’ refers to immigrants who have been living in Belgium for over ten years. We also make a distinction between Belgian natives (i.e. those born in Belgium), Belgian non-natives (i.e. naturalised immigrants), Turks and Moroccans, EU-15 citizens (those born in the so-called old member states of the European Union, excluding Belgian citizens), EU+12 citizens (citizens of the so-called new EU-member states, added in 2004 and 2007), other OECD citizens and finally other non-OECD citizens. The relatively low number of (highly educated) immigrants in the Labour Force Survey (LFS) implies that a very detailed division yields unreliable data. In order to raise the number of sample survey elements, data from 2007 and 2008 were also included. Results with fewer than 5000 individuals should always be interpreted with caution.

On average, 28% of the labour force is highly educated (i.e. received a degree of higher education). The average level of education varies between the categories of immigrants: education level is highest among citizens of the category ‘Other OECD’. Moroccans (12%) and Turks (6%) are groups with the lowest level of education. In general, we can also conclude that newcomers are more highly educated than oldcomers (34% compared to 30%). This is most clearly the case for EU-15 citizens (42% compared to 24%).

Immigrants described as adequately educated comprise 59% of the total labour force, while 28% are underqualified. Of the total active labour force, 13% are overqualified – a total of more than half a million employees. There are relatively large differences with regard to gender, in that 15% of all women and 10% of all men are overqualified. Men score relatively highly on underqualification compared with women (33% and 22%, respectively). The rate of overqualification increases significantly for highly educated employees, from 13% of the total labour force to 23% of the highly educated. The differences between women and men persist among the highly educated (25% and 20%) but decrease for school-leavers (18% and 16%) and highly educated school-leavers (30% and 31%).

Leaving aside EU-15 citizens for the moment, we can state that the level of overqualification is higher for those of foreign origin and/or nationality. For highly educated foreigners, the rise in overqualification is particularly marked. For example, 63% of highly educated Turks and Moroccans, and 56% of other non-OECD citizens are overqualified, compared to just 22% of highly educated native Belgians.

6
We also note a significant difference in the overqualification levels of newcomers and oldcomers from all groups, but this difference is particularly visible among people of Turkish and Moroccan origin with Belgian nationality (55% for newcomers and 28% for oldcomers). When EU-15 citizens are included in the oldcomer group, risk of overqualification decreases to 19% (the overall average of native Belgians). Given the fact that the unemployment rate of highly educated EU-27 citizens is rather low (unemployed: 5%; employed: 80%), we conclude that for highly educated EU-27 citizens (though in practice largely comprising EU-15 citizens), entry to the Belgian labour market is less problematic than for other nationality groups.

Theoretical framework, hypotheses & multivariate analysis

THEORETICAL FRAMEWORK

Our theoretical framework is concerned with analysing data at the individual and structural levels. Human capital theory is a supply-side approach which states that labour market position is a reflection of an individual's productivity. The rationale is that investment in human capital will reap rewards on the labour market. Approaches belonging to the structural perspective, such as segmentation theory, focus more closely on the demand side of labour. The essential distinction between these perspectives can be summarised in the keywords ‘performance’ and ‘selection’. In what follows, we briefly outline these theoretical approaches with regard to overqualification. A first, important reason for this is the concept of problematic human capital transfer (Friedberg, 2000). The transferability of human capital has often been questioned, as it is generally assumed that ‘general’ human capital such as talent, motivation and health are context independent, unlike knowledge and skills. Because of problematic human capital transfer, ethnic minorities seem to be more willing to compromise, in other words, to accept jobs that may have little in common with their training backgrounds and skills. Neoclassical theory assumes that the friction is of a temporary nature, since subsequent adjustments can be made both by individuals and by their employers. Overqualification is the result of having incomplete information about the actual skills of workers and about the characteristics of the jobs on offer (Kogan, 1996). Another possible explanation lies in the selection and recruitment processes of employers. Signalling theory (Spence, 1974) assumes a permanent, negative effect of poor labour market entry on subsequent employment. Furthermore, when school leavers or immigrants enter the labour market, employers often have little or no other information regarding their capabilities than the qualifications gained in education, and are therefore forced to use qualifications as primary selection criteria.

‘Classical’ segmentation theory focuses specifically on the position of minorities in the less attractive secondary segment. It proposes that minority groups are overrep-
resented in this segment and also that few are able to better their position. Given that very little mobility is possible between primary and secondary labour market segments, immigrants who enter the secondary labour market segment often become trapped in their temporary, marginal position and, as a result, have hardly any prospect of better and more stable employment situations.

How exactly segmentation manifests itself empirically is, according to Glebbeek (1993), a variable secondary issue. More important are the following two points, related to a labour system in which selection processes predominate:

1. Sustainable jobs vary in quality and attractiveness (a factor at odds with the neoclassical theory of ‘compensating differences’).
2. Workplaces also differ according to the skills to be developed – so-called qualification opportunities (unlike the human capital hypothesis, in which workers themselves bear the costs of investing in their future). In other words, the job defines the skills being developed, rather than vice versa.

In line with segmentation theory, we expect the rate of overqualification to be higher in the secondary employment segment than in the primary segment. The only question is how to distinguish the two segments from each other.

Firstly, we identify the parallelism between segment and sector, justified by the fact that job level is already included in our dependent variable. Working conditions (wages, training) are often organised at sectoral level in the form of collective agreements.

Secondly, we examine the nature of available variables that relate to the ‘quality of work’. We use the following available indicators: degree of precariousness; whether training is paid by employer; level of seniority; looking for another job; looking for a job more appropriate to qualifications.

A detailed sector classification allows us to gain better insight into a variety of sector effects. In total, we distinguished 14 sectors and obtained the following classification based on the indicators above:

- Primary labour market: administration and territorial organisations, education, financial activities, healthcare, industry and energy, communications and information technology.
- Secondary labour market: trade, agriculture, hunting, forestry and fisheries, other services (domestic, other), trade (wholesale & retail).
- Unclassified: services, culture (recreation, sports, clubs), construction, trade, transport and storage.

For those sectors we were unable to place in a segment, we expect a diffuse and limited effect. Additionally, we expect a high level of seniority in the secondary segment to work as a ‘mobility trap’, which may perpetuate a precarious labour situation and increase the likelihood of overqualification.
In this part of the paper, we formulate a number of hypotheses based on variables belonging to the four categories used in the logistic regression models: background, human capital, segmentation and employment.

**Background & migration variables**

*Length of stay and nationality* are likely to be the most important variables in explaining overqualification. The U-curve hypothesis, linked to human capital theory, suggests that cross-cultural adjustment is a time-related process and that immigrants require a certain period of time to become accustomed to the host culture. Cultural distance has been found to have a negative impact on interaction and general adjustment, thus, in principle, the greater the cultural distance between the norms and values of the immigrant’s home country and those of the host country, the greater the degree of difficulty in work and non-work related adjustment (Peltokorpi and Froese, 2009). Employers tend to assign less value to foreign qualifications and work experience than to qualifications and work experience gained locally, especially in the case of immigrants from developing countries (Syed, 2008; Al Ariss and Özbilgin, 2010). Previous research also suggests that migrants are treated differently for reasons other than productivity. Bevelander’s study (1999) of skilled migrants in Sweden suggests that discrimination experienced by migrants increases with the degree of cultural distance between their culture of origin and the culture of the host country. Whatever the reason for this phenomenon, in line with human capital theory (Becker, 1964) we can assume that when the quality and organisational form of education and of the production apparatus of a migrant’s country of origin are markedly different from those of the host country, problematic human capital transfer may result (cf. Friedberg, 2000). In terms of our study, we may expect this phenomenon to occur in relation to immigrants from non-OECD countries, but also from Turkey, for example, and the EU+12 countries.

White feminist literature tends to depict women as a homogenous category, but this categorisation has been undermined over the last 15 years by intersectional research focussing on the interrelation between ethnicity and gender (Acker, 2006; Syed and Pio, 2009). According to Al Ariss and Özbilgin (2010) the position of immigrant women is doubly challenging, as they suffer from a kind of ‘invisibility’ as ethnic minority labour and as female workers that perverts the principles of meritocracy. Acker (2009) proposes the term ‘inequality regimes’ rather than ‘glass ceiling’ as a metaphor for the barriers of gender, race and class that obstruct women’s opportunities for advancement at all levels of organisational hierarchy. Alongside our intersectional perspective, we expect gender, as an enduring ascribed characteristic, to increase the risk of overqualification and, more specifically, we expect family situation – especially the presence of young children – to lead to overqualification for
women in particular. This effect is likely to be most visible among single parents, given the conflict between caring and working, and least visible among single people and couples without children. We distinguish between families with children aged 0-6 years and children aged 7 to 18 years, according to the age of the youngest child. We hypothesise that in light of the tension between family and work tasks, families with young children are likely to be at higher risk of overqualification.

**HUMAN CAPITAL VARIABLES**
Not only **level** of education but also **field** of education can have an important influence on the level of overqualification (Wolbers, 2003). In general, it has been found that a broad education (i.e. an education that does not lead to a specific profession such as an architect or a doctor) increases the likelihood of overqualification. Another important issue is of course the demand side of the labour market. For instance, a person who has a degree in an field of education which leads to a profession with a shortage of candidates will be more likely to be adequately qualified. Moreover, technical fields such as engineering are generally perceived to be culturally neutral, i.e. not dependent on local culture or social traditions. In that sense, employment prospects for migrant engineers are apparently better than culture-dependent professions, such as teaching or journalism. Good job opportunities can probably be found in bottleneck professions such as nursing. Unfortunately, the LFS data do not provide us with a detailed division according to field of education, but group results in related fields of study. Furthermore, we expect – based on literature – that more professionally oriented types of study (e.g. a professional bachelor) create a better (vertical) fit between level of education and level of profession. Moreover, based on the idea of ‘degree inflation’ (due to the democratisation of education combined with the idea of ‘job competition’ rather than the ‘wage competition’ that characterises our regulated job market), we might expect a cascade effect in which holders of an academic degree occupy the jobs of those with a professional degree.

With regard to **school-leavers** we expect – as indicated in the literature (Verhaest, 2006) and in our bivariate data – that the risk at overqualification will be higher. Non-entitlement to unemployment benefits, which influences the ‘reservation wage’, and lack of work experience are probably the two key underlying elements contributing to the increased overqualification risk for this group.

Although the direction of the effect is not easy to predict, participation in education, schooling or **vocational training** can be of influence in the vertical job match. Indeed, ‘overschooling’ does not mitigate the fact that an individual may have received the wrong type of education for his or her profession (cf. the idea of ‘skill deficit’). In that sense, participating in training, schooling or education can be very compatible with overschooling, in accordance with the idea that professional training can be a complement to or substitutes for educational training (Verhaest, 2006). It seems
logical that employees who are underqualified follow training, especially if their lack of qualifications is not compensated by work experience (or seniority). It also seems logical to follow training for a function that one still wish to acquire. The LFS makes a distinction between persons who had been trained voluntarily during the previous 12 months, both within and outside of formal education, and employees who had completed vocational training whether paid by the employer or not. Therefore, we expect a rather slight and diffuse effect from this variable.

Does the year of graduation from the highest level of education have any effect if controlled for age and seniority? It may be assumed that those who started their studies in higher education later had often acquired some work experience already, and had chosen a study more consistent with their interests and skills. They may therefore have been more motivated to graduate. However, not only 'late entrants' but also 'repeaters', with fewer skills and/or motivation, receive a different value in the ratio age/year of graduation. Therefore, we also expect a rather slight and diffuse effect from this variable.

Employment variables

Based on segmentation theory (Lutz and Sengenberger, 1974), among others, we expect that employees with a temporary contract have a higher level of overqualification than people with a longer-term or permanent contract. An alternative explanation, based on the theory of compensating differences, would lead us to expect the opposite. Furthermore, we expect this effect to be reinforced by the work regime (and more specifically, by working part-time). In other words, it is largely the conditions of a part-time, temporary job that indicate overqualification. In line with credential theory (Berg, 1970; Bourdieu and Passeron, 1977) we expect overqualification to occur more often in the market sector than in the government sector and, more specifically, that private sector workers constitute a high-risk group. We also expect employees working for a company with a high number of employees to have a lower level of overqualification than those working in smaller companies, due to increased opportunities for internal promotion and education in the former.

Segmentation variables

The segmentation variables that we use out of the LFS consist of a detailed sector classification, which were subsequently assigned to primary and secondary segments based on the following available indicators: degree of precariousness; whether training is paid by employer; level of seniority; looking for another job; looking for a job more appropriate to qualifications. The other segmentation variables included are ‘training paid by employer’ and the interaction between ‘seniority’ and ‘sector’. Providing qualification opportunities to employees can be seen as an important element in establishing a basis of trust for a long working relationship. Therefore we
expect a decrease in the overqualification risk for employees who receive training at work, paid for by their employer. Seniority, as an indicator of ‘internal labour markets’, is the subject of much debate. We use this indicator with caution and mainly as a proxy indicator of internal mobility and external mobility propensity. We find in the literature that overqualification leads to job-hopping and that the fit (between level of education and level of profession) improves as the individual’s professional career develops (e.g. through internal promotion) (Wolbers, 2003). We therefore expect, in general and in line with human capital theory, that seniority has a negative effect on overqualification. Based on segmentation theory, however, we expect the effect to differ according to labour market segment because of the blocked mobility opportunities inherent in the secondary segment.

RESULTS
The total explained variance of the models for the two populations (highly educated labour force and highly educated immigrant labour force) are 36% and 44% respectively, which is substantial. For all hierarchical, logistic models, the most important determining factors for overqualification appear to be level and field of education, sector of employment and professional statute. The schooling variables and the employment variables explain more than half of the variance. We will first examine the results for the highly educated labour force in general, before continuing with a brief discussion of the results for the highly educated immigrant labour force.

Highly educated labour force
For the highly educated labour force we see that the effect of gender alone is insignificant compared to the relation between gender and length of stay (level of significance $\alpha < 0.001$). Female native Belgians and female new- and oldcomers do score systematically worse than male native Belgians (= reference category) and their male correspondents. The difference in overqualification risk for (female) old- and newcomers is slightly more pronounced in comparison with highly educated female and male native Belgians. This results – under the control of all used variables – in the following overqualification order: native Belgian men (= reference category) and male oldcomers have the same level of risk for overqualification. Male newcomers are (net-odds 1.37 times or 37%) more likely to be overqualified than native Belgian men. Native Belgian women are (1.38 times) more likely to be overqualified than native Belgian men, followed by female oldcomers (1.62 times) and female newcomers (2.08 times). The results confirm our expectations with regard to the influence of length of stay. The impact of the interaction between length of stay and gender, though, is rather surprising given that our model checks for household position and field of study (cf. the idea of gender segregation in education with typically female fields of study). The lowest level of risk of overqualification is found among highly educated EU-15 citi-
zens, EU+12 citizens and other OECD citizens. No significant differences were found among those groups, which contrasts with other non-OECD citizens and Turks and Moroccans, who are at significantly higher risk of overqualification.

For highly educated people we have found that having one or more children poses a lower risk of overqualification when compared to a family without children (the difference with a single-parent family is, however, not significant). We find confirmation for the idea that having young children (between 0 – 6 years) in particular, but also older children (between 7 – 18 years), increases the risk of overqualification for women. The effect of the school-leaver variable (first year after leaving school) also confirms our expectations.

The level of education and field of education variables have a particularly pronounced effect on the risk of overqualification in all models. Graduates with a professional bachelor or master are visibly more at risk of overqualification than graduates with an academic bachelor or master (which can be an indication of displacement).

The risk of overqualification based on field of education is, aside from among highly educated immigrants, consistently the lowest for fields of education that relate to the health sector (medicine, dentistry, nursing, pharmacology, physiotherapy and speech therapy = reference category). The smallest difference in relation to the aforementioned reference category is found among people with a degree in ICT. Both conclusions are compatible with the expectation that profession-oriented studies, specifically those professions needed on the labour market, result in a low risk of overqualification. Undertaking training or education has no effect, as opposed to training paid by an employer.

Our results for professional statute are compatible with credential theory, stresses the cultural, symbolic value of a higher education degree (Bourdieu and Passeron, 1977; Collins, 1979). In line with this theory we found a significantly lower overqualification risk in the public sector than in the private sector. It seems that, compared to the private sector, education in the public sector is a more ‘ascribed’ indicator of productivity.

Individuals within the highly educated portion of the labour force tend to have a higher overqualification risk when working in the secondary segment, such as the hotel and catering industries, other services (such as household services) and transport. Somewhat surprisingly, it seems that working in the financial sector results in a higher overqualification risk. The internal job market theory offers an explanation for this in the concept of the ‘efficiency wage’ (Akerlof and Yellen, 1986). In short, we can say that because of high wages, the sector is capable of attracting highly qualified employees and retaining them in companies without necessarily causing a reflection in the function level.

We see a positive age effect under the control of seniority, among others. Seniority, however, reduces the risk of overqualification by 1.03% per month (1/0.972). Con-
trary to our expectations we see that with increasing seniority, working in the secondary segment (pre-eminently in the hotel and catering industries and other services) the overqualification risk falls. We assume that this is due to a ‘shifting out’ effect in these sectors caused by high job turnover.

In accordance with our expectations, working in a company with fewer than 10 employees increases the risk of overqualification in comparison to working in larger firms. This may be due to the fact that larger firms may offer increased opportunities of advancement through internal promotion, even for initially overqualified people. This idea is again in accordance with internal job market theory, the key idea of which is that favourable prospects reduce the likelihood of leaving. In order to achieve this, functional ladders are created for upward movement based on certain rules (e.g. seniority or productivity norms). In this way, opportunities for internal promotion increase and the lack of external mobility are linked.

The likelihood of overqualification also increases for those who do not hold a position which involves their supervising others, in comparison to those who do. Working during office hours, in particular, increases the risk at overqualification when compared to employment during atypical working hours, in accordance with the theory of compensating differences. As expected, employees who work full-time have a lower overqualification risk than those who work part-time. Somewhat surprisingly, the type of contract (regular/temporary) does not seem to be of any significance for the highly educated. We expected the variables type of labour regime and type of contract to have a reinforcing effect (and more specifically the interaction effect between working part-time and working on a temporary contract), but this does not appear to be the case and was therefore not retained in the final model.

Highly educated immigrant labour force

The variables in the model were the same as those in the first model, though the ‘native’ category was obviously omitted. Within the interactive variable ‘length of stay – gender’, the reference category became ‘male oldcomers’. We limit ourselves to mentioning only the most noteworthy differences between this and the first model.

The direction of the effect of the nationality/country of origin variables remains the same, but the effect is large enough to improve the model’s explanatory power (pseudo $R^2$) by 8%. Another important finding is the considerable increase in risk of overqualification for highly educated immigrants working as labourers, and working in the secondary segment (pre-eminently the hotel and catering industries and other services).
Conclusions

Of the total number of people in the Belgian labour force, 13% are overqualified – equal to more than half a million employees. Our research shows that in a study of job market position it is important to differentiate not only according to nationality/country of origin, but also according to length of stay and level of education. Ultimately, it seems that there are considerable differences between the job market positions of highly educated immigrants (specifically new- and oldcomers) and highly educated Belgian natives. The effects of gender, nationality, length of stay and level of education, in addition, can reinforce or temper each other.

Relatively large differences relating to gender can be seen in the bivariate statistics. For example, 15% of all women and 10% of all men are overqualified. The rate of overqualification increases significantly for highly educated employees, from 13% of the total labour force to 23% of the highly educated. The differences between women and men persist for the highly educated (25% and 20%) but gender differences decrease among school-leavers (18% and 16%) and highly educated school-leavers (30% and 31%). These gender differences cease to produce significant results as a main effect in the multivariate model. Nevertheless, interaction with length of stay means that the significance of the gender variable is not altogether lost.

All of the hierarchical logistic models show that the most important determining factors for overqualification are level and field of education, sector of employment and professional statute. The most important explanatory variables for the second model (highly qualified immigrants) are the same, but nationality/origin also becomes important. In general, we can assert that the degree of overqualification increases for those of foreign origin and/or nationality, but this is chiefly the case for immigrants from Turkey, Morocco or other non-OECD countries.

Our results show that the problem of overqualification relates, among other things, to having completed appropriate studies. However, the relation of overqualification to family situation, field of education and work regime, for example, also seems to suggest that having the ‘right’ origin and the ‘right’ gender is important. The population group at highest risk of overqualification appears to be (highly educated) (female) immigrants, and this result is in accordance with the findings in previous studies. The reason for this may be in part that a simple and effective transfer of qualifications and skills from one country to another is difficult, but may also be that specifically gender-related issues continue to affect women’s position on the labour market, ranging from different labour orientation to processes of deprivation and discrimination. Questions for further research may include the extent to which this is an undesirable job market situation and whether this is a conscious or forced choice for those involved. Again, the concept of overqualification calls into question the ability of our integration instruments to valorise the capital of all (latent) skill.
Theoretical models may be useful in directing the focus of policy initiatives. Finding general support for human capital theory may mean that investing in human capital (e.g. language and vocational training) is desirable. In this case, there is no evidence for statistical discrimination in employment, merely a skill deficit. Difficulty entering the labour market and/or obtaining an adequate professional level can be resolved by addressing these skill deficits. In light of this, people with permanent residence status who are at increased risk of overqualification should be allowed time, and even financial support, which will allow them to prepare intensively for labour market entry. Finding general support for the segmentation hypothesis, on the other hand, will mean that the focus must shift to the employer and to the position of the employee within the employment structure. There is, in other words, a structural problem, which goes beyond a possible skill deficit at individual level. In this case, human resources staff should ensure that sufficient task variation, adequate access to training, opportunity for internal job rotation and so on are present at all levels. The recruitment and selection mechanisms may also need to be reviewed, in order for highly skilled migrants to attain a more advantageous position in the eyes of potential employers. This could be implemented in the workplace through internships, affordable employment measures and so on.

Our findings do not exclude either option. We find support for both theories, since diploma, sector of employment and country of origin are all important predictors of overqualification. Policy recommendations should therefore focus on all stakeholders, ranging from workers to employers, labour mediation services and education and training services.

We recommend a broad competence policy (covering employers, education providers and public centres for social wellbeing) encompassing both the supply and demand sides of the issue. The empowerment of the supply side of the job market might be supported using an instrument for recognising foreign qualifications/competences, while the demand side would also be actively involved in practices ranging from sensitisation programs and internships on the shop floor to temporarily subsidised measures such as Individual Professional Training, with or without language support). In addition, as far as job placement opportunities are concerned, some revision is likely to be necessary. From analyses based on the LFS migrant module (2008), it appears that while employment opportunities increase considerably following labour mediation (e.g. through job placements), the risk of overqualification increases when an individual finds work through other, more independent channels. There appears to be room for other actors. On the basis of this study we recommend the inclusion of higher education institutions which, aside from a number of pilot projects, have thus far been structurally absent from the Civic Integration Program. LFS migrant module
analyses support our recommendation in this matter: based on a check of background and education variables, for example, it appears that immigrants who have a Belgian degree rather than a foreign degree are at significantly reduced risk of unemployment.17

Limitations and suggestions for future research

The LFS unfortunately lacks a number of both immigrant-specific and less immigrant-specific variables. In addition to the lack of a subjective indicator of quality of work, the objective measurement method used in our study is based on ISCO classification, considered a rather approximate classification system. According to Acker (2009), occupations should be distinguished from jobs: an occupation is a type of work, while a job is a particular cluster of tasks in a given work organisation. A larger amount of statistical data is available on occupations than on jobs, despite the fact that ‘job’ is the more relevant unit in examining segregation in organisations. Labour market scholars have traditionally focused on wage discrimination faced by immigrants without paying sufficient attention to the issue of continuity or career development. Longitudinal monitoring surveys such as those conducted in Canada and Australia can provide important support in making statements about evolutions in job market integration, and can help to overcome the limitations of cross-sectional data. Another limitation of the cross-sectional nature of the LFS data is the difficulty of making statements

| TABLE 1: PSEUDO R² (NAGELKERKE) & UNIQUENESS INDEX FOR EACH STEP CONTRIBUTED |
|-------------------------------|-------------------------------|-------------------------------|
| **MODEL** | **VARIABLES** | **HIGHLY EDUCATED LABOUR FORCE** | **HIGHLY EDUCATED IMMIGRANT LABOUR FORCE** |
| | | Pseudo R² | uniqueness index R² | Pseudo R² | uniqueness index R² |
| Block 1: | Length of stay & gender | 0,011 | 0,011 | 0,019 | 0,019 |
| Block 2: | Nationality (country of origin) | 0,022 | 0,011 | 0,100 | 0,081 |
| Block 3: | Age; age²; region; household position; age of youngest child & gender; school leaver | 0,034 | 0,012 | 0,111 | 0,011 |
| Block 4: | Level of education; Field of education | 0,183 | 0,149 | 0,219 | 0,108 |
| Block 5: | Training; training as employee; year of graduation | 0,197 | 0,014 | 0,242 | 0,023 |
| Block 6: | Seniority; number of employees; supervision; atypical working hours; work regime; contract type; looking for another job | 0,238 | 0,041 | 0,290 | 0,048 |
| Block 7: | Professional statute; sector; sector & seniority | 0,382 | 0,144 | 0,439 | 0,149 |
| **MAIN 'BLOCKS' OF MODEL:** | 4 + 7 | 2 + 4 + 7 |
regarding evolution (e.g. in relation to length of stay). Given the possible cohort and period effects this task, strictly speaking, can only be carried out using longitudinal data. In this way, changes in job market position could, in time, become an artefact of selective remigration (cf. Borjas, 1995; Brücker and Defoort, 2009).

<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>HIGHLY EDUCATED LABOUR FORCE</strong> (N = 27416)</td>
</tr>
<tr>
<td>B</td>
</tr>
<tr>
<td>-----------------</td>
</tr>
<tr>
<td><strong>LENGTH OF STAY &amp; GENDER</strong></td>
</tr>
<tr>
<td>(Native – Male = REF)</td>
</tr>
<tr>
<td>Native - female</td>
</tr>
<tr>
<td>Oldcomer – male</td>
</tr>
<tr>
<td>Oldcomer – female</td>
</tr>
<tr>
<td>Newcomer – male</td>
</tr>
<tr>
<td>Newcomer – female</td>
</tr>
<tr>
<td><strong>NATIONALITY (COUNTRY OF ORIGIN)</strong></td>
</tr>
<tr>
<td>(B / EU-15 = REF)</td>
</tr>
<tr>
<td>B (EU+12)</td>
</tr>
<tr>
<td>B (Turkish/Moroccan)</td>
</tr>
<tr>
<td>B (Other OECD)</td>
</tr>
<tr>
<td>B (Other non-OECD)</td>
</tr>
<tr>
<td>EU-15</td>
</tr>
<tr>
<td>EU+12</td>
</tr>
<tr>
<td>Turkish/Moroccan</td>
</tr>
<tr>
<td>Other OECD</td>
</tr>
<tr>
<td>Other non-OECD</td>
</tr>
<tr>
<td><strong>AGE</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>AGE²</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>REGION</strong></td>
</tr>
<tr>
<td>(Flanders = REF)</td>
</tr>
<tr>
<td>Brussels</td>
</tr>
<tr>
<td>Wallonia</td>
</tr>
<tr>
<td><strong>HOUSEHOLD POSITION</strong></td>
</tr>
<tr>
<td>(No Children = REF)</td>
</tr>
<tr>
<td>Living with partner and child(ren)</td>
</tr>
<tr>
<td>Head of single parent family</td>
</tr>
<tr>
<td><strong>AGE OF YOUNGEST CHILD &amp; GENDER</strong></td>
</tr>
<tr>
<td>(No Child or 18+ = REF.)</td>
</tr>
<tr>
<td>7 – 18 years &amp; female</td>
</tr>
<tr>
<td>7 – 18 years &amp; male</td>
</tr>
<tr>
<td>0 – 6 years &amp; female</td>
</tr>
<tr>
<td>0 – 6 years &amp; male</td>
</tr>
<tr>
<td><strong>SCHOOL LEAVER (FIRST YEAR AFTER LEAVING SCHOOL) (NOT A SCHOOL LEAVER = REF)</strong></td>
</tr>
<tr>
<td>School leaver</td>
</tr>
<tr>
<td><strong>LEVEL OF EDUCATION</strong></td>
</tr>
<tr>
<td>(Higher education of the longer type / Professional bachelor)</td>
</tr>
<tr>
<td>Higher education of the longer type / Academic bachelor</td>
</tr>
<tr>
<td>Academic master</td>
</tr>
<tr>
<td>Post-graduate</td>
</tr>
<tr>
<td>Doctoral thesis</td>
</tr>
</tbody>
</table>

(continued on next page)
<table>
<thead>
<tr>
<th>FIELD OF EDUCATION (MEDICINE, DENTISTRY, NURSING ETC. = REF)</th>
<th>B</th>
<th>Exp (B)</th>
<th>Sign.</th>
<th>B</th>
<th>Exp (B)</th>
<th>Sign.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secondary teacher training and pedagogy</td>
<td>1,322</td>
<td>3,751</td>
<td>.000</td>
<td>1,247</td>
<td>3,480</td>
<td>.000</td>
</tr>
<tr>
<td>Computer sciences &amp; use</td>
<td>.397</td>
<td>1,488</td>
<td>.001</td>
<td>.050</td>
<td>1,051</td>
<td>.881</td>
</tr>
<tr>
<td>Law, notarial studies &amp; criminology</td>
<td>1,155</td>
<td>3,173</td>
<td>.000</td>
<td>1,129</td>
<td>3,093</td>
<td>.000</td>
</tr>
<tr>
<td>Technical sciences and architecture</td>
<td>1,122</td>
<td>3,072</td>
<td>.000</td>
<td>.912</td>
<td>2,488</td>
<td>.000</td>
</tr>
<tr>
<td>Natural science, life science (biology, including environmental studies etc.)</td>
<td>1,140</td>
<td>3,128</td>
<td>.000</td>
<td>.948</td>
<td>2,580</td>
<td>.000</td>
</tr>
<tr>
<td>Social services (social assistant, orthopedagogy, child and youth welfare work...)</td>
<td>.707</td>
<td>2,027</td>
<td>.000</td>
<td>1,034</td>
<td>2,813</td>
<td>.002</td>
</tr>
<tr>
<td>Social and economic sciences</td>
<td>1,424</td>
<td>4,156</td>
<td>.000</td>
<td>1,362</td>
<td>3,907</td>
<td>.000</td>
</tr>
<tr>
<td>Literature and the arts &amp; foreign languages</td>
<td>1,635</td>
<td>5,129</td>
<td>.000</td>
<td>1,339</td>
<td>3,817</td>
<td>.000</td>
</tr>
<tr>
<td>General training or unknown</td>
<td>1,848</td>
<td>6,349</td>
<td>.000</td>
<td>1,643</td>
<td>5,169</td>
<td>.000</td>
</tr>
<tr>
<td>Community service™</td>
<td>1,904</td>
<td>6,710</td>
<td>.000</td>
<td>1,770</td>
<td>5,848</td>
<td>.000</td>
</tr>
<tr>
<td>Trade, administration, accountancy, marketing, etc.</td>
<td>1,739</td>
<td>5,490</td>
<td>.000</td>
<td>1,653</td>
<td>5,223</td>
<td>.000</td>
</tr>
<tr>
<td>EDUCATION (YES, FORMAL EDUCATION = REF)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes, training</td>
<td>-.038</td>
<td>.962</td>
<td>.737</td>
<td>-.163</td>
<td>.850</td>
<td>.530</td>
</tr>
<tr>
<td>Yes, self-study</td>
<td>-.165</td>
<td>.848</td>
<td>.136</td>
<td>-.208</td>
<td>.812</td>
<td>.398</td>
</tr>
<tr>
<td>No</td>
<td>.122</td>
<td>1,130</td>
<td>.317</td>
<td>-.032</td>
<td>.968</td>
<td>.915</td>
</tr>
<tr>
<td>TRAINING AS EMPLOYEE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>YES AND PAID BY EMPLOYER</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>.245</td>
<td>1,278</td>
<td>.001</td>
<td>.309</td>
<td>1,361</td>
<td>.086</td>
</tr>
<tr>
<td>No</td>
<td>.167</td>
<td>1,181</td>
<td>.102</td>
<td>.151</td>
<td>1,164</td>
<td>.545</td>
</tr>
<tr>
<td>YEAR OF GRADUATION</td>
<td>.021</td>
<td>1,021</td>
<td>.000</td>
<td>.022</td>
<td>1,022</td>
<td>.045</td>
</tr>
<tr>
<td>PROFESSIONAL STATUTE (PUBLIC SECTOR = REF)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Self-employed person &amp; helper™</td>
<td>-.764</td>
<td>.466</td>
<td>.000</td>
<td>-.729</td>
<td>.482</td>
<td>.001</td>
</tr>
<tr>
<td>Employee - private sector</td>
<td>.191</td>
<td>1,210</td>
<td>.002</td>
<td>.367</td>
<td>1,444</td>
<td>.011</td>
</tr>
<tr>
<td>Labourer - private sector</td>
<td>2,063</td>
<td>7,866</td>
<td>.000</td>
<td>2,777</td>
<td>16,071</td>
<td>.000</td>
</tr>
<tr>
<td>SENIORITY</td>
<td>-.028</td>
<td>.972</td>
<td>.000</td>
<td>.999</td>
<td>.972</td>
<td>.000</td>
</tr>
<tr>
<td>NUMBER OF EMPLOYEES (≤10 = REF)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Between 11 and 50</td>
<td>-.142</td>
<td>.868</td>
<td>.008</td>
<td>.008</td>
<td>1,008</td>
<td>.953</td>
</tr>
<tr>
<td>Between 50 and 499</td>
<td>-.239</td>
<td>.787</td>
<td>.000</td>
<td>.073</td>
<td>1,075</td>
<td>.606</td>
</tr>
<tr>
<td>500 and more</td>
<td>-.247</td>
<td>.781</td>
<td>.000</td>
<td>.074</td>
<td>1,077</td>
<td>.629</td>
</tr>
<tr>
<td>SUPERVISION (YES = REF)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>.949</td>
<td>2,583</td>
<td>.000</td>
<td>.880</td>
<td>2,411</td>
<td>.000</td>
</tr>
<tr>
<td>ATYPICAL WORKING HOURS (YES = REF)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>.163</td>
<td>1,177</td>
<td>.000</td>
<td>.256</td>
<td>1,292</td>
<td>.008</td>
</tr>
<tr>
<td>WORK REGIME (FULL-TIME = REF)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Part-time</td>
<td>.296</td>
<td>1,345</td>
<td>.000</td>
<td>.397</td>
<td>1,488</td>
<td>.002</td>
</tr>
<tr>
<td>CONTRACT TYPE (REGULAR = REF)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temporary</td>
<td>.065</td>
<td>1,047</td>
<td>.381</td>
<td>.218</td>
<td>1,244</td>
<td>.169</td>
</tr>
<tr>
<td>LOOKING FOR ANOTHER JOB (NO = REF)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes, wants a better fit with his / her qualifications</td>
<td>.501</td>
<td>1,650</td>
<td>.000</td>
<td>.638</td>
<td>1,892</td>
<td>.028</td>
</tr>
<tr>
<td>Yes, fear of losing present job</td>
<td>.279</td>
<td>1,322</td>
<td>.141</td>
<td>.372</td>
<td>1,451</td>
<td>.359</td>
</tr>
<tr>
<td>Yes, current job is a transition job</td>
<td>-.331</td>
<td>.718</td>
<td>.189</td>
<td>-.044</td>
<td>.957</td>
<td>.924</td>
</tr>
<tr>
<td>Yes, other (other working conditions, working hours)</td>
<td>-.007</td>
<td>.993</td>
<td>.952</td>
<td>.077</td>
<td>1,080</td>
<td>.761</td>
</tr>
</tbody>
</table>

(continued on next page)
### Part 3. Equal Opportunities Throughout the Life Course

#### Highly Educated Labour Force

<table>
<thead>
<tr>
<th>Sector (Education = REF)</th>
<th>B</th>
<th>Exp (B)</th>
<th>Sign.</th>
<th>B</th>
<th>Exp (B)</th>
<th>Sign.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health</td>
<td>1.691</td>
<td>2.427</td>
<td>.000</td>
<td>1.614</td>
<td>2.024</td>
<td>.000</td>
</tr>
<tr>
<td>Administration &amp; territorial organisations</td>
<td>2.793</td>
<td>8.325</td>
<td>.000</td>
<td>2.696</td>
<td>6.818</td>
<td>.000</td>
</tr>
<tr>
<td>Culture (recreation, sport, associations)</td>
<td>2.146</td>
<td>4.548</td>
<td>.000</td>
<td>1.809</td>
<td>3.105</td>
<td>.000</td>
</tr>
<tr>
<td>Services [rent, real estate, business services]</td>
<td>1.897</td>
<td>2.668</td>
<td>.000</td>
<td>2.015</td>
<td>3.699</td>
<td>.000</td>
</tr>
<tr>
<td>Communication &amp; ICT</td>
<td>1.061</td>
<td>1.890</td>
<td>.000</td>
<td>1.986</td>
<td>3.289</td>
<td>.000</td>
</tr>
<tr>
<td>Other services (household, other)</td>
<td>3.744</td>
<td>15.249</td>
<td>.000</td>
<td>4.645</td>
<td>31.668</td>
<td>.000</td>
</tr>
<tr>
<td>Industry &amp; energy (mining, manufacturing)</td>
<td>2.316</td>
<td>5.138</td>
<td>.000</td>
<td>2.298</td>
<td>4.956</td>
<td>.000</td>
</tr>
<tr>
<td>Construction</td>
<td>2.017</td>
<td>8.726</td>
<td>.000</td>
<td>2.613</td>
<td>6.636</td>
<td>.000</td>
</tr>
<tr>
<td>Hotel &amp; catering industry</td>
<td>3.058</td>
<td>13.081</td>
<td>.000</td>
<td>3.936</td>
<td>15.228</td>
<td>.000</td>
</tr>
<tr>
<td>Transport &amp; storage</td>
<td>3.116</td>
<td>10.542</td>
<td>.000</td>
<td>3.152</td>
<td>10.373</td>
<td>.000</td>
</tr>
<tr>
<td>Financial activities</td>
<td>3.501</td>
<td>11.155</td>
<td>.000</td>
<td>2.933</td>
<td>9.775</td>
<td>.000</td>
</tr>
<tr>
<td>Agriculture, hunting, forestry and fishing</td>
<td>2.057</td>
<td>3.821</td>
<td>.000</td>
<td>2.760</td>
<td>7.798</td>
<td>.006</td>
</tr>
</tbody>
</table>

#### Sector * Seniority

<table>
<thead>
<tr>
<th>Sector (Education = REF) * Seniority</th>
<th>B</th>
<th>Exp (B)</th>
<th>Sign.</th>
<th>B</th>
<th>Exp (B)</th>
<th>Sign.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health * seniority</td>
<td>.005</td>
<td>1.005</td>
<td>.582</td>
<td>-.018</td>
<td>.982</td>
<td>.526</td>
</tr>
<tr>
<td>Administration &amp; territorial organisa-tions * seniority</td>
<td>.012</td>
<td>1.013</td>
<td>.147</td>
<td>-.035</td>
<td>.966</td>
<td>.181</td>
</tr>
<tr>
<td>Culture (recreation, sport, associations) * seniority</td>
<td>.027</td>
<td>1.028</td>
<td>.016</td>
<td>.006</td>
<td>1.006</td>
<td>.856</td>
</tr>
<tr>
<td>Services [rent, real estate, business services] * seniority</td>
<td>.023</td>
<td>1.024</td>
<td>.026</td>
<td>.013</td>
<td>1.013</td>
<td>.644</td>
</tr>
<tr>
<td>Communication &amp; ICT * seniority</td>
<td>.057</td>
<td>1.058</td>
<td>.001</td>
<td>-.139</td>
<td>.870</td>
<td>.142</td>
</tr>
<tr>
<td>Other services (household, other) * seniority</td>
<td>-.094</td>
<td>.911</td>
<td>.036</td>
<td>-.400</td>
<td>.671</td>
<td>.026</td>
</tr>
<tr>
<td>Industry &amp; energy (mining, manufacturing) * seniority</td>
<td>.018</td>
<td>1.018</td>
<td>.040</td>
<td>-.030</td>
<td>.970</td>
<td>.280</td>
</tr>
<tr>
<td>Construction * seniority</td>
<td>.028</td>
<td>1.028</td>
<td>.049</td>
<td>.007</td>
<td>1.007</td>
<td>.881</td>
</tr>
<tr>
<td>Trade (wholesale &amp; retail) * seniority</td>
<td>.011</td>
<td>1.011</td>
<td>.022</td>
<td>-.021</td>
<td>.979</td>
<td>.519</td>
</tr>
<tr>
<td>Hotel &amp; catering industry * seniority</td>
<td>-.020</td>
<td>.980</td>
<td>.385</td>
<td>-.108</td>
<td>.897</td>
<td>.101</td>
</tr>
<tr>
<td>Transport &amp; storage * seniority</td>
<td>.012</td>
<td>1.012</td>
<td>.264</td>
<td>-.028</td>
<td>.972</td>
<td>.364</td>
</tr>
<tr>
<td>Financial activities * seniority</td>
<td>.019</td>
<td>1.019</td>
<td>.036</td>
<td>-.002</td>
<td>.998</td>
<td>.943</td>
</tr>
<tr>
<td>Agriculture, hunting, forestry and fishing * seniority</td>
<td>.089</td>
<td>1.093</td>
<td>.078</td>
<td>-.138</td>
<td>.871</td>
<td>.495</td>
</tr>
<tr>
<td>Constant</td>
<td>-.575</td>
<td>.003</td>
<td>.000</td>
<td>-.562</td>
<td>.003</td>
<td>.000</td>
</tr>
</tbody>
</table>

**Pseudo R²**

| HIGHLY EDUCATED LABOUR FORCE (N = 27616) | 0.382 |
| HIGHLY EDUCATED IMMIGRANT LABOUR FORCE (N = 3444) | 0.439 |
6. It is possible to check this (because of zero cells), how-

over, no reinforcing interaction effect was found.
7. The combination of both variables may have a re-

forcing effect. To the extent to which it was pos-

tible to check this (because of zero cells), how-

ever, no reinforcing interaction effect was found.
8. Unfortunately the LFS does not provide any infor-

mation on the origin of degrees. Even a dichoto-

mous division between foreign and Belgian de-

grees is not possible. Neither can we make this a
‘proxy’, due to a lack of detailed information
about the length of stay. It is possible, though,
to assume that highly educated migrants who are
older than 25 at the time of migration have a for-

eign degree of higher education.
9. The causality is hard to discover, however: are
people overqualified because they wish to con-
tinue studying, or do they wish to study because
they are overqualified?
10. According to this line of reasoning, individuals
choose the optimal package of advantages and
disadvantages for them, so that, given the pres-

sure of competition, job market positions tend

toward net-equality throughout the course of life.
This idea contrasts with what we might expect if
we follow segmentation theory (Glebbeek, 1993).
11. The interaction between gender and household
type is insignificant (not in the table).
12. We did find a similar effect for employment op-
portunity: mothers with young children appeared
to have reduced employment opportunity.
13. From the results of a similar model showing the
total labour force (not only the highly educated
labour force) (not in table) we found that the risk
of overqualification for the highly educated, as
expected based on the literature and on bivariate
analyses, is much higher than for those without
a higher education degree (net-odds of 16.7 for
graduates with a professional bachelor and 8.8
for graduates with a minimum of an academic
bachelor).
14. Based on the assumption that the importance of
a degree as a ‘screening device’ (cf. Spence’s sig-
naling theory (1973) and Thurow’s queue theory
(1975)) diminishes with time and is replaced by
the importance of productivity, we can assume
that the risk of overqualification also increases in
larger firms where employees have a functional
level that transcends their initial educational
level.
15. Neither could we find any significant effect (as
suggested by the bivariate analyses) of work re-

16. Is overqualification in the finance or insurance
sectors, for example, (individually/socially) as
problematic as overqualification in production
line work with little opportunity for upward mo-

...followed by those whose degree has been
declared equal, and then by those who have
requested but not received this declaration of equality. The highest risk of unemployment is found among those who have not initiated any process of establishing the relative equality of their degree to a Belgian degree.

18. The direction of the length of stay effect on labour market integration in general and overqualification in particular can be both positive and negative. For example, if there is no control of legal residence status (as in our analyses, due to the absence of data relating to this variable), then a large number of temporary labour migrants, or asylum seekers who remigrate having exhausted all legal procedures, may change the effect of the length of stay variable on labour market integration indicators.

19. The study domain ‘service’ includes a range of courses that prepare students for employment in the sectors of catering, tourism, transport, sport, services to individuals and home care. Environmental management and safety are also included.

20. Results without check for the variables ‘supervision’ or ‘contract type’.

References


Abstract

Danish media have long been bringing stories of young urban males of ethnic minority descent in relation to crime and conflict, and non-western immigrants and their descendants have generally been a hot topic in the public debate for years. However, despite their wide representation in the public sphere, young ethnic minority men are rarely asked to voice their own experiences and thus find themselves moving closer and closer to the margins of society. Adolescent Danes come of age in a society where they are formally given equal opportunities, and yet a sense of ethnically determined inequality pervades the social lives of a number of young men. This paper is based on five months of ethnographic fieldwork within a group of young men in Copenhagen, and combines anthropological and philosophical approaches in exploring the marginalization and inequality of opportunity the youth in question experience. We trace the urban marginalization back to the concept of Orientalism through the term ethnification. Following this, we argue that individual agents and social structures are mutually generative – and, in that sense, both contribute to the inequality of opportunity the young men experience. As such, both the broader society and the youth in question are responsible and must contribute to securing not just formal, but real equality.

Contact

Siri Agnete Schwabe
Department of Anthropology
University of Copenhagen
Øster Farimagsgade 5, Opgang E
DK-1353 Copenhagen, Denmark
siriagnete@gmail.com

Louise Möhl
Department of Arts and Cultural Studies
University of Copenhagen
Karen Blixens Vej 1
DK-2300 Copenhagen, Denmark
hkf672@alumni.ku.dk

Key words

Denmark, ethnicity, youth, marginalization, responsibility
Introduction

With this paper we set out to explore some of the social consequences of the vast increase in migration to Europe, focusing particularly on Denmark. More specifically, we wish to shed light on the interplay between equality of opportunity and ethnicity in a Danish context. We do so by bringing together anthropology and philosophy in a cross-disciplinary approach which allows for insight into the social dynamics that permeate the relationship between equality and ethnicity while giving the analysis presented an indispensable normative perspective.

We address issues of equality on the basis of a fieldwork conducted among young men, mainly of ethnic minority descent, in the Nørrebro district of Copenhagen. The fieldwork was carried out over the course of five months in the spring of 2010 during which a vast number of hours was spent gathering material through participant observation and informal interviews. Our group of informants was made out by young men who, at the time of the fieldwork, were in their teens and early twenties, and the fieldwork was carried out with the purpose of uncovering how they experience themselves, each other and their relation to the wider society. Young ethnic minority men have over the last years received a lot of attention in the media and the public debate, but their voices are rarely heard.\footnote{Our informants are consequently marked by a feeling of being stigmatized, branded by social disapproval, through dominant discourses, and this greatly influences their social position as well as their understanding of themselves. In our investigation of ethnically determined (in)equality in a Danish context, we accordingly aim to address both the ways in which the ethnic minority men in question deal with their position in society, as well as the structural aspects that set the framework for their possibilities of action.}

We accept the egalitarian principle that all human beings are equal in moral worth and status. Therefore, as a starting point, all human beings should have equal opportunities. However, when questions of how to interpret this principle and make it a reality arise, a well-founded discussion becomes necessary. Denmark already has equality on the agenda, but commonly the focus is on equality of outcome. The following analysis aims to consider what state of equality of opportunity our inform-
ants are in by asking: do young ethnic minority males and their ethnic majority peers share real equality of opportunity in Denmark, what social processes are linked to this issue, and what kind of responsibility can we ascribe to the young men themselves for the situation they are in?

**Point of departure: equality of what?**

In Western societies, and Denmark is no exception, liberal ideals like freedom and equality are widely accepted. Despite the fact that there is consensus concerning the ideal of a society which ensures equality, not everyone agrees on how this equality should manifest itself, and differences in approaches mean different consequences to the way society is organized.

Two specific notions of equality are central here. Equality of *outcome* is a widespread concept which mainly focuses on people’s current situation, whether economic, social, physical or other, without considering what prior opportunities they have been given in life and how they have handled these opportunities. Equality of *opportunity*, on the other hand, puts great responsibility on the individual. The basic concept is that, as a starting point, all people should have the same opportunities, and the individual is then himself responsible for managing these opportunities. According to the idea of equality of opportunity a person’s life course should be determined by his choices and not his circumstances. In Denmark it is without controversy to demand equality of opportunity, but disagreements arise when the question is asked: what does equality of opportunity entail (Holtug, 2009)?

First of all, what is it that we need to secure equally good opportunities for obtaining? *Resources* are traditionally considered a unit of measurement for equality, but a more up-to-date version refers to *welfare* as a unit (Holtug, 2009: 29). The term welfare incorporates many social inequalities that are ignored by the concept of resources. The argument for using welfare as a unit is that resources are of importance only because they can be used to improve the quality of life. For instance, money is mainly valuable because it can be used to buy things that improve the quality of life. In the end it is the quality of life, or welfare, that matters.

Different factors may influence the perception of individual quality of life, and using welfare as our unit allows us to include diversity in a person’s interests and preferences. However, that does not rule out resources as an important factor. Health, education, income, and political influence all have an impact on the lives of people in our society and influence a person’s welfare. At the same time, factors such as social relations and cultural recognition can also have an impact, and using welfare as a unit of measurement thus makes it necessary to consider informal barriers such as these. For instance, if the minority group in question is being stigmatized, does that then exclude them from opportunities that are accessible to the majority?
The principle of equality of welfare could be formulated somewhat like this: “It is _ceteris paribus_ unjust if someone has access to less welfare than others, without themselves being responsible for this”.

So, if our young men lack opportunities without themselves being responsible for it, this is unjustifiable. If the ideal is a just society, injustices call for remedy, and therefore the question of ascribing the responsibility of the injustice becomes inevitable. We will return to the question of ascribing the responsibility later. For now we move on to our empirical starting point: the case of a group of young ethnic minority men in Copenhagen. Before delving into the specifics of the ethnographic case, however, a brief introduction to the broader context is needed.

**The empirical context: conflict and discourse**

Over the last few years a conflict between affiliates of a well-known motorcycle gang and local gangs of mainly ethnic minority males has played out on the streets of Copenhagen. The conflict, which at times has resulted in shootings and other violent encounters, has meant a heightened degree of apprehension to carry on as usual for many of the residents of Copenhagen. At the same time, the conflict has marked an intensification of the media coverage of the district Nørrebro and its ethnic minority male youth through stories of crime and conflict. Especially the area surrounding the square Blågårds Plads in Nørrebro has seen a number of threats, assaults and shootings, and has accordingly received massive attention by the media. The fieldwork presented here was conducted in this particular area, and the young men that served as informants experienced both a constant physical threat and a profound marginalization, which in part was felt to be a result of the media discourse that surrounds them.

Upon entering the field several of the young men from the area categorically assumed that “you are here because of the gang war, right?” and consequently gave up fake names with their dismissive attitudes. Only after having repeatedly made clear that the fieldwork did not have the so-called gang war as its main focus, the young men accepted the presence of an outsider. Their initial distrust of what might have been any alien presence is inextricably linked with their stories of former encounters with journalists and police officers questioning them about the conflict. More than just being annoyed at the sporadic questioning the young men seemed worried about being misrepresented and stigmatized.

The young men occupy themselves in a number of ways in their daily lives. Some are students, some work, some are unemployed, and a few consider themselves unable to finish an education or keep a regular job. Within the group of young men, as in many others, there are as many aspirations as there are individuals. However, the young men are closely tied together by a number of factors which in many ways over-
shadow their differences. First and foremost, they identify themselves with their area of residence, which they all have in common. Furthermore, their strong affiliation with each other has to do with an experience of overall ethnic opposition to ethnic majority Danes. Due to these factors, namely the young men’s ties to their neighborhood and their experienced social position as non-Danes, the informants of this study are discursively linked to the gang war and, with that, to crime and violence. Whether or not these young men are in fact involved in the conflict may be interesting in another context, but not relevant for the point here. Instead, we wish to stress that the ongoing conflict has provided the media and the wider Danish society with the means to inflict stigma onto a specific segment made out by young ethnic minority men from Nørrebro by repeatedly associating it with gangs and crime.

Our informants were, at the time of the fieldwork, greatly impacted by the discourse surrounding the conflict as well as the conflict itself. However, this does not mean to say that the group in question did not experience stigmatization before the conflict broke out into violent confrontations. The history of the marginalization and stigmatization that immigrants and their descendants have undergone in a Danish context reaches back in history, and refer to processes that we will deal with in the following section, namely Orientalism and ethnification.

From Orientalism to ethnification

With his groundbreaking work the anthropologist Edward Said (1979) made tangible the structures of power and culture that enabled the multilateral existence of an Occidental Us and an Oriental Them. In the late 1970s, when the work was first published, the world in many ways looked different from the world we live in today. However, the dichotomous relationship between the West and the East is made no less prevalent or relevant by the tremendous increase in movement of people and information that has occurred over the last decades. The West has gone East and the East has gone West – but wherever its location the East has not become West. In fact, the distinction between Us and Them according to ethnicity seems to remain a central application for social sense-making.

In order to properly draw on the history and tradition of Orientalism, as we wish to do here, an important point about the nature of the term needs to be clear. Orientalism, in Said’s (1979) words,

“is, rather than expresses, a certain will or intention to understand, in some cases to control, manipulate, even to incorporate, what is a manifestly different (or alternative and novel) world; it is, above all, a discourse that is by no means in direct, corresponding relationship with political power in the raw, but rather is produced and exists in an uneven exchange with various kinds of power” (Said, 1979: 12).
The keywords in this context are power and discourse. Power refers to the capability of the majority to determine prevalent discourses, but, more importantly, it also refers to the discourse’s subtle ways of shaping its objects. This understanding draws on Michel Foucault (1972 [1969]: 49) who speaks of discourse as a concept which involves “practices that systematically form the objects of which they speak”. The notions of power of discourse are crucial to understanding Orientalism, the relation between ethnic majority and ethnic minorities, and these as underlying premises for an analysis of the interplay between (in)equality and ethnicity.

