

# Multiple Meanings of Gender Equality

A Critical Frame Analysis  
of Gender Policies in Europe

*Edited by*

MIEKE VERLOO



CPS BOOKS

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## Preface

As one of its main intellectual concerns, the topic of social diversity and equal opportunity has been on the research agenda of the Center for Policy Studies from the very start of its operation. Being embedded into the academic community of the Central European University and having strong ties to the Open Society Institute, the Center has the privilege to rely on the experiences and knowledge of scholars, experts, and activists who dwell upon the problems of inequality, various forms of discrimination, and social exclusion based on gender, race, ethnicity, age, and other differences in emerging democracies in Central and Eastern Europe. These academic and practitioners' communities are engaged in systemically mapping, understanding, and challenging the most visible and less visible social inequalities, in particular in Central and Eastern Europe, and their conceptual and ideological underpinnings.

Within the multitude of social inequalities, gender has a specific position both in social practices and political debates. Feminist thinking and civil society activism do not have a permanent and long history in the post-socialist region in spite of early developments in many societies in the early 20<sup>th</sup> century. The political changes and shifts in knowledge generation following 1989 have fostered new connections, influences, and interfaces with Western and global feminism for women and a small number of men in Central and Eastern Europe but also have unleashed voices of contestation too. As in many other fields of inquiry, contemporary currents of feminist scholarship arrived together with their critique. In the nearly two decades since 1989 in the political arena, many tasks and challenges were identified as more important than the problem of gender inequalities.

This environment has not prevented, but just the opposite, encouraged committed scholars in the region to seek the possibilities to engage themselves with critical debates and comparative social research addressing the variety of gender regimes throughout Europe that regulate gender relations, policy debates, and institutions in different member and accession states of the European Union. For the Center for Policy Studies, it was an honor to join a consortium of institutions from old and new member states to examine the conceptual frames of European and domestic debates of various policymaking bodies that have sometimes clear, other times more ambiguous obligations to pursue gender equality and shape policy instruments accordingly.

The MAGEEQ method was hoped to serve the comparative inquiries that explore the basic properties of gender equality thinking in Europe, even when the instrument of gender mainstreaming already had been introduced and several domestic contexts even regularized. The MAGEEQ methodology also proved to be suitable for investigating different policy realms: one, in which the notion of gender is hardly grasped except for some obvious issues, and in another, in which gender mainstreaming is feared to be “technocratized,” respectively. The dividing line does not simply overlap with the East-West symbolic and political geography, for an in-between position has also been detected. Finally, the research did not stem from one single stream of feminist theory, yet sought to find transformative elements of gender-related policy thinking.

The Center for Policy Studies takes pride to present the results of the MAGEEQ project and to invite the readers to offer critical comments to the authors and the editors. When the reader opens the volume, the QUING project will have already been launched to enhance the breadth and scope of the MAGEEQ research. The work continues in the conviction that a lot has to be done to change unfair distributions and relations of gender roles. To deconstruct unfair inequalities and build equality without denying difference seems to be conceivable and welcome in several European societies and policymaking domains, although never unanimously and unambiguously. It is believed that comparative research could give intellectual support and moral encouragement to that.

*Violetta Zentai*  
*Director, Center for Policy Studies*

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Tom Bass has been a model editor in being fast and reliable even with delayed chapters.

While we all hope that this book will be a source of inspiration and knowledge of all scholars of gender equality policies and for many practitioners in this field, we also will continue our own efforts in understanding and analysing gender equality policies in Europe. With new European funding under the 6th Framework Program since late 2006, we are continuing and expanding our research on the content and quality of gender+ equality policies (see <http://www.quing.eu>).



PART ONE  
Mapping Theory, Methodology,  
and the European Context



# Contested Gender Equality and Policy Variety in Europe: Introducing a Critical Frame Analysis Approach

*Mieke Verloo and Emanuela Lombardo*

## 1. Introduction

This book aims to map the diversity of meanings of gender equality across Europe and reflects on the contested concept of gender equality. In its exploration of the diverse meanings of gender equality it not only takes into account the existence of different visions of gender equality, and the way in which different political and theoretical debates crosscut these visions, but also reflects upon the geographical contexts in which the visions and debates over gender equality are located. The visions of inclusion, reversal, and displacement set the theoretical background for the emerging of a multiplicity of feminist political debates, of which we have singled out those concerning what is the relation of gender with other inequalities, who has a voice to frame gender issues in the political arena, and how can the political be defined, particularly in relation to the public/private dichotomy.