The dominant categories which we use to box in each other for the purpose of generating social meaning through distinction are closely tied with the power to define; in other words, the social categories we work with come into being in a context defined by relations of power (Olwig & Pærregaard, 2007: 25). As such, when our informants are affiliated by the media with crime and violence, and thus categorized and stigmatized with reference to their ethnic heritage and area of residence, it is through a process which is very much marked by power relations between the media as actively categorizing and the young men as categorized. The anthropologist Peter Hervik (2003: 28) brings into play a concept of ethnicity which entails a similar notion: that the dominant party has the capability to define the weaker one, and refers to this as ethnification. By pointing to the importance of the process of becoming and making ethnic, we thus also point to the importance of the structures of power which make it possible. In many ways, it can be argued, ethnification is the localized successor of Orientalism. The discursive processes that take place are very much the same, but while the first dealt with defining the Other of the East, the latter entails the definition of a new Other.

**Ethnifying the Near Other**

The effects of Orientalism seem to linger on in today’s Europe where the East has taken the shape of the many non-western immigrants and refugees that have come to stay. But the category of the Oriental Other does not only include those that have once made the trip from east to west themselves. Today, the second and third generations of the old newcomers often fall into the category of strangers that their parents and grandparents occupied before them, and still do. In Denmark, this large group of immigrants and their descendants has commonly been referred to, in as well as outside the public discourse, as, plainly, immigrants. In spite of the term’s obvious misrepresentation of the group of descendants who, in fact, did not themselves migrate, the term has overcome numerous protestations and remains widely used. For the purposes of this paper, we will extend the concept of the Oriental Other to the Other of today’s massively globalized and mobilized world, and thus name the non-western immigrants and descendants of immigrants in Denmark the *Near Other*.
When speaking of ethnicity we must always keep in mind that, following Richard Jenkins (2008 [1997]), it is first and foremost a relational matter. If never confronted with others there would be no need to define neither the others nor ourselves. Thus, ethnicity becomes relevant only at the point of confrontation between individuals and groups that find it desirable or necessary to differentiate themselves from each other according to traits that somehow are made to fall under the category of ethnic. However, relations of power between such groups are not to be ignored. While Orientalism spoke of the East being made Other by the West, so may we now speak of ethnic minority groups in the West being made Other by the ethnic majority and its institutions. The Near Other thus includes a group of young men who are ethnified and subsequently stigmatized with reference to their ethnicity by the majority as represented by, among others, the media.

Several accounts of the public debate in Denmark and its representation of the Near Other, namely immigrants and descendants of immigrants from non-western countries, have shown that a certain notion of what it means to be Danish lies at the very base of it. In order to define the ethnic Other as exactly that, the dominant forces in Denmark must first establish Danishness as a more or less widely accepted social fact. What this Danishness exactly means or what it stands for is, for the purpose of ethnifying an Other, less important than establishing a second fact; namely, that anything non-Danish might be perceived as a threat. In the light of such a threat we see what Thomas Tufte (2003: 14) terms “manners of articulating or accepting images and stories that draw boundaries between the Other and those feeling threatened”.

In Denmark, a number of images and stories have depicted especially young ethnic minority men from Nørrebro as violent criminals, thus drawing a boundary between them and the majority. The young men are considered threatening, both in the concrete, physical sense and in a more symbolic fashion, while both the majority and its Danishness is considered threatened. As such, we argue, as many others have done before us, that the public discourse that surrounds immigrants and descendants of immigrants in Denmark has become more and more based on this very dichotomy between the Danish and the non-Danish over the last decade. Tellingly, while ethnic majority Danes are seldom referred to as such, Danes of ethnic minority descent are seldom referred to without including a mention of their ethnic heritage. Young minority males are most often known as ‘immigrants’, ‘young men of ethnic descent other than Danish’ and very rarely as, simply, ‘young men’.

In the following section we will take a closer look at how the young men themselves experience and deal with the so-called Danishness, and through their articulation of their ethnic status actively contribute to the process of ethnification.
During a car ride around town one night an informant, a 22-year-old who has lived his entire life in Nørrebro, plainly said: “They don't care about us” with reference to the ethnic majority in general and the police forces and media in particular. “There are so many things the Danes don’t understand” his friend added. From the front seat of the car the young man expressed through gestures and words that a sense of betrayal and exclusion characterizes not only his own, but many of our informants’ perception of their place in society. He then concluded the conversation with a clear and simple suggestion: “You shouldn’t at all trust what the media write”.

The around thirty young men between the ages of 15 and 22 that directly took part in the study all know each other from the neighborhood around Blågårds Plads, and most of them have gone to school together. Moreover, as stated by one of them, “we only have each other as friends”. A strong sense of community permeates the social interaction between the young men who experience a feeling of social strength in their unity, as well as their opposition to the ethnic majority of Danes.

The massively cohesive nature of the group of young men is strongly connected with the feeling of being left out by the wider Danish society. Over the course of the fieldwork, multiple informants reported of having been denied job opportunities as well as entrance into the city’s night clubs due to their foreign-sounding names and physical appearance. Others still had experiences of being misrepresented by the media and ignored by the police force except when being searched for weapons and drugs which, according to the young men, happened rather frequently as a result of the police force’s much debated establishment of zones allowing for unwarranted searches in specific areas of the city. In sum, our informants’ experiences with the wider society are chiefly characterized by a complex combination of indifference and discrimination.

The histories of the families of the young men of this ethnographic case mainly trace back to the Middle East, North Africa, Turkey and Pakistan. Only one of the young men encountered during the fieldwork is marked by a head of blond hair and a genetic code that is decidedly Nordic. However, the other young men did not classify him as Danish. At the very beginning of the fieldwork, one informant stated that no Danes hang out with the group. When reminded of the young man with the Nordic look he laughed and explained: “He’s not really Danish. He’s like us”. By explicitly placing the young man in question in their own category as non-Danish the group show us exactly how ethnicity is a matter of allocating importance onto social traits that do not necessarily involve a person’s physical appearance. The young blonde actively associated himself with the group by dressing and speaking in ways that were characteristic for most of the young men, and these social traits and acts proved, in this case, to be much more important than genetic material when determining ethnic
and social affiliation. During their daily lives in Copenhagen the young men are in a much higher degree faced with the problematic aspects of their difference vis-à-vis the majority of ethnic Danes than they are faced with problems qua their differences within the group. The stigmatization and discrimination they experience is not rooted in their individual and specific ethnic origins, but rather in the categorization of them all as non-Danes. In that sense they make up an ethnic unity contra the ethnic majority. Thus, through a process of ethnification, the prevalent discourse involving the young men has shaped its object, the boys, as the Near Other, or simply as non-Danes. Although they are aware of each other’s backgrounds as specifically Arab, Kurdish, Pakistani, Nordic or other, this awareness is seldom referred to. As such, the young men contribute to the process of ethnification by internalizing the dichotomy which permeates the discursive structures that surround them. Their experience of marginalization, which is felt to be the result of a stigmatization that refers to ethnicity, is thus fortified by the young men’s own consolidation of ethnic opposition to the majority. Consequently, the ethnified Near Other is not a passive object in the face of power. The majority sets the discursive frame for social action, but both individuals belonging to majority and minorities are social beings with the capacity to act within that frame and thus negotiate its terms. Later we will shed further light on this perspective. In the following, however, we turn our gaze back to the question of equality and take a closer look at our informants’ access, or lack of access, to opportunities.

**Ethnic equality and diversity**

The so-called Mary Wollstonecraft’s dilemma and alternative versions of this dilemma have confronted the ideal of equality with the difficulty of combining equality and diversity. The dilemma has been criticized for confusing equality and sameness, and a sense of confusion remains; having equal opportunities is not the same as having freely accessible opportunities, and having equal opportunities does not itself entail having the opportunity of an alternative life course. Choosing differently than the majority or living differently than the majority can mean a big difference in welfare as one’s welfare depends on one’s preferences. When an imbalance of power relations entails oppression of certain social groups and their preferences, diversity is at stake.

Among others, the ethnicity research and the media have not convincingly represented ethnic minority groups in Denmark on their own terms. The media have played a significant role in cementing a dichotomy between Us and the Near Other, the ‘Danes’ and the ‘immigrants’, the majority and the minorities. Ethnic minority groups have thus been distanced from mainstream society and have not been involved in defining the prevailing norms. As such, this distance has created inequalities concerning
opportunities of welfare. One informant from Nørrebro claims that “there are so many things the Danes don’t understand” and that “you shouldn’t at all trust what the media write”, which, most importantly, tells us that the young men lack a sense of influence on their position in society and the opportunities they are granted accordingly. How can the responsibility of this ethnically determined inequality be distributed and what capacities for action lie with the individual and society respectively? As a group, the young men of ethnic minority descent experience marginalization on the grounds of ethnicity-based stigmatization, and their experiences and situation are in general not very visible to the public. All in all, as the Near Other, they are widely excluded from having their say in society. According to the political philosopher Iris Marion Young (1990), the thought of formulating impartial, objective norms and values is doomed to have an exclusive effect if not all affected parties are represented in formulating them. This also applies to the case of the boys of Nørrebro. Formally they are equal to their ethnic majority peers, but they have not themselves been involved in determining the normative matter of this equality.

Hypothetically, even if the young men of this study had taken part in formulating the prevailing norms and values, would that be enough? Is it enough to ensure wide representation when formulating norms and values, including ideals of equality? The minority males in question have the same formal opportunities of welfare as their ethnically Danish counterparts, but is equality the reality? The philosopher Nils Holtug (2009) suggests that when using welfare as a unit of measurement formal equality becomes adequate as it takes individuality into account. This means that if an individual formally has equal opportunities for welfare, this individual is in a just situation. Difficulties arise, however, with the task of ascribing responsibility for someone’s lack of welfare. Did he have the opportunity for obtaining welfare and was he himself responsible for missing it? When is an individual solely responsible for missing out on an opportunity for gaining welfare? If he himself is the only responsible individual does he not have a right to a second try or a kind of remedy or compensation? These questions are associated with the issue of ascribing responsibility which will be examined in the next section.

Ascribing and distributing the responsibility for inequality

According to the philosopher Kasper Lippert-Rasmussen (2009), to settle if a certain inequality is unjust we have to place the responsibility, because if the inequality is a result of the individual’s administration of the opportunities, it is not unjust. Lippert-Rasmussen rejects the regression principle for ascribing responsibility. The principle says that to appoint someone responsible for something includes appointing him responsible for the preceding causes. The principle has too extensive consequences as it entails the notion that behind an event there is always a cause. As these
causes extend to a time before our birth we would never be responsible for anything. The philosopher Thomas Scanlon’s (1998) theory is less radical. He distinguishes between attributive and substantive responsibility. When someone is attributively responsible it is possible to request an account for why he acted the way he did. This makes sense for actions that are influenced by the reasons and considerations that can precede an action. The substantively responsible person is the right person to bear the responsibility, whether this means receiving the benefits or the burdens, even though the substantively responsible person is not the one actually causing what deserves praise or blame. Even though the theory entails that someone might be attributively responsible for being in a bad situation, someone might have “put himself in that situation”, this does not necessarily mean that he should bear the full consequences for his actions. Someone might have been in an unfavorable situation when making the choices. Following this there can be inequalities in the situations of choice.

Scanlon’s theory gives us the golden mean between the political polar opposites, which on one side leaves us in a society where a person will not bear any consequences for making bad choices and on the other a society where a person will very rarely receive a helping hand and most of the time bear the full responsibility for his actions. So, following Scanlon, someone being responsible for his own unfavorable situation – which is therefore not an unjust situation – does not necessarily rule out that he should receive aid. Egalitarians say that inequalities are often a product of our circumstances, rather than a product of our choices. A Rawlsian point to this could be that someone should be compensated for being in an unfavorable situation for making choices.

Our young informants make choices and act on their own accord. However, these choices and the actions that spring from them are always grounded on the basis of the young men’s current position and the possibilities that are available to them. When considering the issue of responsibility we presently reject the notion that we have to do with a question of either/or. Neither the individual nor his social framework and background can be said to have full responsibility for any form of inequality as both social practices and the structural framework contribute to constituting situations of choice. However, neither can both be held completely unaccountable. The same applies to the distribution of remedial responsibility. When asked who is then responsible for remedying the inequality of opportunity the young men of this study are faced with our answer is simple and predictable: both state and residents, system and agents, must take part in securing equal opportunities and mending the inequalities.

In the following section we will dwell on the subject of the social individual’s autonomy before bringing the concept of multiculturalism into play.
The social sciences have witnessed a change in perception of the individual over time. While modernism had its anti-humanist focus on structure and thus constituted the social individual as externally determined, the post-modern era considered the individual an active subject rather than a mere object. Today, most social scientists have shunned these absolute notions in favor of a third which includes both the previous concepts and joins them together in reciprocity. As the anthropologist Kirsten Hastrup (2005: 140) explains: “social reality is not reducible to either the whole or the parts. (...) The individual and the social evolve with subtle interplay”. Seen through this analytical optic the young men of our study are in many ways socially constituted by external structures of power and discourse. At the same time, however, they play a significant role in relation to their structural surroundings.

When approaching an understanding of the dynamic and dialectic relationship between the individual and the structure within which he exists, the concept of agency offers valuable insight. We subscribe to a reading of the term which does not necessarily imply conflict between an agent and his structural framework, but instead suggests a great degree of interplay between individual and structure. The anthropologist Saba Mahmood (2001) sees agency as a capacity for action which does not conflict with surrounding structures, but, on the contrary, is made possible by them. Being a free agent in this sense does not imply being free from something, but, in some cases at least, simply being free to constitute one self and one’s place within the structural boundaries (Mahmood, 2001: 203-206).

Following Mahmood, we argue that the young men of Nørrebro deal with their structural boundaries by internalizing them. The young men act within the structure, but articulate it in their physical and verbal social acts and thereby influence it. As we have seen, the group in question focuses on social traits that allow them to classify each other as non-Danish and establish an ethnically determined community that stands opposed to the majority. We argue that this process of identification and categorization draws on the exclusion and marginalization the young men experience, and that their agency then becomes that which binds individual and structure together through social action. As such, their lives are defined by a context marked by a discourse of ethnic stigmatization, but their actions are potentially generative of new contexts and, with that, new situations of choice.

When discussing issues of securing equality we cannot leave out the consideration that individuals play an active part in establishing and upholding the social structures. Our young informants from Nørrebro experience stigmatization through a specifically Danish discourse which permeates their daily lives. However, the boys act and speak in manners that reinforce their oppositional relation to ethnic majority Danes. By stating the difference between being Danish and being ‘like us’ and thus
ascribing special ethnic value to social traits which they recognize and instigate in themselves and each other, they allow, if not encourage, the process of ethnification to take place. As such, the relation between the individuals in question and the structure within which they act is a dialectical one. As individual and structure are mutually generative, so are the young men of Nørrebro and the discourse that surrounds them.

Therefore, we believe that in order to establish real equality of opportunity, human agency must be taken into account as a powerful co-determinant. By ensuring positive interplay between structure and individual, state institutions and social agents, we might hope to close in on a reality of equal opportunities. In the following section we will introduce the concept of multiculturalism in order to shed further light on the restraints and possibilities that we currently face in the tension field between equality and ethnicity.

**Multiculturalism and the role of society**

In the basic sense multiculturalism is the preservation of different cultures or cultural forms within a unified society. The idea that culture can be viewed as bounded entities belonging to specific groups, which many accounts of multiculturalism imply, has been rejected by anthropologists who instead speak of cultural complexity and focus on the dynamic cultural production that takes place in daily life through social interaction (Bundgaard, 2006). As such, for anthropologists there is no such thing as a culture. Here, we consider multiculturalism relevant not because groups that share cultural practices or ethnic identity as a starting point should be separated and treated differently from each other, but because certain groups are already experiencing a form of inequality which first and foremost refers to ethnicity. According to I. M. Young (1990) multiculturalism is important exactly because certain culturally or ethnically bounded groups are particular susceptible to oppression and marginalization.

The political philosopher Will Kymlicka (2009) states that people seeking or needing cultural recognition tend to be minorities. While their search for recognition, for example through special rights, is sometimes frowned upon by society, Kymlicka promotes recognition of ethnicultural groups and their need for minority rights. Kymlicka distinguishes between internal restricting rights and external protecting rights. Internal restrictions are no good, because this is only oppression taking form internally in a group. External protections, though, involve *inter*-group relations and should protect the group from the impact of external pressure.

To oversimplify, we can say that minority rights are consistent with liberal culturalism if:

1. they protect the freedom of individuals within the group; and
2. they promote relations of equality (non-dominance) between groups (Kymlicka, 2009: 342).
A multicultural approach involves freedom to maintain customs concerning food traditions, dress, religion, and associating with each other. The assimilation approach is neither necessary nor justifiable, and minority rights should not be seen as a threat to society in any way. According to Kymlicka there is no evidence to point in that direction. The injustice comes in with immigrants and their descendants being imposed unfair costs and difficulties along with the state having certain demands. The suggestion is that the state should strive to minimize these unfair costs. According to Kymlicka, it is essential to consider nation-building policies and claims of minority rights at the same time, “Unless supplemented and constrained by minority rights, state nation-building is likely to be oppressive and unjust” (Kymlicka, 2009: 364). If we apply this outlook to the case discussed in this paper we find that the Danish state has a responsibility to ensure its ethnic minority residents, including the young men of Nørrebro, the basic means to maintain their heritage in order to empower them and thus keep them from being marginalized. Being stigmatized through dominant discourses, and affirming the ethnic opposition between Danes and non-Danes themselves, young ethnic minority men from Nørrebro occupy a marginalized position and consequently do not experience the same access to welfare as their ethnic majority peers. They are disadvantaged by discriminatory practices carried out by employers, police officers, and media representatives, just to name a few, and this needs to be taken into consideration when ascribing the responsibility for inequality. The key is to avoid imposing unfair costs on minorities who have not been part of formulating the majority's norms and values. When ascribing the responsibility to the individual himself for not taking advantage of the opportunities at hand, it is important to keep in mind that minorities might face higher costs in these opportunities than the majority.

One major point of criticism to ascribe rights on the basis of membership in ascriptive groups is that it is “inherently morally arbitrary and discriminatory, necessarily creating first and second-class citizens” (Kymlicka, 2009: 365). But justification can be found in the need to compensate for unfair disadvantages. When ascribing the responsibility, the individual situation should be taken into account since there might be inequalities in his starting point. It is simply unfair to merely compare the formal opportunities and the outcome of exploited opportunities, and claim that a person did not take advantage of his opportunities. The minorities have not been part of formulating the norms and values of society, and different forms of oppression take place when the public sphere is not open for expression of different perspectives on the norms and values. Stigmatization and discrimination create a distance to the formally accessible opportunities and thus leaves the young men of Nørrebro in a marginalized and unjust situation which both they and the Danish state must act to remedy.
Concluding remarks

In this paper we have combined specific philosophical and anthropological approaches to the issue of ethnically determined inequality. The ethnographic material presented here only represents a fraction of what was gathered during fieldwork among the boys of Nørrebro, and our informants are only a fraction of the male ethnic minority youth in Denmark. However, the analysis presented here tells us a few things that might be applied to a broader context. First, the young men in question experience a sense of marginalization which, we have argued, goes hand in hand with the process of ethnification. Secondly, the young men do not face the stigmatizing discourse that surrounds them passively. Rather, they deal with the structural framework imposed upon them by actively internalizing and maintaining it by identifying themselves as non-Danish.

To what degree can the individual be held responsible for the situation he finds himself in? This paper dissociates itself from a deterministic viewpoint. We consider human beings responsible and conscious agents who have influence on their own lives and affect them by the choices they make. At the same time we have to recognize that people affect the lives of each other and that other social forces play a role as well. As such, the importance of ensuring a positive interplay between structures and agents must be stressed. As we have argued, there can be inequalities at play in the situation of choice. A person may be in a situation where making a favorable choice is simply not possible. But even if an individual can be held responsible for the situation he is in, that does not necessarily mean that he should not receive some form of aid.

The aim of multiculturalism, however problematic in its notion of culture, is to ensure that (ethnic) minorities are not oppressed by the majority. The focus on oppression, including stigmatization, is of great importance when analyzing (in)equality of opportunities. The agent navigates inside the social structures, and this calls for consideration when ascribing responsibility. Belonging to a minority, and thus having less influence and voice than the majority, leaves a person with other opportunities than those that are available to the majority.

So do the young ethnic minority men of our study share equal opportunities with their majority counterparts? In Denmark, formally, yes. But we might need something more to ensure real equal opportunities. Our group in question has undergone a process of ethnification whose dynamics trace back to Orientalism and its division between Us and The Other. As the Near Other, the young ethnic minority men have been distanced from society through stigmatization and have not been part of defining the prevailing norms and values. This distance has created what we in this paper refer to as inequalities concerning opportunities of welfare in the life course, and these can only be mended by the joint forces of society and individual.
Notes

1. According to a survey presented in the Danish journal Ugebladet A4, twelve of the largest media in Denmark only referred to sources of ethnic minority descent in 0.5% of all stories during one week in late 2005. The chairman of a Danish organization that promotes ethnic equality, Uzma Anderesen, called it a democratic problem because a vast number of stories in the media depict ethnic minorities in a negative way without letting them speak for themselves (Madsen, 2005).

2. This idea has its origin in the political philosopher John Rawls’ distinction between circumstance and choice. This is specified in his supposition of ‘the original position’ where we are all behind a ‘veil of ignorance’, without knowing our place in society, which would motivate us to organize society as fair as possible for all parts (Kymlicka, 2009: 62-70).

3. According to Henning Hansen and Anne Kathrine Kirkegaard (2007), statistics show that during the late 1990s and early 2000s the district Nørrebro was linked to crime and conflict in the media more so than the rest of Copenhagen. Moreover, the authors point out that residents of the area have perceived Nørrebro to be depicted in a much more negative light than the rest of the city.

4. Translated from Danish: “du er her på grund af bandekrigen, ik?”. 

5. The term gang war is a direct translation from the Danish word bandekrig. By using this term we are not suggesting that it is necessarily a reasonable label for the conflict; we are merely accepting the general use of the word bandekrig by the media, the police, the government and our informants.

6. In using this term both Hervik and ourselves draw on Jan Nederveen Pieterse (1996).

7. See also Barth (ed.): Ethnic Groups and Boundaries for a detailed account of this take on ethnicity.


9. Translated from Danish: “de er ligeglade med os”.

10. Translated from Danish: “der er så meget dansk-erne ikke forstår”.

11. Translated from Danish: “du skal slet ikke stole på hvad medierne skriver”.

12. Translated from Danish: “vi er kun venner med hinanden”.

13. Translated from Danish: “han er ikke rigtig dansker. Han er ligesom os”.

14. The political theorist Carole Pateman named the dilemma after Mary Wollstonecraft, who met problems like this in her fight for equality. The dilemma basically says that equality and diversity exclude each other. In this context it means that some for example would claim that we cannot both advocate for equal opportunities for minorities and at the same time for minority rights. Some would say that minorities cannot ask for recognition as equals in society and at the same time fight for rights to live differently than the majority (Borchost, 2009).

15. Young criticizes the liberalist principle of equality because of its tendency to strive to make people alike, a tendency which Young says has an excluding effect (Song, 2010). Holtug (2009), however, objects that in Rawls’ ‘original position’, there lies no premise about making people alike, but only that people do not know who they are. Therefore it is not a question of ignoring diversity. Actually there is every reason to take people’s differences and specific needs and wishes into account, so that they can choose principles that optimize their chances for a good position in society.

16. Ascriptive: as in designating for instance a group in which status is based on a predetermined factor, as sex or race, and not on individual achievements.

References


Hervik, P. (2003). Etnicitet og mediernes skildring af de etniske minoriteter. Et antropologisk perspek-


Abstract

This paper examines the principles that guide judgments made by the general population and by a variety of subgroups on the fairness of hiring decisions. We rely on the classical distributive or social justice approach and explore the role of need and contribution in the judgment process (Miller, 1992). We expand this perspective by analysing the influence of socio-demographic factors in the judgment process. The paper contributes to the empirical literature on social justice by investigating the perceived fairness of the different situations in which applicants for a job are hired. Results are based on a large-scale survey with a representative sample of inhabitants of Flanders aged between 25 and 70 years. Respondents were asked to rate the fairness of the decision to hire an applicant for a job using the vignette or factorial survey design, a technique developed by Rossi and Anderson (1982) to capture the principles underlying social judgments. The vignettes manipulated the following characteristics of job applicants: performance and proficiency in Dutch (merit), having a (working) partner and having children (need), gender, ethnic background and age.

Contact

Elke Valgaeren
Policy Research Centre on Equal Opportunities
SEIN Identity, Diversity and Inequality Research
Hasselt University
Agoralaan Gebouw D
3590 Diepenbeek, Belgium
elke.valgaeren@uhasselt.be

Keywords

hiring practices, discrimination, factorial survey
Introduction

Having paid work is an important condition for inclusion in contemporary Western societies. However, access to the labour market is easier for some groups than for others. Research has shown that older workers, people from ethnic minorities and women are faced with different forms of conscious and unconscious discrimination in hiring practices. Previous research has been largely based on the experiences of candidates or of other stakeholders in the selection process. In this paper, however, we take a different stance and examine the attitudes of the general public. We study whether a representative sample of people living in Flanders consider gender, age and ethnic background relevant factors when hiring someone. Equal access to the labour market is essential in a society that wishes to guarantee equal opportunities. Following Mason (2006), we define having equal opportunities as having equal access to “the good things in life” and to the resources needed to achieve these good things (Mason, 2006). In this regard, not all inequalities are considered unfair. It is, for example, accepted by the majority that intelligence has an impact on an individual’s level of education, while in modern Western societies it would generally be considered unfair if gender had an impact on an individual’s level of education. The degree of equal opportunities in a society depends on the impact of what are considered irrelevant characteristics, such as gender, social class and disability (Hild and Voorhoeve, 2003), on the distribution of outcomes.

In this paper, we focus on one aspect of life, namely the labour market in general and the hiring of job applicants in particular. More precisely, we concentrate on the characteristics that are taken into account when assessing the fairness of hiring decisions and pose the question of whether socio-demographic variables play a role. These socio-demographic variables should be considered irrelevant in access to the labour market. In fact, according to European and Belgian anti-discrimination legislation, it is illegal to take socio-demographic variables such as gender, age and ethnicity into consideration in the majority of hiring situations. However, numerous studies have shown that in reality equal access to the labour market is not guaranteed. The aim of this paper is to assess whether the general public considers it fair that socio-demo-
graphic characteristics play a role in hiring decisions. To do so, we use the results of a broad survey on equal opportunities, conducted within the framework of the Policy Research Centre on Equal Opportunities'.

Perceptions of fairness are important in labour market relations (Pfeifer, 2007). To analyse the fairness of a hiring decision, we can rely on the classical distributive justice perspective, and the central question for distributive justice researchers is which principle or justice rule guides decisions about the fairness of distributive outcomes (Cohn et al., 2000) (Konow, 2001). The distributive justice perspective has been used to study a wide variety of empirical topics, including organisational justice in hiring decisions. Perceptions relating to the fairness of hiring decisions are often studied from the perspective of applicants or employers (Bemerth et al., 2006). In order to add to this body of research, this paper aims at gaining a better insight into the processes underlying judgments of the fairness of hiring decisions from the perspective of a third person or impartial spectator.

According to the distributive justice principle, what people perceive as fair distribution of goods depends on three factors: merit, need and equality (Cohn et al., 2000) (Miller, 1992). According to the merit principle, based on Adams' equity theory (1965), situations are perceived as fair if the outcome is distributed relative to the contribution of the participants (Cohn et al., 2000). Merit, or desert, usually consists of three components, namely ability (talent and capacity), effort and performance (Miller, 1992). The need principle takes into account what people need when evaluating the fair distribution of goods. In empirical research, need covers aspects such as age, disability, illness, the number of dependent children and whether or not the individual has a partner. Distribution based on equality implies that goods are distributed proportionally. This last distribution principle is usually only employed when there seems no reason to use other distribution principles (Reiff, 2009). Complementary to other empirical research, we examine not only the ‘need’ and ‘merit’ factors, which are commonly cited in the literature on distributive justice, but also add socio-demographic characteristics as factors that may influence the judgment process. We answer the question of whether applicants from certain socio-demographic groups receive a more favourable evaluation than applicants from other socio-demographic groups.

The majority of empirical distributive justice research is conducted either using a carefully constructed experimental setting, in which the participants play an active role in the distribution of outcomes, or respondents are asked to make a retrospective evaluation of real-life events they have encountered (Cohn et al., 2000). In this study, we are interested in the third person or impartial spectator perspective, which allows us to employ a survey to study situations that the respondents themselves have not actually encountered (Cohn et al., 2000). Moreover, third person judgments are not biased by self-interest, in contrast with perceptions about the fairness of situations that respondents experienced themselves (Pfeifer, 2007).
Research has shown that the characteristics of third person judgements matter in evaluating distributive justice principles. Differences have been observed in relation to age, gender and social position. Crown and Spade (1997), for example, observed from a meta-analysis that people with work experience are more inclined to use the merit principle in distributive justice reasoning than people who do not work. Another example concerns the effect of gender: men are more likely than women to use the merit principle, while women are more likely to use the equality principle (McGillicuddy-De Lisi et al., 2008).

**Research questions**

In this paper, we study the principles underlying the evaluation of fairness in hiring decisions. Our research questions are as follows:

1. What characteristics of job applicants are taken into account when evaluating the fairness of a hiring decision? Do socio-demographic characteristics play a role and what is the relative weight of socio-demographic variables compared to the merit and need variables?
2. Does the evaluation of fairness in hiring decisions vary according to the characteristics of the person making the evaluation?

**Methodology**

To address our research questions and their corresponding hypotheses, we used the factorial survey approach, a method developed by Rossi and Anderson (Rossi and Anderson, 1982) to empirically uncover the principles that underlie human evaluations, combining the features of both an experiment and a survey. In a factorial survey, respondents were asked to evaluate standardised fictive factorial objects (also called vignettes), in which the characteristics describing these factorial objects were simultaneously manipulated (Wallander, 2009). Since the publication “Measuring social judgments”, edited by Rossi and Nock and accompanied by an introduction by Rossi and Anderson (1982), the factorial survey approach has been widely and variously applied in the social sciences (for an overview: see Wallander, 2009). The factorial survey approach is particularly suitable for testing distributive theory perspectives concerning the processes underlying social judgments. The fairness factors, such as need or contribution, can be manipulated in the vignettes (Cohn et al., 2000) in order to assess their relative importance. What is more, factorial surveys make it possible to disentangle the unique effects of factors that normally have a high level of correlation (Wallander, 2009).

Judgment of fairness in the hiring decision was the dependent variable, and respondents were asked to rate fairness on a scale from 1 to 10. The vignettes manipulated six
dimensions, each with two or three categories relating to need (household situation: single/partner who works/partner who does not work; children: no children/two children), to contribution (satisfaction of former employer: satisfied/not satisfied) and to socio-demographic characteristics (gender: male/female; ethnicity: majority/minority who speaks fluent Dutch/minority who does not speak fluent Dutch; age: 25 years/45 years). While the minority status in this last variable refers to a socio-demographic variable, the capacity to speak Dutch can be considered as a characteristic related to contribution. The respondents’ gender and minority statuses were based on the names of the fictitious characters in the vignette. In the following vignette, for example Latifa refers to a female from an ethnic minority. We used 6 names: Latifa (female, minority), Naïma (female, minority), Youssef (male, minority), Bart (male, majority), Mohammed (male, minority) and Els (female, majority).

EXAMPLE VIGNETTE

The following situations describe candidates who apply for a job. All candidates have the skills and qualifications that are required.
Latifa, 25 years old, applies for a job. Her partner works and they have two children. She does not speak fluent Dutch. Her previous employer was satisfied with her work.
The company decides to hire Latifa. Do you think this hiring decision was correct? (Responses range from 1: “completely incorrect” to 10: “completely correct”)

It is typical of factorial surveys in the social sciences that each respondent judged only a subset of the fictive descriptions that constituted the vignette as a whole (Wallerander, 2009). The vignette as a whole consists of the product of the levels of the vignette dimensions, and in our case, this meant that there were $2 \times 2 \times 3 \times 3 \times 2 \times 2 = 144$ different vignettes. We used a clustered random design in which sets of respondents rated the same unique sub-sample of vignettes (Jasso, 2006). In order not to overload the respondents, we presented each of them with a sub-sample of six different vignettes, and the total number of vignettes was clustered in 24 sub-samples of 6 vignettes. The six vignettes were included in a self-administered questionnaire on attitudes towards equal opportunities, conducted in Flanders, the Dutch-speaking part of Belgium. The survey was distributed among a representative sample of 5000 inhabitants of Flanders aged between 25 and 70. Following two reminders, the response rate was 48.1% (N=2405). The survey was conducted in 2010 on behalf of the Policy Centre for Equal Opportunities, a research consortium which conducts policy-relevant research for the Flemish government.

Factorial surveys can be analysed using regression techniques in which the judgment variable is the dependent variable. Both vignette dimensions and respondent characteristics can be used as independent variables, or, in the words of Rossi and
Anderson (1982): both the social and the individual component of the judgment can be modelled. Vignette dimensions relate to the judgment process or social component, whereas respondent characteristics relate to the individual component. By including respondent characteristics in the analysis we can determine whether social judgment is influenced by the characteristics of the judge. In the majority of factorial survey studies, this individual component indicates subgroup variation (Wallander, 2009) which can be modelled in a variety of ways (Rossi and Anderson, 1982; Wallander, 2009): (1) subgroups may vary in terms of average level of judgement, (2) subgroups may vary in the weighting they assign to different dimensions when forming their judgment, and (3) subgroups may vary in their judgment error. In terms of statistical analysis, this means that (1) the variables defining subgroups will be included as independent variables in the regression analyses, that (2) separate regression analyses will be performed for different subgroups and that (3) the $R^2$ of these separate regression analyses will be compared. We used the following socio-demographic respondent variables: gender; ethnic background; labour market position; family situation; health status; and sexual orientation. The main research questions to be answered in our analysis are as follows: (1) What characteristics of job seekers are taken into account when judging the fairness of a hiring decision? (2) Are judgments of fairness influenced by the characteristics of the respondents? Hox et al. (Hox et al., 1991) identify two main problems when applying multiple regression analyses using both vignette and respondent variables as predictors, related to the nesting of vignettes within respondent. First, judgments of vignettes made by one respondent will be more alike than judgments made by different respondents. Second, vignettes judged by the same respondent will have values on the respondent variables that are necessarily exactly equal. According to this logic, factorial surveys are by definition hierarchically nested and require statistical procedures that take into account the hierarchical nature of the data. Based on a review of factorial surveys in sociological research, however, Wallander (2009) concludes that the hierarchical structure of the data is often not taken into account. We dealt with this shortcoming by making use of multilevel techniques for regression analyses. In the regression analyses, we included both employee characteristics and respondent characteristics as predictors in the regression comparisons. The respondent characteristics were used as control variables in the regression models to account for possible differences in average score on the dependent variable.

**Hypotheses**

In order to evaluate the fairness of distributive outcomes, it is important that context be taken into account (Konow, 2001). Unsurprisingly, research has shown that in economic contexts such as the labour market, the merit principle is the most im-
portant, while in more relational or affective contexts, need plays a more important role (Cohn et al., 2000). Nevertheless, need also plays a role in evaluating economic distribution, albeit to a lesser extent (Cohn et al., 2000). Translated to the context of the hiring decisions we used in the vignettes, this means that applicants with a higher degree of merit (the former employer was satisfied and the applicant speaks good Dutch) will be evaluated more positively than applicants with a lower degree of merit (the former employer was not satisfied and the applicant does not speak good Dutch). In order to assess the use of the needs principles, we used variables that refer to family situation: we expect a more positive evaluation for applicants with children and a less positive evaluation for applicants with a working partner.

In addition to classical research on the use of the merit and need principles in assessing the fairness of economic distribution, we hypothesise that socio-demographic variables are also taken into account by lay judges who assess the fairness of hiring decisions. We formulate the following hypothesis:

**Hy 1:** The decision to hire older, female and non-Belgian applicants will be evaluated less positively than the decision to hire younger, male and Belgian applicants.

Our second research question concerns subgroup variation in the judgment process: do different subgroups of respondents vary in their judgement of the applicants in the vignettes? We use the following respondent variables to distinguish between subgroups: gender (men/women), educational level (low/medium/high), ethnic background (Belgian/non-Belgian) and labour market position (working/non-working). In empirical research on distributive justice, we find a number of indications to suggest that subgroups occasionally base their judgements on different principles. Based on a review of literature on fair income distribution, Miller, for example, concludes that men and women generally use the same merit and need principles to evaluate statements on income distribution, whereas working class people (based on occupation or educational level) are less concerned with the merit principle than middle and upper class people and give more weight to need-related factors such as number of dependents. McGillicuddy-De Lisi et al. (2008) and Frank et al. (Franke et al., 1997) use social role theory, which states that people behave according to the stereotypes associated with the social roles they occupy, to explain gender- and age-related differences in moral reasoning such as distributive justice reasoning. In addition, observation and personal experience, such as paid work or university education, may also play a role. This is because, according to social role theory, experiences such as these can enhance awareness and appreciation of certain principles, for example meritocratic principles (McGillicuddy-De Lisi et al., 2008). Following Hox et al. (1991), we hypothesise that respondents use their own situation as a point of reference in the judgment process. The situation is influenced by their socio-demographic profile: we expect a preference for in-group applicants. In addition to classical research
on subgroup variation with regard to the merit and need principles, we therefore hypothesize that socio-demographic groups in a disadvantaged position on the labour market (women, ethnic minorities and older people) will place less importance on the corresponding variables in the vignettes. We formulate the following hypotheses regarding the impact of socio-demographic variables in the vignette dimensions:

**Hy 2a:** Female respondents will not evaluate female applicants more negatively than male applicants, while male respondents will evaluate female applicants more negatively than male applicants.

**Hy 2b:** Ethnic minority respondents will not evaluate ethnic minority applicants (who speak good Dutch) more negatively than Belgian applicants, while majority respondents will evaluate ethnic minority applicants more negatively than Belgian applicants.

**Hy 2c:** Respondents from older age groups will not evaluate 45-year-old applicants more negatively than 25-year-old applicants, while respondents from younger age groups will evaluate 45-year-old applicants more negatively than 25-year-old applicants.

**Results**

In order to answer our first research question, we conducted a hierarchical regression analysis of the total group of respondents (Table 1). To answer our second research question, we conducted a separate analysis of different subgroups of respondents (Table 2). To control for subgroup variation in the average level of judgements rendered (Wallander, 2009), we included the subgroup variables as predictors in all analyses. These control variables are not presented in Tables 1 and 2, but can be found in the appendix. Respondents with lower and middle educational levels, for example, score lower on average on the dependent variable than respondents with a high educational level. Subgroup variation in the average level of judgments was not felt to be within the scope of this paper.

We calculated $R^2$ as the proportional reduction in prediction error by comparing the null-model, containing no predictor variables, with the full model, containing all predictor variables included in the table: by including the predictor variables, we were able to reduce prediction error by 37%.

As expected, the merit principle was the most important predictor of applicant judgment: when the former employer was not satisfied, the selection vignette was evaluated more negatively than when the former employer was satisfied; applicants who speak poor Dutch were evaluated less positively than applicants who speak good
Dutch. The satisfaction of the former employer was the most important variable in predicting the dependent variable score. Our expectations regarding the needs principle, however, were only partly met. In line with the needs principle, applicants with no children were evaluated more negatively than applicants with children. Applicants with no partner, however, were evaluated more positively than applicants with a non-working partner, and applicants with a working partner were also evaluated more positively than applicants with a partner who does not work. This contradicts our expectation that applicants who were not able to rely on the income of a partner would be evaluated more positively because they were more in need of the job.

Our hypothesis regarding the role of socio-demographic variables holds for the ethnicity variable, but not for age or gender: applicants from a minority group who speak good Dutch were evaluated less positively than Belgian applicants. Women and 45-year-old applicants were not rated any differently than men or 25-year-old applicants, respectively.

We hypothesised that women, older respondents and respondents from ethnic minorities would place less importance on the corresponding socio-demographic characteristics of an applicant. These hypotheses can be confirmed in part, and partly rejected. Hypothesis 2a must be rejected. Women do not evaluate female applicants less negatively than men do. Moreover, the applicants’ gender is not a relevant characteristic when evaluating hiring decisions: not one subgroup differentiates between male and female applicants.

<table>
<thead>
<tr>
<th>VARIABLES</th>
<th>ESTIMATE</th>
<th>STANDARD ERROR</th>
<th>SIG.</th>
</tr>
</thead>
<tbody>
<tr>
<td>VIGNETTE DIMENSIONS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gender: (ref = male)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>female</td>
<td>.033</td>
<td>.027</td>
<td>.227</td>
</tr>
<tr>
<td>Age: (ref = 45 years)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25 years</td>
<td>.048</td>
<td>.029</td>
<td>.094</td>
</tr>
<tr>
<td>Ethnicity: (ref = Belgian)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minority, poor Dutch</td>
<td>-1.315</td>
<td>.034</td>
<td>.000</td>
</tr>
<tr>
<td>Minority, good Dutch</td>
<td>-0.082</td>
<td>.034</td>
<td>.015</td>
</tr>
<tr>
<td>Partner: (ref = non-working partner)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No partner</td>
<td>.165</td>
<td>.036</td>
<td>.000</td>
</tr>
<tr>
<td>Working partner</td>
<td>.070</td>
<td>.037</td>
<td>.065</td>
</tr>
<tr>
<td>Satisfaction of former employer: (ref = satisfied)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>not satisfied</td>
<td>-2.780</td>
<td>0.028</td>
<td>.000</td>
</tr>
<tr>
<td>Children: (ref = 2 children)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>no children</td>
<td>-1.150</td>
<td>.028</td>
<td>.000</td>
</tr>
<tr>
<td>R²</td>
<td>0.37</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
TABLE 2: HIERARCHICAL REGRESSION MODEL FOR SUBGROUPS OF RESPONDENTS: PARAMETER ESTIMATES AND SIGNIFICANCE LEVELS

<table>
<thead>
<tr>
<th>VARIABLES</th>
<th>GENDER</th>
<th>ETHNICITY</th>
<th>EDUCATIONAL LEVEL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Males</td>
<td>Females</td>
<td>Belgians</td>
</tr>
<tr>
<td>INTERCEPT</td>
<td>9,136**</td>
<td>9,280**</td>
<td>9,324**</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>VIGNETTE DIMENSIONS</th>
<th>VARIABLES</th>
<th>GENDER</th>
<th>ETHNICITY</th>
<th>EDUCATIONAL LEVEL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Males</td>
<td>Females</td>
<td>Belgians</td>
<td>Minority</td>
</tr>
<tr>
<td>INTERCEPT</td>
<td>8,956**</td>
<td>8,360**</td>
<td>8,642**</td>
<td>8,963**</td>
</tr>
</tbody>
</table>

**Hypothesis 2b can be confirmed. Respondents from ethnic minorities do not evaluate ethnic minority applicants who speak good Dutch more negatively than Belgian applicants, while Belgian respondents do evaluate ethnic minority applicants who speak good Dutch more negatively than Belgian applicants.**
Hypothesis 2c can be confirmed. Respondents in the younger age group evaluate the hiring of a 25-year-old applicant significantly more positively than the hiring of a 45-year-old applicant. Respondents in the older age groups do not differentiate between applicants of 25 and 45 years old in this way.

Additional differences can also be observed between the subgroups. Men evaluate younger applicants more positively than older applicants, while age is not a relevant factor for women or for the other subgroups. Women evaluate minority applicants who speak good Dutch significantly more negatively than majority applicants, while men do not make this distinction. In contradiction to the needs principle, men rate applicants with a working partner more positively than applicants with a non-working partner, while women make no distinction between these two groups of applicants. The level of satisfaction of a former employer is the most important predicting variable for all subgroups, and respondents who speak poor Dutch are evaluated significantly less positively by all subgroups. However, when we look at the strength of the predictors we can see that satisfaction level of the former employer is more important for Belgians than it is for minority respondents, and that the satisfaction level of the former employer becomes more important as a respondent’s educational level rises. Ethnic minority respondents evaluate applicants who speak poor Dutch less negatively than majority respondents.

Furthermore, we can see that there is one subgroup which employs only merit principles to judge the fairness of the hiring decisions in the vignettes, namely ethnic minority respondents. For all other subgroups, the merit dimensions are the most important, but socio-demographic variables and need principles are also taken into account (although it remains unclear how the partner variable should be interpreted).

Concluding remarks

Although the vignette design has been used for at least three decades to study the principles underlying statements about the fair distribution of desirable goods and circumstances (outcomes), to date there only limited attention has been paid to the role of the socio-demographic characteristics belonging to the people who receive these desirable outcomes. From an equal opportunities perspective, these characteristics are considered irrelevant factors, and are often targeted by anti-discrimination legislation. In this paper, we focus on one particular desirable outcome, namely paid work, and address the question of whether impartial spectators take socio-demographic variables into account when evaluating the fairness of a hiring decision. On the one hand, our results indicate that gender and age do not play significant roles in the evaluation of the hiring decision: vignettes in which the applicant was a man were not evaluated more positively than vignettes in which the applicant was
a woman. When analysing the effect of the applicants’ age in the vignettes, we find no discernable effect when analysing the total group of respondents, but there are two subgroups that differentiate between 25-year-old and 45-year-old applicants: male respondents preferred younger applicants, while women did not distinguish between older and younger applicants; and younger respondents evaluated younger applicants more positively, while older respondents did not make this distinction. On the other hand, however, we can see that ethnicity is a significant predictor of judgement on hiring the applicant: applicants with a non-Belgian name were rated less positively than respondents with a Belgian name. To prevent ethnic considerations being confounded by considerations based on possible minority language problems, we explicitly distinguished between ethnic minority applicants who speak good Dutch and ethnic minority respondents who do not speak good Dutch. Ethnic minority applicants who speak poor Dutch were evaluated negatively, which can be interpreted as a merit consideration. All subgroups agree on this principle, but the effect is less significant for respondents from a minority group. Applicants with a non-Belgian name who speak good Dutch were nevertheless evaluated less positively than applicants with a Belgian name. However, there are some differences between the subgroups: women rated non-Belgians less positively than men did; Belgians rated non-Belgians less positively than minority respondents did; respondents with low or middle educational levels rated non-Belgian applicants less positively than respondents with a high educational level did; non-working respondents rated non-Belgian applicants less positively, while working respondents did not differentiate between Belgian and non-Belgian applicants. Our results do not imply that current hiring practices are free of sexism or ageism, or that they are highly informed by racist considerations. On an abstract level, however, third party judges or impartial spectators appear to use ethnicity as a factor for judging the fairness of hiring situations. This seems to suggest acceptance of current hiring practices which include racist considerations.
TABLE 3: HIERARCHICAL REGRESSION MODEL FOR ALL RESPONDENTS WITH VIGNETTE AND RESPONDENT VARIABLES

<table>
<thead>
<tr>
<th>VARIABLES</th>
<th>Estimate</th>
<th>Standard error</th>
<th>Sig.</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTERCEPT</td>
<td>9.125</td>
<td>.272</td>
<td>.00</td>
</tr>
<tr>
<td>VIGNETTE DIMENSIONS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gender: [ref = male]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>female</td>
<td>.033</td>
<td>.027</td>
<td>.227</td>
</tr>
<tr>
<td>Age: [ref = 45 years]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25 years</td>
<td>.048</td>
<td>.029</td>
<td>.094</td>
</tr>
<tr>
<td>Ethnicity: [ref = Belgian]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minority, poor Dutch</td>
<td>-1.315</td>
<td>.034</td>
<td>.000</td>
</tr>
<tr>
<td>Minority, good Dutch</td>
<td>-.082</td>
<td>.034</td>
<td>.015</td>
</tr>
<tr>
<td>Partner: [ref = non-working partner]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No partner</td>
<td>.165</td>
<td>.036</td>
<td>.000</td>
</tr>
<tr>
<td>Working partner</td>
<td>.070</td>
<td>.037</td>
<td>.055</td>
</tr>
<tr>
<td>Satisfaction of former employer: [ref = satisfied]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>not satisfied</td>
<td>-2.780</td>
<td>.028</td>
<td>.000</td>
</tr>
<tr>
<td>Children: [ref = 2 children]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>no children</td>
<td>-.150</td>
<td>.028</td>
<td>.000</td>
</tr>
<tr>
<td>Respondent variables</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gender: [ref = male]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>.052</td>
<td>.064</td>
<td>.421</td>
</tr>
<tr>
<td>Ethnicity: [ref = Belgian]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minority, non-European descent</td>
<td>.118</td>
<td>.172</td>
<td>.493</td>
</tr>
<tr>
<td>Minority, European descent</td>
<td>.337</td>
<td>.121</td>
<td>.005</td>
</tr>
<tr>
<td>Educational level [ref = high]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low</td>
<td>-.244</td>
<td>.091</td>
<td>.008</td>
</tr>
<tr>
<td>Middle</td>
<td>-.348</td>
<td>.071</td>
<td>.000</td>
</tr>
<tr>
<td>Labour market position [ref = not working]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Working</td>
<td>.011</td>
<td>.085</td>
<td>.894</td>
</tr>
<tr>
<td>Family situation [ref = other]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single</td>
<td>.026</td>
<td>.156</td>
<td>.868</td>
</tr>
<tr>
<td>Single parent</td>
<td>.057</td>
<td>.188</td>
<td>.760</td>
</tr>
<tr>
<td>Partner, no children</td>
<td>-.059</td>
<td>.138</td>
<td>.646</td>
</tr>
<tr>
<td>Partner and children</td>
<td>-.025</td>
<td>.130</td>
<td>.850</td>
</tr>
<tr>
<td>Sexual orientation [ref = LGB]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heterosexual</td>
<td>.150</td>
<td>.173</td>
<td>.386</td>
</tr>
<tr>
<td>Age (in years)</td>
<td>-.015</td>
<td>.003</td>
<td>.000</td>
</tr>
<tr>
<td>R²</td>
<td>0.37</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Table 4: Hierarchical Regression Model for Subgroups of Respondents with Vignette and Respondent Variables

<table>
<thead>
<tr>
<th>VARIABLES</th>
<th>Males</th>
<th>Females</th>
<th>Belgians</th>
<th>Minority</th>
<th>Low</th>
<th>Middle</th>
<th>High</th>
<th>Working</th>
<th>Not working</th>
<th>25-40</th>
<th>41-55</th>
<th>56-70</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Vignette Dimensions*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gender: (ref = male)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>female</td>
<td>.021</td>
<td>.042</td>
<td>.040</td>
<td>-.012</td>
<td>.020</td>
<td>.016</td>
<td>.045</td>
<td>.020</td>
<td>.063</td>
<td>.024</td>
<td>.015</td>
<td>.063</td>
</tr>
<tr>
<td>Age: (ref = 45 years)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25 years</td>
<td>.120 **</td>
<td>-0.016</td>
<td>.038</td>
<td>.118</td>
<td>.064</td>
<td>.047</td>
<td>.042</td>
<td>.029</td>
<td>.091 *</td>
<td>.113 *</td>
<td>-.014</td>
<td>.064</td>
</tr>
<tr>
<td>Ethnicity: (ref = Belgian)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minority, poor Dutch</td>
<td>-1.22 **</td>
<td>-1.393 **</td>
<td>-1.363 **</td>
<td>-.886 **</td>
<td>-1.242 **</td>
<td>-1.390 **</td>
<td>-1.288 **</td>
<td>-1.256 **</td>
<td>-1.453 **</td>
<td>-1.414 **</td>
<td>-1.197 **</td>
<td>-1.368 **</td>
</tr>
<tr>
<td>Minority, good Dutch</td>
<td>-.078</td>
<td>-.084 *</td>
<td>-.091 **</td>
<td>.011</td>
<td>-.172 *</td>
<td>-.153 **</td>
<td>.018</td>
<td>-.037</td>
<td>-.182 **</td>
<td>.044</td>
<td>-.063</td>
<td>-.145 *</td>
</tr>
<tr>
<td>Partner: (ref = non-working partner)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No partner</td>
<td>.164 **</td>
<td>.181 **</td>
<td>.175 **</td>
<td>.060</td>
<td>.205 *</td>
<td>.123 *</td>
<td>.177 **</td>
<td>.146 **</td>
<td>.203 **</td>
<td>.127 *</td>
<td>.167 **</td>
<td>.211 **</td>
</tr>
<tr>
<td>Working partner</td>
<td>.114 *</td>
<td>.060</td>
<td>.074 *</td>
<td>.023</td>
<td>-.035</td>
<td>.119 *</td>
<td>.081</td>
<td>.072 *</td>
<td>.072</td>
<td>.092</td>
<td>.032</td>
<td>.097</td>
</tr>
<tr>
<td>Satisfaction of former employer: (ref = satisfied)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Children: (ref = 2 children)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>no children</td>
<td>-.121 **</td>
<td>-.174 **</td>
<td>-.165 **</td>
<td>-.019</td>
<td>-.218 **</td>
<td>-.115 *</td>
<td>-.140 **</td>
<td>-.128 **</td>
<td>-.201 **</td>
<td>-.154 **</td>
<td>-.107 *</td>
<td>-.211 **</td>
</tr>
<tr>
<td>*Respondent Variables*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gender: (ref = male)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>female</td>
<td>/</td>
<td>/</td>
<td>.064</td>
<td>-.146</td>
<td>-.077</td>
<td>.016</td>
<td>.142</td>
<td>.108</td>
<td>-.064</td>
<td>.102</td>
<td>.035</td>
<td>.062</td>
</tr>
<tr>
<td>Ethnicity: (ref = Belgian)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minority, non-European descent</td>
<td>-.576 *</td>
<td>-.197</td>
<td>/</td>
<td>/</td>
<td>.514</td>
<td>.048</td>
<td>-.108</td>
<td>.129</td>
<td>-.032</td>
<td>-.004</td>
<td>.154</td>
<td>1.030 *</td>
</tr>
<tr>
<td>Minority, European descent</td>
<td>.258</td>
<td>.414 *</td>
<td>/</td>
<td>/</td>
<td>.492 *</td>
<td>.468 *</td>
<td>.190</td>
<td>.448</td>
<td>.048</td>
<td>.298</td>
<td>.415 *</td>
<td>.289</td>
</tr>
<tr>
<td>Educational level (ref = high)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low</td>
<td>.111</td>
<td>-.532 **</td>
<td>-.297 **</td>
<td>.071</td>
<td>/</td>
<td>/</td>
<td>/</td>
<td>-.099</td>
<td>-.432 *</td>
<td>-.474 *</td>
<td>-.211</td>
<td>-.231</td>
</tr>
<tr>
<td>Middle</td>
<td>-.247 *</td>
<td>-.429 **</td>
<td>-.369 **</td>
<td>-.185</td>
<td>/</td>
<td>/</td>
<td>/</td>
<td>-.372 **</td>
<td>-.391 **</td>
<td>-.532 **</td>
<td>-.322 **</td>
<td>-.181</td>
</tr>
<tr>
<td>Labour market position (ref = not working)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Working</td>
<td>-.076</td>
<td>-.098</td>
<td>-.056</td>
<td>.427 *</td>
<td>.300</td>
<td>-.001</td>
<td>-.206</td>
<td>/</td>
<td>/</td>
<td>-.112</td>
<td>-.103</td>
<td>.297 *</td>
</tr>
<tr>
<td>Family situation (ref = other)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single</td>
<td>.044</td>
<td>.093</td>
<td>.037</td>
<td>-.049</td>
<td>-.089</td>
<td>-.050</td>
<td>.045</td>
<td>.095</td>
<td>.247</td>
<td>.060</td>
<td>-.169</td>
<td>.334</td>
</tr>
<tr>
<td>Single parent</td>
<td>.172</td>
<td>-.114</td>
<td>.011</td>
<td>.745</td>
<td>-.209</td>
<td>-.217</td>
<td>.339</td>
<td>.118</td>
<td>-.295</td>
<td>.287</td>
<td>-.242</td>
<td>.182</td>
</tr>
<tr>
<td>Partner, no children</td>
<td>.078</td>
<td>-.258</td>
<td>-.053</td>
<td>-.014</td>
<td>-.210</td>
<td>-.226</td>
<td>.074</td>
<td>.019</td>
<td>-.256</td>
<td>.004</td>
<td>-.232</td>
<td>-.426</td>
</tr>
<tr>
<td>Partner and children</td>
<td>.078</td>
<td>-.194</td>
<td>-.030</td>
<td>-.438</td>
<td>-.242</td>
<td>.118</td>
<td>.002</td>
<td>-.192</td>
<td>-.010</td>
<td>-.160</td>
<td>-.305</td>
<td></td>
</tr>
<tr>
<td>Sexual orientation (ref = LGB)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heterosexual</td>
<td>.005</td>
<td>.286</td>
<td>.061</td>
<td>1.008 *</td>
<td>.018</td>
<td>.031</td>
<td>.180</td>
<td>.130</td>
<td>.003</td>
<td>-.119</td>
<td>.441 *</td>
<td>.027</td>
</tr>
<tr>
<td>Age (in years)</td>
<td>-.017 **</td>
<td>-.014 **</td>
<td>-.016 **</td>
<td>-.012</td>
<td>-.009</td>
<td>-.009 *</td>
<td>-.023 **</td>
<td>-.013 **</td>
<td>-.022 **</td>
<td>/</td>
<td>/</td>
<td>/</td>
</tr>
<tr>
<td>R²</td>
<td>.34</td>
<td>.39</td>
<td>.39</td>
<td>.23</td>
<td>.28</td>
<td>.35</td>
<td>.42</td>
<td>.37</td>
<td>.36</td>
<td>.35</td>
<td>.36</td>
<td>.38</td>
</tr>
</tbody>
</table>
1. Supervisor of the project is Professor Jef Breda, University of Antwerp. I am thankful for his stimulating comments on earlier versions of this paper.

2. Calculated as the proportional reduction in prediction error by comparing the null-model with no predictors with the full model.

References


In search of a more democratic division of labour in society: applying the basic values of equality, freedom, solidarity and efficiency

WALTER VAN DONGEN

Abstract

This article is based on an international study into democratic division of professional and family work (Van Dongen, 2009, 2011a). The first section presents an integrated approach to human activities in society, starting from the basic view that all human activities are productive input-output processes, and that all people combine activities in a certain way in order to realise the desired combination of personal, social, material and financial benefits, at all stages of their lives. The second section formulates the overall normative concept of ‘democracy’ as a balanced combination of four basic values applied in all sections of society: equality, freedom, solidarity and efficiency. Consistent with this approach, section ‘Evolution of the division of professional and family labour’ outlines how the division of professional and family labour developed, from the ‘strong breadwinner model’ in the period 1950-1970 to the ‘moderate combination model’ in the period 1985-2005. We emphasise the overall similarities of this process in many countries and the major differences between those countries. Additionally, some recent insights into the division of professional labour and income in Flanders are discussed (Van Dongen, 2010). Section 4 then presents three normative models for the future division of professional and family labour, reflecting the major normative views in society. We argue that the Complete Combination Model is the most suitable one for countries aspiring to a truly democratic division of labour. In line with this policy model, a set of policy perspectives for the relevant societal fields is briefly presented.

Contact

Walter Van Dongen
Research Centre of the Flemish Government (SVR)
Boudewijnlaan 30
1000 Brussels, Belgium
walter.vandongen@dar.vlaanderen.be

Key words

integrated approach, division of professional labour and income, democratisation, policy models, policy perspectives
An integrated conceptual approach to human activities

In recent years an integrated approach to the daily lives and life courses of men and women within families and other organisations has been developed. All actors in society and their activities are explained in a general theoretical model, which covers all essential components of the societal system. The approach is consistent with the elemental concepts of modern physics, biology and evolutionary theory (Csani, 1989; Rohrlich, 1987; Nicolis and Prigogine, 1989; Prigogine, 1996a, 1996b). The new approach also incorporates the major theoretical perspectives on division of labour developed in the social sciences during recent decades (e.g. Gershuny, Godwin and Jones, 1994; Gershuny, 2000; Bianchi, Milkie, Sayer and Robinson, 2000; Windebink 2001, Gornick and Meyers, 2003; Hakim, 2003; Fuwa, 2004; Geist, 2005; Hook, 2005a, 2005b). We refer to Van Dongen (2009) for a more detailed explanation.

Daily life can be understood as the daily division of activities and their results, where the activities are the dynamic ‘vehicles’ of daily life during the life course. All activities of all subjects are seen as productive labour processes, i.e. material input-output processes that produce a certain valuable output and that are regulated by the general mechanism of human exchange. During the labour process, the input elements exchange certain aspects, resulting in output that differs qualitatively from the input. Labour is a central facet of all activities and is the ‘physical energy’ provided by all input elements. Figure 1 shows how various (categories of) input elements comprise different forms of labour or energy, which are combined in activities, in order to produce useful output.

The various means on the input and the output sides of activities are called the total capital or potential available, which is expressed at certain moments throughout the life course, using a certain time perspective (minute, hour, day, month, year, decade etc.). Because the total capital can never be determined exactly, it is expressed in terms of the quantity and quality of its main components:

- personal capital: cognitive and physical abilities, needs and satisfactions, affections and emotions, values, beliefs and attitudes and so on;
- social capital: the social position and available social network;
Individuals’ activities can be classified according to some main categories: paid professional labour, family labour, (voluntary) social labour, external education/care, leisure activities and personal care (Figure 2). These categories can be further subdivided into smaller categories depending on the goal of the analysis.

Men and women daily aim at a balanced combination of main activities, which has to provide the desired mix of personal, social, material and financial means at all stages of their lives. Each activity produces a certain output, which then becomes input for other activities. All activities are theoretically equally important: they provide each other with the right combination of personal, social, material and financial means. The differences between activities are gradual and relate to their basic functions and specific characteristics. The combination of family and professional work forms a central part of the daily lives of men and women.

Equally important is the life course perspective. At various stages of the life course, the division of activities and means changes. Many combinations within different families are possible according to gender, age, education and so on. In the short term, all individuals try to realise a positive result, i.e. a certain growth of total capital. However, failure and losses are common in the short term, which means that long term finality is expressed by an individual’s capacity to transform a negative development into a positive one.

The individual division of activities always takes place within a societal organisation. Here we emphasise the internal and external division of labour, which determines how activities and their results are divided among societal actors, in time and space. The internal division of time and means is referred to as labour organisation, while...
the external division of time and means among other subjects is called *market functioning*. This means that all subjects continually combine market transactions with internal transactions in various ways.

The division of time is very often analysed in terms of the position within the *family or household*. Each family (member) acquires input elements for the labour and exchange process outside the family through the external division of labour or market transactions. In the same way, output from internal division of labour provides input for activities and transactions with subjects outside the family. Complementary, professional and non-professional organisations must therefore be incorporated in the analysis of daily life.

**Towards a democratic division of professional and family labour**

The future development of labour division among men and women requires attention in all Western countries. In order to address this issue successfully, an adequate normative approach is needed to develop useful ‘normative future models’ or ‘policy models’. Figure 4 presents a new general approach, which uses democracy as the overall normative concept for (the various organisations of) society (Kruithof, 1980; Van Dongen, 1993, 2004a, 2004b, 2009, 2011b; Gratton, 2004; Pinxten, 2011). Democracy is defined as a *multidimensional* normative concept, which combines four basic values to be applied at all levels of society. *Democratisation of societal life*, then, is a progression towards a higher level of democracy in all areas of society.

The first value implies that all actors have sufficient freedom to determine their activities: selecting goals and means, deciding on procedures and timing, executing
actual processes and determining the destination and use of the results. The concept of freedom is closely related to that of diversity among actors.

A democratic society also demands sufficient equality among actors with respect to the division of time on both input and output sides. Equality refers to the relative position of the actors according to gender, age, education, abilities, origin and so on. Freedom and equality should not be seen as antipodes but as mutual levers and restrictors. Given the complex nature of society, certain grades of inequality will always occur. Society must then tackle any unacceptable inequalities.

Thirdly, sufficient solidarity must be developed among societal actors in order to support individuals with specific disabilities or dependencies. Solidarity mechanisms are chiefly related to an individual’s inability to find and retain paid work, due to age, long-term physical or mental disability, illness or forced unemployment. An efficient solidarity system requires sufficient collective means for social investment programmes, and a high level of responsibility among all people able to contribute because of their professional labour/income.

Finally, a democratic society must be sufficiently efficient, in the broad sense of the word, encompassing all personal, social, material and financial elements. Total efficiency means that the total value of an activity’s output is larger than the total value of its input, leading to a surplus value. At the same time, some partial efficiency measures must be met, such as financial efficiency.

The principle objective is to realise a solid combination of the four key values, within the general concept of democracy at all levels of society. Since perfect democracy is unattainable in practice, it is essential to initiate a process of democratisation in the daily lives of all subjects, on the basis of their actual situations. In order to support this process, important instrumental values, such as responsibility, respect, perseverance, patience, accuracy and honesty, must be permanently applied.

The general concept of democracy should be transferred to actual daily life through all organisations, starting from an integrated conceptual approach. In the first place, we can notice this transferral in the evolution from the traditional breadwinner model in the period 1950-1970 to the moderate combination model in recent decades. This will be the subject of the next chapter. We will then elaborate on useful policy models.
as a basis for policy debate. Finally, the most useful policy model must be determined in order to develop and apply an adequate set of policy perspectives.

**Evolution of the division of professional and family labour**

This section outlines the development of professional and family labour division between the periods 1950-1970 and 1985-2005. Additionally, some recent insights into the division of professional labour and income in Flanders are discussed. The tension between the fundamental values of equality, freedom and solidarity, in particular, will be examined.


Figure 4 presents the evolution of hours per week spent on professional labour (excluding commuting) for men and women aged 20-59 years in eight countries, during the period 1965-2000 (MTUS; Hook, 2005a, 2005b; technical information in Van Dongen (2009)). The figure expresses a reduction in inequality between men and women alongside key differences among countries, where the Netherlands is a notable outlier. In the last two decades shown, the disparity between men's and women's professional working hours decreases more slowly, revealing perhaps that policy in the period 1980-2000 was not as effective in tackling inequality as it had been in previous decades.

**FIGURE 4: AVERAGE NUMBER OF HOURS OF PROFESSIONAL LABOUR FOR MEN AND WOMEN (20-59 YEARS) IN SELECTED COUNTRIES (1965-2000) (VAN DONGEN, 2009)**
Figure 5 presents the evolution of hours per week spent on family labour in the same countries. The curves for men and women are now reversed. A discernible general reduction in inequality is evident, in this case with smaller differences among countries. Again, the difference between men and women decreased more slowly during the last two decades.

**Figure 5: Average Number of Hours of Family Labour for Men and Women (20-59 Years) in Selected Countries (1965-2000) (Van Dongen, 2009)**

**Figure 6: Typology of Families According to the Internal Division of Professional and Family Work (Van Dongen, 2009)**

The average division of time a week in seven family types

<table>
<thead>
<tr>
<th>Family Type</th>
<th>Time Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strong breadwinner family, very unequal male</td>
<td>P1 Man: PL 60, FL 10; P2 Woman: PC</td>
</tr>
<tr>
<td>Moderate breadwinner family, unequal male</td>
<td>P1 Man: PL 55, FL 20; P2 Woman: PC</td>
</tr>
<tr>
<td>Moderate combination family, unequal male</td>
<td>P1 Man: PL 50, FL 30; P2 Woman: PC</td>
</tr>
<tr>
<td>Complete combination family</td>
<td>P1 Man: PL 40, FL 30; P2 Woman: PC</td>
</tr>
<tr>
<td>Moderate combination family, unequal female</td>
<td>P1 Woman: PL 50, FL 40; P2 Man: FL 20, FL 10</td>
</tr>
<tr>
<td>Moderate breadwinner family, unequal female</td>
<td>P1 Man: PL 55, FL 20; P2 Woman: PC</td>
</tr>
<tr>
<td>Strong breadwinner family, very unequal female</td>
<td>P1 Man: PL 60, FL 10; P2 Woman: PC</td>
</tr>
</tbody>
</table>

PL = professional labour  FL = family labour  LT = leisure time  PC = personal care
Based on these pictures of historical evolution and on both Crompton’s (1999) and Gornick and Meyers’ (2003) historical analyses, we can distinguish three historical models during this long period. The models are based on a gradual typology of families with two adult partners for the combined total of hours of professional and family labour (Figure 6). The typology ranges from the strong male breadwinner family on the left through the complete combination family in the centre to the strong female breadwinner family on the right (Van Dongen, 2009). In the strong male breadwinner family (1), the man is responsible for (almost) all professional labour and the woman for (almost) all family labour. As we move towards the complete combination family in the centre (4), the relative shares of the man and the woman in professional and family labour become increasingly equal. As we then move from the complete combination family to the strong female breadwinner family (7), the division of labour again becomes more unequal but in the opposite way, i.e. the woman does the larger part of the paid labour and the man does the larger part of the family work.

The Strong Breadwinner Model (1950-1970)
During this period, the strong breadwinner family was the dominant family type in many Western countries. The majority of women had no or very little share in the total professional labour of the family, though a significant number of women did remain professionally active, mostly in full-time jobs. Around 1950, many Western European countries used the strong breadwinner family as a key reference point in the development of a welfare state, and introduced a number of structural policy instruments in order to support it. The societal context of the 1950s was optimal for legitimising this family type, particularly because it was a prevalent belief that families had a duty to raise their youngest children almost entirely at home. The breadwinner family was intensely supported by many governments (and their social partners) by means of discriminatory legislation and financial support within the fiscal system and public provisions.

The Moderate Breadwinner Model (1970-1990)
More and more women (re-)entered the labour market in the majority of Western countries during this period. Moreover, (married) women increasingly remained professionally active even after the arrival of children. The Strong Breadwinner Model was gradually losing its influence. As part-time jobs became more prevalent, the number of moderate breadwinner and moderate combination families increased. At the same time, the average number of hours of paid work performed by men decreased steadily. In this model, families’ ability to make choices regarding division of labour and the education of children allowed for more equal division of labour between men and women, for a stronger solidarity system and for increasing use of female resources in business life. Eventually, the division of household work began to change, with women’s share becoming smaller and men’s share increasing.
Figure 7: Distribution of Basic Activities (hours per week) in Four EU Countries, 1998-2000 (Van Dongen, 2009)

Italy Men

Women

Belgium Men

Women

UK Men

Women

Finland Men

Women

Men

Women

Leisure

Personal

Social

Family

Professional labour

Educate
FIGURE 8: DIVISION OF WORKING HOURS FOR MEN AND WOMEN IN EIGHT EU COUNTRIES, 1985-2003 (VAN DONGEN, 2009)
The Moderate Combination Model (1990-2010)

In this period, a Moderate Combination Model became evident in most Western countries, albeit with some variants, as combination families with more equal division of professional and family labour became the majority. The model had been supported by the emancipation movement for its endorsement of more equal division of time and means among men and women. This movement coincided with an increasing awareness of the importance of high(er) professional participation, in order to achieve a sufficiently high family income, a strong collective financial basis (solidarity system) and a more efficient use of women’s resources in business life. During the period 1990-2005, women’s total activity rate (share of professionally active women in the whole female population) increased almost continuously.

Next, we provide further empirical support for the period 1985-2004 using a number of indicators for selected European countries (Van Dongen, 2009). Additionally, some recent pictures of the division of professional labour and income in Flanders are presented (Van Dongen, 2010).


Figure 7 shows the distribution of men’s and women’s basic activities in Italy, Belgium, the UK and Finland in the period 1998-2000 (MTUS), emphasising the unequal division of professional and family work.

Figure 8 shows the division of working hours for men and women in eight EU countries, in 1985 and 2003. In recent years, this figure has been used for the normative future models addressed in section ‘Policy perspectives for the future division of labour’.

Both the general similarities and the gradual differences between the more traditional countries and the more modern countries are clear. The division of men’s working hours has not changed significantly over the last few decades. In Spain, Ireland...
and the Netherlands, the number of men without a job decreased, while in Belgium, the UK and Sweden it increased slightly and in Portugal and Denmark it remained unchanged. In the majority of countries, the number of men with a demanding job of more than 40 hours per week decreased, and this was especially the case in Ireland, the Netherlands and Belgium.

The picture for women is rather different. With the exception of the Scandinavian countries, all countries show a marked decrease in the number of women without a job, especially in countries where this number was still high in 1985 (Spain, Ireland, the Netherlands and Belgium). In Portugal and the UK, the same process occurred, though starting from a lower 1985 level. As a consequence, the previously large difference between men and women diminished to a considerable extent in these countries. In Ireland, Belgium and especially the Netherlands, the number of part-time jobs (1-9, 10-19 and 20-29 hours) grew significantly during the last two decades studied. In Denmark and Sweden, however, the number of women without a job remained at the same (lower) level. Although the difference between men and women in those countries was already (much) smaller than in other countries, it barely decreased at all during the last ten to twenty years. Here, the differences between Denmark and Sweden also become clear.

DIVISION OF HOURS OF FAMILY OR HOUSEHOLD WORK IN EU COUNTRIES (1998-2000)

Figure 9 illustrates how the number of hours of household work was divided in six EU countries. The curves for men are largely similar; the major difference concerns the share of men that had no hours of household labour. The curves for women show a larger difference between the countries, which is compatible with the corresponding larger difference for professional labour.

![Figure 10: Distribution of Flemish men and women (y-axis) according to working hours and monthly professional income (x-axis) (aged 18-64, excluding students) (1997 and 2009) (van Dongen, 2010)](image-url)
DIVISION OF PROFESSIONAL LABOUR AND INCOME IN FLANDERS (1997-2009)

Figure 10 shows the distribution of men and women (18-64 years) (excluding full-time students) according to number of working hours per week and monthly professional income, in 1997 and 2009. It is based on the 1997 SEP-survey (Socio-economic Panel; 4940 persons aged 18-64; CSB, 1997; Cantillon, De Lathouwer, Marx, Van Dam and Van Den Bosch, 1999) and the 2009 SCV-survey (Socio-cultural Changes in Flanders; 1011 persons aged 18-64; Carton, Vander Molen and Pickery, 2009).

This indicator expresses the gradual (un)equal division of working hours and professional income: a sharp decrease in the share of women without a job, a moderate increase in the share of women working 10-30 hours per week and a sharp increase in the share of women working 30-40 hours per week. To a lesser extent, the same changes also occurred among men.

The curves for professional income also show a lower share of men and women with no professional income in 2009. The 2009 curves lie further to the right, with more men and women in higher income groups, as a result of increasing participation rate, number of hours and nominal wages. The 2009 curves overlap more than those of 1997, illustrating the diminishing gap between men and women.

Next, Figure 11 shows the relative distribution of Flemish heterosexual couple families (Y-axis) for the share of women’s working hours and professional income in the total of both partners’ working hours and professional income (X-axis), in 1997 and 2009. The left-hand side of the X-axis shows families where the woman contributes 0% of all of the family’s working hours and professional income, while the right-hand side shows families where the woman contributes 100% of the total working hours and professional income (e.g. the man has no job). The middle part shows fami-
lies where the woman contributes 40%-60% of the family’s total working hours and professional income.

In view of a societal objective of more equal division of labour and income in couple families, the figures illustrate a positive evolution. The percentage of families in which the woman had no job and no income decreased from 35% in 1997 to 18% in 2009. This group shifted in part to the categories 20%-30% and 30%-40% since more women took a part-time job, but mostly became represented in the category 40%-50%. The ‘equal’ category 40%-50% counts for almost 40% of the total number of families. The share of the categories between 50% and 100%, however, did not change. Finally, Figure 12 presents the relative share of professionally active men and women for professional income per hour in 2009. The almost identical symmetrical clock curves illustrate the gradual equality of men and women. The 2009 curves lie further to the right, as a result of increased participation, number of hours and nominal wages. More importantly, the difference between men and women has decreased somewhat. The remaining difference in income per hour may decrease further if the positive progress of the last few years with respect to educational level, participation rate, number of hours, profession, sector and functional level can be continued (Van Dongen, 2009).

Policy perspectives for the future division of labour

POLICY MODELS FOR THE FUTURE DIVISION OF LABOUR
On the basis of evolving professional and family labour division and of the general concept of democratisation, we can formulate the following question: which normative future model could serve as an adequate guide for future development and future policy?
In order to answer this question, Figure 13 shows three normative models with long-term perspectives (2010-2050): the Strong Combination Model (SCM), the Complete Combination Model (CCM) and the Moderate Combination Model (MCM). Similar models can be presented for the future division of professional income and other means (Van Dongen, 2009, 2010).

All three models are symmetrical, expressing the importance of gender equality. The shape of the curve determines the level of equality: a narrower curve implies a higher degree of equality (with less free choice), while a wider curve implies a lower degree (with more free choice).

**Figure 13: Normative future models for the division of professional and family labour for individual men and women and for families (2030-2050) (Van Dongen, 2009)**
The upper part shows the desirable division of the total number of hours of professional and family work for all men and women in the professional population (macro level). The curves of professional and family work for men and women coincide in all three models, with a different scale on the X-axis: 0-70 hours for professional labour and 0-50 hours for family labour. The range of hours can, of course, be modified. The curves show that the division of hours of professional and family work must be symmetrical for the entire group of men and women. Each curve presents a possible normative answer to the current undesirable unequal division of professional and family work.

The middle part illustrates the desirable division of the total number of hours of professional and family work within couple families. Again, the curves for men and women’s professional and family work coincide, with a different scale on the X-axis: 30-110 hours for professional labour and 20-80 hours for family labour. The curves express the additional condition that couple families achieve a sufficient total number of hours of professional and family work in order to realise a decent welfare level. We refer to Cantillon, Marx and Van Den Bosch (2002), who draw attention to the high poverty risk for couple families with no professional work or income.

The lower part presents the desirable relative division of professional and family work between the partners of couple families, as a third condition for equality. The figures show the distribution of couple families (Y-axis) based on the relative share of the number of hours of women’s professional and family work in the total number of hours of the family’s professional and family work (X-axis). Again, the curves for men’s and women’s professional and family work coincide, with the same scale on the X-axis: 0%-100%, reflecting the gradual typology of the seven family types in Figure 6. The curves provide possible answers to the current unequal division of professional and family work within couple families.

The three idealised models can be used as reflective instruments and long-term guidelines in fuelling and orienting policy debate on the future division of labour. The main challenge is to identify the most adequate model from a perspective of solid democracy. Therefore, all major societal and political actors should explicitly indicate which model they would prefer as a guideline for their policy views. In this way, policy debate will become more transparent and efficient.

The three models formulate different policy messages for the future division of labour. The **Strong Combination Model (SCM)** aims at high professional participation of all men and women and at a largely equal division of professional and family labour, at individual and family levels, leaving less freedom for families to fall into an unequal division of labour. The **Complete Combination Model (CCM)** allows for all possible choices, combining relatively high participation of men and women with relatively equal division of professional and family labour and somewhat more freedom to divide labour less equally. The **Moderate Combination Model (MCM)** allows more
room for unequal division of professional and family labour, sacrificing the condition of equality to a larger extent.

THE COMPLETE COMBINATION MODEL AS A BASIS FOR AN INTEGRATED POLICY

Figure 13 expresses our central hypothesis that the Complete Combination Model (CCM) is the best future model for an adequate long-term policy in countries that aspire to a genuinely democratic division of labour. Of course, the issue is open for discussion, and range of models available supports constructive policy debate.

The starting point of the CCM is that the large majority of potentially professionally active men and women combine their basic activities in a balanced way throughout their life courses. In this way, they can fulfil both professional and family responsibilities and realise suitable combinations of personal, social, material and financial means. The upper part of the figure shows four identical curves: professional work (0-70 hours a week) and household work for men and women (0-50 hours a week). Largely in line with the current situation, the model essentially implies that a normal full-time job will count for around 35 hours a week (or 40 hours including commuting and overtime). At the same time, it offers sufficient diversity, from very light jobs (less than 10 hours a week) to very demanding jobs (up to 70 hours), according to the needs of families and organisations. Normal household tasks cover approximately 25 hours a week, with a broad variation from less than 10 hours a week to around 50 hours a week. The clock curve implies that paid jobs and household tasks occur less frequently when the number of hours becomes smaller or larger than the norm.

Differentiation according to life course stage is essential in the model: light jobs for students, demanding flexible jobs and fewer household tasks for men and women without children, jobs of 30-35 hours per week with somewhat more household tasks for parents, and lighter jobs for older people partially leaving the labour market. As shown in the lower part of the figure, the model implies that combination families dominate the large group of couple families. Family types with a more unequal division of labour, however, are also admitted to a certain degree.

The CCM offers a stable balance between the fundamental values of democracy (freedom, equality, solidarity and efficiency) with respect to the division of labour. All values are realised sufficiently and simultaneously in such a way that they continuously stimulate and restrict one another. Equality between men and women and within the family is crucial, but must be realised gradually, leaving access to all possible options. All individuals and families therefore have sufficient freedom to choose a division of labour that best suits their background and personal preferences, within the societal boundaries of the clock curve. The diversity of family types offered by the model is larger than the actual diversity of recent decades. What is more, the model largely satisfies the solidarity principle in that the share of professionally active men
and women is large enough and the societal cost of breadwinner families is kept to a minimum. Finally, the human capital of all men and women is used in a sufficiently efficient way, both for professional and family work.

The CCM also implies a new pedagogical view with respect to the position and education of children which is fully compatible with the concept of democratic division of labour among adult men and women. The pedagogical view states that all boys and girls may enjoy a ‘combined’ education of high quality from birth, both within and outside the family. A combined education allows for many combinations of internal and external education (Vandenbroeck, 2003; Van Dongen, 2011b).

POLICY PERSPECTIVES FOR REALISING THE COMPLETE COMBINATION MODEL

Our central hypothesis is that the Complete Combination Model (CCM) is the most adequate long-term guideline for future policy in all welfare states wishing to develop a genuinely democratic division of labour within families and organisations. The realisation of the CCM requires an integrated policy, both in the long and short term. ‘Integrated’ means that the key components are manipulated simultaneously in an interactive framework, for all relevant actors of society. Here we briefly present a number of long-term policy perspectives essential for realising the CCM. Van Dongen (2009) offers a more detailed presentation. These can also be compared with policy perspectives by other authors, such as Schmid and Gazier (2002) and Gornick and Meyers (2003).

a) Promoting a democratic division of labour and the Complete Combination Model

Firstly, it is necessary to promote the normative concept of democracy and democratisation in all areas of society. At the same time, the concept should be further elaborated upon using practical instruments. Furthermore, the Complete Combination Model must be widely promoted as the most appropriate policy model for democratic division of labour. In this way, attitudes toward the model can be positively influenced, leading to a positive effect on actual division of labour.

b) A consequent full employment policy for the professional population

The narrow traditional policy goal of full employment for the male breadwinner should be replaced by a general goal of full employment for all men and women that are potentially professionally active. The principle behind this goal is the combination of the rights and duties of all men and women with respect to professional labour and family labour. The right to sufficient professional labour (and professional income) and to sufficient family time is, as a result, closely related to the responsibility/duty of carrying out sufficient professional labour and family labour during the life course. The combination of a professional right and duty implies that professional organisations, both private and public, have a responsibility to create enough jobs.
Full employment then implies that all potentially professionally active men and women have access to sufficient hours of paid work – which is also fulfilling in terms of quality – during a sufficiently long career. The Complete Combination Model involves the gradual division of jobs in terms of the number of hours worked a week: 5, 10, 15... up to 60 hours. The 35-hour job becomes the new ‘normal full-time job’, with sufficient differentiation according to stage of life course and family context.

These conditions also require a clear definition of any possible temporary exemptions from professional labour and family labour. Recognised exemptions from professional labour then result in the right to an adequate replacement income. Several exemptions providing financial compensation are currently recognised by the social security system: illness, disability, retirement and forced unemployment (lack of jobs or lack of employability). The CCM entails a further improvement of these arrangements, as far as is possible and useful. However, the traditional right to stay at home (for a long period), with financial compensation, could no longer be maintained. This issue has already been discussed by Cuvilier (1979), who referred to the high societal cost of housewives, which was largely paid by professionally active women. The existing exemption for housewives should be replaced by a specific, temporary exemption, valid only in very specific or difficult family situations that do not allow both partners to combine a paid job with family work. This exemption for a relatively small group could then be combined with an adequate replacement income.

c) Transformation of the fiscal system

Any efficient policy should diminish the tax burden on human labour as opposed to that on non-human labour, in order to increase the number and quality of (low-skilled) jobs at all levels of society. Jobs in human intensive organisations that offer a variety of human services to individuals, families and companies, in particular, should be supported.

European countries which democratically want to realise the CCM (or a similar model) in the long term must adjust the fiscal tariff system (including both tax and social security tariffs; OECD, 2005) in a consistent and effectual way. A possible new tariff system can be implemented using three criteria. First, the total professional income of men and women remains the basis for calculating the total fiscal contribution, on the condition that the entire professional income is declared to the fiscal administration. A second criterion is the average number of genuine working hours a week. Based on the new normal full-time job of 35 hours a week, a gradual tariff system is possible, using increasing tariffs (in percentages) relative to the difference between the actual number of working hours a week and the norm. The third criterion is professional income per working hour, as the best expression of real earning capacity, in order to obtain accurate correlation between progressive tariffs and earning capacity. The fiscal tariffs (percentages of total income) then gradually increase with professional
income per working hour. For instance, a person earning €2000 a month working 40 hours per week would pay less tax than a person earning the same amount working only 30 hours per week. On the basis of these principles, a new progressive tariff system for income tax and social security contributions can be designed. For more explanation, see Van Dongen (2009).

d) Adequate leave arrangements as a bridge between professional and personal/family life
It is essential that basic working time corresponds sufficiently to family needs at different stages in life course. Introducing and developing the new system will help to diminish problems related to the daily combination of professional and family work. The CCM aims to improve existing leave arrangements in order to answer specific personal and family needs, but sufficiently avoiding extensive cumulative use. Alongside more general leave arrangements, some families require additional leave opportunities for specific or urgent family circumstances, such as illness of a child or other family member. When families are able to specify their preferred basic working time, they will need fewer additional leave arrangements. In this way, the CCM aims to minimise prolonged or complete interruptions to jobs. Each individual or family could be granted a certain amount of family leave credit, especially for short-term and acute family needs. The government should provide adequate financial compensation that will also encourage companies to support the arrangement. The level of financial compensation should decrease with the increasing extent and duration of family leave. In this way, more people in need can access family leave and receive adequate compensation while sufficiently preserving their professional position.

e) External daytime education/care for all children and parents
The CCM advocates a well-balanced combination of good education/care in the family and in external living arrangements (minder family, day-care centre, school, clubs, etc.) as a solid basis for children's development and for their parents' daily combination of family and professional work. The government should therefore invest in sufficient external education/care facilities for all children. Thus, external education/care for young children also becomes a basic provision for supporting education at home. External education should be coordinated as far as possible with existing nursery schools, in terms of pedagogical goals, organisation and financing. Moreover, sufficient additional external care (especially before and after school hours, during holidays and weekends or in periods of illness) must be available for all children, maximally coordinated with basic provisions for education/care. These provisions support parents in harmonising their family and professional lives.
f) Societal provisions for adults

First, all adults should have sufficient opportunities for pursuing additional lifelong learning during their life course, for their professional, family and social lives. In particular, (young) adults who have inadequate qualifications for one or more basic activities must be carefully supported.

Second, efficient mobility infrastructure is a permanent requirement in the daily combination of family and professional life (De Borger and Proost, 2001; De Borger, 2005, De Ceuster, 2004; Van Dongen, Danau and Vloeberghs, 2002). The main challenge is to diminish private car use and encourage the use of other means. One option is to increase the variable cost of private car use, related to a number of factors such as mileage, type and age of the car, and region, level and frequency of congestion. At the same time, the supply of decent, fast and frequent public transport (trains, trams and buses), between and within urban centres, must be increased, especially during rush hour. Appropriate prices should be charged in order to balance demand and supply. Furthermore, systems of carpooling, collective school transport and company transport should be encouraged, together with the use of bicycles and motorbikes over short distances. Finally, more opportunities are needed for working from home, in order to save time for certain daily family tasks and to reduce the transport burden.

In general, the cost of commuting could be treated as an integral part of an organisation's production costs, which would encourage organisations to find more efficient combinations for all employees and for the organisation as a whole. This may encourage organisations to employ people living closer to the workplace, with a lower subsequent cost of commuting.

It would also be useful to encourage the supply of household services which support the combination of professional and family labour. The model therefore enables various combinations of internal production and use of external services. A relatively low tax rate on these activities would encourage the supply of a broad variety of services, and would also encourage the creation of useful jobs for less qualified people.

Furthermore, the model aims to realise flexible opening hours for shops, services and public offices, sufficiently respecting the fundamental need of the majority of employees for normal working hours.

Finally, the CCM aims to offer older people an adequate and affordable combination of high-quality professional, family and social care. At the same time, older people should be encouraged to offer sufficient care to other (older) people in their neighbourhood, given their available time and competences. This could be achieved through local integrating ‘activity centres’ for older people, as a bridge between traditional home care and residential care. These centres could offer a variety of activities/services on the basis of adequate infrastructure and in an efficient organisational setting, combining cross-generational professional, family and voluntary labour in an efficient way.
Part 3. Equal Opportunities throughout the Life Course

g) Adequate combination policies in organisations

The CCM also aims at adequate combination management in professional organisations. In order to realise this, organisations could make use of professional counseling for the application of specific audit instruments developed in recent years. We refer to the German Work and Family Audit (‘Audit Beruf und Familie’; Leist, 2005), the European Work and Family Audit (Leist, 2005), the American instruments ‘When work works’ (Galinsky, 2005) and the Mass Career Customisation Model (Benko and Weisberg, 2007), and the Flemish ‘Family and Business Audit’ (FBA) (Danau and Van Dongen, 2002; Van Dongen et al., 2002; Van Dongen, 2005). Governments could encourage and support companies in applying such instruments as a basis for a new and effective combination policy.

The Flemish FBA was developed between 2000 and 2005 using several case studies. The FBA can be used in all types of professional organisation and deals with the various aspects of work organisation. The process and result of the FBA are integrated in the general management processes of the organisation. At the end of 2006, the FBA was ready for broad implementation in Flemish organisations. The actual implementation process, however, was far from efficient, and it would therefore be useful to reactivate and adjust this instrument and to develop an adequate implementation strategy.

References


Feelings of loneliness: differences between ethnic minority and majority group members in Belgium and their relation to minorities’ integration and ethnic attachment

KRIS VANCLUYSEN & MAARTEN VAN CRAEN

Abstract

The present paper first addresses differences in feelings of loneliness between ethnic majority and minority group members, and secondly examines the relationship between loneliness and integration and ethnic attachment among ethnic minority groups in Belgium. Data are used from a representative face-to-face survey among individuals of Flemish, Moroccan and Turkish descent (N=7440), conducted in two former coal mine communes (Houthalen-Helchteren and Genk) in Belgium’s north-eastern province of Limburg in 2006. Analyses show significant differences in loneliness scores between the ethnic groups. The highest scores were found among Turkish descendants and the lowest among the Flemish majority. Stepwise multiple regression analyses of sets of socio-demographic, integration and ethnic attachment variables illustrate that a higher level of integration is associated with lower experience of loneliness, and that the stronger an individual’s attachment to his or her own ethnic group, the lower the level of loneliness as far as social contact variables are concerned. Ethnic identity and ethnic media consumption are positively related to loneliness among Moroccan and Turkish minorities.
Introduction

Since the late 1970s, the study of loneliness has gained prominence in the fields of social, psychological and health research. Loneliness is generally understood as “the unpleasant experience that occurs when a person’s network of social relations is deficient in some important way, either quantitatively or qualitatively” (Perlman & Peplau, 1981: 31). It is a subjective phenomenon that should be clearly distinguished from objective social isolation. Loneliness may be one of the possible outcomes of social isolation but “socially isolated persons are not necessarily lonely, and lonely persons are not necessarily socially isolated in an objective sense” (de Jong Gierveld, van Tilburg & Dykstra, 2006: 486).

One consistent finding in the research literature on loneliness is that lonely people have a poorer quality of life and a rather negative outlook. Numerous studies have proven that feelings of loneliness are accompanied by lower levels of life satisfaction, lower levels of happiness and more negative perceptions of oneself and of others (e.g. Moore & Schultz, 1983; Goodwin, Cook, & Yung, 2001; Tsai & Reis, 2009). A large number of studies have also associated loneliness with severe mental disorders such as anxiety and depression, a series of physical illnesses and suicide (Lynch, 1977; Stravynski & Boyer, 2001; Cacioppo, Hawkley & Thisted, 2010). In line with these findings, a longitudinal study by Patterson and Veenstra (2010) has recently shown that loneliness increases the risk of mortality.

Patterns and predictors of loneliness are generally investigated among population groups that are considered to be at high risk of being lonely, such as elderly people (e.g. Donaldson & Watson, 1996; Wenger, Davies, Shahtahmasebi & Scott, 1996; Heylen, 2010; Heravi-Karimooi, Anoosheh, Foroughan, Taghi Sheyki & Hajizadeh, 2010) and adolescents (e.g. Brennan, 1982; Moore & Schultz, 1983; Çivitçi & Çivitçi, 2009). Only a limited number of studies to date have investigated loneliness among ethnic minority groups (Kim, 1999; Neto & Barros, 2000; Neto, 2002; Ajrouch, 2008). The present paper aims to advance knowledge of ethnic minorities’ feelings of loneliness and addresses the following research questions: (a) Do feelings of loneliness differ
between ethnic majority and minority group members? and (b) What is the relation of ethnic minorities’ feelings of loneliness to a series of integration and ethnic attachment variables? To answer these questions, we use data from a Belgian face-to-face survey conducted among individuals of Moroccan, Turkish and Flemish descent.

We begin by formulating hypotheses based on a brief literature review. Second, we describe the data and methodology. Third, we present our results, and finally, we discuss our findings and formulate conclusions.

Theoretical background

The literature contains ample evidence that being a member of an ethnic minority may be a risk factor for loneliness. From a psychological perspective, ethnic minority status increases the likelihood of loneliness as a result of lower ‘perceived similarity’. As both the similarity-attraction theory (Byrne, 1971) and social identity theory (Tajfel & Turner, 1986) suggest, people are likely to be attracted more to those who have the same ethnic background. In settings where these ‘similar others’ are few, such as in contexts of migration and integration, feelings of loneliness may arise. On the other hand, among minority group members that are strongly attached to their ethnic group – perhaps because they have many co-ethnic friends in the place of settlement – feelings of loneliness may be very low or even nonexistent.

From a sociological point of view, the process of integration in society itself may also affect experiences of loneliness among ethnic minority group members. At the individual level, integration involves “learning a new culture, an acquisition of rights, access to positions and statuses, a building of personal relations to members of the receiving society and a formation of feelings of belonging and identification towards the society” (Heckmann, 2006: 18). At societal level, integration concerns the behaviour and attitudes of the majority group and its institutions regarding ethnic minorities, in other words, the ‘treatment side’ (Phalet & Swyngedouw, 2003: 8). It is likely that the process of changing social frames of reference and transforming social relationships, whether accompanied by unequal and inappropriate treatment by the majority or not, has a measurable influence on ethnic minorities’ experiences of loneliness.

Loneliness among ethnic minority group members may be the result of what is termed the ‘double absence’ (Sayad, 2004, cited in Galent, Goddeeris & Niedźwiedzki, 2009). Migrants and ethnic minority group members often cease to be involved in the social networks to which they belong in their country of origin, yet at the same time do not succeed in building new social networks in the new country of residence. As a result, they may experience a double exclusion: in their home country minority group members are increasingly considered foreigners by their compatriots, while in the country of residence they continue to be considered by the majority as ‘strangers’. As Galent et al. (2009) argue, this may be a two-sided process: compatriots in
the home country become more and more foreign in the eyes of the migrant while, at the same time, the society of residence never becomes a real home for them. The idea of the ‘double absence’ has something in common with Robert Park’s concept of the ‘marginal man’ (1928). The marginal man refers to an individual who is “living and sharing intimately in the cultural life and traditions of two distinct peoples, never quite willing to break, even if he were permitted to do so, with his past and his traditions, and not quite accepted, because of racial prejudice, in the new society in which he now seeks to find a place” (Park, 1928: 892). A marginal man is depicted as an individual with an unstable character who is psychologically more distressed than a person who is not living on the edge of two cultures (Park, 1928; Cheng & Lively, 2009).

The following hypotheses are formulated: on the basis of the literature we expect that (1) the loneliness scores of ethnic minority group members are higher than those of majority group members. Furthermore we refer to integration and ethnic attachment as two strategies that could be used to avoid the phenomenon of a ‘double absence’ and hence reduce feelings of loneliness among minority group members. We expect that (2) better integration in society is associated with a lower level of loneliness and (3) a stronger attachment between minority group members and the ethnic group to which they belong results in reduced feelings of loneliness.

**Method**

**DATA**
To test our hypotheses, data were used from a representative face-to-face survey of the socio-cultural distance between Moroccan and Turkish minority groups and the Flemish majority in two former coal mine communes situated in Belgium’s north-eastern province of Limburg: Houthalen-Helchteren and Genk (see: Van Craen, Vancluysen & Ackaert, 2007). The Moroccan and Turkish minority groups living in the province of Limburg share a history of working in the local coal mine industries. Seven coal mines were established after coal was discovered in Limburg in 1901, including one in Houthalen-Helchteren and three in what is the modern-day territory of Genk. Although the coal mines have been closed for almost twenty years, first-generation Moroccan and Turkish immigrants and their second- and third-generation descendants still live in the province of Limburg. Moreover, due to family reunification and marriage migration, new emigration flows from Morocco and Turkey to the coal mine region have occurred over the years. According to municipal registers, Genk had a population of 10,108 people with a Turkish background and 2,840 with a Moroccan background in 2006 (out of a total population of 63,787). In addition, 1,887 people with a Turkish background and 1,105 with a Moroccan background were living in Houthalen-Helchteren (out of a total population of 29,945).
From the population registers of Genk and Houthalen-Helchteren a representative random sample was drawn within the age category of 15 to 70 years. This sample comprised sub-samples per municipality ($N_{Genk} = 650$; $N_{Houthalen-Helchteren} = 350$) and per ethnic group ($N_{Moroccan} = 300$; $N_{Turkish} = 300$; $N_{Flemish} = 400$). The criteria applied by the local population departments to determine ethnic background were ‘current nationality’, ‘nationality at birth’, ‘(former) nationality of parents’ and ‘country of birth’.

For any remaining Turkish- or Moroccan-sounding names, a manual check was carried out against personal data in the National Register (Rijksregister). The Flemish reference group was a subgroup of the native Flemish population in Genk and Houthalen-Helchteren. The sample comprised local respondents with a comparable frame of reference in terms of living environment. Standardised face-to-face interviews were conducted between March and May 2006. Interviews with minority group members were carried out by individuals fluent in Dutch and in either Turkish or a Moroccan language (Berber, Arabic).

The final sample consisted of 740 usable face-to-face interviews: 191 interviews with individuals of Moroccan descent, 265 interviews with individuals of Turkish descent and 284 interviews with individuals of Flemish descent. The non-response rates were 34% for the Turkish descendants, 49% for the Moroccan descendants and 53% for the Flemish descendants.

Approximately 40% ($N=298$) of the interviews took place in Houthalen-Helchteren and 60% in Genk ($N=442$). Checks on the generalisability of the final data samples were conducted by comparing them with the population. Only among the interviewees of Moroccan descent was there a significant difference compared to the wider population. The youngest age set (15-30 years) was overrepresented to the disadvantage of the oldest age category (51-70 years). As a result, answers from the respondents of Moroccan descent had to be weighed according to age.

**MEASURES**

The respondents’ loneliness was assessed by four items (“I miss a really good friend”; “I can always call on my friends”; “I miss having people around me”; “there is always someone I can go to with a problem”). These four items were adapted from items used in the ISPO loneliness measure (Billiet & De Witte, 1995).

Interviewees responded using a five-point Likert scale ranging from ‘strongly agree’ to ‘strongly disagree’. The scale consisting of the four items had an internal consistency of .72 (Cronbach’s alpha), which is an acceptable value for considering the items as a single construct (cf. Field, 2005).

In order to reveal differences in loneliness scores between the ethnic groups, an analysis of variance (ANOVA) was carried out to compare the mean loneliness scores of the three groups. To investigate the relation of loneliness among Moroccan and Turkish descendants to integration and ethnic attachment, stepwise multiple regression analyses were performed for these groups. We followed the method used by
Neto and Barros (2000) and Neto (2002) and regressed the measure of loneliness on sets of socio-demographic variables, integration variables and ethnic attachment variables. First, a stepwise regression was conducted on each set of variables separately. A final analysis was carried out on all significant predictors which had emerged from the three separate analyses. The analyses included the following variables:

**Socio-demographics**

Previous research (e.g. Weiss, 1973; Borys & Perlman, 1985; Page & Cole, 1991; Rokach, Orzeck, Cripps, Lackovic-Grgin & Penezic, 2001; Neto, 2002; Ajrouch, 2008; Heylen, 2010) has shown that levels of loneliness differ according to ethnic background, gender, age, length of residence, level of education, occupational situation and relationship status. For this reason, all of the above variables were taken into account in the analyses.

**Integration variables**

Measures of integration included in the analyses were majority language proficiency (measured using the proxy-variable ‘self-reported understanding of Dutch letters and leaflets’); the number of friends in the majority group (varying from ‘none’ to ‘more than ten’); the frequency of chatting with neighbours from the majority group (varying from ‘never’ to ‘every day’); the consumption of majority language media (a scale based on the frequency of reading Dutch-language newspapers and the frequency of watching Dutch-language television channels); the strength of majority group identity (a single five-point scale item running from ‘no feeling of being Belgian’ to ‘very strong feeling of being Belgian’); and perceived personal discrimination (a single item measuring the number of times the respondents felt they had been discriminated against during the previous twelve months, running from ‘never’ to ‘very often’).

**Ethnic attachment variables**

These included the number of co-ethnic friends (varying from ‘none’ to ‘more than ten’); the frequency of chatting with co-ethnic neighbours (varying from ‘never’ to ‘every day’); the consumption of ethnic media (a scale based on the frequency of reading Moroccan/Turkish newspapers and the frequency of watching Moroccan/Turkish television channels); the strength of ethnic identity (a single five-point scale item running from ‘no feeling of being Moroccan/Turkish’ to ‘very strong feeling of being Moroccan/Turkish’); and the frequency of contact with family in the country of origin (varying from ‘never’ to ‘almost every day’).

Table 1 provides an overview of the descriptives of the measures used in the regression analyses.
<table>
<thead>
<tr>
<th>VARIABLES</th>
<th>CODE</th>
<th>CATEGORIES</th>
<th>N</th>
<th>%</th>
<th>MEAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loneliness</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2,01</td>
</tr>
<tr>
<td><strong>SOCIO-DEMOGRAPHIC VARIABLES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ethnic background</td>
<td>0</td>
<td>Turkish descent</td>
<td>245</td>
<td>58,1%</td>
<td>0,42</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>Moroccan descent</td>
<td>191</td>
<td>41,9%</td>
<td></td>
</tr>
<tr>
<td>Gender</td>
<td>0</td>
<td>Female</td>
<td>216</td>
<td>47,3%</td>
<td>0,53</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>Male</td>
<td>240</td>
<td>52,7%</td>
<td></td>
</tr>
<tr>
<td>Age</td>
<td></td>
<td>15-70 years</td>
<td></td>
<td>33,3%</td>
<td></td>
</tr>
<tr>
<td>Length of residence</td>
<td></td>
<td>1-51 years</td>
<td></td>
<td>22,3%</td>
<td></td>
</tr>
<tr>
<td>Level of education</td>
<td>1</td>
<td>Up to primary</td>
<td>111</td>
<td>25,0%</td>
<td>2,27</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>Lower secondary</td>
<td>131</td>
<td>29,6%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>Upper secondary</td>
<td>173</td>
<td>39,0%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>College/university</td>
<td>28</td>
<td>6,3%</td>
<td></td>
</tr>
<tr>
<td>Occupational situation</td>
<td>0</td>
<td>Not active</td>
<td>179</td>
<td>40,3%</td>
<td>0,60</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>Active (working, studying)</td>
<td>264</td>
<td>59,7%</td>
<td></td>
</tr>
<tr>
<td>Relationship status</td>
<td>0</td>
<td>No partner</td>
<td>158</td>
<td>35,7%</td>
<td>0,64</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>Partner</td>
<td>284</td>
<td>64,3%</td>
<td></td>
</tr>
<tr>
<td><strong>INTEGRATION VARIABLES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Majority language proficiency</td>
<td>1</td>
<td>very poor</td>
<td>44</td>
<td>9,7%</td>
<td>3,86</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>poor</td>
<td>39</td>
<td>8,6%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>neither poor nor good</td>
<td>68</td>
<td>15,1%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>good</td>
<td>88</td>
<td>19,5%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>very good</td>
<td>212</td>
<td>47,1%</td>
<td></td>
</tr>
<tr>
<td>Number of friends in majority group</td>
<td>1</td>
<td>None</td>
<td>78</td>
<td>17,5%</td>
<td>3,58</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>1 - 2</td>
<td>51</td>
<td>11,5%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>3 - 5</td>
<td>60</td>
<td>13,4%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>6 - 10</td>
<td>50</td>
<td>11,2%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>&gt; 10</td>
<td>208</td>
<td>44,4%</td>
<td></td>
</tr>
<tr>
<td>Chatting with neighbours from majority</td>
<td>1</td>
<td>never</td>
<td>44</td>
<td>10,0%</td>
<td>4,34</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>a few times a year</td>
<td>33</td>
<td>7,4%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>about once a month</td>
<td>29</td>
<td>6,5%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>about once a week</td>
<td>78</td>
<td>17,7%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>several times a week</td>
<td>138</td>
<td>31,2%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6</td>
<td>every day</td>
<td>120</td>
<td>27,2%</td>
<td></td>
</tr>
<tr>
<td>Consumption of majority media</td>
<td>1-5</td>
<td></td>
<td></td>
<td>3,16</td>
<td></td>
</tr>
<tr>
<td>Majority identity</td>
<td>1</td>
<td>no feeling of being Belgian</td>
<td>106</td>
<td>24,3%</td>
<td>2,76</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>slight feeling of being Belgian</td>
<td>43</td>
<td>9,9%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>moderate feeling of being Belgian</td>
<td>158</td>
<td>36,2%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>strong feeling of being Belgian</td>
<td>109</td>
<td>25,0%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>very strong feeling of being Belgian</td>
<td>20</td>
<td>4,6%</td>
<td></td>
</tr>
<tr>
<td>Perceived discrimination</td>
<td>1</td>
<td>never</td>
<td>258</td>
<td>58,3%</td>
<td>1,96</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>once</td>
<td>38</td>
<td>8,5%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>a few times</td>
<td>94</td>
<td>21,3%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>several times</td>
<td>25</td>
<td>5,6%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>often</td>
<td>14</td>
<td>3,2%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6</td>
<td>very often</td>
<td>14</td>
<td>3,1%</td>
<td></td>
</tr>
</tbody>
</table>
Results

DIFFERENCE IN LONELINESS SCORES BETWEEN ETHNIC GROUPS
A comparison of loneliness scores between the ethnic groups studied reveals that the level of loneliness is highest in the Turkish community and lowest in the Flemish majority group (see Table 2). Respondents of Moroccan origin fall between the Turkish and Flemish groups. A post hoc Tukey HSD test showed that for each pair of groups the difference between group means is significant.

LONELINESS, INTEGRATION AND ETHNIC ATTACHMENT
The first stepwise regression conducted with the socio-demographic variables indicated that, of the seven variables, four were significant predictors of loneliness
among people of Moroccan and Turkish origin: length of residence in Belgium, age, level of education and gender. Those who had lived in Belgium for a longer period, younger people, the highly educated and men experienced less loneliness than those who had lived in Belgium for only a short time, the elderly, the less-highly educated and women. Together, the significant socio-demographic variables predicted 15% of the variance in loneliness ($R^2$). Ethnic background, occupational situation and relationship status were not found to be significant predictors of loneliness.

With regard to the integration variables, a separate analysis showed that majority language proficiency, majority identity and the number of friends in the majority group were negatively associated with experiences of loneliness. Perceived discrimination increased the level of loneliness among Moroccan and Turkish minority group members. Majority language proficiency was found to be the strongest predictor and accounted for 13% of the explained variance. Together, the integration variables predicted 22% of the variance in loneliness. Frequency of chatting with neighbours from the majority group and majority media consumption were not significantly related to experiences of loneliness.