The contextual locations where these visions and debates take place include the European Union and member states such as Austria, the Netherlands, Hungary, Slovenia, Greece, and Spain. In all of these settings, the different meanings of gender equality are explored comparatively in relation to the issues of family policies, domestic violence, and gender inequality in politics, while specific national contexts discuss the issues of prostitution (Austria and Slovenia), migration (the Netherlands and Greece), homosexual rights (Spain), and anti-discrimination (Hungary). These were all case studies that were part of the European project MAGEEQ (Policy Frames and Implementation Problems: The Case of Gender Mainstreaming), where research for this book has been conducted.<sup>1</sup>

1. MAGEEQ, funded within the European Commission's Fifth Framework Programme, conducted a three-year (2003–2005) comparative research on the framing of gender inequality as a policy problem in Austria, Greece, Hungary, the Netherlands, Slovenia, Spain, and at the European Union level. The main aim of the research was to map the different meanings of gender in/equality in the policy texts of the EU and of a selection of European member states. See online: <http://www.mageeq.net>.

The diversity of meanings of gender equality across Europe is studied here through Critical Frame Analysis, a methodology that originated in social movement theory and that was refined further with elements of gender and political theory within the context of the MAGEEQ research project. This chapter opens the discussion on the contested concept of gender equality by exploring in Part 1 the different visions, debates, and locations previously mentioned. It then analyzes in Part 2 how this diversity of meanings of gender equality is studied in the book, by conceptualizing the theoretical and methodological framework of Critical Frame Analysis. It concludes in Part 3 with a reflection on the potential and pitfalls of the Frame Analysis methodology employed in the book.

## **2. Contested Gender Equality: Different Visions, Debates, and Locations across Europe**

Gender equality is a contested notion. Its contested character is obscured partly by its frequent appearance as a harmonious and a-conflictual concept, either due to a tendency to homogenize diversity under a dominant norm (for instance, that of the European Union) or due to an explicit “strategic framing” of the concept to make it enter more easily into the policy agenda as a common and accepted goal (Verloo 2005a). Nevertheless, the meaning of gender equality always has been highly debated within feminist theory and today, as much as any other time in history, it is capable of generating continuous questions and dilemmas. What is the problem of gender in/equality? What could be a solution to the problem? Should the goal be equality? Or difference? Or diversity? There is little consensus among actors from politics, from civil society, and from academia on what gender equality actually means and should mean. The concept therefore can be seen as an empty signifier that takes as many meanings as the variety of visions and debates on the issue allow it to take. Feminism in fact has been defined as a cluster of contesting views on the gender problematic (Arneil 1999; Verloo 2005b). Similarly, gender equality policies can be studied as clusters of contesting views on addressing the gender problematic.

This book therefore explores the diverse and contested nature of gender equality. It does so by relating to three different levels of analysis: the first concerns the existence of different visions of gender equality; the second focuses on the different political and theoretical debates that arise within the framework of these visions; and the third refers to the different contextual locations in which such visions and debates over gender equality take place in actual policy practices.

## *Visions of Gender Equality*

The variety of feminist traditions or paths to achieve a society free from gender domination and oppression is seen to have articulated at least three main different visions of gender equality, which then can translate into different political strategies (Walby 2005). Gender equality can be conceptualized as a problem of achieving equality as sameness (this is linked to the strategy of equal opportunities), or of affirming difference from the male norm (positive actions fit with this approach, although they are not limited to it), or of transforming all established norms and standards of what is/should be female and male (gender mainstreaming has been considered as a strategy suitable to achieve this) (Rees 1998; Walby 2005; Squires 2005; Verloo 2005a). This variety of visions has also been referred to as “inclusion,” “reversal,” and “displacement,” whereby each of them refers to the principles of equality, difference, and transformation, respectively (Squires 1999; 2005). By providing different conceptual and explanatory frameworks, equality, difference, and transformation seek to respond to the fundamental questions “what is the problem of gender inequality?” and “how could the problem of gender inequality be solved?”