A stepwise regression of loneliness on ethnic attachment variables indicated that all variables included in the analysis were significant predictors of loneliness. The strongest predictor was the number of co-ethnic friends. This variable explained 12% of the variance in loneliness. The other four variables were found to be significant in the following order of strength, from strongest to weakest: frequency of contact with family in the country of origin, ethnic identity, frequency of chatting with co-ethnic neighbours and consumption of ethnic media. With respect to the direction of the relationship with loneliness, the analysis clearly shows that the social contact variables are negatively related to loneliness. Strength of ethnic identity and the degree of ethnic media consumption, on the other hand, are positively associated with experiences of loneliness.
A final regression analysis included all variables found to be significant during the separate analyses. From this analysis, four significant predictors of loneliness emerged. Majority language proficiency was the strongest predictor and explained 15% of the variance. The second strongest was the number of co-ethnic friends, followed by majority identity and perceived discrimination. Together, the four significant variables predicted 29% of the variance in loneliness scores.

### TABLE 3. LONELINESS REGRESSED ON SOCIO-DEMOGRAPHIC, INTEGRATION AND ETHNIC ATTACHMENT VARIABLES

<table>
<thead>
<tr>
<th>SOCIO-DEMOGRAPHIC PREDICTORS (STEPWISE)</th>
<th>R</th>
<th>R²</th>
<th>BETA</th>
<th>T</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Length of residence</td>
<td>.22</td>
<td>.05</td>
<td>-0.22</td>
<td>-3.85 ***</td>
</tr>
<tr>
<td>2 Age</td>
<td>.34</td>
<td>.11</td>
<td>0.29</td>
<td>4.81 ***</td>
</tr>
<tr>
<td>3 Level of education</td>
<td>.37</td>
<td>.14</td>
<td>-0.16</td>
<td>-2.68 **</td>
</tr>
<tr>
<td>4 Gender</td>
<td>.38</td>
<td>.15</td>
<td>-0.11</td>
<td>-2.06 *</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>INTEGRATION PREDICTORS (STEPWISE)</th>
<th>R</th>
<th>R²</th>
<th>BETA</th>
<th>T</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Majority language proficiency</td>
<td>.36</td>
<td>.13</td>
<td>-0.36</td>
<td>-6.51 ***</td>
</tr>
<tr>
<td>2 Majority identity</td>
<td>.41</td>
<td>.17</td>
<td>-0.21</td>
<td>-3.58 ***</td>
</tr>
<tr>
<td>3 Perceived discrimination</td>
<td>.45</td>
<td>.20</td>
<td>0.18</td>
<td>3.35 ***</td>
</tr>
<tr>
<td>4 Number of friends in majority group</td>
<td>.47</td>
<td>.22</td>
<td>-0.16</td>
<td>-2.48 *</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ETHNIC ATTACHMENT PREDICTORS (STEPWISE)</th>
<th>R</th>
<th>R²</th>
<th>BETA</th>
<th>T</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Number of co-ethnic friends</td>
<td>.34</td>
<td>.12</td>
<td>-0.34</td>
<td>-6.21 ***</td>
</tr>
<tr>
<td>2 Contact with family in country of origin</td>
<td>.39</td>
<td>.16</td>
<td>-0.32</td>
<td>-5.94 ***</td>
</tr>
<tr>
<td>3 Ethnic identity</td>
<td>.41</td>
<td>.17</td>
<td>0.12</td>
<td>2.22 *</td>
</tr>
<tr>
<td>4 Chatting with co-ethnic neighbours</td>
<td>.42</td>
<td>.18</td>
<td>-0.11</td>
<td>-2.05 *</td>
</tr>
<tr>
<td>5 Consumption of ethnic media</td>
<td>.44</td>
<td>.19</td>
<td>0.13</td>
<td>2.15 *</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SOCIO-DEMOGRAPHIC, INTEGRATION AND ETHNIC ATTACHMENT PREDICTORS (STEPWISE)</th>
<th>R</th>
<th>R²</th>
<th>BETA</th>
<th>T</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Majority language proficiency</td>
<td>.39</td>
<td>.15</td>
<td>-0.39</td>
<td>-6.87 ***</td>
</tr>
<tr>
<td>2 Number of co-ethnic friends</td>
<td>.49</td>
<td>.24</td>
<td>-0.31</td>
<td>-5.70 ***</td>
</tr>
<tr>
<td>3 Majority identity</td>
<td>.52</td>
<td>.27</td>
<td>-0.17</td>
<td>-3.06 **</td>
</tr>
<tr>
<td>4 Perceived discrimination</td>
<td>.54</td>
<td>.29</td>
<td>0.14</td>
<td>2.75 **</td>
</tr>
</tbody>
</table>

***p ≤ 0.001; **p ≤ 0.01; *p ≤ 0.05.
Discussion

The aim of this study was twofold: to discover differences in feelings of loneliness between ethnic minority and majority group members and to advance knowledge on the relationship between loneliness and integration and ethnic attachment among Moroccan and Turkish minority group members. Besides its specific focus on Turkish and Moroccan descendants living in Belgium, important innovations of this study include the analysis of loneliness in relation to different aspects of integration and ethnic attachment, and the focus on all age groups, by means of a representative sample.

With regard to the first research question, an analysis of variance found support for the hypothesis that members of ethnic minority groups feel more lonely than majority group members. Individuals of Turkish descent had the highest loneliness score.

Two hypotheses were put forward regarding the relation of loneliness to integration and ethnic attachment. The first hypothesis, which assumed that better integration in the society of residence is accompanied by reduced experiences of loneliness, was supported. A stepwise regression analysis on a set of integration indicators showed that a good command of the majority language, strong identification with the majority group and having many friends in the majority group led to reduced experiences of loneliness, and, in addition, the more discrimination respondents perceived, the more loneliness they reported. These findings indicate that integration both at individual level and at the level of the ‘treatment side’ reduces feelings of loneliness.

The second hypothesis argued that stronger attachment of ethnic minority group members to their ethnic community reduces feelings of loneliness. A stepwise analysis including five ethnic attachment variables supported this hypothesis as far as social contacts were concerned. The more friends Moroccan and Turkish descendants had in their own ethnic communities, the more contact they had with family members in their countries of origin and the more frequently they chatted with their co-ethnic neighbours, the less loneliness they reported. With regard to the strength of ethnic identity and the consumption of ethnic media, the relationship was reversed: the stronger their ethnic identity and the more frequently ethnic media were consumed, the more Moroccan and Turkish descendants experienced loneliness.

When socio-demographic, integration and ethnic attachment variables were included in one analysis, three integration variables and one ethnic attachment variable emerged as significant predictors of loneliness. The strongest predictor of loneliness was majority language proficiency, followed by the number of co-ethnic friends, the strength of majority identity and level of perceived discrimination. No socio-demographics were significant in combination with integration and ethnic attachment variables, which indicates that these are less important in explaining differences in loneliness among Moroccan and Turkish minority groups.
In sum, we can conclude that integration in the receiving society reduces experiences of loneliness among Turkish and Moroccan minority group members. Majority language proficiency, in particular, is associated with a decrease in experiences of loneliness. With regard to ethnic attachment, only intra-ethnic social contacts were found to be important in reducing the level of loneliness.

These findings clearly stress the importance of social capital (cf. Putnam, 2000), both bonding (within homogeneous ethnic groups) and bridging (between different ethnic groups), in order to reduce loneliness among individuals of Moroccan and Turkish origin. Moreover, analyses by Van Craen, Vancluysen and Ackaert (2007) have shown that a high level of bonding social capital does not hamper social contacts with the majority group (bridging social capital): minority group members well endowed with bonding social capital also acquire bridging social capital. Hence, both types of social capital mutually reinforce each other in a positive sense and are essential in alleviating loneliness.

In contrast with previous research (cf. Neto & Barros, 2000), this study found that loneliness was higher among those respondents with a strong ethnic identity. Strong identification with the majority group, on the other hand, was related to reduced experiences of loneliness. A possible explanation for the positive association between ethnic identity and loneliness might be the different experience of ethnic minorities’ inferior position in Belgian society (e.g. on the labour market or in the educational system). This consciousness might be stronger among those with a strong ethnic identity and might, as a result, increase feelings of loneliness. An interesting question for additional research is whether a hyphenated or bicultural identity, implying a combination of multiple identities (cf. Hutnik, 1991; Bélanger & Verkuyten, 2010), increases or decreases feelings of loneliness among ethnic minorities. A study by Phinney, Horenczyk, Liebkind & Vedder (2001) showed, for instance, that identification with both one’s own ethnic community and with the majority group corresponds to higher levels of overall well-being than does an exclusive identification with one’s own ethnic group. Future research could provide us with greater insight into the relationship between bicultural identity and loneliness among ethnic minority group members.

A finding that has also appeared in previous investigations (cf. Neto & Barros, 2000; Neto, 2002) is the association between perceived discrimination and loneliness: the more discrimination Moroccan and Turkish descendants perceived, the more lonely they felt. This finding is in line with the large body of literature addressing the association between perceived discrimination and poor psychological health (e.g. Finch, Kolody & Vega, 2000; Jasinskaja-Lahti, Liebkind & Perhoniemi, 2006; Todorova, Falcón, Lincoln & Price, 2010).

The results of this study are important for integration policy makers, as they suggest that investing in the language proficiency of ethnic minority group members, enhanc-
ing a feeling of belonging to the majority group and combatting discrimination all result in a reduction of loneliness among Moroccan and Turkish minority group members. Findings should, however, be interpreted with appropriate caution, since they are based on a cross-sectional data set. Consequently, it is not possible to make inferences about causality. A relationship between perceived discrimination and feelings of loneliness, for example, may indicate that experiences of discrimination result in increased experiences of loneliness. However, the opposite may also be true, in that a high level of loneliness may affect an individual’s perception of discrimination. Longitudinal research is needed to address the causal relationships in full. Another limitation of this study is the lack of available information on the underlying correlation between sociodemographic, integration and ethnic attachment variables. More research is required to better understand the complex relationships between those variables, in order to provide further insight into their relation to loneliness.

**Notes**

1. Since the drastic relaxation of Belgium’s naturalisation laws, large numbers of people of Turkish and Moroccan descent have acquired Belgian citizenship. To use ‘current nationality’ as the sole criterion would not be sufficient in creating a realistic picture of the target group.
2. Respondents from the effective samples that could not be reached or refused participation were replaced by respondents with similar age and gender from the reserve samples.
3. ISPO: Instituut voor Sociaal en Politiek Onderzoek.
4. Post hoc test: Tukey HSD.

**References**


The aim of this paper is to investigate the importance of both life course events and social stratification determinants as predictors of poverty entry. Social background variables like social class, gender or education level are influential indicators of social inequality. Lately though, studies on poverty dynamics have emphasised the importance of life course events as immediate predictors of poverty entry. Life transitions such as leaving the parental home, divorce, the birth of a child, or losing one's job increase an individual's risk of entering poverty. Some authors have suggested that societal change in advanced societies means that individual's life courses have become less predictable and more insecure. This chapter will review the existing literature on life course and social stratification explanations of poverty, as well as the tensions and links between the two explanatory frameworks. In the empirical part, we will assess the importance of the life event approach to poverty in combination with the traditional social stratification approach. Firstly we examine the social stratification context in which life events occur. Secondly, random effects discrete-time hazard models in thirteen European countries show the relative importance of life course events and social stratification determinants as predictors of poverty entry.
Life course and longitudinal analyses of poverty

It has often been argued that the occurrence of poverty should be studied from a life course perspective. According to this perspective, the experience of a poverty spell is understood as a passage in a person’s life trajectory. The focus on dynamic and life course aspects of poverty is not new. One of the pioneering social scientific works on poverty that of Seebohm Rowntree (1902) in the English town York, reported of a life cycle of needs and resources for working class people. He finds that a typical working class life is characterized by five alternating periods of deprivation and comparative wealth. The periods of hardship are: childhood, early middle life with childrearing and old age after work retirement. The periods in between are characterised by relative wealth. Rowntrees is also clearly aware of the longitudinal implications for the reporting on poverty figures for social policy purposes. He states that “The proportion of the community who at one period or other of their lives suffer from poverty to the point of physical privation is therefore much greater, and the injurious effects of such a condition are much more widespread than would appear from a consideration of the number who can be shown to be below the poverty line at any given moment” (Rowntree, 1902: 169-172). Apart from Rowntree’s account, until relatively recently, poverty researchers have given relatively little attention to the temporal aspect of poverty experiences. The most established accounts of the longitudinal dimension of poverty have focused on downward careers into long-term poverty or the inter-generational transmissibility of poverty (Leisering & Walker, 1998). Only with the availability of mature socio-economic household panel data and the advancement of longitudinal research techniques in the 1980's, a major upsurge in the attention for poverty mobility over the life course has seen daylight. In the USA, Bane and Ellwood were innovating by taking periods or spells of poverty as the unit of analysis (Bane & Ellwood, 1986). Their results have shown that most of the people who ever become poor, will have only a short stay in poverty, but at the same time the majority of people in poverty at a given time will have long spells of poverty before they escape. Also in Europe, most poverty spells are short, but a substantial share of the ones experiencing poverty go through repeated spells (Fouarge & Layte, 2003; OECD, 2001). Besides
studying the duration of poverty spells, socio-economic researchers have also been interested in the typical life course events associated with poverty entry or exit. Di Prete and Mc Manus (2000) point to effects of changes in employment status – from work to no work and opposite – and, especially for women, of partnership changes – union formation or dissolution. In their work on social assistance claimers, Leisering and Leibfried (1999) have studied temporary periods of benefit claiming in the context of biographical life phases of unemployment, child bearing, migrating etc. Other triggering life events occur when a child starts his/her own household and when new persons enter the household (baby, partner, etc.) (Jenkins, 1999; Fouarge & Layte, 2003). Risk periods for poverty are among others young adulthood, the retirement phase, being unemployed, lone parenthood, periods of sickness... (Alcock, 1997; Barnes, Heady, & Middleton, 2002; Biewen, 2003; Finnie, 2000; Fouarge & Layte, 2003; Leisering & Leibfried, 1999; OECD, 2001; Whelan, Layte, & Maitre, 2003).

The social stratification of poverty experiences

Social stratification is the social structures through which different actors have unequal access to valued resources, services and positions in society (Kerbo, 2000). Income and poverty inequality is regarded as one of the most salient inequalities. Research results have shown that poverty is unequally spread over different social classes, gender groups, education levels, ethnicity groups etc. Traditionally, the social stratification of a society is measured in terms of the distribution and structure of occupational positions in that society. According to the theoretical background, people’s occupations are assessed on the basis of their prestige, social status or the social class they belong to. For what concerns the social class inequality in poverty risk, research from the 1960’s and 1970’s show an income cleavage between manual and non-manual occupational positions (Dronkers & Jong, 1979; Townsend, 1979; Wright, 1979). More recent research does not report a strict manual/non-manual occupational divide anymore in income terms, especially when distinguishing the different occupational groups within these two broad categories. Several authors confirm the conclusion that low skilled, routine non-manual occupations obtain similar or even lower incomes than people in blue collar occupations, and this pattern is largely similar over different Western European countries (Crouch, 1999; Schooler & Schoenbach, 1994).

During the 20th century, education level has become a key factor for life chance. The reason for the increased attention for education, is that it is seen more as an achieved position than social class. For many employers, education level is a clear determinant of merit and a main indicator of a person’s abilities and job performance (Teichler, 2001; Van Hoof, 1998). However, plenty of social science studies have shown that the educational level a person attains is in most countries greatly linked to the fam-
Part 3. Equal opportunities throughout the life course

ily background (Blossfeld & Shavit, 1993; Coleman et al., 1966). Theoretically, Pierre Bourdieu argues that cultural capital, often operationalised as education level, can be transformed in economic capital (Pels, 1992). The majority of empirical studies in this area, however, are based on the economic notion of human capital. In this perspective, education is seen as an investment and it is supposed to increase an employee’s productivity. Provided that higher productivity leads to higher wages, a higher education level will increase an employee’s lifetime earning power (Tachibanaki, 2001).

A last determinant of social position we discuss is gender. In most industrialised countries there is a gender poverty gap, in the sense that the share of women in poverty is larger than the share of men (Casper, McLanahan, & Garfinkel, 1994; Christopher, England, McLanahan, Ross, & Smeeding, 2001). An exception is Sweden, where the gender poverty gap is reversed; women’s poverty rates are lower than men’s rates. During the second half of the 20th century poverty became rapidly a female problem, and the term ‘feminisation of poverty’ was introduced (Pearce, 1978). The reasons for the gender poverty gap are sought in three major areas: the labour market, the family structure and the welfare state (Bianchi, 1999; Budowski, Tillmann, & Bergman, 2002; Christopher, England, Smeeding, & Phillips, 2002; McLanahan & Kelly, 1999; Peterson, 1987). The labour market position of women is generally worse than that of men. Even though the labour force participation of women has increased a lot over the past decades, women still earn less than men and are overrepresented in a limited range of low-paid and less influential jobs. Next to that, demographic trends have instigated changes in the family structure. During the past decades the number of single female families has increased. The age difference in mortality between men and women have led to the phenomenon that many women live alone in later age. Also the high divorce rates and the increasing number of children born outside marriage have caused a substantial number of women to be living alone or in single mother families. For many women, their position in the labour market does not allow them to gather a sufficient income and live an independent life. Children bring an extra financial burden in lone parent families, and especially single mothers suffer from high poverty rates (Christopher et al., 2001). Lastly, also the welfare state affects the gender poverty gap, creating differences between countries. In both Sweden and the Netherlands for instance, the gender poverty gap is especially low. This is attributed to generous social transfers in the Netherlands, and the government’s focus on full labour market participation in Sweden (Casper et al., 1994; Christopher et al., 2002; McLanahan & Kelly, 1999)

Is there tension between the life course and social stratification perspectives?

Some authors have argued that in the light of current societal evolutions in industrialised nations, an understanding of the life course dynamics of poverty has meant
that the importance of social stratification has diminished. With increasing flexibility and precariousness in the labour market, increasing divorce rates, and the diversification of family forms, more and more people have a life course which deviates from the standard biography (Beck, 1986; Beck & Beck-Gernsheim, 1996). Events like change of job, divorce, unemployment or leaving the parental home can create major breaks in ones biography, entailing social risks like e.g. becoming poor. Because there is a wide range of possible life trajectories, there is also a diversification of the ways into poverty and hence heterogeneity within the population of poor people (Berger, 1994). Authors like Ulrich Beck see the latter as a sign of the weakening of the hierarchical model of social stratification (Beck, 1992). He argues that traditional structures of social inequality are losing their relevance because ‘old’ vertical inequality is supplemented by new horizontal inequalities, “beyond classes and stratums” (Beck, 1986: 121). In their study on social assistance claimants in Bremen, Leisering and Leibfried see a tendency towards democratization of the poverty risk. They think that poverty has become a social risk, not only for marginalised groups in society, but increasingly for a larger section of society. The poverty risk transcends social boundaries, so that many people run the risk of becoming poor, at least temporarily (Leisering & Leibfried, 1999). Mayer (1991) argues that proponents of the individualisation debate have replaced ‘inequality’ by ‘life course’ as the chief structuring principle of society.

However, not all authors see a tension between modern day life courses and social structure. Mayer and Tuma (1990) describe the life course as an element of social structure that is a product of individual action and organisational processes as well as institutional and historical forces. It refers to socially patterned trajectories, not to individual biographies. Also empirically, some authors have disapproved of the disappearing influence of social stratification. Layte and Whelan (2002) have disapproved of the validity of the democratisation and biographisation aspects of poverty. They have shown that traditional social stratification variables, such as social class, education and employment status are still important predictors of poverty duration outcomes. The inequality in poverty risk between manual working class and non-manual class didn’t diminish when data from 1989 were compared to figures from 1995.

Other authors have tried to study structural and life course perspectives of inequality simulataneously. There is a research stream focusing on the question whether structural inequalities persist, diminish or even worsen over a person’s lifetime. O’ Rand (1996) speaks of stratification over the life course whenever a process of cumulating advantages or disadvantages over the life time leads to increasing differentiation and inequality when cohorts grow older. Several researchers have found that for instance wage inequality and occupational status inequality widen over the lifecourse (Maume, 2004; Mayer & Blossfeld, 1990; Miech, Eaton, & Liang, 2003). In the context
of poverty dynamics, Walker (1998a, 1998b) claims that it is necessary to investigate structural factors next to poverty triggering life events. His argumentation starts from the finding that poverty inducing events are widespread but they relatively rarely result in poverty. The probability that a certain event triggers a spell of poverty depends also on personal characteristics and a wide range of structural factors. In the rest of this chapter, we will examine some empirical evidence of the social stratification context in which poverty triggering life events occur and the importance of social stratification in combination with life events as poverty triggers.

Research questions

In this paper, the focus is on the interrelationship between social stratification and critical life events in its effect on the poverty risk. Household composition changes and household employment situation changes have found to be predictors of poverty dynamics. In the existing literature, less attention has been focused on the structural context in which these life course events lead to poverty entry. Not everyone is at an equal risk of experiencing these events and not all persons experiencing the triggering events do consequently experience a movement into poverty. Thereby, I follow the argument of Walker (1994, 1998), who claims that for a good understanding of the processes leading to poverty, it is necessary to investigate the effect of both the structural context as well as the effect of poverty-triggering life events. According to Walker’s perspective, researchers should understand the structural context in which poverty-triggering life events occur as well as investigating, which structural factors mediate the process by which a life event becomes a poverty trigger (Walker, 1998). The following theoretical model is used:

In order to better grasp the effect of social stratification determinants and life events on poverty risks, we ask two questions:

1. What is the risk of experiencing one of the risky life events? This risk differs according to national context and the individual’s position in the social stratification structure. The specific labour market and welfare constellation of a country as well as the eco-
nomic cycle can influence the risk of certain events to occur. Think for instance about unemployment, which is expected to be less likely in countries with an extensive low wage labour market and minimal unemployment protection, but more likely in a recession for instance. Also people from different social positions will be more or less likely to experience a certain life event. We can for instance expect that unemployment will be more likely to occur among certain occupational groups in decline, for instance in the manufacturing sector. The focus of this chapter is more on the social stratification context and less on the welfare state context. Both factors will however be taken into account.

In a second question, we will look at the importance of social stratification and life events as explanatory determinants of the poverty risk in different European countries. As we have seen above, several authors have observed a tension between two explanatory frameworks and we will assess whether social stratification determinants are still relevant poverty triggers in the context of a life course explanation of poverty. We will examine whether one paradigm of poverty explanations can be seen as dominant.

The life course events under study are on the one hand changes in household composition (union formation and dissolution, birth of a child) and on the other hand changes in the household employment situation (a household member loses a job, a household member acquires a new job). Social background variables in this study are: social class, gender and education level.

**Data and method**

The analyses for this paper are performed on the European Community Household Panel Survey (ECHP). The ECHP-Panel comprises 8 waves and in the first wave, i.e. in 1994, a sample of 60,500 nationally representative households – i.e. approximately 130,000 adults aged 16 years and over – were interviewed in the (former) 12 member states. The questionnaire covers a broad range of socio-economic variables, such as individual and household income situation, employment aspects, training and education issues, household composition... (CIRCA, 1998-2005). The ECHP-dataset is particularly useful for my purpose because of its longitudinal approach. The panel structure makes it possible to link individual life course events like for instance poverty entry, leaving the parental home, child birth in the household or union dissolution. Although the ECHP panel covers 8 years, in this study only the first 7 waves will be used, i.e. from 1994 till 2000. The reason is the time lag in annual income measurement in the ECHP-survey. The annual income components refer to the previous wave, and as such annual income is not available for the last wave. For this study, 13 European countries will be included in the analyses: United Kingdom, Germany, Denmark, the Netherlands, Belgium, France, Ireland, Italy, Greece, Spain, Portugal,
Austria and Finland. For Germany and the United Kingdom, respectively the integrated SOEP-dataset and the BHPS-data are used. National variation in poverty dynamics and social stratification can be linked to the type welfare regime. For this purpose, Esping-Andersen’s welfare regime typology (1990) will be used, complemented with a Southern European regime (Arts & Gelissen, 2002). In this study, the following countries are considered to belong to the Conservative welfare regime: Germany, Belgium, France and Austria. The Social Democratic regime consists of Denmark, the Netherlands and Finland whereas the Liberal regime is represented by Ireland and United Kingdom. Finally, the Southern European regime consists of Italy, Greece, Spain and Portugal.

The life course events under study are on the one hand changes in a person’s household composition (childbirth, union dissolution, young adult leaves parental home) and on the other hand changes in the household employment situation, when a household member loses his/her job. The life event childbirth occurs when there are new born children in the household in year T. Under union dissolution, we understand both marital break-up and break-up of a cohabitational union. Union dissolution in an individual’s household occurs when there was a partnership-dissolution between last year (T-1) and the current year (T), among the people belonging to the same household during last year (T-1). Another life event occurs for a young adult of maximum 35 years old when he/she has left the parental home between T-1 and T. Jobloss in the household is an employment related life course event. It occurs when one or more household members have lost their job between last year and the current year. Social background variables in this study are: education level, social class and gender of the main breadwinner in the household. Education level has three categories: high education level, i.e. recognised third level education (ISCED 5-7), average education level, i.e. second stage of secondary education (ISCED 3) and low education level, i.e. less than second stage of secondary education (ISCED 0-2). The social class variable is based on the Erikson, Goldthorpe & Portocarero typology. Ganzeboom’s and Treiman’s conversion tools have been used to construct the typology on the basis of ISCO88 codes, supervisory status and self-employment status. Where information on ISCO88 is missing, the main activity status of a person is imputed.

The following classification is obtained:

I. Higher professional
II. Lower professional
III. Routine nonmanual occupation
V-VI. Manual supervisors & skilled manual
VII. Semi-unskilled manual & farmers
I and IV. Self-employed
Long-term unemployed or inactive
The poverty threshold is set at 60% of the median equivalised household income in a certain year and a certain country. Movements below the poverty line are seen as a poverty entry.

The research technique chosen for in these analyses is the random effects discrete-time hazard model. Logit models are presented for the effect of life events and social stratification determinants on the outcome variable poverty entry. I will model the conditional probability of becoming poor during time interval $T$, given that the person is currently in a period of non-poverty. And therefore, the analyses are performed on a subsample of persons ‘at risk’ of poverty (i.e. the ones that did not yet enter poverty before year $T$). It is possible to write the model in the following equation form (Allison, 2004; Steele, Kallis, & Goldstein, 2005):

$$\log \left( \frac{p_i}{1 - p_i} \right) = \alpha + \beta x_{it} + \mu_i$$

The log odds of poverty entry is estimated, and the regression equation consists of a general intercept $\alpha$, a number of time dependent covariates $x_{it}$ with coefficient $\beta$, and an individual-specific part $\mu_i$. The individual-specific part $\mu_i$ represents unobserved (or unobservable) person-specific poverty risk factors that are not included as coefficients in the equation. $\mu_i$ is assumed to be normally distributed and to be independent of the $x_{it}$. The technique of random effects discrete-time hazard analysis is chosen because it has a number of advantages. (1) The technique corrects for bias resulting from omitted variables at the individual level, also known as unobserved heterogeneity. (2) Repeated events per individual can be taken into account. A Hausman test is performed to check the assumption of independence between the random part $\mu_i$ and the $x_{it}$ variables. The coefficients of the random effects model and the fixed effects model are not significantly different from each other and we conclude that the model assumption is met.

**The occurrence of life events by welfare regime and social stratifiers**

In this chapter, the relative and combined effect of both life course events and social stratification determinants on the risk of poverty entry is assessed. However, in order to get a complete picture of these effects, it is interesting to first explore how the occurrence of life course events is spread over the different social groups. It is namely the case that the poverty triggering effect of the life course events under study will depend on: (1) the person’s risk of experiencing the life course event and (2) the chance that the life course events leads to poverty entry for that person. If certain social stratification groups have a higher chance of experiencing the negative life course events, then their poverty risk will be higher.
In the tables 1 till 4 the risk of experiencing the four different life course events is given for the different social stratification groups and welfare regimes.

**TABLE 1– INCIDENCE OF JOB LOSS (N= 67323) ACCORDING TO CHARACTERISTICS OF HOUSEHOLD HEAD AND WELFARE REGIME (ECHP, 1994-2001, INITIAL SAMPLE PERSONS, PERCENTAGES, POOLED-COUNTRY ANALYSIS)**

<table>
<thead>
<tr>
<th></th>
<th>SOCIAL-DEMOCRATIC</th>
<th>CONSERVATIVE</th>
<th>LIBERAL</th>
<th>SOUTHERN</th>
</tr>
</thead>
<tbody>
<tr>
<td>High education</td>
<td>3.02</td>
<td>3.44</td>
<td>2.12</td>
<td>4.46</td>
</tr>
<tr>
<td>Low education</td>
<td>3.74</td>
<td>5.22</td>
<td>2.98</td>
<td>6.71</td>
</tr>
<tr>
<td>Couple household</td>
<td>3.68</td>
<td>4.51</td>
<td>2.33</td>
<td>6.07</td>
</tr>
<tr>
<td>Single male</td>
<td>2.18</td>
<td>2.83</td>
<td>2.04</td>
<td>5.1</td>
</tr>
<tr>
<td>Single female</td>
<td>1.6</td>
<td>3.11</td>
<td>2.63</td>
<td>4.56</td>
</tr>
<tr>
<td>Professional</td>
<td>3.15</td>
<td>3.41</td>
<td>2.29</td>
<td>4.25</td>
</tr>
<tr>
<td>Routine non-manual</td>
<td>5.19</td>
<td>5.32</td>
<td>2.66</td>
<td>7.76</td>
</tr>
<tr>
<td>Manual</td>
<td>4.49</td>
<td>6.71</td>
<td>3.42</td>
<td>8.78</td>
</tr>
</tbody>
</table>

Table 1 shows that job loss in a time frame before the current recession was most prevalent in the Southern European countries, followed by the countries of the Conservative welfare state. The incidence of job loss differs according to the education level of the household head, with households with low educated household heads having a higher risk of job loss. This effect is particularly strong in the Conservative and Southern welfare regimes. Overall, couple households have the highest likelihood of experiencing job loss, except in the Liberal regime where single female households experience the highest job loss risk. Note also the particularly low job loss risk among single females in the social-democratic welfare state, which is particularly suited to keep single women and single mothers in the labour market and hence protect them from poverty. As for the social class differences, we find that the manual class has the highest job loss risk in the conservative, liberal and Southern welfare regime, while the routine non-manual class faces the largest risk in the Social-Democratic regime.

**TABLE 2– INCIDENCE OF LEAVING THE PARENTAL HOME (N= 9148) ACCORDING TO CHARACTERISTICS OF HOUSEHOLD HEAD AND WELFARE REGIME (ECHP, 1994-2001, INITIAL SAMPLE PERSONS, PERCENTAGES, POOLED-COUNTRY ANALYSIS)**

<table>
<thead>
<tr>
<th></th>
<th>SOCIAL-DEMOCRATIC</th>
<th>CONSERVATIVE</th>
<th>LIBERAL</th>
<th>SOUTHERN</th>
</tr>
</thead>
<tbody>
<tr>
<td>High education</td>
<td>0.74</td>
<td>1.39</td>
<td>1.27</td>
<td>2.01</td>
</tr>
<tr>
<td>Low education</td>
<td>0.69</td>
<td>1.92</td>
<td>1.49</td>
<td>2.01</td>
</tr>
<tr>
<td>Couple household</td>
<td>0.67</td>
<td>1.5</td>
<td>1.09</td>
<td>1.62</td>
</tr>
<tr>
<td>Single male</td>
<td>0.47</td>
<td>0.52</td>
<td>1.12</td>
<td>2.74</td>
</tr>
<tr>
<td>Single female</td>
<td>0.66</td>
<td>1.97</td>
<td>2.23</td>
<td>2.44</td>
</tr>
<tr>
<td>Professional</td>
<td>0.58</td>
<td>1.36</td>
<td>1.29</td>
<td>1.85</td>
</tr>
<tr>
<td>Routine non-manual</td>
<td>0.93</td>
<td>1.69</td>
<td>1.69</td>
<td>2.03</td>
</tr>
<tr>
<td>Manual</td>
<td>0.81</td>
<td>2.07</td>
<td>1.43</td>
<td>1.92</td>
</tr>
</tbody>
</table>
In Table 2 we look at the event of leaving the parental home for non-study purposes. Firstly we see that this event occurs most frequently in the Southern European countries and least likely in the Social-Democratic countries. Previous research has shown that young people wait much longer to leave the parental home in Southern European countries, while students generally move out before finishing their studies in Scandinavian countries. Furthermore, for this event we do not find strong differences between the social stratification groups. We see that leaving the parental home after studying is more frequent for young people where their parents belong to the routine non-manual and manual classes. This can be expected as many of them will enter the labour market at younger ages and therefore not move out before finishing studying.

TABLE 3– INCIDENCE OF PARTNERSHIP DISSOLUTION (N= 1294) ACCORDING TO CHARACTERISTICS OF HOUSEHOLD HEAD AND WELFARE REGIME (ECHP, 1994-2001, INITIAL SAMPLE PERSONS, PERCENTAGES, POOLED-COUNTRY ANALYSIS)

<table>
<thead>
<tr>
<th></th>
<th>SOCIAL-DEMOCRATIC</th>
<th>CONSERVATIVE</th>
<th>LIBERAL</th>
<th>SOUTHERN</th>
</tr>
</thead>
<tbody>
<tr>
<td>High education</td>
<td>1,06</td>
<td>0,88</td>
<td>1,37</td>
<td>0,63</td>
</tr>
<tr>
<td>Low education</td>
<td>0,83</td>
<td>0,63</td>
<td>1,15</td>
<td>0,50</td>
</tr>
<tr>
<td>Professional</td>
<td>0,97</td>
<td>0,88</td>
<td>1,23</td>
<td>0,63</td>
</tr>
<tr>
<td>Routine non-manual</td>
<td>1,55</td>
<td>1,00</td>
<td>1,81</td>
<td>0,73</td>
</tr>
<tr>
<td>Manual</td>
<td>0,73</td>
<td>0,69</td>
<td>1,12</td>
<td>0,42</td>
</tr>
</tbody>
</table>

The occurrence of partnership dissolution shows a fairly similar picture over the different welfare regimes. Compared to job loss and leaving the parental home, this event has a relatively small likelihood and it seems somewhat more prevalent in the Liberal welfare regime, while being least likely to occur in Southern European countries. The educational and social class differences in risk of partnership dissolution show a similar picture in the four different welfare regimes. Firstly, there are no large differences according to education level. Furthermore, the routine non-manual class has the highest risk of experiencing partnership dissolution in the four regimes under study.

TABLE 4 INCIDENCE OF CHILD BIRTH (N= 16806) ACCORDING TO CHARACTERISTICS OF HOUSEHOLD HEAD AND WELFARE REGIME (ECHP, 1994-2001, INITIAL SAMPLE PERSONS, PERCENTAGES, POOLED-COUNTRY ANALYSIS)

<table>
<thead>
<tr>
<th></th>
<th>SOCIAL-DEMOCRATIC</th>
<th>CONSERVATIVE</th>
<th>LIBERAL</th>
<th>SOUTHERN</th>
</tr>
</thead>
<tbody>
<tr>
<td>High education</td>
<td>4,91</td>
<td>3,44</td>
<td>3,63</td>
<td>3,78</td>
</tr>
<tr>
<td>Low education</td>
<td>2,72</td>
<td>2,54</td>
<td>2,58</td>
<td>2,32</td>
</tr>
<tr>
<td>Couple household</td>
<td>4,43</td>
<td>3,74</td>
<td>3,67</td>
<td>2,80</td>
</tr>
<tr>
<td>Single male</td>
<td>0,52</td>
<td>0,29</td>
<td>0,61</td>
<td>0,44</td>
</tr>
<tr>
<td>Single female</td>
<td>0,37</td>
<td>0,71</td>
<td>0,88</td>
<td>0,48</td>
</tr>
<tr>
<td>Professional</td>
<td>4,41</td>
<td>3,77</td>
<td>3,72</td>
<td>3,52</td>
</tr>
<tr>
<td>Routine non-manual</td>
<td>4</td>
<td>3,13</td>
<td>2,91</td>
<td>2,73</td>
</tr>
<tr>
<td>Manual</td>
<td>3,98</td>
<td>3,92</td>
<td>3,45</td>
<td>3,23</td>
</tr>
</tbody>
</table>
The findings with respect to child birth in Table 4 show the largest child birth rates in the Social Democratic countries and the lowest in the Conservative and Southern countries. The differentiation according to education level and social class is very similar among the countries. The higher educated are most likely to have a child birth in most countries. Furthermore, while in the Conservative welfare regime the manual classes are most likely to have a child birth, this is the professional class in the three other regimes.

The relative importance of life course events and social stratification determinants as predictors of poverty entry in European countries

In this paragraph, the effects of life course events and social stratification determinants on poverty entry are studied in different European countries. According to the individualisation literature, poverty is associated with specific events and periods in the life course, and less bound to traditional social stratification boundaries. In what follows, the relative importance of both life course events and social stratification determinants on the poverty entry risk is studied.

Table 5 presents odds ratios for the different predictors of poverty entry in 13 European countries. Generally, it can be stated that both social stratification determinants and life course events are important predictors of poverty entry. This means that the risk of poverty entry is indeed influenced by the experience of risky events during the life course. But this does not mean that the risk of poverty entry is not stratified according to traditional social stratification determinants. In what follows, the most important findings will be elaborated on.

There is a clear effect of gender, which interacts with partnership status. Couple households with a male household head have the smallest risk of becoming poor. In almost all countries under study, single female households, single male households and couple households with a female household head have higher odds of becoming poor, compared with the reference category of couples with a male household head. It is striking that especially single female households are vulnerable to the risk of poverty entry. In the pooled European model, the poverty entry odds ratio of persons in a single female household is higher than the odds ratio of persons in a couple household with female head, and this is also the case in the majority of separate country models. So, especially single women (and their children) have a high likelihood of being confronted with the risk of poverty. This result confirms findings from previous research (Christopher et al., 2001). In almost half of the countries under study, living in a single household also affects the risk of poverty entry for men. In the United Kingdom, Ireland, Germany, France, the Netherlands, Finland and Denmark, persons in a single male household have a higher poverty risk, compared with
couple households with a male household head. This effect could not be found in any of the Southern European countries under study. On the contrary, in Italy, Spain and Greece the risk of poverty entry for persons in a single male household are significantly smaller than for the reference category of male-headed couple households. The reason for the latter effect is probably related to the Southern European tendency to live in larger household units. Particularly young people are less likely to live in

<table>
<thead>
<tr>
<th>Gender of household head</th>
<th>EU</th>
<th>UK</th>
<th>IRE</th>
<th>GER</th>
<th>FR</th>
<th>BE</th>
<th>AU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Couple with male household head [Ref]</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single male household</td>
<td>1.24 ***</td>
<td>1.37 *</td>
<td>1.48 **</td>
<td>2.30 ***</td>
<td>1.38 *</td>
<td>0.74</td>
<td>0.69</td>
</tr>
<tr>
<td>Single female household</td>
<td>2.16 ***</td>
<td>2.79 ***</td>
<td>2.17 ***</td>
<td>3.18 ***</td>
<td>2.21 ***</td>
<td>1.30 *</td>
<td>2.31 ***</td>
</tr>
<tr>
<td>Couple with female household head</td>
<td>1.45 ***</td>
<td>2.05 ***</td>
<td>1.39 **</td>
<td>1.93 ***</td>
<td>1.02</td>
<td>1.47 **</td>
<td>2.77 ***</td>
</tr>
<tr>
<td>Other</td>
<td>0.92 **</td>
<td>1.89 ***</td>
<td>0.95</td>
<td>1.27</td>
<td>1.95 ***</td>
<td>0.93</td>
<td>1.51 **</td>
</tr>
</tbody>
</table>

| Education level household head | | | | | | | |
| High education level [Ref] | | | | | | | |
| Average education level | 2.05 *** | 1.35 * | 3.10 *** | 1.87 *** | 2.27 *** | 3.32 *** | 1.84 ** |
| Low education level | 4.59 *** | 2.28 *** | 5.29 *** | 4.56 *** | 4.62 *** | 5.36 *** | 4.99 *** |

| Social class | | | | | | | |
| Routine nonmanual [Ref] | | | | | | | |
| Higher professional-managerial | 0.32 *** | 0.15 *** | 0.35 *** | 0.28 *** | 0.26 *** | 0.37 *** | 0.39 *** |
| Lower professional-managerial | 0.44 *** | 0.28 *** | 0.49 *** | 0.42 *** | 0.45 *** | 0.31 *** | 0.53 *** |
| Skilled manual | 0.96 | 0.27 *** | 0.82 | 0.76 ** | 1.40 ** | 0.70 | 0.83 |
| Unskilled manual | 0.93 * | 0.50 *** | 0.97 | 0.89 | 0.99 | 0.54 ** | 0.94 |
| Self-employed | 2.15 *** | 0.76 | 1.85 *** | 1.16 | 2.59 *** | 2.35 *** | 2.97 *** |
| Long-term unemployed-inactive | 2.40 *** | 1.31 | 4.41 *** | 3.11 *** | 3.00 *** | 3.04 *** | 3.28 *** |

| Life events | | | | | | | |
| Job loss in the household | 2.11 *** | 1.77 *** | 1.65 *** | 2.95 *** | 1.47 *** | 1.73 *** | 1.49 *** |
| Leaving parental home | 3.50 *** | 6.08 *** | 1.33 | 4.45 *** | 4.82 *** | 1.80 | 2.06 ** |
| Partnership dissolution | 1.91 *** | 2.06 *** | 3.17 *** | 3.06 *** | 2.69 *** | 2.25 *** | 1.27 |
| Childbirth in the household | 1.24 *** | 1.58 *** | 1.05 | 1.54 ** | 0.98 | 1.14 | 1.07 |

| Control variables | | | | | | | |
| Age household head | 0.95 *** | 0.93 *** | 1.00 | 1.05 *** | 0.95 *** | 0.84 *** | 0.93 *** |
| Age² household head | 1.00 *** | 1.00 *** | 1.00 | 1.00 *** | 1.00 * | 1.00 * | 1.00 *** |
| Nr of ec. active persons in household | | | | | | | |
| 1 (Ref = 0) | 1.07 * | 0.39 *** | 0.51 *** | 0.97 | 0.96 | 1.34 * | 1.03 |
| 2 | 0.63 *** | 0.11 *** | 0.33 *** | 0.59 *** | 0.61 *** | 0.85 *** | 0.51 *** |
| 3 or more | 0.59 *** | 0.08 *** | 0.22 *** | 0.36 *** | 0.55 *** | 0.39 *** | 0.20 *** |
| Number of children in the household | | | | | | | |
| 1 (Ref = 0) | 1.95 *** | 1.78 *** | 2.18 *** | 1.75 *** | 2.32 *** | 1.39 * | 2.00 *** |
| 2 | 2.70 *** | 3.26 *** | 3.30 *** | 2.00 | 4.13 *** | 1.51 ** | 3.62 *** |
| 3 or more | 5.27 *** | 6.56 *** | 6.40 *** | 4.44 *** | 7.45 *** | 3.18 *** | 6.65 *** |

| Variance composition | | | | | | | |
| Individual level standard deviation | 1.430 | 1.254 | 1.040 | 1.220 | 1.727 | 1.361 | 1.509 |
| Intra class correlation | 0.383 | 0.324 | 0.248 | 0.311 | 0.475 | 0.360 | 0.409 |
| N individuals | 128356 | 7234 | 7947 | 12051 | 12117 | 5775 | 6835 |
| N time points | 470413 | 29980 | 26231 | 50318 | 47277 | 19038 | 23376 |
| Log likelihood | -101783.13 | - 5008.89 | - 5992.25 | - 7543.33 | - 9175.77 | - 3810.45 | - 4172.52 |

* p ≤ 0.05   ** p ≤ 0.01   *** p ≤ 0.001  
(*) Controlled for country
single households than in the rest of Europe as they live much longer in the parental household. In this context, Aasve, Billari, Mazzuco and Ongaro (2002) found that young people in Southern Europe tend to wait for financial security before leaving the parental home.

The effect of education level of the household head is clear and one-dimensional. In all countries under study, people living in a household with a middle educated household head have significantly higher odds of becoming poor compared with the reference category where the household head is high educated. This effect is even

### Table 1: Logistic Regression Results

<table>
<thead>
<tr>
<th>Gender of household head</th>
<th>NL</th>
<th>FIN</th>
<th>DK</th>
<th>IT</th>
<th>SP</th>
<th>PT</th>
<th>GR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Couple with male household head (Ref.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single male household</td>
<td>1.36 *</td>
<td>2.37 ***</td>
<td>2.39 ***</td>
<td>0.72 **</td>
<td>0.66 ***</td>
<td>0.81</td>
<td>0.41 **</td>
</tr>
<tr>
<td>Single female household</td>
<td>1.88 ***</td>
<td>3.76 ***</td>
<td>2.48 ***</td>
<td>1.33 **</td>
<td>1.67 ***</td>
<td>2.21 ***</td>
<td>1.39 ***</td>
</tr>
<tr>
<td>Couple with female household head</td>
<td>2.85 ***</td>
<td>1.46 ***</td>
<td>2.60 ***</td>
<td>1.73 ***</td>
<td>1.31 **</td>
<td>2.74 ***</td>
<td>1.56 ***</td>
</tr>
<tr>
<td>Other</td>
<td>3.69 ***</td>
<td>1.33</td>
<td>2.47 *</td>
<td>0.60 ***</td>
<td>0.60 ***</td>
<td>1.07</td>
<td>1.22 **</td>
</tr>
</tbody>
</table>

### Table 2: Education level household head

<table>
<thead>
<tr>
<th>High education level (Ref.)</th>
<th>NL</th>
<th>FIN</th>
<th>DK</th>
<th>IT</th>
<th>SP</th>
<th>PT</th>
<th>GR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average education level</td>
<td>1.26 ***</td>
<td>2.46 ***</td>
<td>1.90 ***</td>
<td>1.76 ***</td>
<td>2.23 ***</td>
<td>1.01 ***</td>
<td>1.71 ***</td>
</tr>
<tr>
<td>Low education level</td>
<td>4.35 ***</td>
<td>2.44 ***</td>
<td>3.08 ***</td>
<td>4.97 ***</td>
<td>5.00 ***</td>
<td>2.67 ***</td>
<td>5.93 ***</td>
</tr>
</tbody>
</table>

### Table 3: Social class

<table>
<thead>
<tr>
<th>Routine nonmanual (Ref.)</th>
<th>NL</th>
<th>FIN</th>
<th>DK</th>
<th>IT</th>
<th>SP</th>
<th>PT</th>
<th>GR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Higher professional-managerial</td>
<td>0.29 ***</td>
<td>0.39 ***</td>
<td>0.29 ***</td>
<td>0.49 ***</td>
<td>0.27 ***</td>
<td>0.66 **</td>
<td>0.33 ***</td>
</tr>
<tr>
<td>Lower professional-managerial</td>
<td>0.37 ***</td>
<td>0.55 ***</td>
<td>0.46 ***</td>
<td>0.42 ***</td>
<td>0.52 ***</td>
<td>0.34 ***</td>
<td>0.52 ***</td>
</tr>
<tr>
<td>Skilled manual</td>
<td>0.98</td>
<td>1.00</td>
<td>0.42 ***</td>
<td>1.02</td>
<td>0.97</td>
<td>1.55 ***</td>
<td>1.28 *</td>
</tr>
<tr>
<td>Unskilled manual</td>
<td>0.96</td>
<td>0.98</td>
<td>0.48 ***</td>
<td>1.05</td>
<td>1.27 **</td>
<td>1.39 **</td>
<td>0.70 **</td>
</tr>
<tr>
<td>Self-employed</td>
<td>3.67 ***</td>
<td>1.70 ***</td>
<td>2.59 ***</td>
<td>1.57 ***</td>
<td>2.42 ***</td>
<td>3.11 ***</td>
<td>2.78 ***</td>
</tr>
<tr>
<td>Long-term unemployed-inactive</td>
<td>1.44 *</td>
<td>3.61 ***</td>
<td>1.65 **</td>
<td>1.86 ***</td>
<td>3.33 ***</td>
<td>2.40</td>
<td>2.39 ***</td>
</tr>
</tbody>
</table>

### Table 4: Life events

<table>
<thead>
<tr>
<th>Job loss in the household</th>
<th>NL</th>
<th>FIN</th>
<th>DK</th>
<th>IT</th>
<th>SP</th>
<th>PT</th>
<th>GR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leaving parental home</td>
<td>2.81 ***</td>
<td>2.33 ***</td>
<td>1.48 **</td>
<td>2.37 ***</td>
<td>2.02 ***</td>
<td>1.91 ***</td>
<td>2.06 ***</td>
</tr>
<tr>
<td>Partnership dissolution</td>
<td>2.47 **</td>
<td>2.71 ***</td>
<td>1.16</td>
<td>1.53 *</td>
<td>1.10</td>
<td>1.84 ***</td>
<td>1.14</td>
</tr>
<tr>
<td>Childbirth in the household</td>
<td>0.99</td>
<td>0.78</td>
<td>0.42 **</td>
<td>1.74 ***</td>
<td>1.62 ***</td>
<td>1.21</td>
<td>1.18</td>
</tr>
</tbody>
</table>

### Table 5: Control variables

<table>
<thead>
<tr>
<th>Age household head</th>
<th>NL</th>
<th>FIN</th>
<th>DK</th>
<th>IT</th>
<th>SP</th>
<th>PT</th>
<th>GR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age² household head</td>
<td>0.91 ***</td>
<td>0.91 ***</td>
<td>0.84</td>
<td>0.99</td>
<td>0.94 ***</td>
<td>0.88 ***</td>
<td>0.92 ***</td>
</tr>
<tr>
<td>Nr of ec. active persons in household</td>
<td>1.00 ***</td>
<td>1.00 ***</td>
<td>1.00 ***</td>
<td>1.00</td>
<td>1.00 ***</td>
<td>1.00 ***</td>
<td>1.00 ***</td>
</tr>
<tr>
<td>T (Ref = 0)</td>
<td>0.59 ***</td>
<td>0.91</td>
<td>0.47 ***</td>
<td>1.69 ***</td>
<td>1.66 ***</td>
<td>1.08</td>
<td>1.14</td>
</tr>
<tr>
<td>2</td>
<td>0.23 ***</td>
<td>0.92</td>
<td>0.18 ***</td>
<td>0.97</td>
<td>1.57 ***</td>
<td>0.63 ***</td>
<td>0.92</td>
</tr>
<tr>
<td>3 or more</td>
<td>0.84</td>
<td>1.21</td>
<td>0.18 ***</td>
<td>1.40 ***</td>
<td>1.44 ***</td>
<td>0.27 ***</td>
<td>0.93</td>
</tr>
<tr>
<td>Number of children in the household</td>
<td>3.52 ***</td>
<td>1.74 ***</td>
<td>0.97</td>
<td>2.10 ***</td>
<td>2.58 ***</td>
<td>1.50 ***</td>
<td>1.42 ***</td>
</tr>
<tr>
<td>2</td>
<td>4.03 ***</td>
<td>1.84 ***</td>
<td>0.81</td>
<td>3.02 ***</td>
<td>3.32 ***</td>
<td>3.45 ***</td>
<td>1.85 ***</td>
</tr>
<tr>
<td>3 or more</td>
<td>7.93 ***</td>
<td>3.49 ***</td>
<td>3.22 ***</td>
<td>6.31 ***</td>
<td>6.83 ***</td>
<td>6.94 ***</td>
<td>3.64 ***</td>
</tr>
</tbody>
</table>

### Table 6: Variance composition

<table>
<thead>
<tr>
<th>Individual level standard deviation</th>
<th>NL</th>
<th>FIN</th>
<th>DK</th>
<th>IT</th>
<th>SP</th>
<th>PT</th>
<th>GR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intra class correlation</td>
<td>1.211</td>
<td>1.136</td>
<td>1.272</td>
<td>1.562</td>
<td>1.358</td>
<td>1.457</td>
<td>1.315</td>
</tr>
<tr>
<td>N individuals</td>
<td>9858</td>
<td>7544</td>
<td>5178</td>
<td>16550</td>
<td>15674</td>
<td>10264</td>
<td>11229</td>
</tr>
<tr>
<td>N time points</td>
<td>35424</td>
<td>21147</td>
<td>17768</td>
<td>64344</td>
<td>56850</td>
<td>38834</td>
<td>39826</td>
</tr>
<tr>
<td>Log likelihood</td>
<td>-5592.50</td>
<td>-4724.90</td>
<td>-3192.86</td>
<td>-15501.37</td>
<td>-14182.22</td>
<td>-9180.64</td>
<td>-11112.57</td>
</tr>
</tbody>
</table>
stronger for people in a household with a low educated household head. For the pooled European analysis, the poverty entry odds of people with a low educated household head are 4.59 times higher than the poverty entry odds of persons with a high educated household head.

For what concerns the social class stratification of poverty risks, we see that the higher and lower professional classes in all countries have a lower odds of poverty entry, compared with the routine nonmanual class. The self-employed and long-term unemployed-inactive generally have higher risks of poverty entry, compared with the reference category of routine nonmanual, except in the United Kingdom where the effects are not significant. For the poverty entry odds of the manual classes, the effect differs between countries. In France and Portugal, there is a clear difference between manual and nonmanual classes in the sense that manual classes have higher poverty entry odds than the nonmanual classes. Also in Spain and Greece we find that at least one of the manual classes have higher poverty entry risks than the routine nonmanual class. Yet, with the exception of France and these Southern European countries, the traditional manual/nonmanual divide is not found in the data. In a large share of the other countries under study, the odds of poverty entry for the skilled and unskilled manual classes do not differ significantly from the routine nonmanual class. In the United Kingdom, Germany, Belgium and Denmark, the skilled and/or unskilled manual classes even have significantly lower odds of poverty entry, compared with the routine nonmanual class. The results so far indicate that, with the exception of France and some Southern European countries, the manual/nonmanual divide is not very meaningful with respect to poverty risks. It is more opportune to state that, within the nonmanual classes, there is a distinction between on the one hand the professional classes for whom the poverty risk is clearly low, and on the other hand the routine nonmanual class which shows a relatively higher vulnerability to poverty. Overall, the social class stratification of poverty entry is characterised by the presence of three broad groups: (1) a particularly vulnerable group of self-employed and long-term unemployed-inactive, (2) a middle group of people within the manual and routine nonmanual classes, and (3) the professional-managerial class, which is at low risk of poverty entry. The finding that the risk of poverty entry of manual and routine-nonmanual classes is mostly similar can be seen as a sign of a widening of the risk of poverty entry over a broad middle group of manual and nonmanual occupational groups.

Furthermore, the effect of certain life course events on poverty entry is studied. Overall, experiencing the events ‘job loss in the household’, ‘leaving the parental home’ or ‘partnership dissolution’ does lead to an increase in the odds of an individual’s poverty entry in the majority of the countries under study. The effect of leaving the parental home is in most countries relatively large. The odds ratios of the effect of this event are generally higher than for the other life course events. The poverty-triggering
effect of childbirth on the other hand, is relatively small and only present in the United Kingdom, Germany, Italy and Spain. In all three of the Social Democratic welfare regimes, the odds for poverty entry after childbirth are smaller than one – although only significantly so in Denmark. These findings show that childbirth is definitely not a poverty trigger in the Social Democratic countries under study. It appears that the Social Democratic welfare state is very effective in protecting families with new-born children.

Conclusion

The purpose of this paper was to assess the structuring effect of life course events and traditional social stratification determinants in the prediction of poverty entry chances. Therefore, we first investigated the social stratification context in which critical life events occur. In a second step, the relative importance of the life event approach to poverty entry versus the social stratification perspective was assessed in a statistical model predicting the poverty entry risk.

We have seen that some of the life course events are more likely to occur for certain social groups and in certain institutional contexts. This is the case for instance for job loss, which poses the highest risk in the Southern European countries and the Conservative welfare regime, as well as for the low educated and the routine non-manual as well as manual classes. Also leaving the parental home after studying occurs more frequently for the routine non-manual and manual classes, because young people from professional backgrounds generally study longer and move out of the parental home before finishing their education. For other events, such as partnership dissolution, there are no particularly strong differences according to social position. Childbirth on the other hand occurs most frequently for the higher educated and the professional social class, except in the Conservative welfare regime. There are thus no indications that the life events under study are only limited to the lower social strata. Random effects models in 13 different European countries showed that both life course events and social stratification determinants are fruitful predictors of one’s poverty entry chance. Transitions in a person’s life course like job loss in the household, leaving the parental home and union dissolution do have an important effect on the poverty entry chance in the majority of countries. Especially the effect of leaving the parental home is substantial. Childbirth on the other hand only affects poverty entry odds in a part of the countries under study. The poverty triggering effect of these life course events shows the importance of the life course perspective on poverty experiences. According to some authors, contemporary poverty is largely related to risky events and transitions during the life course, and traditional hierarchical social stratification determinants lose their impact. But the analysis has shown that next to life course events also gender, education and social class were found to
be important poverty entry predictors in this paper. This shows that the poverty entry hazard is not ‘democratic’, and is related to both life course events and traditional social stratification determinants. Generally speaking, single female households and people living in a household with a lower educated household head have a high poverty entry chance. Also people with an unemployed or self-employed household head are especially vulnerable to the poverty entry risk in the greater part of the countries under study. With respect to the effect of social class on the poverty entry hazard, results differ between the countries. France and a number of southern European countries show the typical manual/nonmanual distinction whereby the nonmanual classes, including the routine nonmanual class, have significantly lower poverty entry odds than the manual classes. In the majority of other countries the higher and lower professional classes have a significantly lower poverty entry risk than the routine nonmanual class, but there are no differences in the poverty entry risk between the routine nonmanual and manual classes. This finding suggests that there is a considerable middle group in society who have similar poverty entry chances and for whom social class divisions are thus less important in predicting poverty entry chances. We could say that there are signs of a broadening of the poverty entry risk in the large group of manual and lower nonmanual classes.

Notes

1. Note that a further question refers to the mediating effects of someone’s social position on the likelihood that a life event triggers poverty. For an analysis of this question, see: Vandecasteele (2011).
2. For a discussion of the problems with the time lag, see: Debels & Vandecasteele (2008).

References


Part 4

Diversity is not enough: Interrogating difference and inequality in organisations
Discovering the connections between organizational control, identity, diversity, management and individuals’ subjectivities: an empirical study in an aerospace company

MARIO PEZZILLO IACONO, VINCENZA ESPOSITO, LUCIA SILVESTRI & MARCELO MARTINEZ

Abstract

The paper focuses on the relationship between organizational control, national and linguistic identity/diversity and individuals’ subjectivities, by analysing both the managerial discourses and the work practices. We have studied how identity and diversity discourses reflect existing managerial practices and underlying power relations, and how they reproduce those managerial practices and power relations. For this purpose, a case study of a large Italian-French company will be presented: it is one of the world’s leading aerospace company and the largest manufacturer of regional aircraft. The analysis is based on a qualitative investigation conducted in terms of grounded theory. We further show how such managerial language and practices tends to act on individual and collective identity, having an impact on organizational action in terms of ideological control. The dominating group (French management) tries to affect the sense of group identity/diversity in order to establish models of action for the organizational actors in a logic of maintaining the status quo. Under this respect, the discourse and praxis of diversity management are functional to reinforcing a binary vision of the type ‘in-group versus out-group’ which reinforces the stereotypes and consolidates the ‘sense of the other’: such a vision allows a parallel with the conclusions of certain critical and postmodernist approaches of feminist studies on gender: the differences (gender, language, etc.) are not issues regarding biology (gender) or the place where one is born (nationality or language), but are created through material and discursive practices.

Contact

Mario Pezzillo Iacono
Seconda Università degli Studi di Napoli
Viale Beneduce 10
81100 Caserta, Italy
mario.pezzilloiacono@unina2.it

Vincenza Esposito
Università degli Studi del Sannio
Via delle Puglie, 82
Benevento, Italy
vincespo@unisannio.it

Lucia Silvestri
Università degli Studi del Sannio
Via delle Puglie, 82
Benevento, Italy
lsilvest@unisannio.it

Marcello Martinez
Seconda Università degli Studi di Napoli
Viale Beneduce 10
81100 Caserta, Italy
marcello.martinez@unina2.it

Key words

organizational control, identity, diversity, subjectivities
Introduction

Management control principles, techniques and tools have been a privileged subject of analysis in Critical Management Studies (CMS) literature over the past twenty years. It has generally been argued that management, in line with the particular features of post-Fordist organizational systems, has changed the methods of implementing organizational control, becoming less geared towards heteronomy, based simply on respect for rules and the hierarchy, and more focussed on self-regulation of behaviours and the creation/strengthening of a sense of commitment towards the organization (Du Gay & Salaman, 1992; Thompson & Ackroyd, 1995). In this sense, the so-called managerial discourses are usually interpreted by critics as tools for regulating the identities of organizational actors, aimed at developing a sense of self – in terms of a self-determination of one’s own subjectivity and identity – that is in line with managerial goals (Knights & Vurdubakis, 1994).

Critical organizational literature, influenced by Foucault’s concepts of power/knowledge (Knights & Willmott, 1989), has focused on the methods with which managerial actions, interpreted in terms of language, contribute to influencing and shaping the perception of individual subjectivity and identity within the context of an organization (Casey, 1995; Svenningsson & Alvesson, 2003). Although this line of research has been consolidated in CMS (Covaleski, Dirsmith, Heian, & Samuel, 1998; Ezzamel, Willmott, & Worthington, 2001), this branch of management theory rarely provides an analysis of the interdependence between identity-building dynamics and actions for governing diversities that is a characteristic feature of modern organizations (e.g. Siebers, 2009). This is surprising, considering the fact that a particularly effective method for regulating the identities of organizational actors is to define socio-cultural categories, through which the organizational context can be divided into an ‘us’ versus ‘them’ dichotomy and then positioned in a comparative relationship, with the organizational players arranged in a classification (Siebers, 2004).

We are interested in organizational design as an expression of managerial language and in relation to its more ‘material’ aspects. Both organizational discourse and material practices are embedded in broader cultural systems (grand Discourse) with
their own values, language, symbols and rules for placing individuals within social categories and activating modalities of interaction between individuals belonging to the same or different social categories. In this perspective, we have to point out the difference between discourse practices and grand Discourse: the former approach highlights the ‘talked’ and ‘textual’ nature of everyday interaction in organization; the latter focuses on the determination of social reality through historically situated discursive moves (Alvesson & Karreman, 2000).

The main goal of the paper is to interpret the concepts of national and linguistic identity/diversity in the perspective of organizational power and control, by analysing both discourses and work practices. We examine in particular how the creation and management of diversities based on nationality/language influences the perception of individual and collective identities and regulates the organizational behaviours of minority groups.

We present a case study (Eisenhardt, 1989; Yin, 1989) of a large Italian-French company (named Why Fly), one of the world’s leading aerospace companies and the largest manufacturer of regional aircraft. We have focused on how meanings and identities are created, both on the inter-subjective level, in normal daily communication, and through the non-discursive (‘material’) practices of organising processes.

We analyse the case study according to three research questions:

1. How are national/linguistic differences instrumentally constructed in the organization?
2. Through what kinds of organizational discourses and practices does the company attempt to regulate employees’ identities?
3. How do these constructions and their strategic deployment (re)produce unequal power relations within the diverse workforce?

The article is organized in five sections. The reference framework is analysed in paragraph (2), presenting the main organizational literature focusing on the relationship between definition of diversities, identity regulation processes and organizational control; then, after describing the methodology used for empirical analysis (par. 3), the case study is described and analysed on the basis of the three research questions (par 4); finally, in paragraph (5), the main implications and limits of this study are presented.

**Theoretical framework**

It may generally be affirmed that in organisational literature the tendency in regard to defining the concept of diversity leans towards a more extensive interpretation, broadening its conceptualisation from demographic and social criteria to identity-making and affective criteria. Analysis of the relationship between identity building and
structuring diversities in an organisational setting can be found particularly among critical interpretative and post-modernist approaches (Marsden & Townley, 1996).

The particular aspects of this approach can be seen, also in this case, in at least two basic questions: the first, of an ontological nature, refers to the concept of identity/subjectivity-building processes; the second, parallel to what was seen in regard to the concept of diversity, is connected to the link between power structures and dynamics and discursive and non-discursive practices concerning identity. The two questions will now be addressed.

The first question, as we said, is of an ontological nature. Under this respect, identity can be defined as ‘narration’: the development of fluid and dynamic meanings that are developed through social interaction, and which are influenced by organisational knowledge, rules and practices. So, on the one hand the concept of identity refers to the way in which a subject considers and develops himself/herself as a member of a certain social and/or organisational group, and on the other hand, in the way in which the cultural system, values, language, symbols and rules of the group ‘permits’ each subject to attain self-recognition, and to act and relate to himself/herself, the group he/she feels he/she belongs to, and to the groups identified as being external ones. In other words, identity may be interpreted in process terms as the continual development of self, also via processes that compare the subject to other people: the way people constitute and position themselves in the world (Kalb et. al, 2004). Ashcraft and Mumby (2004: 13) explain that “individual identity becomes an organizational process and outcome, for our senses of self are inevitably fashioned in the context of organizational memberships”.

This conceptualisation traces a demarcation line in regard to the functionalist approach of defining identities/diversities, which, as we have seen, considers identity as a readymade construction, without making any reference to its institutional legitimisation. Alvesson and Willmott (2002) argue that self-identity is a process that occurs through a plurality of resources: languages, symbols and values that individuals ‘live’ and to which they are ‘exposed’ in their daily experiences. The two authors recognise the creation of organisational groups and categories in which individuals are embedded, even by means of ‘material’ actions and discursive practices related to diversity, as a particularly effective identity-building method. Grey (1994), for instance, has investigated how career structures and ambitions can serve to structure and constrain how people define their selves along predictable and adaptable trajectories (Alvesson, 2010).

The definition of socially constructed categories, contextualised in specific spatial and temporal dimensions, becomes a method of creating identity to which people must conform or at least come to terms with, through processes of conformity, resistance (Mumby, 2005) or micro-emancipation (Alvesson & Willmott, 1996). In other words, the process of categorising individuals and, at the same time, the actual sys-
tem of organisational relationships are viewed as mechanisms that contribute to the formation of individuals’ organisational identity. An organisational actor, individual or group, can be explicitly or implicitly identified or identify him/her/itself through the characteristics of the organisational actors with which he/she/it is associated, and this impacts, for example, on the degree of ‘submissiveness’ and/or resistance to the actions of the managerial plan.

The second question under analysis refers, as was mentioned, to the fact that critical studies place the power of control concept at the centre of the identity recognition process, to the point where the two concepts coincide. According to Foucault’s approach, in particular, power and identity are built through a reciprocal process: specific and historical power relations create particular identities which then serve to maintain and consolidate those same relations. Jenkins (1996: 44) suggests that “social identities exist and are acquired, claimed and allocated within power relation”.

Power/knowledge is exercised through discursive and non-discursive practices carried out as part of the Discourse (with a capital D), understood as that particular way of thinking, *forma mentis*, or cultural and institutional framework that defines the partial perspective of a group of people (Moran, 2002). It should once more be pointed out that Foucault’s followers reject the notion of the awareness of subjects, preferring the idea of the discursive construction of subjectivities: the interests of human beings are neither independent nor self-aware, but represent positionings in a discourse. In other words, what we consider as our identity – the self – is nothing other than the effect of the way in which our community uses language.

Alvesson and Willmott (2002: 15) explicitly interpret identity regulation as a dimension of organisational control: “(*we*) argue that identity regulation is a significant, neglected and increasingly important modality of organizational control”. In the opinion of these authors, identity regulation includes the more or less intentional effects of social practices in the processes of construction and/or reconstruction (or modification and/or influencing) of individual identities. In this sense, the tendency to define and categorise different (demographic, social, ethnic, etc.) groups within organisations, whether by developing special measures in regard to human resources management policies or more generally through managerial discourses, can be understood as a method for influencing the identity forming process. To feel part of a wider ‘category’ becomes a source of recognition in the process of perception of oneself and of the idea of oneself, which, by acting upon behavioural competencies, becomes a reference for regulating sense-making, decision-making and knowing processes.

Therefore, the creation of social categories has an impact on identity regulation and this regulation can be viewed as an organisational control tool. In this sense, actions to define and manage diversities can be viewed as a control instrument that contrasts with their declared purposes; a sort of ‘concerted control’ (Barker, 1993), through which employees (and the ‘residual’ categories in particular) tend to inter-
nalise the dominant company codes to the point of becoming the most active controllers of themselves, their own behaviours and their colleagues.

Management, or the dominant managerial groups, even through language (Czarniawska, 1995) and the symbolic power of diversity management actions (Gherardi, 1995; Gagliardi, 1990), tend to assign responsibility and give importance to individual (and group) identities in order to outline action models for the organisational actors, in an approach that limits potential uncertainty about behaviour at its ‘source’, in order to keep the power structure unchanged.

The underlying assumption of this view is that ideology represents the discourse of the dominant group, which is only apparently neutral and free from control mechanisms. Power and ideology are considered inseparable, since it is believed that power is used by the dominant groups to define and impose a series of assumptions and visions of the world on others.

Contemporary control is therefore seen as primarily operating through employees’ own identity work, and specifically, their self-positioning within managerially inspired discourses about work and organization with which they become more or less identified and committed. In this perspective, discourse of management can be understood as generalized technology of control and indeed as ‘hegemonic model of organization’ (Spicer & Böhm, 2007). The concept of hegemony shows how the practices and values of a culture align themselves with and support the existing systems of power.

Language, specifically, becomes a lever for standardizing values, a representation of the organizational ideology seen, in terms of Kunda (1992), as an authoritarian system of meanings construed like a map by the power holder in order to decipher the reality and act accordingly; it is a way of influencing the processes of perceiving context, of learning and decision making among minorities, in order to consolidate the status quo (Anteby, 2008; Delbridge & Ezzamel, 2005).

The systematic influence on communication therefore becomes an implicit form of control and manipulation in that it tends to privilege one meaning and ideology over others (Sicca et al., 2009; Pezzillo Iacono et al., 2009).

**Methodology**

In this study, we analyse empirical material collected at Why Fly, a large Italian-French joint venture: one of the world’s leading aerospace company and the largest manufacturer of regional aircraft. Our analysis is based on a qualitative investigation conducted in terms of grounded theory, with the premise that the data and information collected cannot be explained or illustrated in a self-sufficient manner. This methodological choice has its epistemological premises rooted in some ideas that evolved in the context of social constructivism (Berger & Luckmann, 1966; Gergen, 1989).
DATA COLLECTION: HETEROGENEITY OF THE INVESTIGATIVE TOOLS

The collection of data was carried out using a heterogeneous plurality of instruments. Such pluralism is coherent both with our theoretical framework and with the differentiated nature of the information required to satisfy our research questions. The methods include: document analysis, semi-structured interviews and participant observations. Fieldwork was carried out between March and early August 2010.

*Internal documentation.* We reviewed a series of formal sources: the official diversity management programme, the charter of company values and social responsibility, the training programs, the internal communications made available by the HR managers and company web site. This type of material allowed us to better contextualize our interview data, as it provided information on the overall history, structure and culture of *Why Fly* as well as of specific aspects of the company, such as the organizational design and the diversity activities.

*Semi-structured interviews.* The analysis is based on a total of 29 semi-structured interviews with CEO, 2 top HR managers, 2 production managers, 4 supervisors, 15 operators, 5 HR administrative staff in the factory. The study is therefore based on an analysis that combines the interpretations and perceptions of top and middle management with the personal working experience of the more operational members. The interviews were guided by a questionnaire of wide-ranging, including questions about: organizational design (What is your job? How is work organized?); human resource management policies (What is your human resource management policy? What about the selection/evaluation/training system?); diversity management activities (Does your workplace have a diversity and/or equal opportunities policy in place? Do you think your organization embodies your vision of a diverse workplace? Does your workplace have a reputation for promoting diversity and tackling discrimination?); the organizational culture (How would you describe the company’s culture? Do you have any comments you would like to make on your cultural identity?); relationship between French and Italian employees (Have you ever felt mistreated by co-workers or any other person within your organization because of factors related to diversity – in terms of nationality and or language? How are the relations among colleagues?; How would you describe the relations between French and Italian employees?).

We sought to deconstruct the most frequent affirmations concerning diversity, diversity management national identity and/or discrimination; these represented the ‘text’ which we tried to interpret. We adopt the viewpoint of Ricoeur (1986) in seeing the organizational actors as readers confronted by a text. They are actively involved in creating the language of the context surrounding them, made up of both organizational and narrative phenomena (Czarniawska 1995).
**Participative observation.** During a period of participative observation we tried to acquire ‘from the bottom up’ (van Maanen 1979) an initial familiarity with the ‘lexical territory’ of the company. During her fieldwork, the third author spent two to three days a week in the factory, following the work schedule of the personnel of the assembly hall from 8 am to 2 pm or from 2 pm to 8 pm on alternate weeks. Having free access to the factory premises, she could make lots of informal contacts, and become relatively familiar with the management, the workers and team leaders of various teams.

**Ideological control on minority employees at Why Fly company**

In this section, we introduce the organization (par. 4.1) and discuss our research questions, exploring: how diversity is conceptualised within the organization and how the differences are instrumentally constructed (par 4.2); how the human resource practices impact on diversity constructions (par 4.3); and, finally, how these constructions reproduce unequal power relations among groups (par. 4.4).

**THE COMPANY**

Founded 1981 by Aerf of France and Aerit of Italy to develop twin-turboprop regional transport aircraft, Why Fly is a 50-50 joint venture between the two companies. Why Fly is one of the world’s leading aerospace companies and the largest manufacturer of regional aircraft; in particular, it represents the world reference in the 50 to 74-seat turboprop market, with sales exceeding 1000 aircraft. In 2010, the joint venture has more than 800 employees and total company revenues for 2009 were around € 1,1 billion. The company is organised into four business units: Commercial Directorate, Financial Department, Customer Services and Engineering, Operations & Technology.

Manufacturing, production and sub-assembly of parts for Why Fly aircraft are distributed around 4 sites in Italy (producing the fuselage, engine and rudders) and 2 in France (producing electric parts and customization parts). Final assembly, flight-testing, certification and deliveries are the responsibility of Why Fly in Toulouse, France (headquarters), where we have conducted our study.

Why Fly is a team-based organization with a high degree of standardization of the production processes. Moreover, the company implements several formal control mechanisms: rules (procedures, quality standards hierarchy, working schedules, etc) and surveillance technology, as well as superiors’ surveillance. From this point of view, there is a direct relationship between the degree of formalisation and standardisation and the extent of application of bureaucratic control mechanisms.
From the analysis of the company structure, the presence of two significant groups of employees can be seen, distinguished by nationality/language: French and Italian. In May 2010, despite the fact that the joint venture was 50% owned by the two parent companies, the organization’s human resources were prevalently French, (86% compared to 8.5% Italians); 64% of the top assignments were given to French managers (7) and 36% to Italians (4); middle management is composed of 15 French managers out of a total of 19 (79%). The work organization is mainly based on teamwork. The first evident fact, at the end of our analysis, is that the composition of the teams generally follows a criterion of language/nationality uniformity. This is the case both in regard to the assembly line workers and also the more knowledge-intensive work. The ‘Italian’ worker groups, in particular, have been formed to carry out different tasks from those assigned to the French workers throughout the entire production process. The French workers take care of the initial and central production phases, whereas the final assembly phase is assigned to the Italian workers.

The difference in nationality is not a factor that is formally acknowledged neither by the company, nor by its human resources management in general, not even, more specifically, in its diversity management policies. During the interview, the diversity manager stated: “(...) Our recruitment and selection process features the use of objective criteria based on an assessment of skills and experience, and a subjective (behavioural) evaluation by the recruitment officer. For us there is no difference between employing an Italian or a French worker, when I make selections I examine the curriculum, skills and behaviours ... We do not take nationality into account in our selection and recruitment procedures – skills are what is important ... Our diversity management policies are aimed at providing support for women, workers over 50 years of age and differently abled persons”.

The only explicit reference to the question of nationality in company documents regarding human resource management systems was found in a data sheet describing a managerial position (Head of Structure & Repair Engineering) in which ‘management of persons of different nationalities’ was mentioned as one of the difficulties associated with occupying this position in the organization.

But we have noticed a clear disparity between what was formally declared concerning the concept of diversity (internal document) and perceptions of diversity. Our attention, therefore, was not focused on the diversity variables formally defined by the diversity management programs, but on the variable of nationality identified, in reality, as the most pervasive one within the company, both due to its history (the Italian-French merger) and the composition of its workforce, and also to what emerged from the perceptions noted among the Why Fly employees. Under this respect, we have used discourse analysis to deconstruct the concept of diversity itself.
We first of all consider the issues more strictly connected with language. The official language adopted by the company is English; whereas, in actual fact, the majority of communications, whether vertical (both between managers of different levels, and management and workers) or horizontal (whether between managers or teams of workers) are in French.

We must place on record the difficulty of getting top managers to talk about the risks connected with handling a high degree of idiosyncracy (in terms of language) in company make-up: risks connected, for example, with the difficulties and costs of communication and coordination and/or the potential of relationship conflict.

“Our training plans do not include language courses for Italian employees…”, affirmed the CEO, “language cannot and must not be a problem in international companies such as ours … the language used in Why Fly is English and in this sense there are no communication problems … all our employees, irrespective of differences of nationality, age or gender, should feel responsibility as the creators of the quality of our products”.

On the other hand, as the interviews gradually moved towards the lower levels of the hierarchy, the issue of language differences emerged more clearly as a problem. Consider a French teamwork supervisor’s statements reported below: “We still have too large a portion of our staff, particularly at the operational levels, that does not speak French and only has a little basic English …. I am referring in particular to the Italians … This is a big problem for us … communication becomes a fundamental element for effectiveness and efficiency … And if one doesn’t know the language, one cannot communicate and does not know what the boss or the colleague wants. This is thus a handicap. The challenge is to organize your teamwork despite your diversity. However, the management is obliged, among other things, to form our teams using uniformity of the spoken language as the main reference criteria. This is the practical solution to address the language problem”.

Paradoxically, therefore, the production process has developed in such a way as to limit contact between groups of French and Italian workers to a minimum. A French mechanic who is part of a mixed (Italian and French) engine assembly group, stated: “(…) I don’t speak with my Italian colleague. I follow the work procedure that has been given to me and if I have any difficulties, I speak directly with the line engineer, who mediates between the Italians and French …”. “Language is very important because the work environment is tightly controlled by French speakers”, stresses Miriam, an Italian administrative secretary. “I have been working for this company for eight years and it is still difficult to get a promotion”.

From this point of view, differential access to linguistic/communicative resources means differences in the capacity to accomplish certain functions. Inequality occurs whenever the resources people possess do not match the functions they are supposed to accomplish: they risk having other functions attributed to them with respect
equal is not enough. conFerence Proceedings

Recognition of one’s own subjectivity in relation to national origin is an element that stands out particularly (but not exclusively) in interviews with Italian employees.

“I’m an Italian employee of Why Fly, said Mario, with the company for 6 years. Probably also because of the history of the company, which was created by a cross-border merger, you feel a certain separation between the two subgroups (the Italians and the French). We often find ourselves mocking our respective stereotypes with our French colleagues too. In a way I identify both with the company (I’m known to be proud of it) and with the subgroup of Italians who do administrative work. There are fewer of us than there were a few years ago: almost everyone preferred to go/return to work at the Italian locations”.

The workers from the production department identify themselves explicitly as belonging to two different groups; emphasis is placed above all on differences in behaviour: “There is a difference between Italians and French in terms of the way the work is carried out. We French are more careful, ... the Italians work with less attention”, affirmed Audrine, a line employee; but also on the different ways of managing the superior-subordinate relationship: “I know my work and I know the procedures, I don’t need to speak with the boss except when there are serious exceptions”, said Alexandra, a French worker employed on the line, adding, “it seems, however, that the Italians always need to comment about what happens on the line to the boss ... sure, they are good, but they talk a bit too much and like to be noticed by the management”.

National identity was also associated in the workers’ discourses with behaviour seen outside working hours; “the French go to the company canteen during their lunch break, while the Italians generally prefer to eat outside”, said Marco, a worker employed on the line B. None of those interviewed associated these practices with the linguistic limits which could objectively be the cause.

National identity is also associated by the management with specific and different work capacities/incapacities, particularly with regard to requirements connected with the ‘emergency’ situations that often occur during the production process.

“Quality and precision are fundamental elements in our organization. Management control and quality control constantly provide information and fundamental procedures to ensure good management and punctual delivery”, affirmed the (French) production manager, who continued: “Everyone knows this and makes their contribution, but I know that my French workers pay particular attention to rules and proce-
Part 4. Diversity is not enough: interrogating difference and inequality in organisations

dures, and they are meticulous and attentive to the overall efficiency of the system ... the Italians, however, are more resourceful...”.

Managers can exert their power in more subtle ways, through their constructions of diversity (Zanoni & Janssens, 2004): in fact, the labels applied to the Italian employees never have a completely negative reference. For instance, Italians were considered better than French people for problem solving and stimulating cooperation within the group. Again, according to the production manager: “It is very risky whenever aircraft components are not delivered within the scheduled timeframes ... delivery times are immediately compromised and the Italian workers are able to come up with working solutions in order not to interrupt the final assembly phase”.

Yet these advantages could hardly compensate for the serious problems ‘different’ workers posed to organizing work within team production. The understanding of ‘different’ workers as incapable was widely shared in the factory and was linked with the Italian people. The manager continues, saying: “For this reason, in certain workstations they “prefer” to have an Italian rather than a French worker. The Italians provide fundamental support for the production process. The French are more concerned with standard operating procedures and respecting deadlines, and I cannot deny the fact that I greatly appreciate this. I often pay them compliments, particularly during informal meetings on the production line .... I appreciate and support them, telling them they are our load-bearing element ... and that we rely on them to respect quality in terms of time, costs and product conformity ... they are our finisseurs”.

According to Vincent, a (French) group supervisor, assigned to fuselage assembly: “Our production processes are very standardised and performance of the units is measured with quality parameters regarding standards and punctual delivery ... delays in component deliveries create great tension during the final assembly phase and only in these cases are we obliged to adopt non-procedural work patterns ... sometimes the Italians involved in final assembly are able to provide the flexibility that allows us to meet deadlines, and only in these cases do I allow the procedures to be abandoned. But this is a rare exception for us”.

Albane, another (French) group supervisor, assigned to aircraft tail assembly, referring to a recently experienced situation of difficulty, remembers the indications that he gave to the members of the team composed entirely of Italians: “(...) Don’t worry ... the situation of impasse you have caused by not respecting the indicated procedures for welding the tail fins can be resolved ... you are able to deal with the problem by modifying the damaged part ... so get to work ... after all, you are Italians, ... gifted with the so-called ‘art of getting by’”.

The workers clearly see that the forms of organization of work were designed in a way that, in fact, some complex problem-solving activities are performed mainly by the Italians. According to Luca, a worker aged nearly 50 and a member of an exclusively Italian team: “In order to make sure that the company meets its order delivery sched-
we Italians quite often are called to intervene in assembly problems that are very complex and often entirely new and unforeseen. For example, a few days ago we had to significantly modify the fuselage structure of three aircraft, because the ones delivered by our factory in Bordeaux were the standard ones rather than those meeting the client’s specifications. The production manager did not advise us of the glaring error until one week before delivery, while the fuselages had already been in storage for more than two months. We didn’t even know where to begin... but we modified the parts in just six days. Anyhow, the company gave us credit for it...”. And Fabienne, a young French worker, says: “the speed and effectiveness of the assembly processes are the result of everyone’s coordinated work. However, I don’t know whether it’s because of their ‘natural’ predisposition, a question of experience, or just because our bosses want it that way, but the Italians mostly intervene in the final part of the process”.

Acknowledgement of a division into distinct groups by nationality is therefore even more evident in the perceptions (and statements) of the employees than in comments from management. Such a division is typically translated from the (objective) native language variable into (managerial) choices concerning the methods of division and coordination of work. National identity and its conventionally decoded manifestations become a basis for taking decisions on the design of the micro-structure of the work. In other words, language as a supporting factor of identity intertwines with and overlaps management’s language patterns, which tend to radicalise the differences in nationality, as well as organizational design linked to the training criteria of the work groups and to job assignments (to different teams) during the production process.

HUMAN RESOURCE PRACTICES AND IDENTITY/DIVERSITY REGULATION

Diversity of nationality is also a factor underlying human resources management practices. The case study shows that the processes of hiring, training, career managing and assessing human resources (current and potential skills of employees, as well as evaluating performance) are owned by managers in order to accommodate and enhance the dichotomous logic associated with national identity. On the one hand they reinforce the process of social construction of identity and, on the other, they influence employees’ behaviour by communicating expected outcomes and value judgments on the work of the two different groups of workers. In particular, diversity of nationality is not present as a formal factor in the process of assessment of skills and capabilities aimed at the selection of employees, but it takes a key role in hiring decisions. In fact, from the analysis it appears that the selection of a candidate takes particular account of the presence of educational qualifications achieved in France compared to the equivalent title achieved in Italy.

“If they have to choose, my colleagues prefer to hire a candidate who has attended a technical French school. So you achieve two benefits: the guarantee of a certain type of perceived
higher quality training and a special bond with the territory\textquotedblright, said the head of the HRM. Even for employees, their differing previous training experiences are depicted as an important factor in defining specific professional characteristics that identify differences between the two groups of workers. According to Stephan, an engine assembly worker: \textit{“Three years ago, when the company was growing, 18 of us were recruited in this Department ... 15 were French and only 3 Italian ... Probably the concessions granted by the French government were an incentive to choose French candidates. My impression, however, is that our (French) technical and professional training courses are considered particularly suitable for the profiles to be recruited. Besides, one of the issues they pointed out to us, first in school and then during professional training courses, is quality control and compliance with the company’s production standards. While obtaining my ‘brevets d’études professionnelles’, I learned that to do something well, you have to follow the rules that have been written for your work... it’s a matter of both safety and productivity”}. The same happens for the allocation of positions and organizational career management. \textit{“Under the same conditions, a manager in the technical area, who must choose a candidate to promote, continues to give importance to the (French) learning experience the employee went through before entering the company. The result is that, as time goes by, there are more and more French employees and officials in the company”} continues the same manager.

National identity and its conventionally decoded manifestations are factors by which employees represent their organizational role. In addition, identity is associated with competence that can increase the likelihood of professional growth. \textit{“With a good basic training, a skilled worker has more chances to rise to supervisory roles”}, says Xavier, a French Chief worker, \textit{“I think that my experience in the French school has been important in enabling me to get where I am now”}. \textit{“I learned what I do best in times of difficulty and with the help of more experienced colleagues”}, says Alberto, an Italian worker with a certain seniority, \textit{“... but I think also that to become a good leader you must demonstrate determination to deal with new situations that arise and I did not learn this in school ... I think that I have a good chance but I don’t know the future prospects for career advancement”}.

Finally, the performance evaluation system (and variable remuneration linked to evaluation) represents an obvious way in which diversity of nationality and language transpires in the exercise of power by the (French) managers, who make up the ‘dominant’ group in the company. The evaluation system is based mainly on efficiency indicators reflecting group performance. Coherently, the company’s group rewards are based on performance indicators related to, above all, the timing of orders. \textit{“To do a good job here, we must respect the deadlines and, in order to achieve this, the company is also willing to have more employees than they actually need”}, says the Head of management control.
Managers can achieve these results through compliance with quality standards, but they also need the flexibility observed in (Italian) employees in a situation of crisis or in contingencies. So managers express their expectations with respect to employees stating that the performance appraisal systems are inspired by the logic of quality control. At the same time, however, when discussing organizational behaviour, in individual or group interviews with Italian workers, those who show a marked propensity to flexibility and creative thinking to solve operational difficulties are more appreciated.

“When I evaluate the performance of my workers”, said the manager of Line A, “I measure their productivity with the regularity indicators provided by the management control system. Certainly, in the assessment of some employees (Italians) the lower levels of productivity can also be offset by the positive assessment of certain skills such as flexibility of approach, the ability to handle the stress of extreme change and problem-solving. This way, the performance of my unit is guaranteed and the climate after the annual assessments is always pretty calm”.

Employees belonging to the two groups have developed different reactions to the tools of measurement and evaluation of their performance. A French worker says: “I know what are the expectations of my boss and if I can do something to earn a little more in these times! It’s simple: I know the control index of the work I do, I always try to comply with those measures!”.

On the other hand, Luigi, a young Italian worker, states: “Quality control is important for us but we (Italian technicians) have shown ourselves to be good at working out procedures too! Thanks to this our department has often achieved the targets set by management control...even if the assessment performance system couldn’t recognize our specific effort”.

Assessment processes, thus, can be read as the material construct within which the meanings associated with national identity are related specifically to the measurement of corporate performance. At the same time, symbolic power and the significance of the assessment instruments in human resources management result in a repeated process of self-regulation behaviour in line with those socially constructed meanings.

POWER RELATIONS AND DIVERSITY CONSTRUCTIONS

At Why Fly, diversity is defined on a group basis and includes linguistic/national diversity. The identification of the ‘nationality’ variable as a basic element of subjectivity is a characteristic especially of the Italian minority: there is a tendency to self-classify as part of a category (the group of Italians), that appears in the perception of oneself, one’s own behaviour and the activities one is called on to perform, as well as in comparison with the actions of others (the French). The strong sense of commitment to the company by the French workers contrasts with the Italians’
equally strong sense of identity as “the group that ultimately allows the company to function... the ones who make sure the order is delivered according to the customer’s specifications”.

The construction (and radicalisation) of these differences may be interpreted as a latent form of control (power) exercised by management, the great majority of whom are French. From this point of view, diversity of nationality and language are two elements on which the maintenance and accumulation of power by the French managers (who compose the ‘dominant’ group in the company) are based. The difficulty of overcoming resistance and building consensus on the basis of elements of substantial equality and participation tends to be camouflaged by the modification of the actors’ perceptions and evaluation abilities.

The separation between expectations and practices in regard to the French and the Italians actually reinforces a binary vision of the nationality/language differences, influencing social interaction and reproducing real power/subordination relationships. In this sense, the rational/emotive, efficiency/flexibility or productivity/problem-solving linguistic contrasts that are attributed respectively to the French and the Italians necessarily accentuate the differentiating labels for the two ‘classes’ of subject. This contributes: (i) to further marginalizing minorities and stigmatizing ‘the other’ through stereotypes; and (ii) to highlighting the existing differences in a negative way, in order to maintain a status quo that reinforces inequality. In other words, the difference in nationality is emphasized, making it easier to resort to stereotypes that are useful to the French control group: diversity forms the basis for an exercise of power which is based on the distortion of ‘the other’.

Furthermore, there is a consolidated idea in literature according to which it is precisely through dichotomic or binary language based on central and peripheral categories or attributes (in this case, for example, the recognised efficiency of the French and the flexibility of Italians), that categories are created and borderlines are defined in regard to what is critical for the organization and what is merely marginal. In other words, this lexical binary reinforces the establishment of precise criteria of inclusion and exclusion from the organizational system. A similar logic can be found both in the division of labour and in the design of human resource management policies. For example, the construction of a system of performance evaluation that is based primarily on efficiency variables and, in parallel, a job assignment organization reflecting a higher level of uncertainty about the group of Italian workers, reveals a consistent planning logic with a discursive view based on the in-group/out-group dichotomy. The evaluation system therefore becomes a way to monitor not only results but also career and salary progression on the basis of differences in nationality.

Organizational Discourse and design thus tend to reinforce the separation of roles, leading to a polarization between the working experiences of French and Italians. The French methods of ‘doing things’ are considered intrinsic to the structural, ideological
and symbolic elements of the organization, as well as to daily activities and interaction. The types of behaviour that can lead to promotion (according to the statements of the production and human resources managers) are efficiency, technical competence, the capacity to quantify problems and respect for roles. The relational or problem solving practices (associated with the Italians), such as maintaining well-being in the projects, reciprocal empowering and team collaboration, are generally undervalued within the company – an undervaluing that, in the words of Fletcher (1999), could be defined as disappearing. The disappearance, in this case, consists of the systematic undervaluing of those practices identified as typical among the Italians, which are almost always considered as signs of weakness. From this point of view, organizations and organizing can be considered as gender processes (in the widest sense of the term), that control and marginalised minority groups.

Conclusions and main limitations

In this work we have analysed the relevance of social interaction process and relationships within organisations as antecedents of individual identity building processes. We have studied the relationship, rarely empirically examined in literature, between discursive and non-discursive diversity management practices, identity building processes and ideological control from the perspective of critical post-structuralist and interpretativist approaches. In particular, we have studied how identity/diversity discourses reflect existing managerial practices and underlying power relations, and how they reproduce those managerial practices and power relations.

The empirical analysis, whose main objective was precisely to understand the political dynamics of the categories for defining and managing diversity, was conducted through the study of the ways in which language and more material practices express and maintain binary concepts connected to nationality (Italians versus French), thereby structuring power relations.

The binary version, based on the twofold concept of inclusion/exclusion that can be found both in discursive practices as well as in work organisation and certain human resource management practices, allows a parallel to be drawn up with the conclusions of certain critical and post-modernist approaches of feminist studies on gender: the differences (gender or language) are not issues regarding biology (gender) or the place where one is born (nationality or language), but are created through social, historical, material and discursive practices.

From the analysis, it appears that the managerial language and practices tends to act on individual and collective identity, having an impact on organizational action in terms of control management. The dominating group (French management) seeks to affect the sense of group identity/diversity in order to establish models of action for the organizational actors in a logic of maintaining the status quo. So, the mana-
gational discourse and praxis are functional to reinforcing a binary vision of the type ‘in-group’ versus ‘out-group’ which reinforces the stereotypes and consolidates the “sense of the other” with respect to a category of ‘normality’. Discursive practices reflect and reproduce the job design and human resource management policies (for example, assessment and training) that underlie the different distribution of power the French and Italian management.

To sum up, therefore, this paper is intended, on the one hand, to make a contribution towards understanding the formation mechanisms of individual and group identities, considered in an unstable and fluid sense, diverting attention from a cognitive to a relational perspective; and on the other, to highlight the link between identity regulation processes and power dynamics.

To conclude, our study presents at least two main limits. In the first place, in the empirical analysis that was conducted we have concentrated only on the diversity variable (nationality), which seems to us, both from the company’s history and in the interpretation of the interviews that were conducted, to be more pervasively perceived by the employees.

In the second place, the analysis gives a limited emphasis to the possibility of the organisational actors implementing resistance processes, almost as if the dominant group was attributed with the capacity of creating a construct (identity) from which “there is no escape” and which provides no possibility for dissent. On the contrary, the organisational actors are not limited to measuring themselves against the existing hegemonic discourses, but rebuild their own identity by choosing certain discourses and recombining them to give meaning to the concept of diversity within the organisational context in which the relationships are developed. Zanoni and Janssens (2007), among others, suggest that employees representing ‘minorities’ cannot be considered as passive ‘containers’ of managerial control constellations, but are agents that, in reaction to these constellations, implement organisational actions and can thereby create a space for their own micro-emancipation.

Notes

1. All names used in the paper are fictitious.

References


Thompson, P., & Ackroyd, P. (1995). All Quiet on the


Women’s continuing underrepresentation in senior ranks across disciplines in academia is well documented. Yet, the majority of analyses of gender discrimination in universities are institutionally-oriented and focus on the importance of structural barriers of patriarchy. This leaves the issue of subjectivity untheorized and impedes our understanding of gendering process in academic institutions. The aim of this article is to apply psychosocial approaches enabling us to think differently about the workings of institutions that re-produce such orders as reflected in systems of knowledge and the norms of being (a female) academic. First, I draw on conceptions of women’s ‘otherness’ in the work of Irigaray and Kristeva, and then turn to Butler’s (1997) idea of subject-ion, which is sustained and reproduced as an instrument of subject becomingness and is the precondition for her agency. Second, I apply the critique of post-feminism by McRobbie (2009), with an intention to rehabilitate the demands of feminism as pertinent to dispelling the logic of inequality and subordination of women in academia as yet another ‘wicked issue’. The findings of a study looking into the experiences of women in management and business schools in England are then discussed in light of the proposed theory.
Introduction

In industrialized countries women have increased their participation in various professions including law, medicine, accounting and management (Equal Opportunities Commission, 2006; World Economic Forum, 2006; Fincham & Rhodes, 2005: 630). While gender discrimination continues in many of these professions, the unequal pay and career prospects for women in academia is particularly pervasive, suggesting how intractable are inequalities in academe. Recent EU reports (She Figures, 2006; European Union, 2008) of women in science across the 27 EU member states reveal that equality at the top remains an elusive goal. For example, only in four out of twenty seven countries, namely Romania (29.1%), Latvia (26.5%), Finland (21.5 %) and Portugal (20.9%) the percentage of full women professors across all academic disciplines varies between 20-30% (See Table 1); while in all the remaining twenty three countries it is much lower (see Table 1).

There are many hypotheses and explanations for this persistent under-representation, although the quantitative framing is but one way of capturing women's subordination in academe. The earliest came from sociologists and sociological feminists. Their work identified the root causes of inequalities in historical patterns governing academic careers, and their intersections with women’s family and caring obligations (Long, Scott, Paul, & McGinnis, 1993; Fox, 2005; Reskin, 2003). However, evidence from various countries including Australia (Probert, 2005), Sweden (Falkenberg, 2003; Elg & Jonnergård, 2003), Finland (Kantola, 2008), the Netherlands (Van den Brink, Benschop & Jansen, 2010), Spain (Vázquez-Cupeiro & Elston, 2006), the UK (Morley, 1999; Eveline & Booth, 2004) and the US (Maranto & Griffin, 2011), demonstrates that altering institutional conditions may not be sufficient to preclude gender bias and prevent discrimination. There is body of theory argues that women’s relative under-representation in senior academic positions is not simply a result of poor policy or erratic implementation, but is a deep-seated cultural issue requiring cultural and generational change (Bailyn, 2003; Winchester, Lorenzo, Browning, & Chesterman, 2006). Gender stereotypes are ideological and prescriptive, and their influence on academic employment processes is unlikely to diminish simply with the
Table 1: Proportion of Female Academic Staff in Grade A Positions, 2004

<table>
<thead>
<tr>
<th>Country</th>
<th>Grade A</th>
<th>Grade B</th>
<th>Grade C</th>
<th>Grade D</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>EU-25</td>
<td>15.3</td>
<td>32.2</td>
<td>42.0</td>
<td>43.3</td>
<td>36.4</td>
</tr>
<tr>
<td>Austria</td>
<td>9.5</td>
<td>16.2</td>
<td>35.6</td>
<td>37.9</td>
<td>29.7</td>
</tr>
<tr>
<td>Belgium</td>
<td>9.0</td>
<td>20.7</td>
<td>33.1</td>
<td>46.6</td>
<td>32.7</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>18.0</td>
<td>34.9</td>
<td>–</td>
<td>52.4</td>
<td>43.8</td>
</tr>
<tr>
<td>Cyprus</td>
<td>10.2</td>
<td>17.2</td>
<td>37.5</td>
<td>33.5</td>
<td>31.0</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>10.3</td>
<td>22.1</td>
<td>40.2</td>
<td>48.8</td>
<td>34.0</td>
</tr>
<tr>
<td>Denmark</td>
<td>10.9</td>
<td>24.4</td>
<td>37.6</td>
<td>42.7</td>
<td>31.8</td>
</tr>
<tr>
<td>Estonia</td>
<td>17.2</td>
<td>37.1</td>
<td>56.6</td>
<td>66.6</td>
<td>49.2</td>
</tr>
<tr>
<td>Finland</td>
<td>21.2</td>
<td>46.6</td>
<td>52.9</td>
<td>42.8</td>
<td>40.9</td>
</tr>
<tr>
<td>France</td>
<td>16.1</td>
<td>38.7</td>
<td>–</td>
<td>39.3</td>
<td>32.9</td>
</tr>
<tr>
<td>Germany</td>
<td>9.2</td>
<td>16.1</td>
<td>25.9</td>
<td>35.6</td>
<td>29.2</td>
</tr>
<tr>
<td>Greece</td>
<td>11.3</td>
<td>22.7</td>
<td>31.9</td>
<td>39.4</td>
<td>29.0</td>
</tr>
<tr>
<td>Hungary</td>
<td>15.4</td>
<td>30.9</td>
<td>46.0</td>
<td>36.7</td>
<td>36.3</td>
</tr>
<tr>
<td>Iceland</td>
<td>15.1</td>
<td>29.9</td>
<td>53.0</td>
<td>–</td>
<td>33.8</td>
</tr>
<tr>
<td>Israel</td>
<td>10.6</td>
<td>21.6</td>
<td>33.6</td>
<td>44.7</td>
<td>24.6</td>
</tr>
<tr>
<td>Italy</td>
<td>16.4</td>
<td>31.4</td>
<td>43.8</td>
<td>–</td>
<td>31.2</td>
</tr>
<tr>
<td>Latvia</td>
<td>26.5</td>
<td>37.0</td>
<td>65.0</td>
<td>–</td>
<td>57.7</td>
</tr>
<tr>
<td>Lithuania</td>
<td>12.1</td>
<td>37.4</td>
<td>49.5</td>
<td>59.9</td>
<td>49.1</td>
</tr>
<tr>
<td>Malta</td>
<td>2.3</td>
<td>31.7</td>
<td>14.2</td>
<td>25.0</td>
<td>26.6</td>
</tr>
<tr>
<td>Netherlands</td>
<td>9.4</td>
<td>14.2</td>
<td>27.0</td>
<td>39.4</td>
<td>31.4</td>
</tr>
<tr>
<td>Norway</td>
<td>15.7</td>
<td>28.2</td>
<td>45.5</td>
<td>48.8</td>
<td>37.6</td>
</tr>
<tr>
<td>Poland</td>
<td>19.5</td>
<td>27.4</td>
<td>41.0</td>
<td>–</td>
<td>34.9</td>
</tr>
<tr>
<td>Portugal</td>
<td>20.9</td>
<td>34.4</td>
<td>43.4</td>
<td>50.4</td>
<td>41.8</td>
</tr>
<tr>
<td>Romania</td>
<td>29.1</td>
<td>49.1</td>
<td>–</td>
<td>55.2</td>
<td>42.9</td>
</tr>
<tr>
<td>Slovenia</td>
<td>12.9</td>
<td>25.8</td>
<td>39.3</td>
<td>47.9</td>
<td>31.4</td>
</tr>
<tr>
<td>Slovakia</td>
<td>13.5</td>
<td>31.5</td>
<td>48.5</td>
<td>54.3</td>
<td>41.1</td>
</tr>
<tr>
<td>Spain</td>
<td>17.6</td>
<td>36.1</td>
<td>52.2</td>
<td>50.6</td>
<td>42.1</td>
</tr>
<tr>
<td>Sweden</td>
<td>16.1</td>
<td>38.6</td>
<td>40.0</td>
<td>50.0</td>
<td>42.5</td>
</tr>
<tr>
<td>Switzerland</td>
<td>16.5</td>
<td>23.3</td>
<td>33.8</td>
<td>41.3</td>
<td>30.8</td>
</tr>
<tr>
<td>Turkey</td>
<td>25.5</td>
<td>27.4</td>
<td>40.5</td>
<td>41.6</td>
<td>35.7</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>15.9</td>
<td>31.2</td>
<td>46.1</td>
<td>46.1</td>
<td>41.2</td>
</tr>
</tbody>
</table>

(Source: Women in Science, 2008 data DG, EU, European Commission)
passage of time or with the accumulating evidence of women’s capabilities (Krefting, 2003; Benschop & Brouns, 2003). The complexities and ambiguities of gendered organizations therefore require far more complex and nuanced analyses (Gherardi & Poggio, 2005).

The aim of this article is to respond to this recommendation by drawing on psycho-social approaches to think differently how institutional structures in universities and the social structures of patriarchy are sustained inter-subjectively. My argument is two-fold. Firstly, I make a claim that the focus on structures leaves their intersections with subjectivity, otherness and discourses untheorized. Such approaches fail to consider that patriarchy is not only exterior to, but is interiorised by the subject. Understanding of discrimination against women in academia, and the workplace more generally, is thus impeded. Secondly, and following from this, I argue that gender inequalities in academia occupy a position of an irresolvable ‘wicked issue’. ‘Wicked problem’ is the phrase originally used in social planning to describe a public policy problem that is difficult or impossible to address because of incomplete, contradictory, and changing requirements that are often difficult to recognize. The term is commonly referred to describe other public policy issues such as health inequalities for example. The issue of women’s relative lack of progression in academe might be conceived as a wicked issue, not in the sense of evil, but rather as insoluble. My aim is to challenge this view.

To do so, I propose a psycho-social conception of subjectivity, in which social system sustained and reproduced by the subject herself and is an instrument of that subject’s becomingness and the condition of possibility for her agency (Butler, 1997: 10-11). The contribution I intend to make is to unravel how intersubjectivity underpins the workings of institutions that re-produce such orders reflected in systems of knowledge and the norms of being (a female) academic. The study draws on feminist psychoanalytic ideas in order to develop an integrative approach, which is concerned with woman’s construction as the non-male ‘other’, her fixation in this role through processes of gendering, and the reaffirmation of these norms in post-feminist discourse. I utilize feminist post-structuralist psychoanalytical conceptions of the imaginary and symbolic constructions of social reality but also bring forward various other strands of feminist thought on the social situatedness of the subject. My aim is not to synthesize those diverse and complex ideas into a singular grand narrative, but rather to stress the continuity of feminist struggle behind the varieties of feminisms, and achieve cross-fertilization between various contrarian theoretical approaches. The proposed schema therefore refuses the idea of linear development and ‘progression’ within feminism as incompatible with its ontology and epistemology: it eschews teleological outcomes.

I start with exploring woman’s ‘otherness’ as theorized by Luce Irigaray and Julia Kristeva to suggest that the antithetical ways of establishing sexual differences serve the
purpose of reproducing and perpetuating social divisions. I then turn to Judith Butler's (1997) idea of the individual's subject-ion to this socio-symbolic order, which indicates a system of formal rules, laws, bodies of knowledge and linguistic significations originating in Lacanian psychoanalysis. Finally, I apply Angela McRobbie's (2009) critique of post-feminism, which is accused of appropriating and normalizing feminist ideas through the hegemony of gender inclusivity, with an intention to rehabilitate feminism's relevance in academia and further our understanding of the causes of inequalities they experience from an organizational studies perspective. I do so because the post-feminist rhetoric stating that gender inequalities no longer exist in higher education have been shown to be unfounded (Morley, 1999, 2010). Not only is there a continuing evidence of bias against female academic faculty which extends to the composition of MBA students in 100 top ranked business schools of the world (Ibeh, Carter, Poff, & Hamill, 2008) but various forms of discrimination are experienced by the students in management schools (Smith, 2000) and universities (Morrison, Bourke & Kelley, 2005).

In the sections that follow I briefly review (the limited) influence of feminist thinking in organization studies and show the necessity of an extended feminist psychosocial approach. The proposed theory is then laid out and applied to the analysis of findings from the empirical study of women's experiences in several management schools in England. In the conclusion, I briefly state the final thoughts on the findings presented. Possible strategies for dis-identification and dis-articulation of dominant discourses, and the re-territorialisation of their assigned meanings, are also suggested.

Gender, feminism and inequality in academia

All organizations have regimes of inequality, defined as loosely interrelated practices, processes, actions and meanings that result in and maintain class, gender and racial inequalities within particular organizations (Acker, 2006: 443). Van den Brink, Benschop and Jansen (2010) divide feminist responses into three categories: ‘equal opportunity’, ‘gender difference’ and ‘post-equity’ or ‘transformational’ perspectives. Ely & Padavic (2007: 1226) suggest that feminist theorizing progressed from concerns about cultural bias in empirical studies of gender, to structural issues about women’s devaluation as a fundamental feature of institutions, and finally to a critique of gender categories as arbitrary, unstable, and socially constructed, which are themselves a product of power relations. While not incompatible, these perspectives are often seen as antithetical. Equality strategies rooted in liberal feminism which aim to bring forward women's voices and experiences (some influential examples can be found in Gilligan, 1982), have been criticised as problematic because they privilege voice over embodied experience (Simpson & Lewis, 2005). Simpson & Lewis (2005) offer a
more radical stance of poststructuralist feminism which strives to uncover the power of ‘invisibility’ and the battle for the male norm.

Post-structuralism and social constructionism have been used to address the discursive constitution of subjectivity and bodies at work (Heam & Parkin, 1983; Mills, 1988; Acker, 1990; Martin, 1990), but their relevance for understanding women’s position in academia remains curiously unexplored. Barring a few examples from the field of organization studies (Probert, 2004; Townsley, 2006; Kantola, 2008; Czarniawska & Sévon, 2008; the Special Issue of the Gender Work & Organization 2003, 22(2)), there is little research into the various aspects of gender inequality in universities outside structural–sociological or institutional perspectives. Some recent works on women in academia began to draw on those perspectives to explain the causes of inequalities in academe (Van den Brink et al., 2010; Van den Brink & Benschop, forthcoming). However, there is a dearth of psychoanalytic approaches in research on gender in organizations and/or sociology of work. The work of theorists who see patriarchy and its institutions as part of the socially constructed symbolic order (for examples see Irigaray, 1985, 1991, 1993; Kristeva, 1982, 1986; Butler, 1990, 1993, 1997, 2004), is yet to be used to explore the position of women in universities. Yet such perspectives offer unique insights to explain the causes of this inequality. They highlight the processes by which social norms and institutional structures are inscribed in subjects’ psyches, and show how these lead to re-enactment and reproduction of inequalities in academia through intersubjective processes.

For reasons of space the next section outlines in brief the ideas of only a few theorists I rely on in this study.

THE ANALYTIC FRAME

First, I outline Luce Irigaray’s theorization on the position of woman as an archetypal other in the social order. By offering her lucid exposition on the habitual relegation of the feminine to the position of matter, material or object against which the masculine defines itself in Western thought, Irigaray contributes greatly to unearthing the importance of the fantasmatric foundations behind the social position of woman who “is most often hidden as woman and absent in the capacity of subject” (Irigaray, 1985: 132). Women lack their own means of representation as Irigaray points out and are therefore bound to enact dominant norms that are assigned to them. Far from being an essentialist, Irigaray (1993, 1996) proposes a new ethics of sexual difference for both women and men, which she conceives of primarily in its metaphysical dimension. Without finding new ways of expressing and symbolising sexual difference she argues, the denigration of women will not cease (Irigaray, 1993).

Second, I draw on Julia Kristeva’s work on the ‘strangeness’ and ‘foreignness’ of the female body in the symbolic order defined by patriarchal norms. Her theorizing on the woman’s association with embodied presence and her representation as mother,
which is opposed to language, thought and signification, excludes her from the symbolic and leads to her abjection \((\text{Kristeva, 1982})\). Kristeva ostensibly contradicts Luce Irigaray’s views by distancing herself from the explicit reference to ‘woman’ as a definitional category. For her the body is a signification process. The concepts of man and woman are not products of nature but of signifying practices located predominantly in the symbolic order. However, Kristeva complements Irigaray work on the feminine absence when she considers the differentiation from the mother by abjection that is particularly evident in Western tradition, as a necessary step for subjects to enter the symbolic order in patriarchal cultures \((\text{Kristeva, 1986})\).

Third, I turn to Judith Butler’s \((1990, 1993)\) ideas, which reveal gender and sex as performatively achieved categories whereby repetitive interventions establish the cultural assumption of sexual difference as an ontological truth. However, gender and sexual identities, which she uses interchangeably, are accomplished rather than given \((\text{Butler, 1990})\) through practices of repetition and citationality \((\text{Butler, 1993, 2004})\). She also suggests that social norms are discursively and affectively appropriated by the subjects themselves even if these are injurious to them as a precondition of their (social) existence \((\text{Butler, 1997})\). Butler’s preoccupation with the disruption of gender binaries as an exemplar of an exclusionary social practice effected through the normative matrix of values and identities, is drawn upon here in order to develop the idea of socially situated subjectivities.

This triadic framework is used to analyse and discuss experiences of a sample of women academics in management and business schools in England in the sections that follows. I conclude, I draw on Angela McRobbie’s \((2009)\) exposition of how feminism has been appropriated and disavowed in consumerist discourse while its demands are ostensibly recognised and responded to. Her thesis is that gender re-trenchment is secured, paradoxically, through the wide dissemination of discourses of female freedom and by pretensions of equality \((\text{McRobbie, 2009: 55})\). This disavowal of feminism enables new subtle forms of gender injustices and the reappearance of certain vengeful misogynistic practices. McRobbie criticism of post-feminism is my final theoretical inspiration. I use it to bring empirical findings together with my proposed explanation about the disarticulating requisition of feminism and its incorporation in the neoliberal logic with its negative consequences for women at work.

**Women in management and business schools in England: The story of absence and subjection to the gendered symbolic**

The study examined experiences of twenty one women academics from seven management and business schools in England using in depth qualitative interviews. The interviews were open-ended starting with an invitation for respondents to tell their stories in the way they chose. I then explored the nature of specific difficulties in
relation to respondents’ gendered identity, their feelings and actions undertaken to counteract them and sources of support in dealing with the problems experienced. A convenience sample of respondents was chosen, from a variety of ethnic, national and educational backgrounds; age groups and different stages of academic career. The study was conducted intermittently from spring 2007 until summer 2008. The transcripts were analysed manually to identify major themes. All interviews were read separately by two researchers and their notes were then compared for consistency. Repeated rounds of immersion in the transcripts led to an initial grouping of findings under broad categories including identity, expectations, rewards, causes of difficulty, coping mechanisms and/or support. An iterative process of going back and forth from the findings to the overarching frame (Eisenhardt, 1989) preceded a search for narrative explications for the emerging themes. For reasons of space, we present only some of these findings.

Next, I identify situations where women felt that their gender has either constrained or benefited them and delineate coping mechanisms and sources of help women relied on. These include: support either sought or given in the workplace, fight or flight from the problem, and the extent that blame for any negative experience was internalized.

WOMEN’S OTHERNESS AS A SOURCE OF THEIR DISCRIMINATION IN ACADEMIA
All respondents in the study reported experiencing various degrees of ‘mild forms’ of discrimination, ranging from (i) being overlooked for promotion despite fulfilling all necessary criteria in favour of another (usually) white, male colleague, (ii) being paid less for equal or more work of equal or more value than the same proverbial colleague and/or (iii) being forced to do more administrative work and teaching excessively large classes of undergraduates. There were also reports of more serious forms of bullying and harassment including (iv) predatory sexual behaviour, (v) appropriation of intellectual work (by senior and usually male colleagues) without acknowledgment, (vi) derogatory comments about the woman’s conduct and quality of work, often made in front of colleagues and students, (vii) threats of dismissal (and termination of contract when this was possible), and (viii) interference with and intrusion into women’s personal and family lives, particularly during illness or the late stages of pregnancy.

The following phrases were amongst the most frequently reported: “I was being subtly bullied”; “I was being bullied”; “I had a very poor experience with mentors”; “I never had an appraisal in the last five years”. The remarks articulated by one of the respondents sum up the experiences of many others: “Women tend to be more exploited in organizations. There is aggression towards women because many men do not want to be challenged by a woman”; adding: “In conferences men often talk amongst them-
selves, making women feel alienated” (Respondent 1, Senior Lecturer, March 2007). Female lecturers and researchers in the early stages of their careers were given particularly heavy or even punitive teaching workloads. This posed a problem for their career development as explained by an interviewee because of: “a danger that can happen with women in academia, that they get more work loaded on and that is serious work but it doesn’t get really valued in the organization” (Respondent 7, Lecturer, April 2008).

Some women experienced feelings of not being trusted to do their job or not being taken seriously, as shown in the following excerpt: “I don’t know why he [the boss] wouldn’t let me do it. Maybe he just wanted to keep me on his research project to help him out. That could be another reason. But for somebody to say, ‘Well, I don’t know if you’d be very confident at it.’ Is not exactly developing you, is it? If there’s anything going to make you unconfident it would be something that’s said like that, you know” (Respondent 11, Research Associate, March 2008).

After being removed from the university website before the end of a contract one respondent reported: “I was zapped out of existence” (Respondent 2, Senior Lecturer, April 2007).

I have found helpful the work of Irigaray and Kristeva on women’s (embodied) difference to explain and theorize on the difficulties they experience in academe. There is incomprehension and puzzlement and symbolic annihilation referred to a being ‘zapped out of existence’. The interviews indicate that women have been allowed into academia but are not an integral part of it. The symbolic-imaginary nexus that undervalues and/or exiles women from the process of knowledge creation identified by Irigaray and Kristeva, can explain respondents’ feeling of strangeness and alienation, even if this cannot always be pinned down or fully articulated. Irigaray sees gender as impossible because Western civilization is “without any female philosophy or linguistics, any female religion or politics” (Irigaray, 1996: 44), as she argues that no doubt female physiology is present but not identity, which remains to be constructed (Irigaray, 1996: 107). Speaking of equality in academia therefore is referring to something that does not exist (Morley, 2010). Irigaray probes in depth the symbolic constructions of gender and their social, cultural and linguistic dimensions in order to unravel their imaginary foundations. Her work pinpoints the consequences of women’s absence and her mis/representation in the symbolic order.

While all respondents were aware of the difference that female status implied, quite a few stressed other intersecting aspects of their ‘otherness’ such as race, ethnicity, nationality, social class and upbringing. One woman associates part of her workplace experience with “feeling different because of growing up in a council house...my mum saying to me ‘Don’t rock the boat’ and feeling I should try and speak more slowly...I now more comfortable about being different and my accent’s part of who I am” (Respondent 13, Senior Research Fellow, May 2008). Another respondent wondered: “Are there are many other brown or black women professors in your sample?
Do they exist at all in business and management schools in England?” (Respondent 20, Senior Lecturer, July 2007). Yet another respondent remarked: “As an older woman I am perceived as particularly frightening” (Respondent 1, Senior Lecturer, March 2007).

When gender intersects with ethnicity, race, religion, non-heteronormative forms of sexuality, age and/or disability, it is often experienced as a multiple disadvantage (see Acker, 2006). Occasionally, the intersecting attributes of otherness may be advantageous as shown in the stories of women foreign scientists (Czarniawska & Sévon, 2008). These findings seem to be confirmed by our research. At least four respondents felt that their foreign identity and upbringing either equipped them with the necessary ‘toughness’ because “you do not necessarily have alternative fall back options” as put by one respondent, or because of “an outsider’s view, you’re not limited”, as put by another one.

For the majority, barriers to career progression were a source of constant worry and anxiety. Feelings of anger, disappointment and alienation have all been experienced by those who felt discriminated against, as vividly described by one respondent: “I am a rocket now and the tail of energy is anger” (Respondent 1, Senior Lecturer, May 2007). Lack of recognition compounded the perception of not being valued in the workplace, affecting motivation and overall happiness of many respondents, which is summed up in the following statement: “I am becoming really demotivated. And sometimes when I wake up in the morning I think, oh, I don’t really want to go to work because I feel I’ve been unfairly treated and I’ve got no motivation to do anything. Because I think all the things that I wanted to do I’ve been stopped from doing” (Respondent 11, Research Associate, March 2008).

While the struggles against such odds often led to disillusionment and loss of commitment, at the same time, love for the chosen profession kept many interviewees going: “It made me feel very upset and disillusioned, because when I got this job I was so happy. When I got this job I thought, my goodness, this is the place where I’m going to work for the rest of my life. I love it, I love it, I love it. I was on the train going to work every day for at least a year with a smile on my face, being happy that I’m going to work. I loved it. I was working like crazy, I was working seven days a week, from home, from the office, and I loved it. I was working really hard. But it was a combination of love for this work, ambition, I loved the environment, people, at the same time it’s a good, reputable university, so I felt lucky, I felt very proud of myself that I got this kind of job, and suddenly it’s like it all collapses, and you’re thinking to yourself, well, it’s a combination of thinking why?” (Respondent 20, Lecturer, June 2008).

Judith Butler’s work explains why commitment and self-exploitation at work are often closely intertwined. Butler (1993, 1997, 2004) uses gender as an exemplar to develop her theory of sub-jection but it is relevant to exploring other issues as well. Many researchers have drawn on her idea of passionate attachments to norms that
define one’s gender, in order to describe the nature of people’s excessive commitment to work, even if this injurious to themselves (for examples see Kenny (2010) in the context of development; McRobbie [2003] in fashion industry and Gill (2010) on academic labour). For McRobbie specifically, the professed pleasure in work and indeed passionate attachment to something called ‘my own work’ where there is the possibility of the maximization of self-expression, provides a compelling status justification but also a disciplinary mechanism for tolerating not just uncertainty and self-exploitation but also for staying unprofitably within the creative sector and not abandoning it altogether (McRobbie, 2003 quoted in Gill, 2010).

WOMEN DEALING WITH GENDERED ACADEMIA:
SUBJECTION AND RESISTANCE
Respondents chose various ways of redressing their grievances including reporting the problem to academic line managers (including deans and heads of schools), human resource managers, trade union representatives and occupational health. Except for one case in which the respondent was helped by a senior health and safety director (a medical doctor) all other respondents received no substantial help, while they found the procedures overwhelmingly demanding, time consuming and highly bureaucratic. Unsurprisingly, most women felt their achievements had occurred without institutional support, while “publish or perish”, “a lot of ‘oughts’” and “expectations of extremely high standards but like nothing to actually give you the skills to move towards that” were a commonplace.
The coping strategies of choice included: drawing on help from family, friends, partners, and/or supportive colleagues; opting out of the fast promotion route or changing career altogether; and, the preferred strategy, exit from what was perceived to be toxic environments or settings not conducive to personal development. Those who decided to stay adjusted their behaviour by “trying to be really quiet” and pretending that: “I didn’t know or didn’t understand issues that others would raise with me” (Respondent, 8, Fellow, April 2008) or separated themselves physically from the unwelcoming environment: “Old-boys’ network – sometimes... I’m aware of it more. But then other times I’m not... I’m out of the building and not thinking too much about it” (Respondent 13, Senior Research Fellow, May 2008).

While respondents often felt they were discriminated because of their gender they also tended implicitly or explicitly to blame themselves for this sorry state of affairs: “So I think we are our own worst enemies sometimes, I have got very high standards that I expect of myself and I am frustrated when I fall short of them, I think that is part of it” (Respondent 2, Senior Lecturer, April 2007). “You have to prove you are better than a man to do what you do but women have a sense of humility and do not ask for promotion because of fear for being taken as arrogant or self-aggrandising” (Respondent 1, Senior Lecturer, May 2007).
Women often tended to hold themselves responsible for their own predicament: “One of the problems that women have is that they don’t ask; women take things to heart sometime...I think women take on too much...men have a different way of handling it” (Respondent 3 Lecturer, March 2007).

A Senior Lecturer (Respondent 5, March 2007) in her early forties remarked on her experience as follows: “We [women] tend to be receptive to what people tell us...in a way that perhaps men wouldn’t be, ... my husband was ‘immediately furious’ when he heard about what happened to me at work while I was tried to examine if my behaviour might have contributed to this adverse outcome”.

Self-doubt has been experienced acutely or moderately by the majority. The subtlety of bullying made another respondent doubt whether she was being “oversensitive” and yet another wondered: “maybe I should’ve been more pushy... there is one way I think things might be my fault” (Respondent 11, Research Associate, May 2008).

Responses volunteered by the interviewees convey an impression of ambivalence and powerlessness which often turns into self-blame. Women, Irigaray argues, often find it difficult to articulate the exact nature of disempowerment and discrimination because of the absence of their own symbols to represent them (see Fotaki, 2010 for a detailed exposition of this argument). Feelings of disempowerment may then arise as an indirect result of women’s absence from representation as reflected in the ambivalence about being proactive in promoting one’s career: “I had to tick all the boxes before I felt confident I suppose to approach people about my promotion”; “women are less demanding...they should demand more but then having said that perhaps I’m not ready to demand” (Respondent 9, Senior Lecturer, April 2007).

Moreover, women often face a truly insoluble dilemma as to how proactive they should be in seeking institutional recognition. The findings presented above suggest the absence of readiness to enact desired behaviours. McRobbie (2009) borrows the idea of heterosexual melancholia from Judith Butler’s work in order to explain why young women are compelled to suppress their masculine desire for power in the workplace in order to remain desirable as hetero-sexual women. Being a woman is synonymous with hetero-sexual desirability in the minds of many women and men while feminism is associated with anti-femininity and/or lesbianism (Scharff, 2010). Women also tend to be given the ‘mothering’ roles within institutions, irrespective of whether they themselves are mothers or not (Ramsay & Letherby, 2006). This suggests that they are expected to conform to narrowly defined ‘feminine traits’ such as collaborative and empathetic styles of working (Fondas, 1997), which however, are only valuable as long as they are not associated with women and remain in the male domain (Wajcman, 1998). By the same token, the negative connotations of attributes such as ‘assertiveness’ and ‘outspokenness’ in women acquire positive value if these are displayed by men (see Eagly, 2006 for examples on female leaders).

Kristeva’s theorizing on the symbolic and textual representation of woman as ab-
ject helps us understand that whenever (academic) woman identifies with assigned feminine (maternal) roles she ensures her exclusion from, and marginality within, the patriarchal order (Kristeva, 1986), support for which means she colludes in her own exclusion (see Fotaki, 2010 for a further discussion of this point). The double binds women often face in their profession can be seen in the above statements: women are aware they are not helping their careers by conforming to the demands of the punitive symbolic order of academia and yet they feel they cannot do otherwise. Woman’s unstable position in the symbolic, as argued by Kristeva, causes her to desire recognition and subjects her to existing normative frameworks in order to become intelligible, even if these norms are injurious to herself (Butler, 1993, 1997). Should they violate socially accepted norms or the terms that make up their own gender for example (Butler, 2004: 31), they will be marginalized as abject and excluded from the patriarchal symbolic.

Conclusion: towards re-defining the symbolic order of academe

Women’s underrepresentation in senior ranks across academic disciplines is well documented, but there are much fewer works documenting the negative experiences that are unique to women in academia that this study provides. Furthermore, while sociological, constructivist and poststructuralist deconstructionism have all been used to theorize on gender inequality in organizations, feminist psychoanalytic poststructuralist perspectives are mostly excluded from these theorizations. The paper contributes to theory development by interrogating how historically determined norms that exile of women from the symbolic order (language, theory, science) might have affected, and how they continue to affect their position in the university and their contribution to knowledge. Its empirical contribution is that it exemplifies theoretical arguments offered and reports on how women academics speak about their experiences. Overall, women felt their status in the workplace was inferior to that of men and that their ‘assigned’ roles as women presented them with additional complications and concerns in their everyday working lives. However, they also felt that it could be improved if they were more forthcoming and proactive in putting forward their demands, although this recognition was also fraught with ambivalence and anxiety about potential backlash such actions might provoke. The findings of this study might not be representative of academia as a whole, or of business and management schools in England. While all women interviewed discussed at least one instance where they have been made to feel inadequate, this is not to suggest that men all have perfect, satisfying, accelerated careers. Yet these careers, as Gill (2010) puts it, are at the same time: “deeply gendered, racialized and classed, connected to biographies that produce very different degrees of ‘entitlement’ (or not)”. Discrimination and bullying are not the exclusive fate of women in the work-
Finally, the paper contributes to policy development by employing feminist ideas to dispel the logic of inequality and subordination of women in academia as yet another ‘wicked issue’. Women’s subordination is not irresolvable because of changing demands or complex interdependencies, but because the established socio-symbolic order, which becomes inscribed in the subjects’ psyches, and allows these injustices to continue. It is true that woman’s perpetuation as the ‘unrepresented body’ and ‘the stranger’ in the academic settings is reproduced and perpetuated by disciplinary power/knowledge structure nexus. However, power exerted by ‘knowledge’ is at the same time sustained and reproduced by the subject herself.

The theoretical insights offered can be used by women to exercise their agency in order to redefine the gendered symbolic order of academe, by refusing her role as the eternal other in the symbolic system established through centuries of patriarchal thought, as Irigaray and Kristeva advocate them to. This is particularly true for women in academia engaged in the process of knowledge and meaning creation. I will now use their theories discussed above, to demonstrate the ways in which women could exercise their agency further to redefine the gendered symbolic order of academe.

Luce Irigaray’s work “that both refuse to define ‘woman’ and seeks to subvert philosophy as a master discourse” (Davidson & Smith, 1999: 78) can be of use here. Her textual strategy of mimicry and of reading classic (masculine) philosophical texts against the grain is aimed at the restitution of the unrepresented feminine subject or the subject as feminine (Martin, 2003: 5). Irigaray’s explicit reference to female embodied experience aims to destabilize its current use and to articulate an alternative ethical position without glorifying ‘feminine’ difference at the expense of other forms of being, masculine or otherwise. She advocates an alternative linguistic/symbolic space which would allow women to exist in their wholeness through their difference, and which might not only change the predicament of women in academe but also that of men (Irigaray, 1996). But because “it is not possible to simply leap outside the established phallocratic discourse” (Irigaray, 1985: 122), woman must deconstruct meanings that do not represent her and re-appropriate them for her own use.

Further, Julia Kristeva’s work which renders support to Irigaray’s project by focusing on the intervention can be used to address the existing gendered symbolic order. Kristeva specifically draws on discursive and psychoanalytic means to oppose various forms of political oppression and exploit the potential for change by dis-articulating assigned meanings held in the symbolic order. According to Kristeva (1986), woman like man, is first and foremost a speaking subject and cannot function outside the symbolic order. She can, however, disrupt the symbolic forms of patriarchal signification by changing these representations in the texts where knowledge is inscribed and re-produced. It is already an act of resistance and a big stride towards
re-defining its very structure when women claim, despite their ordeals, the right to participate in the co-production of knowledge in universities, as evidenced by the findings of this study. The other strategy to re-define the prescribed gender roles is in women’s collaborative efforts together with men to re-creating a different symbolic order in academia.

Butler’s contributes to developing new strategies through her work on the power of strategic subversion of mimesis, which was first advocated by Irigaray (see Davidson & Smith, 1999 for discussion). The importance of her work in feminist struggles for equality and against oppression cannot be emphasized enough. She draws on and opposes the work of earlier feminists such as Irigaray (mimesis) and Kristeva (abjection) while she takes it to new directions. Butler’s (1993) theory of gender performativity along with the suggested means for its undoing that include repetition, drag and parody, is indebted to the idea of mimicry pioneered by Luce Irigaray, as an emancipatory way of counteracting woman’s exclusion from the “economy of the same” (Irigaray, 1985: 66). In her conception of unliveable and unintelligible lives which are outside social norms because they are the constitutive outside so are tied ineffably to the pre-existing social, Butler (2004) implicitly draws on the influential concept of abjection theorized by Kristeva. The theoretical tensions between Irigaray, Kristeva and Butler’s work and the potential incompatibility between their conceptions of sexual difference and multiplicity, are thus far fewer than meets the eye. Her own strategy of deconstructing gender logic through excessive mimesis can be employed to render irrelevant the gendered symbolic of academe and its patriarchal logics. The disruptive repetition suggested by Butler (1990, 1993, 2004) works in both ways: by rendering the social performativity irrelevant and by offering ways that contravene the existing forms of representation. Although Butler destabilizes gender binaries of sexual difference by making them obsolete, at the same time, she argues for retaining the category of woman for political purposes (see Webster, 2000). Without continuing such interventions which could re-signify, re-appropriate and re-territorialize assigned meanings, the knowledge produced in universities will remain highly restricted because of the bounds the masculine symbolic order imposes on women and ‘others’ by excluding their own means of representation.

Last but not least, I should like to consider the political usefulness of such mis-representation. In her critique of post-feminism McRobbie (2009) demonstrates how the ‘old-new’ Oedipalized relations operate in order to re-produce unequal divisions of labour and power in society. Within a framework marked out in various ways as post-feminist, the commercial domain undertakes to carry out the work of the Symbolic by means of the attention it pays to the female body (McRobbie, 2009: 28). The fashion beauty complex, standing in for the new symbolic order, is charged with imposing new frames on women’s lives. Female equality is then often reversed and undone within popular culture and the new ‘feminine’ public sphere dominates consumer
driven culture. However, the onslaught of post-feminism cannot be separated from neoliberal discourses and reflexive post-modernity qua Giddens. Post-feminism is intertwined with neoliberalism as it is re-employed in the service of profitability, benefiting few and disadvantaging many in and outside academia. In both discourses, disembodied individuals are expected to choose every aspect of their lives and bear responsibility for the outcomes of such choices, irrespectively of the multiple inequalities that determine them. We must not forget therefore that class structure and culture, and not reflexivity alone underlie whatever patterns there are by generating choices made (Atkinson, 2010: 414). The very example discussed in this study of women disappearing when money, resources and power increases (Morley, 2010) is despite their professed love for their work, are symptomatic of this trend. Drawing on Judith Butler’s work Gill (2010) argues that self-expression and passion are particularly attractive to academics because of the ethics of the profession and their predisposition to ‘work hard’ and ‘do well’. As these attributes are meshed perfectly with the neoliberal market’s demands for autonomous, self-motivating, responsibilized subjects (ibid.), the enterprising academic becomes the prototype of the new flexible worker (Swann & Fox, 2009) of the future where unlimited freedom is synonymous with the unlimited availability and responsiveness to the real and imaginary demands of the profession. In this way neoliberal societal norms are reproduced and become inscribed in subjects’ psyches (Butler, 1993, 1997).

Our role is to elucidate these relationships in order to claim our transformative potential as knowledge creators and contribute to the dismantling of the oppressive rules of such a symbolic order. It therefore befalls upon us to dissect the management of social change and forms of gendered power which as McRobbie’s (2009: 10) argues, operate within an illusion of positivity and progress, but are in reality re-creating new gendered, racialized and classed forms of oppression wherever they appear.

References


gender perspective (pp. 27-42). London: Springer.
Morley, L. (1999). Organizing feminisms: The micro-
politics of the academy. Basingstoke, McMillan.
Probert, B. (2005). ‘Just couldn’t fit it in’: Gender and
unequal outcomes in academic careers. *Gender,
Work & Organization, 12*(1), 50-72.
Ramsay, K., & Letherby, G. (2006). The experience of
academic non-mothers in the gendered university.
*Gender, Work & Organization, 13*(1), 25-44.
Scharff, C. (2010). Young women’s negotiations of
heterosexual conventions: Theorizing sexuality in
constructions of ‘the feminist’. *Sociology, 44*(5),
827-842.
silence and a scrutiny ... the concepts of voice and
Smith, C. (2000). Notes from the field: Gender issues
in the management curriculum: A survey of student
experiences. *Gender, Work & Organization, 7*(3),
158-167.
Swann, E., & Fox, S. (2009). Becoming flexible: Self-
flexibility and its pedagogies. *British Journal of
Management, 20*(1), 149-159.
Transparency in academic recruitment: A problem-
atic tool for gender equality?” *Organization Studies,
31*(12), 1459-1483.
Van den Brink, M., & Benschop, Y. (2011). Gender prac-
tices in the construction of academic excellence:
Sheep with five legs. *Organization* (forthcoming)
DOI:10.1177/1350584114114293
men in corporate management. Cambridge: Polity
Press.
and academic career trajectories in Spain: From
gendered passion to consecration in a Sistema En-
dogámico? *Employee Relations, 28*(6), 588-603.
Webster, F. (2000). The politics of sex and gender:
Benhabib and Butler debate of subjectivity. *Hypat-
ia, 15*(1), 1-23.
Winchester, H., Lorenzo, S., Browning, L., & Chester-
Australian universities. *Employee Relations, 28*(6),
505-522.
World Economic Forum (2006). Women’s empower-
ment: Measuring the global gender gap. Geneva:
WEF.
Abstract

This paper compares the requested resources and final results of the negotiation for 55 newly hired professors at a leading technical university in Germany. We measure start-up funding for the new professors and the number of scientific staff positions they receive. Prior literature on gender differences in negotiation is inconsistent: some research finds a male advantage, but other research identifies no significant gender differences. The majority of this literature is, however, based on laboratory experiments. Our data is based on real cases. Our results indicate that newly hired women professors are not requesting fewer resources, on average, than their male colleagues. Women are also not, on the whole, receiving fewer resources. These results suggest that gender differences in the distribution of resources among men and women professors at universities may be more a function of horizontal segregation (women and men work in different fields which have different resource allocation) and vertical segregation (women are more likely to be hired at associate professor levels; men are more likely to be hired at full professor levels) than individual discrimination. In our sample, full professors request and receive significantly more resources than associate professors.

Contact

Heather Hofmeister  
Sociology of Work  
Faculty of Social Sciences  
Goethe University  
Robert-Mayer-Str. 5  
60054 Frankfurt am Main, Germany  
h.hofmeister@soz.uni-frankfurt.de

Michaela Juettemann  
Institute of Sociology - Gender and Life Course Research  
RWTH Aachen University  
Theaterplatz 14  
52062 Aachen, Germany  
mjuettemann@soziologie.rwth-aachen.de

Key words

negotiation, gender difference, gender segregation, sex discrimination, resource allocation, science careers, leaky pipeline, Germany
Gender segregation in academia

Still in 2011, academia is characterized by gender differences in a variety of aspects in Germany as well as in Europe. In most European countries, the careers of scientists remain highly horizontally and vertically segregated. This means that women and men are unequally represented in different occupations, jobs and levels of hierarchies in the labor market (Reskin, 1997: 524ff).

Vertical gender segregation is reflected in the so called ‘leaky pipeline’, which is made up by a decreasing proportion of female scientists the further up the scientific career ladder (European Commission, 2009b). Compared to Europe, the pipeline in Germany loses even more women the higher the scientific career ladder. A deeper analysis of the precise patterns of gender segregation in academia reveals that gender segregation among newly hired professors varies considerably by rank and subject (Hofmeister & Jüttemann, forthcoming).

Yet some women do make it through the pipeline. Once they arrive at the position of professor, do they receive the same resources as their male colleagues? If not, what accounts for this difference: do the women ask for less, or do they receive less compared to male colleagues? What contributes to the start conditions of men and women professors? The start positions – resources granted – predict the visibility, speed of success, and the support of the university for that scientist. In turn, professors with more resources have more doctoral candidates and thereby a greater influence over the next generation as gatekeepers, mentors, and role models. Especially in Germany, where the selection of graduate students and post-docs is largely determined by individual professors who invite candidates to work directly for them, professors with more job positions and resources to offer have a stronger role in choosing the next generation. If men have more scientific positions than women, then men have also more gatekeeping power for selecting the next generation of scientists. It’s been established in the literature that ‘like attracts like’ – men are more likely to hire and promote other men than they are to hire and promote women (Kanter, 1993; Van den Brink, 2010). Therefore the consequences of unequal resource distribution can be wide-reaching indeed.
Resources at German universities are carried over from the previous holder of the position, and in cases where a position is created new, resources are scraped together from diverse sources (the dean, other professors, central administration), often below the level of established positions. Thus women may have a disadvantage in receiving resources because they are more often located in new, as-yet-to-be-established research areas.

We examine the resource distribution for newly hired professors (2005 to 2011) at a leading technical university in Germany which aims to increase the share of female scientists, especially in the engineering and natural science faculties and has implemented a multitude of actions to this end (Leicht-Scholten, 2009; RWTH Aachen, 2007: 48ff). The university leadership explicitly supports research on the integration of female faculty.

**Gender in negotiation**

One important source of gender inequality is in resource distribution. Evidence about resource distribution tends to focus on salary differences. Women earn less than men throughout Europe, even when in the same positions, with the same work hours, and the same work experience (European Commission, 2009b: 71ff). Specifically within science, in most EU countries, the remuneration of female researchers is significantly lower than for male researchers (European Commission, 2007). Evaluative discrimination – whereby the work of men is intrinsically valued higher than the work of women – accounts for 9-13% of salary differences between men and women (Leuze & Strauss, 2009). Especially those with university degrees see a strong gender difference in pay; women leaders in classical ‘women’s professions’ are particularly badly paid in comparison to men who do the same work in male-dominated professions (BMFSFJ, 2009). When raises are given, men receive more than women (BMFSFJ, 2009) – partly due to better negotiation, partly due to men’s more visible achievements, and partly due to pay structures organized around raises based on a standard percent of the current salary, which seems gender-neutral but ensures that those who start with more will continue to receive even more (Merton, 1968; Rigney, 2010).

To narrow our review to the university context, research on trends in pay at Canadian universities indicates that men and women are coming closer together in pay compared to 1970 because men’s salaries have dropped at universities (Warman, Woolley, & Worswick, 2010). In Germany, the salary difference between men and women will most likely increase because of a change in the laws whereby, starting in 2005, salaries of university professors are based on negotiation and accomplishment rather than a gender-neutral automatic salary level based on age as it had been before 2005 (with predictable, universal raises every two years). Furthermore, for pay levels and raises based on publications, gender differences are partly explained by the greater
numbers of publications by men compared to women. Men are also more likely to apply for and to receive counter-offers (Smith, 2009). Older universities are more likely to have resource distribution structures which favor men (Smith, 2009).

Salary is not the only relevant area of resource inequality. A report by the European Commission (European Commission, 2009a) on national grant awarding procedures reports that women are less likely to apply for funding than men and they request smaller amounts when they do apply. As possible reasons, the report suggests that gendered social support in research careers (whereby men receive support from men, who are already more successful in the science field), integration and exclusion dynamics related to informal and formal scientific networks, as well as gendered division of labor in research groups and university departments may play a role (European Commission, 2009a: 67). In Germany according to the CEWS 2009 report, women submitted and received 19% of the research proposals at the German Research Foundation. Compared to their male colleagues they asked for, and received, less funding (CEWS, 2009).

Once women have asked for funding, there are gender aspects that play a role in the probability that they will receive what they ask for. The literature on gender and negotiation shows on the one hand that the focus of inquiry has shifted over the past twenty-five years, and on the other hand that the issue of individual difference still dominates much of the research (Kolb, 2009).

Original research on gender and negotiation focused on the question of whether women are the same or different from men in negotiations. However, this individualistic focus is problematic because it neglects possible contributions of other simultaneous dimensions such as race, class, national identity, sexual orientation, and age (Holvino, 2010) and it downplays cultural and institutional mechanisms that effect how gender relations in negotiations play out (Kolb & McGinn, 2009). This approach to the question puts the responsibility for change solely on the individual, here on the women, and can thus be characterized as a ‘fix the woman’ approach (Schiebinger, 2007).

The approach based on the social construction of gender has shifted the discourse toward viewing gender as a more complex and shifting dimension of individual identity that is shaped by the contexts in which negotiation occurs. Nonetheless, gender, like sex, is still often treated as a stable property of individual women and men. Accordingly, multiple studies of individual differences report that women are poor negotiators: they are less likely to ask (Babcock & Laschever, 2003; Babcock, Laschever, Gelfand, & Small, 2003), less confident, and more likely to set lower goals (Kolb, 2009: 518ff). This research suggests that women’s more insecure inner attitude towards negotiations translates into behavior and thus affects outcomes. However, underlying the judgment of ‘good’ and ‘bad’ negotiation outcomes is the idea that higher salaries, high personal confidence and aggressive negotiation behavior
are ‘better’ (Kolb, 2009: 518). Overall, results from both laboratory and field studies document in some cases a male advantage (Babcock, et al., 2003) and in other cases the non-availability of significant gender differences (Gerhart & Rynes, 1991; Lewicki & Robinson, 1998). Accordingly, recent attempts to summarize previous findings in meta-analyses lend support to the notion that ‘women ask for less,’ but the magnitude of the effect is described as small and the importance of intermediating contextual factors is emphasized (Stuhlmacher & Walters, 1999; Walters, Stuhlmacher, & Meyer, 1998).

In the 2000s, research turned towards the social and institutional processes shaping gendered behavior in negotiation processes. This shift has also been described as a move away from stable personal characteristics to a new focus on explaining how mediating factors interact with gender. The consensus within the field seems to be that gender does matter but hinges upon an array of situational factors (Bohnet & Bowles, 2008; Small, Gelfand, Babcock, & Gettman, 2007). Among others the sex composition and the ambiguity of the negotiating situation have also been shown to affect both negotiating style and outcomes. In a study by Gneezy and colleagues, female performance in a competitive environment increased significantly when women were competing against each other compared to the mixed-sex pairing (Gneezy, Niederle, & Rustichini, 2003). Supporting this finding is an experiment conducted by Booth and Nolen in 2008 (Booth, 2009). Girls from single-sex schools were as likely as their male counterparts to behave competitively. While the authors themselves trace their observation back to the result of social learning, whereby the salience of gender in a mixed-sex environment reinforces gender conformity, alternative explanations are also possible. Recent empirical evidence points towards a backlash effect associated with the violation of the female stereotype (Tinsley, Cheldelin, Schneider, & Amanatullah, 2009). Women who adopted a more aggressive negotiating style and demanded greater compensation were perceived as less likeable with evaluators, and the evaluators indicated a lower willingness to work with these aggressive negotiators (Bowles, Babcock, & Lai, 2007; Tinsley, et al., 2009). In connection with women’s lower status as a social group, relative power has also been identified as a major explanatory factor either overriding or interacting with the influence of gender differences (Thompson, Wang, & Gunia, 2010; Watson, 2003).

Wage gaps and salary negotiations take place in organizations, a highly gendered field (Acker, 1990) where advantage, action, and meaning are connected with men while disadvantage, emotion, and identity are connected with women. Furthermore, gender is not just a characteristic of individuals but is a system of practices at the social and cultural level that are institutionalized: negotiations occur within this institutionalized gender system (D. M. Kolb, 2009; Cecilia L. Ridgeway, 2001; Strauss, 1978). Negotiations are a part of everyday work with negotiators as organizational actors. Against the background of gendered organizations, what is negotiable is a
question of power and status to define situations. Therefore negotiated orders – or second-generation discrimination practices – set the context for particular negotiations and in turn are influenced by ongoing negotiations. They shape the organizational contexts of the negotiations, e.g. the issues to be negotiated, the forms of the negotiation process, and “contain the possibilities for change in the order itself” (Kolb & McGinn, 2009). For example, women are penalized in the negotiation more strongly than men for starting negotiations (Bowles, et al., 2007), whereas for men, flexible work arrangements may not be regarded as a legitimate wish to be respected or honored in negotiations (Kolb, 2009: 524).

Negotiators have multiple social identities and can take up different roles during the negotiation. By taking into consideration which aspects of the identity are salient in the negotiation, we can better understand, with more accuracy, “who comes to the table” (Kolb, 2009: 519). Negotiators may “do gender” (West & Zimmerman, 1987) when negotiating. And other dimensions of identity may intersect with gender such as family status or race and thus influence the negotiators and the negotiation. In a negotiation between two men, or between two women, gender ceases to be as salient and other factors may become salient and ‘performed’. But when negotiating partners consist of a man and a woman, gender may nearly inevitably play a salient role in how the negotiation is conducted.

Further, stereotyped gendered expectations affect action (Ridgeway, 1997) and thus “what happens at the table” (Kolb, 2009: 520). Women are often expected to show a high degree of concern for others, and if they act differently in negotiations, they may face social costs. Thereby women face a double bind in negotiations: on the one hand they are expected to be feminine, but on the other hand they need to be assertive to reach their goals (Tinsley et al., 2009). Women negotiating on behalf of others showed ‘better’ negotiating performance and expected to ask for more compared to women negotiating for themselves, whereas for men there was not a difference in behavior between acting as principals or agents (Bowles, Babcock, & McGinn, 2005). Women’s decreased likelihood to initiate salary negotiations (Babcock, Gelfand, Small, & Stayn, 2006) can be interpreted as a form of rational behavior reacting towards unfavorable circumstances. The abundance of self-help literature aimed at professionals who wish to improve their bargaining skills also acknowledges that gender does not exist in isolation but must be considered in context and within structural constraints and circumstances (Babcock & Laschever, 2003). Attempts to mitigate the effect of the female stereotype through changing the framing of the negotiation have also been made. For example, if the negotiation is set up as a masculine activity (taking sides, competitive-oriented) or a feminine one (cooperative, win-win solution oriented), then the outcomes are different for men and for women (Kray, Thompson, & Galinsky, 2001), which have also been translated into the demand to ‘reframe’ the situation, although its limitations have to be recognized as well (Tinsley, et al., 2009).
Social networks play a critical role in negotiations. Both the information gathered in a social network as well as the perception about access to that information can influence negotiations and their outcomes (Kolb, 2009). The influence of homophilous professional networks of men and women, which can be observed in the antecedent steps of the selection process (Färber & Spangenberg, 2008; Van den Brink, 2010), most likely continues in, and influences, the phase of negotiation.

Closely connected to the question of homophilous networks is gate-keeping. Gatekeeper in general defines a person who controls access to something or somebody. Still today in most European countries, decision-making and other gate-keeping activities continue to be dominated by men (European Commission, 2009a, 2009b). Together with the effect that ‘like attracts like’ (Kanter, 1993; Van den Brink, 2010) and the consequences of gender bias in the evaluation of scientific competence (Bormann, 2007; Brouns, 2000; Paludi & Strayer, 1985; Steinpreis, Anders, & Ritzke, 1999; Wenners & Wold, 1997), male gate-keeping means that female scientists face strong resistance when they want to be involved equal to men in scientific careers and success. Support for the interdependence of the different effects gives the finding that increasing the proportion of women among gatekeepers does not necessarily or automatically lead to better success rates of women applicants (EC 2009a). In sum, efforts to increase the integration of female scientists have to address multiple aspects simultaneously.

Unfortunately, most research on gender in negotiation is based on simulations: over 90 percent of the studies in Stuhlmacher and Walters’ Meta-Analysis are based on laboratory simulations (Stuhlmacher & Walters, 1999). Many scholars have critiqued this state of the research (Kolb & Coolidge, 1991: 263), but data on such negotiations is hard to come by. There is a great need for in-depth studies on actual salary negotiations (O’Shea & Bush, 2002). Our research provides a window into the gendered outcomes of resource negotiations with data from real-life cases.

Data and methods

We analyze gender differences among newly hired professors’ start-up resources. We compare the requests for startup funds (for equipment, renovations, and discretionary expenses) and scientific staff that the newly hired professors made at one technical university between 2005 and 2011 and the results of the negotiation – the resources they received. Only ‘successful’ negotiations are considered, those where the candidate accepted the final offer.

The University delivered anonymised data as part of the ARCE 2009-01 Search Committee Results Study. The ARCE was commissioned in 2007 for the purpose of conducting social science research on the reasons for women’s low representation. These data include 163 cases where the professor began his or her position between
January 2005 and May 2011. This time window was chosen due to the new national professorship pay scale and negotiation system that started in January 2005. In all cases, all identities of the committees, members and candidates are confidential. We include in our analyses only cases in which the negotiation took place between candidate and university and the professorship was 100% financed by the university. Our research here excludes 42 professors who were hired jointly with external research organizations or endowments (and had those resource pools in their negotiations), 19 professors who were hired without tenure (called junior professors), and professors with missing data: either their request letter or their final letter were missing from the files. We have 102 cases remaining for these analyses: 79 men and 23 women. The majority (58 of 102) of the new hires are full professors (level W3 in Germany): of these full professors, 86.2% are men and 13.8% are women. The professors remaining in the sample (44) were hired as new associate professors (called W2). Of these, 66% are men and 34% are women. This university, like many others, has vertical gender segregation: of all newly hired men, the majority (63%) holds full professorships, whereas the majority (65%) of the new women professors are hired into the lower-level, lower-paid associate professorships.

The negotiations we examine in this paper take place after the candidate receives a job offer for the professorship from the university. The university leadership officially issues the offer and asks the candidate to specify the necessary infrastructure the candidate needs in order to conduct his or her future research and teaching plans: the number of scientific and support staff, number of laboratory and office spaces (a count or square footage), and additional money for start-up costs including office furniture and equipment. This request letter provides the basis for the university to assemble the resources among the department, the ‘faculty’ or school and the main university administration. Usually before the letter is written, the candidate has a conversation with the dean of the faculty/school to learn about what kinds of resources have been set aside for the position already and what’s realistic to request. The dean helps ensure that the requests are in line with the resources available. The negotiations between the university, represented by the Chancellor, and the candidate take place in person. The dean attends the negotiation (except for the salary negotiation), because the faculty is prepared to contribute some resources. Thus the negotiation is partly also a negotiation between the central administration and faculty, represented by the chancellor and the dean. The candidate’s request letter and the results of the final negotiation are saved in the personnel file, from which these data were drawn through an anonymous process within the Personnel department. All cases are made anonymous. In our paper we analyze these data regarding gender differences. These data provide a significant advantage over much social science data in that they are unobtrusive: neither the university nor the candidates changed their behavior because they were observed or directly interviewed for research purposes (in other words, no Hawthorne effect is present).
We conducted quantitative analyses, calculating and comparing arithmetic means of requested and received resources regarding start-up funding and scientific staff positions for male and female candidates for professorships, divided by professorship levels. We tested for the normal distribution with a Shapiro-Wilk-test. Since some assumptions of the t-test were not met (the data are not normally distributed, for example), we additionally used bootstrapped t-tests (Welch-test in case of unequal variances) and Mann-Whitney-U-tests. Bootstrapping refers to a computer simulation similar to the Monte Carlo technique and simulates the sampling distribution of the parameter (Bortz, 2005: 130ff). The Mann-Whitney-U-test is a non-parametric test which relies on fewer assumptions than parametric tests and can be appropriately applied when the assumptions of the t-test are violated (Bortz & Döring, 2006: 834).

We also calculated and compared arithmetic means of requested and received resources regarding start-up funding and scientific staff positions for associate and full professors. Since our samples were small, we set the significance level for the analysis of differences in means at $\alpha=0.05$. According to Bortz, it is possible to 'affirm' the null hypothesis using a makeshift method based on the tests of differences in means (Bortz, 2005: 165). Following Bortz, we assume that an increase of alpha reduces the risk of accepting the null hypothesis when it is false and set the significance level at $\alpha=0.25$. I.e. if the p-value falls below 0.05, the means of the analyzed groups differ, while we interpret a p-value above 0.25 as indicating that the distributions are the same. If the p-value falls between .05 and .25, we consider our results to be inconclusive in that case. Using these methods and parameters, we have a very conservative and careful check of the robustness of our findings.

We use only cases where complete data are available for the requested resources and the final offer. This leads to smaller sample sizes in the single analyses. Because some professors at the technical university are recruited from industry into well-established professorship chairs, some negotiations involve sums that are orders of magnitude higher than the average for this university and the average for Germany. Therefore we performed all statistical analyses twice: once with our complete sample and once with a reduced sample that omitted the highest outliers from the men and the women, in the hopes that the second analysis might provide a more realistic picture of the tendency for gender differences if they exist, without distortion from the outliers. In the following we will present our findings for the samples with extreme outliers omitted, assuming that these outliers represent special cases that are difficult to compare with the rest of the sample and with other negotiations.

During this data collection window, all of the deans and the chancellor at this university were male. Every newly hired woman and man had male negotiation and advising partners at the university, meaning men had same-sex negotiating partners and women did not. If homophilous networks increase men’s access to information compared to women’s access to information, and access to information helps pre-
dict success at negotiating, the male-dominated leadership structure increases the likelihood that we will find gender differences within professorship categories in our sample.

Results

We present the results in three parts: first, we overview the differences in one-time start-up funding for associate and full professors, followed by the differences in scientific staff positions given to men and women professors. Finally we report differences in requested and received resources between the full and associate professorship levels.

Beginning with start-up funding: we use 55 cases (for which data are available regarding requested and received funding), 70% men and 30% women. The gender distribution of this subsample matches that of the full sample; there appears to be no systematic bias about which cases had omitted data. Men hold 81% of the full professorships and 59% of the associate professorships in this subsample. At the associate professor level, women asked for, on average, over 100,000 Euro, and men asked for just under 90,000 Euro. In the end, the associate professor women received an average of just under 55,000 Euro and men received just over 60,000 Euro. These differences are not statistically significant using any of the significance tests. Boxplots (not shown) indicate high within-group variance, despite the omission of outliers. Within one standard deviation, men associate professors asked for between zero and 175,000 Euro; women associate professors’ requests fell between zero and 200,000 Euro. The maximum in one standard deviation for both men and women was around 100,000 Euro, and the minimum is, for women, around 5,000 Euro; the minimum within one standard deviation for men is still over 20,000 Euro.

Turning to the full professorship level, the story is nearly the same, and gender differences are not significant or inconclusive. With outliers omitted, men full professors asked for an average of nearly 340,000 Euro and received just under half of that (144,000 Euro) and women asked for an average of just over 210,000 Euro and got just under 139,000 Euro.

For scientific staff positions, we looked at again at the cases where we have full data for the requested and received staff. We have 56 useable cases remaining, 70% men and 30% women, and 78% of the full professors and 62% of the associate professors are male. The male associate professors asked for, at a minimum, one half position for scientific staff (typically filled by a doctoral candidate), and at a maximum, 7 positions, averaging 1.8 positions. Women requested between 1 full position and 6 positions, averaging 2.7 positions. Statistical tests show p-values between .05 and .25, which means that the results are not conclusive regarding a possible gender difference in requested positions. On average the men got 1.6 scientific positions and
women got 1.7 positions, indicating no statistically significant gender difference with any of our test methods in number of the positions awarded. As was the case with start-up funding, at the full professor level, gender differences are either not significant or inconclusive for requested and received staff positions. Male full professors requested a minimum of 1.5 positions; women requested a minimum of 2 positions, and both groups requested a maximum of 6 positions. On average, the men asked for 3.5 positions and the women asked for 4.1 positions (difference is not statistically significant). The received values are closer together, around 3: men received 3.1 staff positions on average and women received 3.3 (no statistically significant gender difference).

The analyses comparing arithmetic means of requested and received resources for associate and full professors (both male and female) showed that full professors request and receive more start-up funding and scientific staff positions than associate professors (difference is statistically significant).

**Conclusion and discussion**

The literature on gender differences in negotiation is inconsistent. Women in some studies seem to ask for less or there is no gender difference. We also find that the statistical results from our data on actual negotiation results reveal no conclusive gender difference: women and men ask for and receive roughly equivalent resources in their negotiation on average. Significant differences lie instead between associate and full professors.

Our research is in line with parts of the empirical studies presented earlier in that women in our sample are not asking for less than men. There are a few possible explanations for not finding gender differences in requested resources in our sample. Women in science may have different – and better – sources of information about what can be negotiated compared to women negotiating in general business contexts. There is a formal organization in Germany, the ‘Deutsche Hochschulverband’, which provides negotiation assistance for its members, men and women. It is also possible that in most cases deans within the university provide the same information to men and women about the planned resources for the professorship, because these resources are designated before the job was advertised and are therefore not as influenced by the person who is negotiating. Another explanation is that the university made special efforts to ensure equity in the distribution of resources during this time. Women who have joined this university in the second half of the study period (2007-2010) were hired during a time of special attention to the low percent of women in professorships.

Science is stratified, and so is the resource distribution within science and for newly hired professors. Subject area is one large determinant of resource allocation. Engi-
neering professors at this university have, generally speaking, a higher upper request for resources than professors in other faculties, and their average start-up funds and positions are often also higher. Engineering professors are also more likely to be male. Since horizontal segregation in the academy is strong, women are concentrated in social sciences and humanities compared to engineering and most natural sciences. Further research is necessary with more cases in order to examine whether gender differences within fields exist. Additionally, the institutionalized inequalities between associate and full professors are a likely explanation for general gender differences in resources between men and women in science.

The primary result of our research is that women professors are not asking for significantly less than men are. The second result is that full professors ask for, and receive, more start-up funding and more positions than associate professors. Therefore, as long as women are concentrated in associate professor positions and men are concentrated in full professor positions, large gender differences in overall resource distribution in science will remain.

Our research may open more questions than it answers. We don’t find a clear pattern of advantage or disadvantage for men or women except in the vertical segregation hiring practices; rather, the findings are situation-specific and require more cases in order to generate robust conclusions. Nonetheless, the level of self-confidence of the women negotiating for resources at this university is clear: despite having male negotiation partners and being likely to work in areas that are new and interdisciplinary (van Rijnsoever & Hessels, 2011), women are asking for, and receiving, starting packages for their research programs that are commensurate with their male colleagues. Based on this preliminary evidence, the integration of women in science who make it to this level seems to be on a positive trajectory.

Notes

1. For a detailed and structured overview of the literature on gender and negotiation see Kolb (2009).

References


Kolb, D. M. (2009). Too bad for the women or does it have to be? Gender and negotiation research over the past twenty years. Negotiation Journal, 25(4), 515-531.


Small, D. A., Gelfand, M., Babcock, L., & Gettman, H. (2007). Who goes to the bargaining table? The In-


Explaining unequal chances in the British labour market: the role of ethno-religious background and class

NABIL KHATTAB

Abstract

This paper uncovers the role of ethnicity, religion and class in determining the risk of being unemployed or economically inactive in the British labour market. The main argument of the paper is that we cannot fully understand the position of different groups in the British labour market without taking into account the class location of these groups in conjunction with ethnicity and religion. A sample of 32,069 men and 19,283 women aged 20-44 from eight different ethno-religious groups in Britain has been obtained from the 2001 UK census including Christian White-British, Jewish White-British, Muslim-Pakistanis, Muslim-Bangladeshs, Muslim-Indians, Muslim-Whites, Hindu-Indians and Sikh-Indians. The analysis presented in this paper shows that although some of the impact of ethnicity is being mediated by class, both factors operate directly and independently on the employment outcomes suggesting that both factors are important explanations for the unequal chances in the British labour market.

Contact

Nabil Khattab
Department of Sociology
The Hebrew University of Jerusalem
Mount of Scopus
Jerusalem, 91905, Israel
nabilk@mscc.huji.ac.il

Centre for the Study of Ethnicity and Citizenship
University of Bristol
3 Priory Road
Clifton, Bristol BS8 1TX, United Kingdom
nabil.khattab@bristol.ac.uk

Key words

Britain, labour market, ethnicity, class, religion
Introduction

This paper moves beyond the existing literature on ethnicity and labour market outcomes in Britain by studying the impact of ethnicity in conjunction with religion and class. It seeks to examine the ethnic and religious difference within and between different ethnic and religious groups in Britain and how would these differences change when class is taken into consideration? I argue that we cannot fully understand the position of different groups in the British labour market without taking into account the class location of these groups in conjunction with ethnicity and religion. Class and the ethno-religious background are interrelated, in that class mediates some of the impact of the ethno-religious background, while the latter operates directly and independently alongside class in the process of determining the labour market participation of these groups.

The conventional literature on ethnicity and economic activity among ethnic groups in Britain tends to rank Indians above Pakistanis and Bangladeshis in terms of their labour market outcomes and socio-economic attainment (Cheung & Heath, 2007; Heath & Cheung, 2007; Heath & McMahon, 1997; Mason, 2000, 2003; Modood, Berthoud, Lakey, Nazroo, Smith, Virdee, & Beishon, 1997). For example, Pakistanis and Bangladeshis are more likely to experience long-term unemployment, are under-represented within the professional and managerial positions and have fewer chances of socio-economic mobility than Indians (Modood et al., 1997: 138-143). In this literature there are two main approaches explaining these differences. The first model portrays ethnicity as an important explanatory factor for between-group differences (Modood, 2005: 55). Within this strand I may also include studies focussing on the role of religion in determining these differences (Brown, 2000; Khattab, 2009; Lindley, 2002). The second strand emphasises the material differences and location within the class structure as the main factor for the differences (Nazroo, 2003; Seron & Munger, 1996). In what follows I discuss these two approaches further.
There is a debate in the literature whether ethnicity after all contextual factors are controlling for has an explanatory power of its own. For some scholars such as Modood (2003, 2005) and Zhou (2005) and to some extent Portes and Zhou (2001), the answer for this question is positive. They argue that some groups are more likely than others to utilise an ethnic-cultural related characteristics or traits such as values and norms, practices, social networks, future orientation and perceptions in order to obtain upward social mobility. For example, Modood in explaining the ethnic differences in education, and in particular the educational achievement of South Asians and Chinese complements classical explanations of structure and class. He highlights the importance of culture and perceptions of some groups towards education as a central vehicle for upward social mobility (2003: 63). Moreover, Modood has dismissed class as an ultimate explanation of the ethnic differences in education arguing not only that class without ethnicity does not provide adequate explanations, but also that ethnicity effects can counteract social class effects. In his words referring to class: “It has much less significance for Indians and Chinese, groups in which entrants are almost equally likely to come from non-manual as from other backgrounds, including unemployment. And the conventional class analysis does not hold at all for Pakistanis and Bangladeshis. Among whom households headed by a manual or unemployed worker supply nearly two-thirds of the entrants” (Modood, 2005: 93).

Likewise, Zhou (2005) has drawn on cultural/ethnic explanations in studying the social mobility in the New York’s China Town. While she acknowledges the importance of material and structural factors such as class, she argues that in some cases class and other structural factors do not explain why some groups succeed to obtain social mobility while others remains largely disadvantaged. She, like Modood, holds the view that ethnicity can be seen as a source of action, in that different ethnic groups possess identifiable characteristics including cultural values and practices that are transmitted from generation to generation. These cultural values and practices inform a set of mechanisms that facilitates success among some groups, while the lack of these cultural values may even reinforce the disadvantage of others.

As mentioned above, these commentators hold the view that ethnicity can be seen as an explanatory factor, or in other words as a premise of action, in that ethnicity is, if to use Modood’s words, “a feature of society and so have no higher – but no lower – ontological status than, say, class or gender” (2007: 114). This would suggest then that ethnicity like class is a source of social differentiation or that ethnic groups are basic population divisions (Van Den Berghe, 1981, cited in Fenton, 2003: 181). Thus, like in the case of class, people who belong to an ethnic group, can rely on or utilise the ethnic resources available to them in obtaining social mobility such as social networks cultural and ethnic capital (Modood, 2004; Zhou, 2005).
We cannot, and indeed should not, ignore or overlook the impact of culture; and religion as an important dimension of many cultures, in shaping the economic activity of members, particularly women, of some ethnic groups such as Pakistanis, Bangladeshis and Indians (Ratcliffe, 2004). However, over the past decade or so the above approach has been criticised on theoretical and empirical grounds by neo-Marxist and neo-Weberean commentators alike (Fenton, 1999, 2003; Carter & Fenton, 2010; Brubaker, 2002; Nazroo, 2003). The main argument of this literature is that ethnicity is not and cannot be used as a theory to explain social and economic inequalities (Fenton, 2003), and that ethnic groups are not real or have an objective existence (Brubaker, 2002, 2005). For example, Fenton argues that ethnicity is situational and contextual, hence cannot be seen as a source of motivation, as the principal framework of social organisation nor as a fundamental principle of action (Fenton, 2003: 181). This suggests that any ethnic differences that might exist in education and labour are a result of different class allocation, which would disappear once class position is taken into account.

Methodologically, some commentators have raised a real concern about the arbitrary nature of the existing methods of measuring ethnicity such as in the UK Census and other major surveys (Abbas, 2003; Ahmad, Modood, & Lissenburgh, 2003; Dale, Fieldhouse, Shaheen, & Kalra, 2002; Holdsworth & Dale, 1997), as well as the operationalisation of ethnicity in empirical work. For example, in the UK colour (a racial term) is used to define some of the groups such as Black. Then a place or region is used to distinguish between sub-groups such as Black Caribbean and Black African. In both cases, these categories bring together under one umbrella people of different religious, linguistic and material circumstances. It does not make any sense to bring together a Christian Nigerian and a Muslim Somali; they do not share similar history, culture, language or socio-economic contexts. Moreover, the Welsh people in the UK clearly see themselves as a distinctive ethnic group with different language and culture, and recently with some degree of self-government, but we do not find Welsh people listed as a separate ethnic group. Rather, they are listed under the category of white British alongside people of English descent. Hence, some scholars are very sceptical in relation to ethnicity as an analytical category and as having an explanatory power of its own.

Although these are important and valid points, my view is that these critiques should not stop us from studying ethnicity and ethnic differences. The way ethnicity is measured in official surveys and Censuses probably is not ideal for some groups, but it is the best I have. It is probably less accurate for groups such as Black Africans, but it is no doubt more accurate for groups such as Bangladeshis who have arrived into the UK coming from the same region in Bangladesh (Sylhet) with the vast majority of them being Muslims speaking the same language. In the present study I also use...
religion to improve the way I measure ethnic groups. Thus, the Indian category will be broken down by religion so that I take the different religious and cultural background between Sikh, Muslims and Hindus into account. Similarly, the White-British group will be broken down by religion: Christian, Jews and Muslims. In addition, we should not underestimate the impact of culture and attribute all the ethnic differences in employment to structural (class) differences. To explain my view further, let us take the following example of Muslim women in the UK. There is a large body of literature that suggests Muslim women are less likely to become economically active due to religion and cultural values and norms (Abbas, 2003; Ahmad et al., 2003; Dale et al., 2002; Holdsworth & Dale, 1997), and when they become economically active, they are very selective in terms of what job they are prepared to do. The decision of a Muslim woman to become economically active and or what job she is willing to do very often lies within the cultural norms of the family and expectations of the community (Herzog, 2004). In these cases, I do not expect class position and background to be the main source of action or the main determinant of the occupational attainment and social mobility. It can play a role, but the centrality of this role is likely to be dissolved or highly influenced by the cultural norms of the group under investigation. Thus, many (but not only) Muslim women would act in a way that takes their cultural and community expectations into account irrespective of what their class background is.

The empirical evidence in this field is inconclusive. While a large body of research has highlighted the ethnic differences in the labour market and the impact of religion, and suggested that some of these differences may for example be due to differential socio-economic background before migration (Brown, 2000; Lindley, 2002; Model & Lin, 2002; Modood et al., 1997), very few studies have systematically taken class into consideration when studying ethnicity and economic activity, mostly due to the lack of data. A study by Heath and McMahon (1997) was one of the earliest and very few studies that have considered class origins alongside education in studying ethnic differences in the labour market. Despite the importance of this study, it suffers from major problems. First, it has excluded women from the analysis; second, it has excluded Bangladeshi men from the analysis due to small sample size, and lastly it has not considered religion as an explanatory factor due to the lack of information on religion within the dataset. In addition to the above study, there have been other few studies which have controlled for class background, either fully or partially, but the focus of these studies has been ethnic differences in education (Cheung & Heath, 2007; Heath & Cheung, 2007; Mason, 2003; Modood, 2005; Modood et al., 1997; Rother, 2008) and not in explaining ethnic differences in labour market indicating real limitations in British work on ethnicity and economic activity. This paper addresses these limitations by studying the impact of ethnicity accompanied with the impact of religion and class providing a novel contribution to this literature.
Methodology

MEASURING CLASS BACKGROUND
This variable has not been directly measured in the census, and therefore I had to derive it indirectly benefiting from the information available on the occupational class of the household reference person in the 2001 UK census. All individuals aged (20-44) living with at least one of their parents (father, mother or both) in the same household have been selected. Then, for all the cases, the parent’s occupational class has been assigned. The variable has 5 categories: professional and managerial occupations, other non-manual occupations, skilled manual occupations, semi-skilled manual occupations and unemployed or on-benefit. All the five categories have been included in the analysis. The professional class has been used as the reference group.

In order to minimise the sample bias, students in full-time education have been excluded from the analysis. The decision to exclude them has been made because they are likely to have a different profile and class background and including them might confuse the results. It is worth noting though that the sample might be still biased toward over-representation of males over females since females are likely to get married and move out the family home. Indeed, looking at the gender division in the final sample shows that the proportion of males is 62%. Since most of the models I run separately for men and women, the over-representation of males over females should not cause a huge problem. Another issue worth mentioning here is the lack of representation of the sample. Since the focus in the analysis is on respondents aged 20-44, the sample cannot be a representative for the entire population but only for this group. Hence, any conclusions in this study should be seen within this context.

DEPENDENT VARIABLES
Economic activity: recoded into 3 categories; people in employment, unemployed people and economically inactive. People in full-time education have been excluded from the analysis. The category of people in employment has been used as the reference group in the multinomial models.

INDEPENDENT VARIABLES
- Qualifications: the variable has been recoded into three categories; higher qualification (the reference group), A-level or lower, no qualification.
- Sex: Coded as 1 for men and 2 for men. I have employed different models for men and women.
- Place of birth: Coded as 1 for overseas born and 0 for UK (the reference category).
• Age: Grouped into three categories: 20-24, 25-29 and 30-44. The last has been used as the reference group.
• Marital status: recoded into two categories; currently married (or live with a partner) and currently unmarried (single, divorced). The married categories has been used as a reference group.
• Dependent children: recoded into two groups; those with dependent children and those without.
• Ethno-religious background: eight ethno-religious groups have been included into the analysis; 1) Muslim-Indians (MI), 2) Muslim-Pakistanis (MP), 3) Muslim-Bangladeshis (MB), 4) Hindu-Indians (HI), 5) Sikh-Indians (SI), 6) Muslim-White (MW), 7) Jewish White-British and finally 8) Christian White-British.

Findings

I begin this section by reporting the results of Table 1 which presents the distribution of people aged 20-44 by ethno-religious background and employment status. This table confirms previous studies in relation to the relative position of each group, and in particular the advantaged position of Christian Whites, Jews, Hindu-Indians, Sikh Indians and to a lesser extent Muslim-Indians (Brown, 2000, Modood et al., 1997, Mason, 2003, Khattab, 2009). This general pattern exists amongst men and women alike. It seems that most of the Muslim groups experience a higher rate of unemployment, and are more likely to be economically inactive relative to the other non-Muslim groups, particularly relative to Christian White-British.

<table>
<thead>
<tr>
<th>ETHNO-RELIGION GROUPS</th>
<th>MEN (N=32,069)</th>
<th>WOMEN (N=19,283)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>unemployed</td>
<td>employed</td>
</tr>
<tr>
<td>Jewish-White</td>
<td>10</td>
<td>75</td>
</tr>
<tr>
<td>Muslim-Pakistanis</td>
<td>18</td>
<td>57</td>
</tr>
<tr>
<td>Muslim-Bangladeshis</td>
<td>16</td>
<td>62</td>
</tr>
<tr>
<td>Muslim-Indians</td>
<td>9</td>
<td>71</td>
</tr>
<tr>
<td>Muslim-White</td>
<td>16</td>
<td>62</td>
</tr>
<tr>
<td>Hindu-Indians</td>
<td>8</td>
<td>76</td>
</tr>
<tr>
<td>Sikh-Indians</td>
<td>12</td>
<td>75</td>
</tr>
<tr>
<td>Christian-White British</td>
<td>8</td>
<td>84</td>
</tr>
</tbody>
</table>

Chi-Square

\( \chi^2 = 612.46, (p \leq 0.001) \)

\( \chi^2 = 624.57, (p \leq 0.001) \)
Men

In order for us to explore some of the factors that affect economic activity and how significant the ethnic and religious differences in question are, I turn to Table 2 which presents two multinomial models of economic activity among men.

**Table 2: Multinomial Models for Labour Market Outcomes in Britain (Odds-Ratios) – Men, England and Wales 2001.**

<table>
<thead>
<tr>
<th>Independent Variable</th>
<th>Model 1 Unemployment</th>
<th>Model 1 Inactivity</th>
<th>Model 2 Unemployment</th>
<th>Model 2 Inactivity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overseas</td>
<td>.91</td>
<td>.71*</td>
<td>.90</td>
<td>.69*</td>
</tr>
<tr>
<td>Not married</td>
<td>1.93*</td>
<td>4.24*</td>
<td>1.82*</td>
<td>3.88*</td>
</tr>
<tr>
<td>Dependent children</td>
<td>.86*</td>
<td>.77*</td>
<td>.85*</td>
<td>.75*</td>
</tr>
<tr>
<td>20-24</td>
<td>1.11*</td>
<td>.94</td>
<td>1.34*</td>
<td>1.16*</td>
</tr>
<tr>
<td>25-29</td>
<td>.98</td>
<td>.54*</td>
<td>1.14*</td>
<td>.66*</td>
</tr>
<tr>
<td>No qualification</td>
<td>3.04*</td>
<td>3.44*</td>
<td>2.82*</td>
<td>3.66*</td>
</tr>
<tr>
<td>Level 1-3</td>
<td>1.16*</td>
<td>.95</td>
<td>1.15*</td>
<td>.99</td>
</tr>
<tr>
<td>JWB</td>
<td>1.64</td>
<td>2.74*</td>
<td>1.69*</td>
<td>2.52*</td>
</tr>
<tr>
<td>MP</td>
<td>3.79*</td>
<td>6.96*</td>
<td>3.32*</td>
<td>6.36*</td>
</tr>
<tr>
<td>MB</td>
<td>3.10*</td>
<td>5.58*</td>
<td>2.59*</td>
<td>4.72*</td>
</tr>
<tr>
<td>MI</td>
<td>1.66</td>
<td>3.96*</td>
<td>1.52</td>
<td>3.79*</td>
</tr>
<tr>
<td>MW</td>
<td>2.71*</td>
<td>3.99*</td>
<td>2.47*</td>
<td>3.53*</td>
</tr>
<tr>
<td>HI</td>
<td>1.43*</td>
<td>3.77*</td>
<td>1.42*</td>
<td>3.93*</td>
</tr>
<tr>
<td>SI</td>
<td>2.11*</td>
<td>3.20*</td>
<td>2.01*</td>
<td>3.33*</td>
</tr>
<tr>
<td>On benefit/unemployed</td>
<td>1.69*</td>
<td>1.21*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other non-manual</td>
<td>1.00</td>
<td>0.73*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Skilled manual</td>
<td>0.99</td>
<td>0.57*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Semi-skilled manual</td>
<td>1.27*</td>
<td>0.63*</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

\[ -2 \text{log likelihood} \chi^2 = 1788.644 \quad \chi^2 = 2009.780 \]

* p ≤ 0.05
In this table I report the odds-ratios of being unemployed or inactive relative to being in employment (employed). Hence, a coefficient that is less than 1 indicates lower odds of falling within the specific category relative to the reference category (being employed as in this study). I begin by reporting the results of the first model. The first factor in this model is place of birth which indicates a significant impact in relation to economic inactivity, but insignificant impact in relation to unemployment. This suggests that people born overseas are significantly less likely than people born in the UK to be in the category of economic inactivity relative to the category of employment. The odds of unmarried people to experience unemployment are almost two-times bigger than the odds of married people (1.93) and in terms of economic inactivity are over four-times bigger (4.24). People with dependent children are less likely to experience unemployment or economic inactivity than people without dependent children. Age seems to be operating in the expect direction, in that younger people are more likely to face unemployment or experience economic inactivity. The impact of qualification is very significant upon the odds of being unemployed or economic inactive and is in the expected direction. People with levels of qualifications that are less than a degree are significantly more likely to be vulnerable to unemployment and economic inactivity. The last variable in this model and perhaps the most important is the ethno-religious background. It suggests that all the seven ethno-religious groups in the model are significantly more likely to face unemployment or to experience economic activity than Christian White-British (the reference group). However, the coefficients for Jewish White-British and for Muslim-Indians are statistically insignificant regarding unemployment.

Turning to the second model in Table 2 shows that including class has only affected some of the factors’ coefficients of the first model. Most factors remain by and large the same as in the first model. The only notable change in the second model is in relation to the impact of the ethno-religious factor. The impact of being Jewish White-British has become statistically significant regarding unemployment, the impact of being in one of the four Muslim groups has somewhat dropped (yet remained significant) and the impact of being Sikh or Hindu has slightly increased especially in relation to economic inactivity.

Most of the coefficients of class are significant except for being in one of the two manual classes regarding unemployment.

Women

In Table 3 I present two multinomial models of economic activity among women. Turning now to the first model, the results show that the impact of place of birth is insignificant. The odds of unmarried women to face unemployment or economic inactivity are lower than the odds of married women.
The impact of age is mostly significant indicating, by and large, the higher risks of facing unemployed and the lower risk of becoming economically inactive among young women relative to women aged 30 and above. Like in the case of men, the impact of qualification is significant and operates in the expected direction in that the high odds of experiencing unemployment or economic inactivity are associated with lower levels of qualifications.
The impact of the ethno-religious background on the economic activity among women is in general similar to the impact found among men. Except for Jewish White-British women in the case of unemployment, all other coefficients are significant and notably above 1. This suggests that women from all off the ethno-religious groups face greater unemployment or economic inactivity risks relative to Christian White-British women in the UK. It is worth noting that the coefficients for the Muslim groups are much more higher than those among Jews, Hindu or Sikh indicating that Muslims in Britain might be facing a harsher conditions in the labour market.

Turning to the second model in Table 3, the results show that like in the men’s model, controlling for class has some impact upon the way most of the other factors operate, particularly regarding the ethno-religious factor. It seems that class mediates some of the ethno-religious background. Most of the coefficients of the ethno-religious background are smaller, but remain statistically significant. Like in the men’s model, Sikh-Indian and Hindu-Indian women have a slightly different pattern, in that adding the class factor to the model has increased, though only slightly, the odds of unemployment among Sikh-Indian women, and the odds of economic inactivity among Sikh and Hindu women. With respect to the direct impact of class, most of the coefficients are significant indicating that class, like the ethno-religious background, has an independent and significant impact on the labour market outcomes. In the next section, I will discuss the above results and then draw some conclusions regarding the possible explanations of inequality in the British labour market.

Discussion and conclusions

In this chapter I have used data obtained from the 2001 UK census to analyse the impact of ethnicity, religion and class upon the employment outcomes amongst eight ethno-religious groups in Britain presenting the findings in relation to men and women separately. The paper sought to examine the ethnic and religious difference and how would these differences change when class is taken into consideration? I argued that while these factors are interconnected with each other, in that some of the impact of one factor operates through the other; each factor provides an independent source for motivation and action.

The findings in relation to employment profile for each group, and hence the difference between the groups are in line with previous studies and confirm the pattern according to which Muslim groups in Britain pay a greater ethnic and religious penalty than other non-Muslim minorities such as Jewish White-British and Hindu-Indians (Khattab, 2009; Lindley, 2002; Model & Lin, 2002). It is worth mentioning that our findings have shown that this pattern does exist in relation to men and women alike. However, it is worth noting that according to the results of this study, most of the ethno-religious groups are significantly disadvantaged in the labour market compared
to the Christian White-British group. Muslim groups as well as all of the non-Muslim groups are more likely to face unemployment and experience economic activity than Christian White-British. In the same time, the different sizes of the coefficients presented in Table 2 and 3, demonstrate the extent of the disadvantage faced by each one the group relative to the dominant group. Therefore, it is safe to conclude that while Muslims pay the greatest penalty in the labour market (the bigger the coefficient the greater is the penalty), the other Indian religious groups, and to a lesser extent Jews, also pay penalty, but at a lower rate. This suggests that religion is an important factor in determining the chances in the labour market, and that some groups are disadvantaged due to their religious affiliation (Reid, 1998).

Like the ethno-religious background, class too has a direct and an independent impact on the chances in the labour market. However, the fact that class has also mediated some of the impact of the ethno-religious background suggests that the class structure in Britain is ethnosised. In other words, the class structure of the ethno-religious minorities is heavily influenced by discriminatory practices in the labour market, in that, the existence of racism in Britain (Virdee, 2006). This, to some extent, might challenge these scholars who underestimate the importance of ethnicity as a source of motivation and action (i.e. Brubaker, 2002; Nazroo, 2003), and therefore as a source of unequal chances in the labour market. It is worth mentioning here that this study does not suggest that class is superior to the ethno-religious factor or vice versa. This study suggests that both factors are important in explaining the unequal chances in the British labour market, in that there is an ethnic impact (difference) that operates independently of class, and there is a class impact that mediates some of the ethno-religious impact while remaining significantly important in affecting economic activity.

One may argue that the ethnic impact found in this study is an accumulative impact of more than one thing that is captured by ethnicity such as personal group identity, culture, life style, social community, family structure and immigration history. This might be true, but equally true is that class too captures more than one thing such as wealth, power, language, life style, culture and many other symbols making class similar to ethnicity as a multifaceted concept, and making the ethno-religious factor similar to class as determinant of economic activity as demonstrated in this study.

References


Role definitions and interactions with immigrants: understanding the world of Swedish employment officers

AGNETA MOULETTES & PUSHKALA PRASAD

Abstract

The experiences of 12 employment officers have been analyzed to ascertain how the integration of immigrants is handled under the professional role, and how clients are discursively marked and differentiated. On the basis of our analysis, we identified four major roles performed by the employment officers, upon which we constructed the following themes: 1) speaking as the organization’s ambassadors; 2) acting as policymakers’ extended arm; 3) acting as supplier of manpower; and 4) acting as spokesmen for an assimilationist policy. The findings contribute to role theory by showing how professionals occupying a specific position make use of a set of roles depending on the specific relationship and interaction with other role players.

Contact

Agneta Moulettes
Centre for Business Studies
Kristianstad University
Elmetorpsvägen 15
Kristianstad, SKÅNE 291 88, Sweden
agneta.moulette@hkr.se

Pushkala Prasad
Department of Management & Business
Skidmore College
815 North Broadway
Saratoga Springs, NY 12866-1632, USA

Key words

Swedish Public Employment Service, role definitions, professional intermediaries, integration of immigrants, in-depth interviews, critical analysis
Introduction

Despite a relatively well-developed framework for integrating immigrants into Sweden, they continue to experience discrimination in the labor market. This is evident from a report that shows that it generally takes seven years for male immigrants to enter the Swedish labor market and even longer for female immigrants (Lagrådsremiss, 2009). Those who eventually obtain employment are often found in poorly paid jobs that seldom correspond to their education or earlier experiences (Rydgren, 2004). A recent study (JUSEK, 2011) also shows that 50 percent of highly-educated immigrants get stuck in unqualified jobs. The corresponding figure among Swedes is 15 percent. Furthermore, Bakshi, Hatlevall, & Melchert (2009) call attention to the fact that only 20 percent of newly arrived immigrants receive professional support from the Public Employment Service agency. The prevailing equality problem is further aggravated by the fact that twice the number of male as female immigrants are given the opportunity to participate in work supportive activities (ibid). The difficulty for immigrants to enter the labor market is a well known problem among politicians, and the effort to come to terms with the issue has long been on the political agenda.

This paper intends to examine employment officers' endeavors to integrate immigrants into the Swedish labor market. It takes its point of departure from current debates about immigration and the challenges that the 21st century faces as a result of the increased movement of human capital across national borders. An expected shortage of labor in the European market due to decreasing population poses a challenge for politicians, who have to negotiate between a growing demand for an influx of non-European labor, and a promise to their voters to combat illegal immigration and terrorism. In a recent study on immigrant integration in eight European countries (Germany, France, the United Kingdom, the Netherlands, Switzerland, Sweden, Austria, and Belgium), Koopmans (2010) argues that integration policies and welfare-state regimes affect the socio-economic integration of immigrants. According to his findings, policies granting immigrants easy access to equal rights and which do not provide strong incentives for language acquisitions and interethnic combats, produce low levels of labor market participations.
Current debates pose a challenge for Swedish employment officers who are put in charge of assisting immigrants entering the labor market while conciliating employers’ often sceptical attitude toward hiring immigrants. Even if current legislation on discrimination may facilitate employment officers’ work, they may encounter barriers obstructing their efforts to assist immigrants in finding jobs. It may, for instance, be difficult for employment officers to prevent the employer from discriminating against immigrants since the exclusion may be subtle or blamed on insufficient Swedish language skills or inadequate education from their countries of origin. It is also possible that the prevailing debates on immigration, along with economic crises, may affect their interactions with immigrants. For example, the Equality Ombudsman against discrimination (Diskrimineringsombudsmannen (DO), 2010) took legal actions against a Public Employment Service agency that had stopped unemployment allowance to a Muslim man on the pretext that he was denied a post as a trainee because he had refused to shake hands with the employer.

Although many politicians want to integrate immigrants into the labor market, professional intermediaries have remained largely outside the focus of scholarly attention in Sweden. To date, studies on workplace integration have been mainly quantitative in nature and rarely included theories of structural discrimination (SOU, 2005). A majority of these surveys investigate employer attitudes toward the employment of immigrants and their experiences of finding work that matches their qualifications (Berggren & Omarsson, 2001; Ekberg, 2004). The lack of scholarly engagement is explained by methodological difficulties to empirically prove the existence of discrimination in the Swedish labor market (de los Reyes & Winborg, 2002). As a consequence immigrants’ difficulties when entering the labor market are often presumed to be culturally conditioned or due to inadequate education and/or language skills (Integrationsverket, 2001). In spite of current knowledge on professionals and professionalism, there is little known about the effects that current immigration policy and public debates on immigration may have on employment officers’ and their performances.

In light of the discussion above, the aim of this paper is to investigate the language used by employment officers when describing their endeavors to assist immigrants entering the Swedish labor market. It particularly aims to investigate a) how the integration of immigrants in the labor market is handled under the professional role, and b) how employment officers discursively mark and differentiate their clients. The study, which used a critical analysis, is based on in-depth interviews with 12 employment officers who, in their professional role, have gathered experiences from assisting immigrants in their challenges to obtain a job.
Role theory and professional intermediaries’ performances

A first step before an analysis of role definition among employment officers can be conducted is to familiarize oneself with role theory and delineate potential implications related to professional intermediaries’ performances. To begin, each one of us plays many different roles in our everyday life and during our lifetime (e.g., in school, at work, among family members and friends, in our leisure time activities), and depending on the role we are playing in the group our status and power will alter. This alteration of social roles is what Merton (1968) referred to as ‘multiple roles’. As one of the scholars who took an interest in the complexity of role performances, Merton made a distinction between ‘multiple roles’ and ‘role-set’, defining the latter as an array of roles that occurs in a specific social relationship. With the concept of the role-set it is possible to illustrate the complexity and dynamics of social relationships. For example, a person in the status of professional intermediaries plays not only the role of a professional assisting the clients, but also an array of roles relating him/her to decision-makers, managers and colleagues. Moreover, status and power is determined in a categorization process in which we evaluate and identify ourselves and others through our roles and the way we perform them (Bloor & Bloor, 2007). This would mean that an employment officer is likely to play a different role when interacting with an employer compared to a job seeker.

What makes it even more complex is that we behave in different ways depending on the constellation of the group and the expectations we have on other role players, as well as the expectation they have on us. In the case of employment officers, their behavior may differ depending on their clients – for example, youths, the elderly, men, women, Swedes, immigrants – and it might also differ depending on which part of the world they come from. For example, Jackson, Kendrick, Tony, & Bryant (2001: 454) suggest that people react to, and develop attitudes toward, immigration and immigrants based on their subjective perceptions of normative expectations, as well as their own experiences. How they come to think and feel about immigration is also closely tied to the country’s political and economic policies specific to the immigrants. Also, differences of opinion concerning the definition of ‘help’ may provoke conflicts between professional intermediaries and their clients. As Gronemeyer (2010: 56) reminds us, help is no longer the unconditional aid performed by a good Samaritan, but a strategy “charged with the aura of justification”. Referred to as an instrument of the perfect “exercise of power”, she argues that help is a “means of keeping the bit in the mouth of subordinates without letting them feel the power that is guiding them” (Gronemeyer (2010: 55). Thus, while a job seeker may expect unconditional help finding a job, employment officers may define help as a means to fulfill a political intention to promote economic development without disrupting the image of cultural homogeneity.
Furthermore, it is on the basis of the pressure from the environment and our own expectations that we distinguish ourselves by imposing an identity on others, prompting them to act in a certain way (Subramony, Beehr, & Johnson, 2004). A conflict over identity is thus likely to arise between in-group and out-group members. Merton (1968: 482) argued, for instance, that people belonging to an out-group are “damned if they don’t manifest in-group virtue” and that this “systematic condemnation continues” irrespective of what they do. While the desire to fix people in categories is supported by official discourses and institutionalized as gender identity, racial identity, ethnic identity and the like, it may be difficult for out-group members to be accepted and integrated in the group. The construction of categories is thus not just a way to make our environment easier to comprehend but also a way to fix people: a fixation irrespective of out-group members’ efforts to become integrated will keep them apart. Hence, even if it is commonly recognized that professionals follow professionals’ codes of conduct and remain loyal to professional bodies (Evetts, 2003), their work performances may nevertheless be challenged by role conflicts and identity pressures from the environment (Beijaard, Verloop, & Vermunt, 2000). As argued by postcolonial scholars (e.g., Said, 1995; Bhabha, 1994; Appadurai, 2006), it is the fear of difference or the fear of alleged superiority that the others might possess and the threat it may cause to our cultural identity, that call forth ethnocentrism and self-interest and the exclusion of those we see as different. In our social comparisons with others, we have a tendency therefore to assign positive loaded characteristics on our own social group while a characterization of the others, those who we want to exclude, are loaded with prejudiced judgment (Said, 1995). Imposing culture and language is believed to serve as a mission to save people from backwardness and ignorance; however, as Bhabha (1994) reminds us, cultural stereotypes also need to be constantly repeated as not to fall into oblivion. As these stereotypes continue to be played out in organizations – consciously or unconsciously – they may contribute in creating ambivalence in professionals’ performances. Hence, at the same time as professional intermediaries are convinced that they treat everybody the same, they may nevertheless be haunted by a colonial mindset and subjective perceptions of a world divided between a developed, modern and rational Western part, and a non-Western part with its underdeveloped, traditional and mystical population (Fougère & Moulettes, 2007).

Since Marton’s study in the late 1960s, much research has been devoted to role definitions (e.g. Kamdar, McAllister, & Turban, 2006; Turner, Chmiel, & Walls, 2005) and professionals’ role in society and organizations (Van Dyne, Cummings, & Parks, 1995). For example, research has pointed to the lack of consensus related to the meaning of professionalism (Fox, 1992), but also to the collective norms that guide professionals (Day, 1999). It has explained professionalism (Troman, 1996) and informed us that professionals in general are deeply invested in the ideology of professionalism.
Part 4. Diversity is not enough: interrogating difference and inequality in organisations

543

(Prasad & Prasad, 1994), and expected to make fairly independent judgments and decisions (Brock, Powell, & Hinings, 1999). The behavior of professionals in social situations (Biddle, 1979) and their influential capacities on job satisfaction has also been explained (Boyt, Lusch, & Naylor, 2001). However, at this period in time when globalization and migration across national borders along with tradition, nationhood and cultural assimilation have become a hot topic in political and public discourses, more attention needs to be paid to the ambivalence in role performances and how this might influence professional intermediaries’ interactions with immigrants. This paper will address this topic, as we intend to investigate employment officers’ work to help immigrants enter the labor market.

Research method and analysis

As argued by Ricoeur (1970), all communication acts are unavoidably political and should therefore be approached with suspicion in order to reveal those meanings that are hidden within them. This aim is certainly relevant for our study, as we seek to go beneath the surface meaning in employment officers’ accounts and uncover those meanings hidden within them. In light of the aim of the study, the interview method was chosen as the best way to access the richness and nuances of employment officers’ experiences. However, to obtain a general idea of what had hitherto been studied, the research began with an overview of current studies on Swedish immigration.

Inspired by Said’s (2000: 184) and Adorno’s (2005) belief that “it is part of morality not to be at home in one’s home”. And with no claim to be neutral the intention was to use previous findings as a basis for the discussions, and to confront the interviewees with the critique against prevailing integration policy that previously had been brought to the fore by these scholars (e.g., Bakshi et al., 2009; Berggren & Omarsson, 2001; Ekberg, 2004; Rydgren, 2004).

The interviews were conducted among employment officers who all worked in the southern part of Sweden. Participants were initially recruited through a personal contact, and during the first interview we received a list of names of employment officers from which we selected the interviewees. In choosing the participants, our strategy was to include both men and women at different levels of the organization that represented both supervisors and employment officers who were directly interacting with the clients. A consulting coach working for the Public Employment Service agency was also included in the sample. So far 12 employment officers in five different locations have participated in the study. The sample consisted of eight women and four men with different educational backgrounds, for example a former teacher, lawyer, journalist, and several sociologists. The time they had worked at the Public Employment Service agency varied between 1-20 years.
Nine of the interviews were conducted at the respondents’ workplace, while two interviews took place at a coffee shop in town and one in a home environment. The interviews, which were carried out by the Swedish researcher, lasted between one and two and a half hour. All interviews were recorded and transcribed at a later date. In addition to the recorded interviews, a summary of the overall impression of the individual interview was made.

The interviews, which can best be described as a conversation based on open questions, focused on the participants’ personal and professional trajectories and different aspects of their work related experiences with immigrants. More specifically, as we were interested in exploring how they perceived their professional role in their encounters with immigrants, we asked how they negotiated between immigrants’ expectations of obtaining employment on the one hand, and on the other hand policymakers’ intentions to get people into the labor market and employers’ request to supply manpower. Throughout the interviews, we explicitly asked their opinions about the high unemployment rate among immigrants and what actions they took to help them find a job. The questions we asked also revolved around the actions they took to promote equal treatments for immigrants, if they thought immigrants need to adjust to the Swedish culture, and, if so, what exactly they need to adjust. Another question in relation to this was if media reports on immigration and immigration policies influenced them in any way. Finally, we asked them to estimate how many immigrants they had been able to help finding a job and what kind of job they had been able to offer them. As a number of participants expressed concerns about the potential ease with which they could be identified, we ensured the anonymity of the interviewees by using fictional names in our paper.

In analyzing the material, we started with a close reading of the transcripts and underlined a number of key words that seemed significant or intriguing. In a first analysis, we constructed a preliminary picture based on what we found to be the most striking statements. On the basis of a second analysis, we identified four major roles discursively performed by the employment officers and upon which we constructed the following themes: 1) speaking as the organizations’ ambassadors; 2) acting as policymakers’ extended arm; 3) acting as suppliers of manpower; and 4) acting as spokesmen for an assimilationist policy.

Results

SPEAKING AS THE ORGANIZATION’S AMBASSADORS

The general impression emerging from the interviews was that the respondents seemed anxious to convey a positive impression of themselves and their employers as professionals. With the exception of one, everybody talked very passionately about their work and how they assisted immigrants in finding jobs. They all stressed
that it was their sincere interest in helping people that had applied for a job at the Public Employment Service agency. When asked if current debates on immigration have affected them, they unanimously replied in the negative and further explained that it is not anything they talk about at work. With statements like, “We all share the same values”, “We all want what’s best for the individual”, and “We do not discriminate”, they underscored their professional belonging and their humanistic mindset. They emphasized that the newly arrived immigrants are a demanding group and that as civil servants they have an important role to fill in integrating them into the Swedish labor market. Comparing the interaction between immigrants and Swedish clients, one of the employment officers explained:

Excerpt 1: Carl 1

“Well, it is special because you are one of the first civil servants the immigrants encounter. And my experience is that you can help them finding the right way by the use of rather simple means. It’s about information, it’s about motivation and telling them about the aim of the registration. I think we have a big role to play and an important role to play. It’s important that those who come here become anchored in the labor market because that’s where they become integrated into the Swedish society”.

Recurring topics of conversation turned revolved around their everyday work and how they found solutions that best fit the immigrants. They pointed out that their main task as labor market intermediaries was to offer advice and direction on how to contact an employer, and, if necessary, explain how to upgrade their education to be more attractive on the labor market. They explained that they sometimes recommended their clients take part in vocational training or a language course offered by the municipality; however, their main task was to assist them in finding a job or a position as a trainee. To judge from Carl’s statement that “we have a big role to play and an important role to play”, they apparently feel a great responsibility to integrate the immigrants in society. According to their own estimates, they eventually manage to place most of them in the labor market.

However, one of the supervisors’ statements that only five percent of all immigrants registered at her office are placed in the labor market makes these estimations seem more like wishful thinking than factual results. In reality it means that they have managed to place 17 of the 350 immigrants registered at her office. She explained that this result is in line with the goal set by policymakers and that it diverges considerably from the goal set for the Swedish clients. To be “anchored on the labor market”, as Carl put it, does not seem to mean they have to find them a job. It is apparently sufficient that they are registered at the employment office, informed about the Swedish system, and motivated to look for a job. The fact that they seemed happy with the result suggests that they are eager to give a good impression of the organization and their work. The request from some of them not to disclose their identity, and one of
the respondent’s cautionary comment on issues where she “did not have the statistics to back up her answers”, also points in this direction. Their concern to convey a positive image of the organization could be interpreted as loyalty to the profession (Evetts, 2003) and a means to maintain their self-esteem. It might also suggest that they feel a certain pressure from their employer not to damage the reputation of the Public Employment Service agency.

ACTING AS POLICYMAKERS’ EXTENDED ARM

One role of an employment officer as a civil servant is to implement the policy taken by the politicians. And as a new integration policy for newly arrived immigrants was going to be implemented later that year, some of the officers were working on the guidelines at the time of the study. Martin speaks as a representative for the professional core when he explains the politicians’ intention with the reform:

Excerpt 2: Martin 1

“Within this new reform that we are preparing … there’s a very important economic incitement, that is you can no longer take advantage of the Social Services Act and say that we have this family that needs money. Every adult has to apply for financial support and participate in activities to get it. This means that if the family or the woman… or whoever takes the ultimate decision in the family that someone shouldn’t work but stay home and take care of the household and the children, it will hit them financially”.

What Martin describes is a reform that encourages a policy where welfare benefits are associated with economic sanctions. Hence, the reform is intended to encourage all adult family members to register at the employment office, but it is particularly intended to put pressure on female immigrants to leave their lives as housewives and register as job seekers. The fact that female immigrants often stay at home to take care of their families was a view that most employment officers shared and also believed to be the main reason why they might receive less support from the Public Employment Service agency compared to male immigrants.

The length of the introduction period varies between municipalities; however, after a period of three years immigrants are supposed to be treated the same as Swedish citizens. This means that unemployed immigrants who qualify and receive consent from the Public Employment Service agency are entitled to participate in one of the training programs organized by the municipality. The content of the program may vary over time, but the measures targeting unemployed immigrants are generally employment, vocational, job search and language training. One of the groups that qualifies for these courses is those female immigrants that have stayed away from working life to take care of the children. Lisa, who was recruiting unemployed participants for vocational training courses, explains this group’s difficulty to enter the labor market as follows:
Lisa 5: Excerpt 1

“Well, because many of the participants, as we call them, have lived in Sweden for many, many years, perhaps 20 years, but their Swedish is poor. In many cases, they didn’t get any education in their native country and may be illiterate, and perhaps they haven’t worked in Sweden but had taken courses in SFI (Swedish for Immigrants) for a number of years and ... during the 90s there were many who lived on financial aid without any control”.

The account above illustrates how Lisa draws on her encounters with a segregated and disadvantaged group of female immigrants. She refers to a narrow group of women who lack economic security, education and work experiences, and who, despite the fact that they had taken Swedish language courses for a number of years, remained outside the labor market. The fact that they, as Lisa says, “had taken courses in SFI for a number of years” makes you wonder how much Swedish you have to know in order to get a job. However, it also makes you wonder how efficient these courses are since they have to attend them for several years. Yet, Lisa’s explanation that there “were many who lived on financial aid without any control” during the 1990s, while they now apparently are directed to these courses in order to achieve economic support, indicate that she appreciates this change in policy. The stress on Swedish language skills is, for instance, in line with policymakers’ assumption that this is a key factor for integration.

A consequence of the employers’ rigidity and unwillingness to hire job seekers with a foreign education and work experiences is that immigrants in general, and female immigrants in particular, irrespective of their background, are often offered low skilled and low status employment, which they more or less feel obliged or compelled to accept. According to Lisa, most of her clients were assigned an unqualified job in a shop, a restaurant, a warehouse, or a cleaning firm. The latter has been favored through the government’s introduction of grant aid that attempts to prevent undeclared labor and to create new work opportunities for women in general and female immigrants in particular. Throughout the ongoing debate this policy has been heavily criticized by the political opponents, while those in favor see it as a good opportunity to decrease the unemployment level. As Cesar, one of the employment officers, concluded: “The government doesn’t want people to get stuck in unemployment. They want to see people active at the workplace ... The most important is to demonstrate one’s merits”.

The intention to make it harder for immigrants to receive financial support seems to be in line with the assimilationist integration policy that, according to Koopmans (2010), already exists in countries like Germany, Austria, Switzerland, and France. However, the fact that unemployment is still higher in Sweden compared to other OECD countries (Lemaître, 2007) makes one wonder if the assimilation policy is the solution to the issue or if it is just a way for politicians to please the voters.
ACTING AS SUPPLIER OF MANPOWER

In spite of employment officers’ assertions that they do what is best for job seekers, it may be difficult for them to prove to employers that immigrants have the competence needed for jobs. One of the reasons claimed to be due to the changing nature of employment and its increased demand on communication between people. Philip was one of the respondents who made this connection:

Excerpt 5: Philip 1

"[The] work is more sophisticated and more advanced nowadays. Perhaps you have to read pretty advanced instructions about the machinery. You need to know ... and the communication between people becomes more important ... So I would imagine that the demands might be higher now, even for jobs where the language did not really matter before. But when it comes to the IT sector it’s easier. If they have IT skills and come from India or Pakistan, they will find a job”.

Judging from what Philip says, work has now become so much more sophisticated and advanced that employers no longer dare taking the risk of hiring immigrants. Although it is difficult to judge the extent to which this argument about new technologies and language deficiency holds, the statement seem to suggest that employers do not choose merely on the basis of job seekers’ competences and personal qualities. Philip also estimates language deficiency as a hindrance for well-educated and work experienced immigrants, ultimately taking side with the employer. This tendency to side with the employers seemed to bother Sven, a manager who had been in the organization for more than 20 years. When asked why he thinks it is hard for immigrants to find employment, he explained:

Excerpt 8: Sven 1

S: "Well the economy as such is not discriminating. It’s not until the supply exceeds the demand that employers start to look for somebody else. In those circumstances it’s not a question of competences but color, culture, and what strange Gods they believe in and ... What I mean is that other things that are not that significant emerge when the demand declines.”

Interviewer: “So when the demand declines they are the first who have to leave?”

S: “Yes. When the demand declines they are the first who have to leave. That’s right.”

I: “So one could say that there’s a structural discrimination?”

S: “Yes. Yes, yes sure there is”.

His reaction to employers’ arguments for not hiring immigrants indicates a certain resignation about the situation and the fact that they, as labor market intermediaries, do not have the power to convince employers whom to choose. Thus, what the respondents seem to suggest is that employers do not hire immigrants as long as
business upturns or a shortage of labor does not force them to do so. Also, even if the amount of information and reading material has increased due to new technologies, one cannot but wonder how they managed to communicate with all the non-Swedish speaking immigrants that were recruited to the industries in the 1970s. As Sven explained: “They arrived by bus on Wednesday and started to work the following Monday”. Was immigrant workers’ safety not important? It may be difficult to prove that immigrants were discriminated against, but the statements point to employers’ notions of xenophobia and unwillingness to adapt to the conditions in today’s labor market. In other words, a labor market characterized by a more culturally and ethnically diverse labor market than in the past, which not only consists of culturally homogeneous Swedes but a culturally dispersed group of people. This situation may constitute a challenge for the employment officers, who on the one hand may suspect that immigrants are being discriminated against in the recruitment process, and on the other hand must show a positive attitude toward immigrant job seekers.

ACTING AS SPOKESMEN FOR AN ASSIMILATIONIST POLICY

A recurring reason for the high unemployment rate among immigrants was the lack of adjustment attributed by educational and cultural differences. Martin, for instance, refers to refugees from Somalia, Eritrea, Afghanistan, and Kurdistan when pointing out that, “They come from educational systems and labor markets which differ considerably from the Swedish system”. Karin has her own theory of what this might mean in practice:

Excerpt 9: Karin 1

“Well, take the teaching profession, for example, where you have different school systems in different countries and where you have different views on teaching methods and we have our view. I had this problem with a woman from the Balkans once. There were quite a few people from the Balkans who (…) it was more about teaching methods and things like that. All the children are forced to write with their right hand. Such a teaching method does not work in the Swedish school. But then I sit here as a wicked person when I tell this woman who has this education and who has worked for many years at home, ‘You have to reconsider. You have to take a supplementary course’ (…) If you are a craftsmen you can work as a trainee in a company, and a competent supervisor can make an evaluation and say, ‘Yes, he knows this and this, but they seem to use other methods than the ones we are used to and need to learn how we work’”.

Karin underscores the differences between countries in regard to teaching methods and ways of working. In doing so she implies that other school systems do not match the Swedish standard. Her simplistic examples question what she also bases her reasoning on. She appears to regard these differences as problematic and not as
advantageous. Is it necessary for these professionals to take a supplementary course just to learn that children can write with either the left or the right hand? Also, why should she assume that it is an insurmountable task to train a new employee at the workplace? She is unwavering in her belief that the supervisor is ‘competent’, and she uses the example of different teaching methods to exclude someone from a profession. Should upgrading teaching methods be part of the lifelong learning process for everyone and not only immigrants?

Moreover, in explaining the validation of craftsmen, she does not say ‘if’ or ‘in those cases where’ they use other techniques, but implicitly suggests that all members of a specific group need further education in order to live up to Swedish standards, rather than acknowledging that the Swedish system may benefit from the incoming knowledge and practices. By doing so she reproduces a notion of logocentrism (Derrida, 1967), which by its attention on ethnocentrism favors the image of a superior self. Furthermore, when Karin says, “I sit here as a wicked person when I tell this woman (...)”, and “(...) he knows this and this, but they seem to (...)”, she conveys what they might think, but she does not include the voice of any specific individual.

Confronting Cesar with the assumption that the participation in work supportive activities is lower among female immigrants compared to male immigrants (cf. Bakshi et al., 2009), he immediately agrees but places the blame on cultural differences and immigrants’ dependence on traditional gender roles:

Excerpt 4: Cesar 1

“Yes, but [the lower work rate] is something one knows. For example, right now we have women from Somalia who, for some reason, come without their families, and we work with them. They talk about their two to eight children and their husbands, but it’s rare that you know where their husbands are ... and it’s hard to think about work you know. Also, when immigrants arrive in Sweden they simply make children. Quite simply there are lots of women who are pregnant. I have met people who arrive with their belly, who quite simply are pregnant. And sometimes they give birth to a couple of children. So it’s things like that. But there are also traditional reasons such as the fact that the man in the family is supposed to work and that women should not be prioritized.”

Interviewer: “But are women equally supported?”

C: “Yes, all clients are equally supported. We support them as much as we can. We even offer a coach who can assist them in finding a position as a trainee. But as a trainee you have to show that you deserve the job. So what happens if you stay home for a couple of days? They call from the daycare center and well [...] I have heard them, [preschool teachers] call them and say their child has got a cold and [mothers] stop and say, ‘I’m coming!’”
In the first section, Cesar provides his personal view of female immigrants’ higher unemployment rate. Although he offers his personal view, his emphasis on the word ‘knows’ indicates that he believes this to be common knowledge. From his narrative, he divides female immigrants into two groups: those who arrive from a war-torn country and have other problems than finding a job, and those who come to Sweden just to ‘make children’. He neglects to mention that more than 50 percent of immigrants are between 20 and 44 years old, with the average age among Somalis being 29 (Statistics Sweden, 2009). Thus, it is no surprise that immigrant women in general and Somalis in particular are young mothers or pregnant.

Cesar rationalizes women’s higher unemployment rate because they prioritize their families over their jobs. He believes that these women should adjust the size of their families to suit the Swedish norm of 1.8 children per woman (SCB, 2008). His biased view reproduces an image of female immigrants as a homogeneous group of child producers from Somalia, who cannot be trusted with employment. Thus, while constituted on the assumption of homogeneous group identities characterized by the image of inferiority, Cesar’s statement reveals how the legacy of colonialism (Said, 1995) and its separation between cultures still haunts us and keeps the social order alive. His statement that you as a trainee “have to show that you deserve the job” also indicates that the help they offer is not guided by a genuine concern for the clients’ need but rather conditioned by a counter performance. Hence, assimilation to the Swedish norm seems to be the solution.

When discussing the higher unemployment rate among immigrants, employment officers readily made a connection to Muslim women. For example, while referring to a Muslim woman who had refused to remove her headscarf when offered a position as a trainee in a restaurant, Lisa shares her own opinion of the political debate about the burka.

Excerpt 10: Lisa 2

“But to get a job I do think that you actually may need to take off your headscarf. For example, there was this discussion about the burka in preschool and in this case I do think that you should take it off when you are at work […] so that you are able to do a good job. Then, in your private life, you can wear it if you like”.

Lisa’s description conveys a value judgment about Muslim women’s style of dress, ultimately explaining that she feels the implementation of a restriction is necessary. It is unclear, however, what kind of headscarf she is referring to in this statement, and whether she makes a distinction between different kinds of headscarves or not. Nevertheless, she considers them inappropriate clothing during working hours. She does not clarify what she means by “doing a good job”, and in what way the headscarf is in conflict with a professional role and how it may hinder a person’s work performance. Yet, her observation implies that wearing any piece of unconventional clothing is unsuitable and might have economic consequences for the employer.
What is perhaps more interesting about statements such as these is the frequency by which the ‘burka issue’ surfaces whenever issues of integration are discussed and not whether it can cause a problem in a Swedish workplace. Whatever her general intention may be, the statement conveys a notion similar to the expression of xenophobia and Islamophobia that is common in Europe today. There is an apparent suspicion toward the Muslim culture, but this extends to any unfamiliar culture, behavior and custom. An example of the latter is described in Cathie’s interview, who admits being provoked when a woman arrives at a scheduled meeting accompanied by her husband:

Excerpt 11: Cathie 1:
“[I] have worked with many women ... women who come from other cultures, where their husbands come along and insist in joining the discussion because they have this feudal culture. In those cases ... I don’t think it’s ok. We have to follow human rights. We have to follow the democratic principles and so forth [...] But it’s difficult because these women have to straighten their backs. I can say ‘No, I don’t accept’ and book a new appointment”.

Judging from Cathie’s statement this type of behavior is simply not acceptable in a modern and democratic society. According to her, these couples come from a ‘feudal culture’ that does not respect ‘human rights’ and ‘democratic principles’. So now when they live in Sweden these women have to learn how to “straighten their backs”, by which she presumably means that they have to be independent. She assumes these women are oppressed, i.e. that their husbands prevent them from interacting with society on their own terms, rather than bringing their husbands along for mental support or because they feel insecure about their Swedish language skills. Her use of words like ‘feudal’, ‘human rights’ and ‘democracy’ disclose her view of these cultures as backward and undemocratic. Cathie’s statement seems to be grounded in a fear that stems from a similar vein as the one Lisa expressed about Muslim women who wear a headscarf. In essence this line of thought is reminiscent of a colonial mindset. Lisa and Cathie’s statements also seem to be contradictory. On the one hand, they insist on a policy that encourages cultural diversity and inclusion, while on the other hand expressing the necessity to conform to “Swedish culture, norms and practices”.

Conclusions

The experiences of 12 employment officers have been analyzed to ascertain how the integration of immigrants is handled under the professional role, and how clients are discursively marked and differentiated. The findings contribute to role theory by showing how professionals occupying a specific position make use of a set of roles
Part 4. Diversity is not enough: Interrogating difference and inequality in organisations

depending on the specific relationship and interaction with other role players. By adopting a qualitative method and focusing on the language used by respondents when describing their work, it reveals the complexity associated with social relationships. Furthermore, by focusing on a professional group that hitherto has not gained much scholarly attention and the language used by the respondents when describing their work, the findings contribute to existing knowledge on immigration and the Swedish immigration policy. Finally, the findings also contribute to unpacking the essentialistic conception of culture and the deeply held assumptions of help as an unconditional aid to people in distress.

The findings show that employment officers do not simply act in accordance with a role linked to their profession, but that their work is influenced by external pressure and the expectations of other role players. On one hand it shows how employment officers take on a professional role and how they, as representatives of the organization, stress inclusion when underscoring that they do not discriminate. On the other hand, they all share the same values and all want what is best for their clients, all the while admitting they sometimes give priority to requests from employers, and the expectations of colleagues and policymakers. The exclusion of immigrants in times of recession, along with lower expectations in terms of integrating immigrants in the labor market compared to the native population, implies that they have a tendency to differentiate between clients, and that immigrants in fact are not perceived as equal members in society.

Like policymakers, employment officers seem to believe that stricter regulations and control would favor immigration, and that only those who prove worthy or qualified are entitled to a job or a position as a trainee. This position appears to be in accordance with Gronemeyer’s (2010) argument that help no longer is the unconditional aid performed by good Samaritans, but a sophisticated strategy closely associated with power. Whether the new strategy is chosen in an honest belief that it will increase immigrants’ employability or because it is believed to reduce conflicts with native job seekers is hard to say; however, irrespective of the reasons behind immigration reform it has apparently affected employment officers’ attitudes toward immigration and immigrants. Their readiness to embrace the new integration reform, including economic sanctions and better control of those who live of the welfare system, supports Jackson et al.’s (2001) suggestion that immigration policy attitudes among the native population may be influenced by the political climate and social conditions within the country. Native populations’ opinions and feelings about immigration are necessarily tied to changes in the country’s political and economic immigration policy. Like Jackson et al.’s argument that people react to and develop attitudes toward immigration and immigrants based on their subjective perceptions of normative expectations, prevailing discourses seem to affect employment officers’ self-conceptions. The findings further show how employment officers impose an identity on immi-
grants by prompting them to learn the language and adjust to ‘Swedish culture’, for example stressing they learn how to work according to a Swedish standard, dress in a certain way, and learn how to be independent. The stress on language skills and cultural adjustments point toward an enhanced xenophobia that seems to originate from seeing immigrants’ cultural backgrounds as a threat to Swedish values, beliefs and democratic principles. This in turn supports Jackson et al.’s (2001) argument that a person’s immigration policy orientation is influenced by self and group interests of dominant group members and the perceived threat that immigrants pose. At the same time as employment officers’ readiness to adjust to current discourses suggests that people develop values and attitudes, the emphasis on immigrants’ adjustment also shows how the image of cultural homogeneity needs to be continuously nurtured in order to be kept alive (Bhabha, 1994). The stress on non-Western immigrants’ feudal culture, illiteracy, disregard of human rights, and lack of democratic principles implies that employment officers seem to be haunted by the colonial mindset and its division of the world in a developed, modern and rational Western part and an underdeveloped, traditional and irrational non-West part (e.g. Fougère & Moulettes, 2007). This is especially evident in the statements about immigrants from non-Western countries. The fact that they refer to a geographically narrowed group may not come as a surprise considering that people from these parts of the world constitute an important part of newly arrived immigrants. However, while those who are educated and have work experience are more or less made discursively invisible in these accounts, it is the illiterate and unqualified that have come to constitute the symbol of immigrants. This is problematic, as it constitutes a risk of reproducing the image of immigrants as inferior to the native population, and thereby also strengthening prejudices against them. Furthermore, even if a separation of people into categories such as ethnic minorities and immigrants may have its benefits, it is nevertheless problematic because it concurrently legitimizes discrimination. In spite of its aim to increase integration, a separation between ‘us’ and ‘them’ may thus in reality have the opposite effect.

Interestingly, the only voices that were left out of the discourse were the immigrants’. Employment officers rarely referred to immigrants’ experiences of the assistance offered them, and they did not seem to expect any feedback from them. Hence, unanswered questions remain, such as: What do job seeking immigrants think about the service they get from The Employment officers? What do they think about their interactions with employment officers? What expectations do they have? Do they feel they receive the help they need in order to get a job? Do they share employment officers’ definition of help? Considering that immigrants’ voices are absent in the discourse, a study focusing on their experiences with the Public Employment Service agency and their interactions with employment officers would thus contribute to the clarity of intermediaries’ role in the integration process.


Gender inequality in universities: supporting women’s career through a multi-method case study intervention project

MARLOES L. VAN ENGEN, INGE L. BLEIJENBERGH & JAAP PAAUWE

Abstract

In this article we formulate policy dilemmas in addressing the underrepresentation of women academics in the higher ranking jobs in a Dutch University. A multi-method tailor made research project is described that was aimed at understanding processes that hamper or facilitate the in- through and outflow of women academics in at a Dutch university. On the basis of a literature review, interviews and focus group meetings, we developed policy recommendations for the university and its constituent five schools. The policy dilemmas we recognized refer to the ‘equality’ versus ‘difference’ debate. Employees for instance fear that affirmative action will lead to discrimination and loss of academic quality, but at the same time employees see affirmative action as a necessary antidote to invisible and unintended discrimination. We argue that these dilemmas can only be transcended by reconsidering the ‘male’ standards.

Contact

Marloes L. Van Engen
Department of Human Resource Studies
Tilburg University
Warandelaan 2
5000 LE Tilburg, The Netherlands
m.l.vengen@uvt.nl

Inge L. Bleijenbergh
Institute for Management Research
Radboud University
Thomas van Aquinostraat 1.1.32
6500 HK Nijmegen, The Netherlands
i.bleijenbergh@fm.ru.nl

Jaap Paauwe
Department of Human Resource Studies
Tilburg University
Kamer P1139, Postbus 90153
5000 LE Tilburg, The Netherlands
paauwe@uvt.nl

Key words

gender inequality, women, academia, policy dilemma’s, Netherlands
Policies to support women’s careers at universities should be directed at addressing the causes of their underrepresentation. In this article we describe how we used tailor made multi-method research to gain understanding of processes that hamper or facilitate the in- through and outflow of women academics in at a Dutch university. The aim of the multi-method research was to help the Board of the University and the deans of the schools to develop policies for improving the representation of women academics in the organization. During the research process we actively aimed to involve the stakeholders within the Schools (deans, department chairs and employees from all layer in the organization) to reflect on our findings and distil policy recommendations. We recognize dilemmas concerning the rationale underlying possible policies. Finally, we argue how dilemmas can be transcended by rethinking criteria and bases that are commonly used to create academic careers. Before presenting our research and results, we first briefly review research into the causes and obstinacy of the enduring under representation of women in academia.

**Gender in Dutch academia**

With regard to the representation of women in higher ranking jobs, Dutch academia is an anomaly in Europe. While the percentage of women among those with a PhD degree in the Netherlands is 42% (which is more or less similar to the European average of 44%), these numbers drop down to 11% of full professors, compared to an European Union (27 countries) average of 18% (She Figures, 2009). The progress of women academics through the universities ranks is slower than could be expected from the increasing number of female students and PhDs in the Netherlands (Van den Brink, 2009; Brouns, Bosman, & van Lamoen, 2004). Given the number of Dutch female students in the 1980s, a much higher proportion of female full professors and managers would be expected (Advisory Board Women in Technology (AWT), 2000; Brouns et al., 2004).

Another common explanation is that men and women academics make different individual choice concerning their careers. It is often assumed that women’s slower progress through the university’s ranks is a result of their investing fewer hours at
work than men. However, in the Netherlands, the part-time factor of men and women academics hardly differs (.85 for women, .88 for men) and therefore are insufficient to account for the large differences in career progression (Korsten, Visser, Willemsen, & van Zwol, 2006). Similarly, in a study amongst US academics, King (2007) found no differences in working hours between men and women.

The combination of work and family life is a second explanation that is usually given for the underrepresentation of women academics (Falkenberg, 2003; Deem, 2003). Empirical results for the Netherlands show contradictory results. Some studies show that motherhood negatively influences publication productivity (e.g. Portegijs & Brugman, 1998), other studies show that women with children are more successful in their academic careers than women without children (Brouns, Bosman & van Lamoen, 2004), whereas yet other studies conclude that motherhood is unrelated to career development (AWT, 2000; Wesseling, 2001). Recently studies suggest stereotype expectations about motherhood may be more important for explaining career progression than actually having children or not (Cuddy, Fiske, & Glick, 2004; Heilman & Okimoto, 2008; King, 2007; Sools, van Engen, & Baerveldt, 2007).

The role of the supervisor is a third explanation for the underrepresentation of women academics. King (2007) showed that the way American supervisors perceive the ambition, motivation, time investments and performance of women academics is a better predictor of their careers than the actual ambition, motivation, time investments and performance of women. In her study she shows that supervisor of assistant and associate professors for instance underestimate the number of publications by women and especially by mothers. In a study of work satisfaction among academics in the Netherlands, Need, Visser & Fischer (2001) found that women academics are less satisfied with their direct supervisors than men academics.

Organizational culture is a fourth explanation for the under representation of women in academia. Some studies suggest women in academia have adjusted to the organizational culture and are just as happy as men (Portegijs & Brugman, 1998). Yet other studies have shown women academics are less satisfied with their employers, especially with the support of their supervisor.

A fifth explanation can be found in recruitment procedures for academics. Van Den Brink (2008) shows that women are rarely represented in selection committees for higher ranking academic jobs and that most selection procedures take place in closed networks. Van den Brink shows that an increase in the presence of women in selection committees leads to an immediate increase of the amount of women academics hired. She argues that increasing the openness of procedures will also increase the amount of women academics to be hired (Van den Brink, 2009; Van den Brink, Brouns & Waslander, 2006).

Summarizing, a literature review shows that there are five main explanations for the under representation of women in academia. We used the topics of individual
choice, the combination of work and family life, the role of the supervisor, selection procedures and organizational culture to develop our interview guide (see paragraph interviews).

Case

The university under study houses five schools: The School of Economics and Management, the School of Law, The School of Social and Behavioral Sciences, The School of Humanities and the School of Theology. The university employs around 1000 scientific staff and has 12,500 students. Table 1 presents the population of the academic personnel of the university, based in the personnel information data of 2003 and 2006. Not included in the personnel files are the scientists that have a job at the university but are not on the payroll. These include PhDs, post-docs and professors financed by third parties. In 2003 the population existed of 526 men and 264 women, and in 2006 537 men and 302 women. As can be seen in Table 1, women are well represented in the functional categories of lecturer, researcher and especially PhD, but the higher the level the fewer women. Men on average are older than women (men 46, women 39 years). Women on average have less often and fewer children than men (47% of the women academics has on average 1,9 children, 53% of the men academics has on average 2,4 children).

Table 1. Men and women academics in different schools

<table>
<thead>
<tr>
<th>2006</th>
<th>School of Economics and Management</th>
<th>School of Law</th>
<th>School of Soc and Beh Sciences</th>
<th>School of Humanities</th>
<th>School of Theology</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M</td>
<td>F</td>
<td>%</td>
<td>M</td>
<td>F</td>
<td>%</td>
</tr>
<tr>
<td>lecturer</td>
<td>27</td>
<td>9</td>
<td>25,0</td>
<td>12</td>
<td>31</td>
<td>72,1</td>
</tr>
<tr>
<td>researcher</td>
<td>8</td>
<td>4</td>
<td>33,3</td>
<td>18</td>
<td>16</td>
<td>47,1</td>
</tr>
<tr>
<td>PhD</td>
<td>41</td>
<td>24</td>
<td>58,5</td>
<td>19</td>
<td>33</td>
<td>63,3</td>
</tr>
<tr>
<td>Assistant prof 2</td>
<td>23</td>
<td>7</td>
<td>30,3</td>
<td>10</td>
<td>9</td>
<td>90,0</td>
</tr>
<tr>
<td>Assistant prof 1</td>
<td>11</td>
<td>4</td>
<td>26,8</td>
<td>9</td>
<td>6</td>
<td>44,4</td>
</tr>
<tr>
<td>Associate prof 2</td>
<td>10</td>
<td>1</td>
<td>9,1</td>
<td>9</td>
<td>4</td>
<td>45,8</td>
</tr>
<tr>
<td>Associate prof 1</td>
<td>24</td>
<td>2</td>
<td>7,4</td>
<td>6</td>
<td>3</td>
<td>50,0</td>
</tr>
<tr>
<td>Associate prof 2</td>
<td>28</td>
<td>2</td>
<td>6,7</td>
<td>25</td>
<td>3</td>
<td>70,0</td>
</tr>
<tr>
<td>Full prof 1</td>
<td>45</td>
<td>3</td>
<td>6,3</td>
<td>17</td>
<td>2</td>
<td>10,5</td>
</tr>
<tr>
<td>TOTAL</td>
<td>217</td>
<td>54</td>
<td>20,5</td>
<td>125</td>
<td>108</td>
<td>46,4</td>
</tr>
</tbody>
</table>

537 | 302 | 36,0

561
Method

The multi method approach consisted of a (a) an inventory and analysis of personnel- and output files in relation to the advancement of men and women; (b) 44 interviews and ten focus groups with academics working at the five faculties of the university. Below we focus on the analyses of the different faculties, in which we use information from (b) and (c). For detailed descriptions of the quantitative analyses we refer to the report (van Engen, Bleijenbergh & Paauwe, 2008), the focus here is on policy recommendations following the faculty analyses based on interviewees and focus groups data.

INTERVIEWS

In total we interviewed five deans (all of them men), five chiefs of Human Resources Management (two men, three women), five female full professors, four female associate professors, eleven female and five male assistant professors, and nine women academics who left the university during the previous year. The interviews were semi-structured. For each respondent group a different questionnaire was developed (depending on the rank of their job). We encouraged the academics to reflect on the critical moments in their individual career paths. We asked them about their career goals, their norms about scientific quality and how they characterize the organizational culture. We asked them to reflect formal and informal hiring and promotion practices in their school. Next, we asked them about their experiences with combining their work with family responsibilities. Furthermore, we talked about organizational support in combining work and family, support from the supervisor, and support from colleagues. Finally, we asked them what they think are necessary steps to improve the gender balance in the organization.

The interviews were transcribed verbatim. After analyzing the first ten interviews the research team developed a coding format. All interviews were coded and the coding was checked by a second team member to support the validity of the analysis. Two team members then created a draft analysis of each of the five schools, which was finalized in a discussion with all the researchers.

FOCUS GROUPS

We used the analyses of the schools as an input for five focus groups with the interviewees to corroborate our findings and deepen our understanding of the processes taking place. This ‘member check’ helped us to correct interpretation problems. Furthermore, we asked the focus group members to come up with policy recommendations. The corrected analyses were presented in a focus group with the department chairs of the five schools; a total of 35 people, mainly men (31 men, 4 women). We briefly presented our analysis of the interview data and asked them to
reflect on it and come up with policy recommendations. In the next section we briefly present the analyses of each school. In the third section we present the policy recommendations we derived from our analysis and the dilemma's they are based upon.

Results

SCHOOL OF ECONOMICS AND MANAGEMENT

About the school

Of all the schools within the university, the school of economics and management (SEM) in 2006 has the lowest percentage of women full professors (see Table 1). Comparing the school to other schools of Economics in the Netherlands, they are doing slightly better. The interviewees from SEM sketch a consistent image of the school: A financial healthy school with a good international reputation that succeeds in attracting international and future top professionals. There are ample (financial) resources for research and researchers experience a stimulating professional climate.

The interviewees present a rather unambiguous organizational culture within SEM, although differences exist between departments. Fulltime employment and physical presence at the workplace are the standard. Employees are expected to be in the office for more than the usual office hours. Working from home is less common in this school than in all other schools of the university. All of the interviewees indicate to work more than 40 hours on a weekly basis, and most of them work about 50 hours. Employees are expected to visit several conferences per year for which generous funding is available from the school, certainly in comparison with the other schools of the university. There is less pressure on bringing in external grants in comparison to the other schools. Employees who have worked at other universities confirm the financial opportunities available for academic staff.

The allocation of research time for the academics is based on the number of publications and the citation score of these publications. All interviewees experience pressure to keep up with the publication criteria. The continuous pressure on publication causes stress to most of the employees, which has a negative impact on their private lives. Examples of tensions experienced by the employees are tensions in the relationship with their partner, the postponement of having (more) children and the time they have for life outside work. Particularly academics in a tenure track (assistant professors) report high pressure and a negative interference from work into the family. Interestingly, none of the tenure trackers we interviewed were familiar with the fact that by law employees can opt for the prolongation of their contract in case of leave (i.e. pregnancy, parental leave and illness). Moreover, we noted resistance to call for correction of output criteria. In the refusals we found that the fear of a negative image (backlash) plays an important role for not correcting for actual hours worked.
The assistant professors experience a high work pressure caused by teaching loads. During the focus group it became clear that time-management is an important issue for combining research and education, which has to be learned during the first period of the tenure track. To some extent their educational tasks are related to the research they do, making the combination of research and teaching somewhat easier. The strong emphasis on research output within the school leads results in employees taking up their educational tasks as efficient as possible. The dean indicates that he wants to put more emphasis on the quality of education, however, the ambitions regarding to research will stay the same.

Processes of hiring, promotion and turnover
Candidates for a tenure track are recruited actively among doctoral students presenting at conferences and through international networks. In principle, recruitment does not take place among PhD graduates of the school. The reputation of the university and the PhDs supervisor are quite decisive for candidature. Recruitment and selection of full professors generally takes place in an informal way. Deans and department chairs scan the international markets actively and approach international top researchers for positions at SEM. In case top researchers are interested, financial resources are made available. Thus, in contrast to the other schools where candidates for open positions are scouted, at SEM scouting is ongoing and positions are created for attractive candidates.

The promotion from assistant professor to associate professor takes place via the tenure track system. The crucial criteria for promotion towards an associate professor job are the number of publications and individual research reputation. The contribution of education is less important. In contrast to the school of Law, where candidates in early stages of their tenure track are supported to look for alternative careers outside academia, the tenure trackers that fail at SEM do not receive support.

The position of women
The interviewees indicate that there is sufficient inflow of women academics in the tenure track system. Following the dean and the department chair, the recruitment of full professors also leads to a considerable hiring of women. The career transition from assistant to associate professor level seems to be problematic for women faculty. On the one hand interviewees positively evaluate criteria for promotion from assistant professor to associate professor. On the other hand, interviewees indicate that the evaluation system of the tenure track is not gender neutral. The transition from assistant professor to associate professor takes place during the life stage in which people want to raise a family. However, the correction for the reduction of work time during tenure track (due to pregnancy, illness, parental leave, or part-time employment) is problematic. Moreover, women taking up parental leave are confronted
with additional loss of research time as their educational tasks are not reduced. When returning to work after pregnancy they face double teaching loads.

**LAW SCHOOL**

About the school

In comparison with the other schools, the Law School (LS) includes more women in associate professor and full professor jobs. However, the number of full professors at SL is lower compared to the average number of female full professors at other schools of law in the Netherlands. In the board of the school there is one female vice-dean. In 2007, two women were promoted to professor (in comparison with four male professors). The number of female associate professors and professors differs greatly across departments. The LS includes a high number of female PhD students. This is not reflected in a considerable proportion of female assistant professors.

As the school is financially healthy, career progression is based on individual merits rather than on job vacancies. In comparison with other schools, this individual merit principle seems to have a positive impact on the representation of women in the school. LS is the only school that actively monitors and supports individuals in making career choices, also when this means leaving the university or even academia. When employees do not succeed in advancing to a higher ranking job during a certain period of time the school actively discusses alternative opportunities outside academia. Similar to the other schools within the university, the number of publications and the quality of publications is the most important factor for success. Furthermore, the international reputation and bringing in funds are important as well. However, the dean and the department chairs emphasize that teaching also plays an important role in career advancement. Some of the employees feel to be obliged to make strategic choices, such as prioritizing research more than education.

The organizational climate, although there are differences between departments, is generally described as competitive, yet cooperative. In the focus groups with department chairs there was agreement that the organizational climate is competitive in a healthy way. Yet, in the focus group with interviewees the climate within the school was described as more obstructing than motivating. Employees in all layers within LS indicate that working large part-time jobs is accepted (four days a week). The acceptance of part-time employment is related to the fact that many academics combine work as an academic with work as a practitioner (e.g. as a judge or lawyer in court). This provides academics also to combine their (paid) work-related tasks with care responsibilities. Like a women academic notices:

"with part-time work ED, uhm, you actually buy inner peace in case you join your children a half noon at a schoolwalk".
However, for career advancement within the school one needs to spend more hours on a weekly basis than the formal hours you have signed up for. Interviewees show disagreement concerning the correction of output criteria for part-time employment and leave. The head of the personnel department and the dean indicate that such a correction is applied by giving tenure trackers more time after leave to meet the output criteria. Not all employees however report this practice.

Processes of hiring, promotion and turnover
Interviewees indicate that pregnancy leave, parental leave and part-time employment are obstacles for being promoted to higher ranking jobs. The view exists that mainly women suffer from these circumstances by losing time and rapidity in achieving research goals.

Visibility within the own organization is also an important criterion for promotion and pregnancy leave does have an impact on it. Interviewees indicate that women may be too modest in profiling their qualities in comparison with their male colleagues. Supervisors are important in this respect as well. Formal criteria for promotion within the school are experienced as more strict than criteria for the external inflow. There is more leeway for practitioners in publication criteria.

The position of women
The dean believes that involving women adds value to research as well as to education. However, all layers in the Law School show a shared reluctance against ‘affirmative action’. The respondents rather emphasize equal opportunity for promotion decisions. However, there is room for interpreting quality on a broadly basis, by also putting emphasis on the quality of output and not just on the quantity, which in turn can be positive for women, according to the interviewees. The organizational culture also offers room for taking circumstances into account in promotion decisions, e.g. by lengthening the period of evaluation during leave.

**SCHOOL OF SOCIAL AND BEHAVIORAL SCIENCES**

About the school
The school of social and behavioral sciences (SSBS) is a relative large school, which exists of the clusters psychology and social sciences. The positions of women academics differ within the two departments. The department of psychology employs female professors and associate, while the department of social sciences does not have any women in these jobs; the highest ranking job fulfilled by a woman is assistant professor 2. The school has limited financial resources and bases the allocation of research time on output criteria. Career opportunities are based on the vacancy of positions; individual performance is a necessary but not sufficient condition for
being promoted. A high amount of output in terms of international publications is the most important criterion for success. The performance on education is less important. Most interviewees indicate performance on education and related social relevant activities should be more appreciated. The emphasis on output criteria is indicated as restrictive and slightly beneficial for the intrinsic motivation. As a men academic explains:

“On the one hand it is positive and at the other hand it gives a continuous pressure. You are always worried, to say so. I all ready have a busy family and social live. Anyhow, it’s never good. It is never good enough. Sometimes, uuh, yes, it is a hindrance to my motivation. It must come from within, a little bit.”

Interviewees indicate that the output criteria are not as neutral as they tend to be. Time is needed to publish articles. Assistant professors and associate professors of both sexes experience a disproportional education load. To be able to publish, employees spend overwork hours during the evening and in weekends. Although interviewees experience education as an obstacle for doing research, they are rather positive about the joyfulness that comes along with their educational tasks.

Processes of hiring, promotion and turnover. The recruitment of associate and full professors generally takes place within closed networks. Employees express feelings of arbitrariness and insecurity about the way the evaluation is setup. Simultaneously, the interviewees indicate that there is no such thing as discrimination. Interviews held with former employees show that the lack of promotion and the lack of support of the supervisor were reasons for leaving the organization.

The position of women At nearly all levels within the school employees experience that a loss of research time due to pregnancy leave, parental leave and/or part-time employment is insufficiently compensated when calculating output scores. This loss affects both men and women with children. The respondents have different opinions about it. The majority of the interviewees think that having children during the academic career is a disadvantage for women. Men academics who work more than full-time contractual hours and who do not have to deal with caring tasks, determine the standards within the school. Like an employee says: “for women, children and careers are not going together”.

SCHOOL OF HUMANITIES

About the school The school of humanities (SH) is a relative young school in her current setting. The school came into existence on January 1st 2007, and is a merge of the former school
of culture and communication (SCC), the school of philosophy (SP), and the religious and scientific part of the former school of theology (ST). Due to the reorganization within SCC in the run of 2005, new and larger clusters are formed of the former units within SCC. Employees state that they still have to find their place in the new clusters. They report feelings of loneliness. The financial sources of the school of humanities are scarce. This indirectly has consequences for the hiring and promotion of employees. The permanent staff remains within the current composition. As a consequence, the positions within this school are fixed. Because career opportunities are based on vacancy of positions, employees doubt whether their ambitions can be realized. As a women academic says:

“Well, reaching a full professor position is not only related to... uhhm at the one hand it has to do with hard work and taking care of your CV, at the other hand it has to do with, uhhm... Positions should be available in your field of expertise. And when I have a look at the field I think there is very little chance.”

According to former employees, the limited possibilities of getting promoted are the main reasons to leave the organization. Department chairs point out that there are hardly any career opportunities for ambitious PhDs who aspire an academic career. Dominant criteria for success are the number of publications and attracting external funding. In comparison with the other schools, field research is a relative meaningful part of the tasks of the employees. Although output criteria are of great importance, there is much confusion about its exact realization within the new school. It is obvious that the quantity of the scientific output has become more important than before. The performance on education is relatively less important. Employees state that the fulfillment of educational tasks is an undervalued criterion for promotion to a higher ranking job.

Within this school, paying attention to the private life takes place on a daily basis. Interviewees indicate that being employed as an academic creates space for combining work-related and care-related tasks. For some of the employees this refers to flexibility as in being present, others refer to flexibility as in being part-time employed. Simultaneously, the interviewees share the opinion that a scientific career requires working 40 to 60 hours per week. In addition, the idea that female employees have more struggles with this number of hours is commonly shared among the respondents.

Processes of hiring, promotion and turnover

Because of the lack of career opportunities, the relative high amount of female PhD students is not reflected in the amount of female assistant professors and associate professors. The recruitment of employees takes place within the school, through both open and closed procedures. Sometimes employees are recruited through the
use of international media, and sometimes recruitment takes place by approaching members of informal networks.

Not all employees are familiar with the formal promotion criteria. In general, the interviewees indicate that internal promotions are set up informally, in which the networks of the decision-makers play a crucial role. Employees state that acting strategically is of great importance for a scientific career. This refers to exposing yourself in a scientific arena, making yourself visible in relevant external networks, as well as being visible within the school. Employees experience the support of their direct supervisor of crucial importance for getting promoted. This support exists of e.g. being involved in running research projects and research proposals, and also of being invited for specific job applications. When there is a lack of such support, employees experience being hindered in their ambitions.

The position of women

Of the former schools of which SH is formed, SCC maintained a correction for part-time employment in relation to the expected research output. Nowadays, SH wants to continue this way of working. In relation to other schools, SH is the only school in which correction for part-time employment is seen as a common practice. Employees consider the expectation that scientific employees should work more than 50 hours per week to build a career as not being gender neutral. Employees indicate that women in general have more caring tasks, and therefore they could not keep up to this informal criterion. There seems to be a cohort effect. Younger generations of men and women aspire to combine their career and their caring tasks, while the current older generations of employees have a more traditional role conception.

Tilburg School of Theology

About the school

The school of theology is the only Dutch school of theology with ecclesiastical recognition. With 50 FTE and ca 250 students it is a relatively small school. Because the school results from a merger between schools of the University in Tilburg and Utrecht University in 2007, personal is spread out over two locations. The majority is located in Utrecht, the minority in Tilburg. The school has two female full professors (20%), but no female associate professors. 20% of the associate professors is female. Recent reorganizations and a merger influenced the employees’ perception of the work. Employees in Tilburg report feelings of alienation because of increased involvement of the Church with their work. Employees in Utrecht feel out of place because they are situated outside their institution. The transition of a small, informal organization to a bigger, bureaucratic institution causes organizational pressure. Being scattered negatively influences the cohesion of personnel.
The ecclesiastical connection gives the FCT a typical character. Just like at other schools publications in scientific journals are the norm for success, but an additional ideal is preparing people for pastoral work. Employees experience increasing pressure for academic professionalism, but at the same time they feel the need for clerical involvement. A shared feeling amongst employees is that educating people should be valued more heavily in job evaluation. As one of the female faculty explains it:

“That’s also something... everything that is hard and has the least with people, has a higher status than irrational things. Education has to do with people and has less status.”

Processes of hiring, promotion and turnover
Career trajectories a very slow at this school. At the moment of research, the school had not been taking new personnel for seven years. Becoming a full professor is only possible after another full professor leaves. Becoming an associate professor is sometimes possible on the basis of individual performance. In the last years some men academics were promoted from assistant to associate professor. In general employees report a lack of clearness on promotion criteria. Several employees consider themselves qualified for promotion but don’t get it. Others would like to work more hours, but are not allowed to do so.

The position of women
The low percentage of female assistant professors and – in particular – low percentage of associate professors is partly connected to the ecclesiastical character of the school. According to the dean a percentage of jobs is reserved for priests, who are per definition male in the Roman Catholic Church. Moreover, being a practicing catholic is also important for being promoted. The fact that there are no female associate professors is attributed to the application of internal promotion procedures. The intake of two female full professors has been from outside the university. Two other female professors left recently as a consequence of the reorganization. Female staff members are concentrated in fields of study with less status. Moreover, the growing influence of Rome has resulted in a marginalization of gender studies, a field that is traditionally dominated by women.

Several faculty of the FCT are having a part-time appointment. They do so to combine work and family life, or to combine their work with a practice in pastoral work. In general this combination is defined as an enrichment. In some cases part-time work is a forced choice, since extension of the function is not possible. The dean and the HRM are convinced that part-time work is a hindrance for upward career mobility. They considered women academics care giving responsibilities at home as the main explanation for the lack of upward career mobility of women. Employees argue that flexible working hours offer opportunities to reconcile different tasks. Outside these flexible working care giving responsibilities are hardly supported.
As appears from the analysis of the personnel information data, the underrepresentation of women academics starts right after academics attain their PhD. Already at the assistant professor level fewer women are hired than there are graduated PhDs. For each consecutive level the proportion of women is smaller. This is true for all five schools. More fine-grained analyses show that within a certain jobs, men more often occupy the better paid salary levels compared to women, and men more often have permanent rather than temporary contracts. This has no base in the performance level of women, as the number of publications that men and women are comparable when age is controlled for. Moreover, our quantitative analysis showed that parenthood is unrelated to the number of publication (there is a positive trend for parents to publish more), disconfirming the commonly shared belief that parent, and mothers particularly, perform worse than men. Women work about the same number of hours (women 1.5 hours less than men) have about the same number of publications. The difference between parents and non-parents is small: mothers work 3 hours less than non-mothers, and fathers too work 2.5 hours less.

When we synthesize the five schools (see Bleijenbergh, van Engen, Scholte & Blonk, 2011 for the methodology used for the synthesis), a shared normative image emerges of what being a successful scientist entails at this university. The ideal scientist is a full-time working, 24-7 available person who is addicted to his work, has high visibility, is entrepreneurial, successful in obtaining grants for research, and above all has many and important publications. Although women and men both struggle to live up to this ideal, this image of the ideal academic is particularly at odds with the image of the women academic that the participants share. She is described as working part-time, heavily invested in teaching and practitioner oriented research and for whom the burden of the publication pressure is too high, particularly when she had children. Interestingly, as described above, the personnel data disconfirm these beliefs. There clearly is a mismatch in how women are represented in the organizations to what the facts actually show. This is problematic as this urges women to outperform men to be equally visible and be seen as feasible for promotion to higher ranking jobs.

**Dilemma’s in levers for change**

In the interviews and focus groups participants were explicitly asked to come with concrete policies or interventions to improve the representation of women at the university. Participants have diverging and sometimes contradicting attitudes about the desirability for specific policies for women. The attitudes reflect the classic debate between equality versus difference described in the gender literature (Bacchi, 1990;
Fraser, 1989). Equal treatment of men and women stresses the equality of men and women but at the same time forces women (and men) to live up to an ideal worker norm, that is not gender neutral, but is specifically male (cf. Acker, 1990). As Benschop and Brouns (2003) argue that academia in particular can be characterized as an institution in which masculine norms. Developing ‘special policies’ for may help women compensate specific shortcomings, but this inherently stresses rather than transcends differences. The way out of this dilemma is reconsidering the dominant organizational norms and values in such a way that specific circumstances and experiences of women are the starting point of norms rather than the deviation. We highlight three specific themes where this dilemma appeared.

The first dilemma comes to the front in the concept of ‘positive discrimination’. On the one hand, participants ventilate the belief that by positive discrimination scientific criteria, e.g. academic excellence, are not met and as a consequence academic reputation and stature is at risk. On the other hand, participants urge the need to scout women specifically as in the current organizational culture men, perhaps even less qualified men, are favored for higher ranking jobs, which pose a risk for academic excellence just the same. Transcending this dilemma is visible in the way two of the deans (School of Law and School of Humanities) stress their responsibility for nourishing female talent, for instance by regularly visiting their women faculty and think along with opportunities in their career trajectories. This support is important in keeping talent of women in the midterm of their career.

The second dilemma appears in the theme of mentoring. The participants express opinions concerning mentoring programs for women ranging from ‘denigrating’ to ‘very valuable’. Some participants argue that special mentoring programs and educational trajectories for women emphasize women’s incapability in ‘doing science’. Women as a consequence become stigmatized as second rate scientist. Others, in contrast, argue that these programs give women access to and guidance in the informal networks that are important in the academic field. Through mentors with influence and stature in the organization, mentees receive social, emotional or network support in their career advancement. These mentors might provide women academics the necessary resources that they lack that their men colleagues often ‘naturally’ seem to have. Our interviews show some cases where this dilemma is overcome through reciprocal mentoring. The mentor-mentee relationship opens doors for the mentee, and the mentor learns about the hidden norms and values of the organization that keep women from rising above a certain level. In such a way a mentoring program may help adjust the masculinitity of norms in the organization.

The third dilemma concerns compensation of part-time work, maternity and parental leave in the performance criteria (i.e. publication targets). Some participants argue that career breaks or (temporary) reduction in work hours should be compensated for in output criteria. Others argue that it is the overall performance, the absolute criteria
that should count in allocating resources and career progression. As one interviewee states it, compensation would disqualify her and “I do not need a present”. To surpass this dilemma it is important that compensation for career breaks and reduced working hours is not portrayed as a favor, but as a self-evident right that is fair to all. We saw several instances of compensation in performance criteria. Some of the schools extended the time that performance criteria need to be met in case of maternal and parental leave. Thereby criteria stay the same, but the conditions to meet the criteria are adapted to specific circumstances. This measures however does not prevent (wo) men taking up leave to lag behind their colleagues in a period of their life that every publications counts. A measure that is more helpful is guaranteeing (absolute) time for research, for instance by compensating maternity leave with a research sabbatical of similar magnitude as time spent for giving birth and caring for dependents.

**Policy recommendations**

The analysis on school level led to policy recommendations for the university as a whole. Below we describe the recommendations and how they were implemented in the university.

**VISIBILITY**

The first recommendation to the Board of Executives was to support a positive image of women in science. Both men and women academics support the stereotype image that women do not fit to the image of the ideal scientist as well as men. Although the analysis of personnel files does not support this, employees have a shared perception that women work less hours and produce less academic output than men do. Gender stereotypes seem to play a more important role is this image than actual performance of men and women.

After the research was published the Board of the University installed a committee to support positive image of women academics. The committee aimed to increase the visibility of women in internal media and in meetings with a symbolic meaning, such as the opening of the academic year. Concrete actions are a three monthly inventory by the communication personnel of the schools for research by women that has national or international appearance for the public media.

**CORRECTION IN PERFORMANCE CRITERIA**

The second recommendation concerned adjustment of performance criteria for academics with reduced working hours. Since most schools did apply such an adjustment, academics with a part-time appointment had to produce the same output (number of scientific publications) as full time employees. Young parents, mainly mothers but also fathers, are allocated less research time as a consequence. Re-
search time is not only important for producing academic output, but also for keeping expert skills on level. This recommendation was implemented by all the schools.

**COMPENSATION FOR LEAVE**
The third recommendation concerns compensation for leave. Employees who take up pregnancy leave, parental leave or sickness leave are losing time to perform research and produce academic output. The time they lose because of leave is even disproportionally large, because these employees have to give education after returning from leave. We recommended compensation of missed research time after parental and pregnancy leave to create a level playing field with colleagues without leave. The Board of the University partly took over this recommendation and introduced a research sabbatical for women that return from pregnancy leave. Schools receive a lump sum for every pregnant employee to care for adequate replacement of teaching and so forth after returning. Compensation for parental leave is however not given.

**COMMUNICATION**
A fourth recommendation is communication about measures to compensate performance criteria for part-time work or leave. Although the deans of different schools claim to apply adjustment of performance criteria employees reported not to be aware of these measures, or feared repercussions when requesting to make use of them. We recommended clear communication about these measures that would emphasize compensation being a right rather than a favor. This recommendation was taken over. Women academics that report a pregnancy automatically receive a form to apply for their research sabbatical.

**SCOUTING**
A fifth recommendation is scouting of female talent by executives. Executives should actively look for talented women candidates within and outside the organization. We suggested to approach women faculty to nominate female candidates for jobs or to involve more women in application committees. We do not have information about the adoption of this recommendation. However, we do know that gender awareness is part of programs for professionalizing leadership.

**NETWORKS**
A sixth recommendation concerned actively supporting, investing in and harvesting from professional networks of women academics. Direct supervisors in particular may unlock these networks by asking female colleagues to supervise PhDs, to take a position in promotion committees and to participate in academic fora. We do not know whether this recommendation has been implemented by stakeholders (particularly direct supervisors).
The final recommendation concerned promoting employees to higher ranking jobs on the basis of individual performance rather than on the basis of the fulfillment of job vacancies. Schools that already apply this individual career principle have many more women in higher ranking jobs than schools that do not. We recommended the Board of the University to financially support schools that lack the financial means to apply such individual career principles. In principle, the Board of the University implemented this individual career principle as an integral element of personnel policies. However, we know that not all schools do adhere to this principle, usually for reasons of financial pressure.

References


Abstract

Human rights, including the right to be free from employment discrimination, are not supposed to be place-dependent. As the European Union struggles to harmonize its member countries’ sexual orientation equality policies, the example of the United States is instructive. While some states and cities prohibit sexual orientation discrimination in employment, there are other states and cities in which it is legal to fire and even harass employees due to their sexual orientation. An examination of the legislative history of a proposed federal sexual orientation equality policy, the Employment Nondiscrimination Act, yields several interesting findings. The only version of the bill that has ever made it even halfway through the convoluted American legislative process was the one that stripped transgendered workers from legal protection. Each version of the bill, had it been enacted, would have elevated victims of sexual orientation discrimination to second-class status with fewer rights than victims of other types of employment discrimination. The enthusiastic support given by the American LGBT community to the Employment Nondiscrimination Act reflects their lowered aspirations compared to other minority groups, and may be predictive of the future content of a harmonized European sexual orientation equality policy.

Contact

Joel Rudin
Rowan University
201 Mullica Hill Road
Glassboro, NJ 08028, USA
rudin@rowan.edu

Keywords

sexual orientation discrimination, United States, Employment Nondiscrimination Act, transgender
Introduction

Human rights are not supposed to be place-dependent, which is why the United Nations established the Universal Declaration of Human Rights (United Nations, 1948). Recognizing the importance of the workplace in modern life, Section 1 of Article 23 of the Universal Declaration specifies that “everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment”. Section 2 continues, “Everyone, without any discrimination, has the right to equal pay for equal work”. The use of the word ‘everyone’ thirty times in the Universal Declaration, as well as the choice of ‘universal’ as the first word of the document’s title, indicate these rights are supposed to be enjoyed wherever one works. When there are differences in equality policies across countries, it necessarily follows that some human rights have become place-dependent so that they are enjoyed in one country and denied in another country. This clearly counters the spirit of the Universal Declaration, hence the interest in harmonization of these policies. This paper examines sexual orientation equality policy. We cannot assume that the drafters of the Universal Declaration had any interest in the rights of sexual minorities. But if no employer will hire me because I’m a lesbian, then I don’t have the right to work or to free choice of employment. And if an employer, upon discovering that I’m transgendered, harasses and fires me, that I don’t have just or favourable conditions of work and I also don’t have protection against unemployment. In either scenario, my right to equal pay for equal work without any discrimination has been violated. In Europe, there is much less harmonization of sexual orientation equality policy than of other equality policies such as race and gender. Kjærum (2008: 6) uses the adjectives “positive and welcome” to describe the progress made by eighteen European Union (EU) member states in enacting laws to protect sexual minorities other than the transgendered. But there are more than eighteen states in the EU, so some of them seem less than enthusiastic about implementing the EC’s Employment Equality Directive. And Kjærum (2008: 8) acknowledges that “the issue of transgendered persons, who are also victims of discrimination and homophobia, is adequately addressed in only 12 EU Member States”. The purpose of this paper is to examine the
experience of the United States as it struggles to harmonize its highly place-dependent sexual orientation equality policy, since this should be illuminative for European policy makers.

**Sexual orientation equality policy in the USA: where you work determines your fate**

Philadelphia is one of the oldest and largest American cities. Located on the border of the states of New Jersey and Pennsylvania, it has suburbs in both states where many people (including this chapter’s author) live and work. Suppose that there are three gay men with identical jobs and the same employer, the only difference being that one works in Philadelphia, one works in a New Jersey suburb, and one works in a Pennsylvania suburb. Suppose further that all three are harassed at work and then fired because they are gay. The Philadelphia worker could sue for violation of a city law, the Philadelphia Fair Practices Ordinance. The New Jersey suburban worker could sue for violation of a state law, the New Jersey Law against Discrimination. The Pennsylvania suburban worker couldn’t sue at all, as his harassment and firing would have violated no laws. So sexual orientation equality policy is much more fragmented in the United States than in Europe where it doesn’t vary from city to city within the same country.

Roughly half of the states protect lesbians, gay men, and bisexuals from employment discrimination, although about half of those states do not extend these rights to transgendered persons (General Accounting Office, 2009), mirroring the situation in the EU where the transgendered are also more likely to have their rights violated with impunity. Almost every state has laws prohibiting gender, race, age, and disability discrimination even though these actions also violate federal law (ELT, 2010). The standard practice for state and city sexual orientation equality policy is to add ‘sexual orientation’ to the list of types of illegal employment discrimination, and then to define sexual orientation so as to include or exclude the transgendered. For example, the states of Oregon and New York both prohibit sexual orientation discrimination. In Oregon this is defined as “heterosexuality, homosexuality, bisexuality or gender identity” (Oregon State Legislature, 2009), whereas in New York it means “heterosexuality, homosexuality, bisexuality, or asexuality” (New York State Division of Human Rights, 2010).

The states that prohibit sexual orientation discrimination in employment are concentrated in three regions of the USA: the Northeast (Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont), the upper Midwest (Illinois, Iowa, Minnesota, and Wisconsin), and the West (California, Colorado, Hawaii, Nevada, New Mexico, Oregon, and Washington). This means that there are huge swathes of the country in which sexual minorities may
be legally harassed and discriminated against, unless they work in certain mostly large cities such as Dallas or Detroit (Transgender Law & Policy Institute, 2010). To sum up, it is probable that most Americans have protection from sexual orientation discrimination at work because the states and cities that outlaw it tend to be large. It is important to underscore the dire situation for those sexual minorities who do not work in state or cities that protect them from employment discrimination, many of whom live hundreds of miles away from the nearest progressive jurisdiction. Although the Supreme Court ruled in 1998 that same-sex harassment can be illegal, most plaintiffs continue to lose such cases and the Court is unlikely to determine that sexual orientation harassment violates current federal law (Barber, 2002). For years, unsuccessful attempts have been made to harmonize American sexual orientation equality policy by passing the innocuously titled Employment Nondiscrimination Act. An examination of this bill’s text and legislative history facilitates the prediction of the future of similar efforts in Europe.

**The Employment Nondiscrimination Act**

The process of creating new federal laws in the United States is quite Byzantine and does not need to be fully explained here. Essentially, each bill is in a race against time to get passed because any that remain when Congress adjourns must start all over from the beginning during the next year. Imagining the bills as hundreds of spermatozoa and a Presidential signature as a single ovum can convey the sense of urgency and futility that characterizes the majority of proposed legislation, as any bill that fails to make it all the way is said to have ‘died’. One difference between legislation and fertilization is that the sponsors of many bills know in advance that there is no chance of success. It is not a complete waste of time for a politician to be associated with an unsuccessful bill, as this could influence future legislation while displaying the sort of dedication to a cause that may impress voters and donors (Koger, 2003). The Employment Nondiscrimination Act has changed over time as it has been re-introduced from year to year. In 2007, it was radically altered and it progressed much farther through the legislative process than any previous or subsequent iteration. The major difference was that it stripped transgendered employees from protection, defining sexual orientation as “homosexuality, heterosexuality, or bisexuality”. All other versions of this bill provided a separate definition of gender identity and also prohibited discrimination on its basis.

A common characteristic of all versions of the bill is that they provide inferior protection to victims compared to the Civil Rights Act, which deals with racial, sexual, ethnic, and religious discrimination. This occurs in three important ways. First, sexual minorities are not allowed to challenge corporate policies that appear to be applied neutrally but which cause a disproportionate number of protected group members
to suffer. Such “disparate impact” lawsuits can be very effective in challenging an organization’s subjective promotional practices (Rudin & Gover, 2007). Second, the Civil Rights Act was modified in 1991 to allow victims of intentional discrimination to sue for punitive damages (Franke, 1993), but the Employment Nondiscrimination Act specifically states that “punitive damages are not available”. Finally, disciplinary action against employees for sexual orientation harassment is only permitted when “rules and policies on sexual harassment, including when adverse action is taken, are designed for, and uniformly applied to, all individuals regardless of actual or perceived sexual orientation or gender identity”. The Civil Rights Act provides no special due process rights of harassers which makes it easier for companies to fire them and thereby end the harassment.

A trend in more recent versions of this bill is that they tend to become less employee-friendly. For example, a passage was deleted that made it illegal to retaliate against an employee who “opposed any practice that the individual reasonably believed is an unlawful employment practice under this Act”. Also, a passage was added stating that “nothing in this Act shall be construed to require the construction of new or additional facilities”, presumably to ensure that employers wouldn’t have to accommodate transgendered employees’ requests for separate washrooms.

What is the American LGBT community’s stance with respect to the Employment Nondiscrimination Act? Are they protesting the second class status that they would achieve compared to other victims of discrimination, because it is harder to sue, the penalties are lower, and it’s harder for their harassers to be fired? Are they even protesting the exclusion of the transgendered from the most politically successful version of this bill? Not at all. For example, the National Center for Transgender Equality (2010) supports this bill and claims that it ensures that “gay, lesbian, bisexual, and transgender people are treated the same way as other groups protected under law – no better, no worse”. That would only be true if ENDA was structured similarly to state and city laws that have added sexual orientation and gender identity to their pre-existing lists of unlawful bases for employment discrimination.

The National Gay and Lesbian Task Force (2010) has published a timeline of attempts to pass this law, in which they describe 2007 as the year in which “The Task Force starts the push again for a trans-[gender]-inclusive ENDA. The Task Force continues to be a leader in the United ENDA Coalition, which spearheaded the movement to ensure gender identity will be included in ENDA”. Not mentioned in the timeline is that 2007 must have been an interesting year for the United ENDA Coalition, as it was also the year in which a trans-exclusive ENDA achieved more political success than any of its trans-inclusive predecessors or successors.
Transgendered individuals represent a political liability. Were this not so, the trans-exclusive version of the Employment Nondiscrimination Act would not have been so much more successful than its trans-inclusive relatives. Why? Part of it represents transphobia, which is related to but distinct from homophobia (Hill & Willoughby, 2005). Much of it reflects business’ concerns that their employee grooming policies could be affected. The text of the bill specifically allows employers to maintain “reasonable dress or grooming standards”. But given that these standards vary by gender, they have already been challenged under existing laws with limited success (Robinson, Franklin, Epermanis, & Stowell, 2007). Trans-inclusive versions of ENDA define gender identity as “the gender-related identity, appearance, or mannerisms or other gender-related characteristics of an individual”, so employers probably have good reason to worry about this risk.

References are commonly made to the LGBT community as if this represents a homogeneous group with common challenges and aspirations (e.g. Bailey, 2010; Cahill & Kim-Butler, 2006). But transgendered Americans were not initially welcomed by lesbians, gays, and bisexuals and find the community’s ‘homonormativity’ to be problematic (Stryker, 2008). They probably also find it problematic that their fellow community members didn’t raise more of an outcry about the trans-exclusive version of the Employment Nondiscrimination Act. Should lesbians, gay men, and bisexuals decide that their political interests can be furthered at the expense of transgenders, which certainly seems to be one of the lessons that can be derived from the history of the Employment Nondiscrimination Act, the solidarity of the LGBT community will be sorely tested.

Implications for European sexual orientation equality policy

There are many reasons to believe that there are lessons for Europe to be drawn from the evolution of American sexual orientation discrimination law. In both the United States and the European Union, place-dependent human rights occur at work. In neither area is there universal support for the rights of sexual minorities. Homophobia in Europe appears unlikely to decline substantially in the foreseeable future (Štulhofer & Rimac, 2009), although the prognosis is more optimistic in the United States (Andersen & Fetner, 2008).

As inadequate as the protections are in the Employment Nondiscrimination Act, they would represent an improvement over the current state of law for millions of Americans and European workers who enjoy no effective rights to sexual orientation non-discrimination. Such a law is more likely to pass in the United States right now than in the European Union, given the vocal support of President Obama for ENDA
The President of the European Commission appears to be more concerned with other forms of discrimination, as shown in the following excerpt from a recent speech which is easily understandable even for the non-Francophone (Barroso, 2010): “le racisme, la discrimination raciale, la xénophobie, l’antisémitisme et l’intolérance n’ont pas leur place en Europe”.

The following predictions can be made about the future of European sexual orientation equality policy based on the American experience:

There may never be a European sexual orientation equality policy. Sexual orientation non-discrimination rights may remain forever place-dependent. There is no guarantee that the Americans will ever settle on a federal policy even though the prospects look more favourable there than in Europe because of greater support from both the general public and from top political leaders for legislative change. The business community will fight the Employment Non-Discrimination Act with every weapon at their disposal because they fear a flood of lawsuits challenging grooming standards and employment decisions that are based on physical attractiveness. What is physical attractiveness after all but conformity to gender- and culture-specific standards that conflict with some people’s gender identities?

If there is a European sexual orientation equality policy, it will elevate non-heterosexuals to second-class status. They will not be granted as many rights as other victims of workplace discrimination. In order for that to occur, the words ‘gender identity’ and ‘sexual orientation’ would have to appear within the list of other prohibited forms of employment discrimination. Such a legislative option, commonsensical as it appears, seems too radical for the Americans who seem more progressive than the Europeans right now on this issue. So whatever protection they secure will be inferior to what they would be entitled to if they could claim to be victims of other types of discrimination.

If there is a European sexual orientation equality policy, it is less likely to protect transgendered individuals than other sexual minorities. The grooming standards problem which is the primary source of opposition to this legislation for American businesses disappears when gender identity is excised from the bill, because gender identity is a more ill-defined concept than sexual orientation so it can be used to challenge a broader array of employment practices. It’s no coincidence that the trans-exclusive version of the Employment Nondiscrimination Act was much more politically successful than its trans-inclusive siblings. Rollins & Hirsch (2003) find that a very small percentage of the LGBT community identifies itself as transgender. The 97% of the community that identifies as L, G, or B might decide that solidarity with the T’s is too much trouble if it’s going to cost them a sexual orientation equality policy. Of course, there are two groups of transgendered individuals, FTM (female-to-male) and MTF (male-to-female). There is a surprising amount of evidence that FTM transition actually has a positive effect on workplace outcomes (Dietert & Dentice, (White House, 2010)).
so the MTF transgenders will suffer the most if, as can be anticipated, they are left out.

If there is a European sexual orientation equality policy, the people who will benefit from it will not complain about their second-class status. What is noteworthy about the Employment Nondiscrimination Act is that it is considered heretical for any progressive to criticize any aspect of this law. We see the same phenomenon with the analysis of other flawed but progressive legislation such as pay equity acts (Rudin & Byrd, 2003) – anybody who says anything negative about it is believed to be opposed to gender equality. But working people have been so oppressed in recent decades that their advocates are grateful for any table scraps that they can secure from the governments that they elect.

It is important for equality policy researchers to maintain a sense of perspective about the establishment of policy regimes. The enactment of laws is but the first step in securing human rights. The second step is for these laws to be effectively enforced. That is an area in which the countries of the European Union do not have an entirely proud record, for example in their treatment of the Roma community (Amnesty International, 2009). The failure of the European Union and the United States to even achieve the first step in protecting sexual minorities from workplace discrimination indicates that it will be a long time, if ever, before their workplace rights stop being place-dependent.

References


Transgender Law & Policy Institute. (2010). *Non-discrimination laws that include gender identity or expression.* Available online at www.transgenderlaw.org/ndlaws/index.htm#jurisdictions


White House. (2010). *Civil rights.* Available online at www.whitehouse.gov/issues/civil-rights
This book contains the conference proceedings of the 2nd ‘Equal is not enough’ Conference, entitled "Challenging differences and inequalities in contemporary societies", which was held in Antwerp (Belgium), 1-3 December 2010. The conference was organized by the Policy Research Centre on Equal Opportunities (PRCEO), a partnership between the University of Antwerp and Hasselt University.

The PRCEO would like to thank the Flemish Minister for Equal Opportunities Pascal Smet and the Flemish Minister for Innovation Ingrid Lieten who have made the conference possible with their financial support within the framework of the second Policy Research Centre Programme (2007-2011).

**PROGRAMME COMMITTEE**

Cuypers Daniël (University of Antwerp)
Meier Petra (University of Antwerp)
Mortelmans Dimitri (University of Antwerp)
Motmans Joz (University of Antwerp)
Steegmans Nico (Hasselt University)
Zanoni Patrizia (Hasselt University)

**EDITORS**

Motmans Joz (University of Antwerp)
Cuypers Daniël (University of Antwerp)
Meier Petra (University of Antwerp)
Mortelmans Dimitri (University of Antwerp)
Zanoni Patrizia (Hasselt University)

**Cover design:** Nieuwe Media Dienst, University of Antwerp
**Internal design:** Sara S’Jegers – apostrof
**Printed by:** Drukkerij Wilda
**Published by** the PRCEO in a limited edition of 400 copies

**ISBN** 978 90 7727 167 4
**Nurnumber:** 740
**Depotnumber:** D/2011/3680/10

**PRCEO**

The Policy Research Centres were founded by the Flemish government in 2001. Their mission is to provide policy makers with scientific research based on evidence in order to react promptly and adequately to challenges in contemporary society. The Policy Research Centre on Equal Opportunities is a consortium of the University of Antwerp and Hasselt University. The Centre focuses on five research themes, i.e. socialisation and social cohesion, career development, living environment, social participation embedded in a life course perspective and equal opportunities at risk due to transitions in the life course. The Centre deals with these themes in several research lines: data gathering and the development of indicators; juridical research; research of the multilevel-setting of EO policies; research concerning ethnic-cultural background, gender, sexual identity and their link to (un)equal opportunities; equal opportunities from a transversal point of view; and research dealing with the horizontal dimension of EO policies.

University of Antwerp, Lange Nieuwstraat 55, 2000 Antwerp, Belgium
Tel: +32 (0)3 265 59 63, Fax: +32 (0)3 265 59 26

Hasselt University, Agoralaan – Gebouw D, 3590 Diepenbeek, Belgium
Tel: +32 (0)11 26 86 74
steunpuntgeka@ua.ac.be
www.steunpuntgelijkekansen.be (only in Dutch)
Policy Research Centre on Equal Opportunities (PRCEO), a partnership between the University of Antwerp and Hasselt University.

This book contains the conference proceedings of the 2nd ‘Equal is not enough’ Conference, entitled “Challenging differences and inequalities in contemporary societies”, which was organised by the PRCEO and took place on 1-3 December 2010 in Antwerp (Belgium).