According to the vision of equality as sameness, the problem is that women have been excluded from the political and the solution proposed is to include them in the world as it is, without challenging the underlying male norm. The idea is that each individual, irrespective of gender, should have access to the rights and opportunities enjoyed by men and should be treated according to the same principles, norms, and standards. However, this feminist route is criticized for not directly challenging dominant patriarchal values. It aspires to a gender-neutral world in which women are treated as if they were equal to men and is commonly linked to the liberal tradition of feminism (Squires 1999; Verloo 2005a).

In contrast, the approach of difference or reversal rather problematizes the existence of an unquestioned male norm that women must either imitate or be compensated for not attaining (Mackinnon 1987). The proposed solution then is seen to reconstruct the political by seeking recognition of (women’s) non-hegemonic gendered identities that have been treated as different in comparison to male normative identities and cultures. The notion of positive actions, which recommends to take gender into account in establishing the criteria for employment, promotions, and participation in decision-making institutions (and favoring, in cases of equal merit, a woman over a man), originates from this theoretical approach. This vision frequently is associated with radical and cultural feminists (Squires 1999; Verloo 2005a; Ferguson 1993).

In the vision of transformation or displacement, more typical of postmodern feminists, it is the gendered world itself that is problematized, not only the exclu-

sion of women or the existence of a male norm. The proposed solution is to move beyond the fictitious dilemma of equality versus difference by deconstructing political discourses that engender the subject and by adopting diversity politics. This transformative vision of gender equality is, according to Squires (2005), particularly apt for conceptualizing the strategy of gender mainstreaming. This is due to the fact that its changing character makes it particularly suitable to embrace the challenge of incorporating gender into the mainstream, a process that implies the continuous questioning of established categories and meanings both in the mainstream and in gender theory. In order for displacement to be a politically feasible strategy, Verloo (2005a) recommends to link the emphasis on diversity and displacement with the aspect of empowerment, which would be based on the opening of public spaces for the expression of ongoing feminist political debates over the meanings of gender equality. Mainstreaming gender in all policy areas also would require, according to Walby, the need to take into account the complex interaction between different gender regimes and policy areas by considering the specificity of each domain with its particular institutions and gender equality politics and policies “to understand whether changes in one domain are likely, ultimately, to have implications for other domains” (Walby 2005: 328; 2004).

Within the framework of these theoretical visions of gender equality, a variety of different political debates take place. These offer continuous challenges to the concept of gender equality and contribute to make it even more a site of “productive” contestation and conflict (Walby 2005; Verloo 2005a). Without pretending to encompass the multiple and varied panorama of current political discussions over gender equality, this book will try to contribute to three different feminist debates: gender and intersectionality; voice or the tension between “expertise” and “democracy”; and the definition of the political, especially the public/private dichotomy.

*Political and Theoretical Debates on Gender Equality:  
Gender and Other Inequalities*

A first debate concerns the intersection of gender with other inequalities. Contemporary feminist scholars are more aware of the risks of essentialism and homogenization that are present within the feminist movement, thanks to the theorization of differences among women that are due to race, class, age, sexual orientation, ethnic origins, ability, and other complex inequalities (Anthias and Yuval-Davis 1990; Harris 1991; Lorde 1984; Nussbaum 2000). In this debate, the benefits of acknowledging the plurality of women’s experiences for strengthening the common and, at the same time, diverse struggles for social justice are counterbalanced by wor-

ries about the possible loss of attention and resources on gender that instead would be redirected to a multiplicity of social collectives (Woodward 2005; Squires 2005). At the core of the discussion is the problem of how to frame gender equality in the context of the multiple differences and inequalities that exist among women. The current state of political and theoretical debates seems to be that there is a wide acknowledgement of the relevance of intersectionality to (gender) equality policymaking, but that there is little development of policy practice other than anti-discrimination legislation (Verloo 2006; Bell 2004).

The question of intersectionality steers the debate towards more complex ways of thinking and treating gender and other inequalities by suggesting the need to overcome a simple bipolar logic of analysis that treats one type of inequality as compared to another, taking what appears as the dominant one as the norm for comparison, instead of focusing on the point at which the various inequalities of race, gender, class, etc., intersect with each other (Crenshaw 1989). Next to *structural intersectionality* (inequalities and their intersections as relevant at the level of experiences of people), Crenshaw refers to *political intersectionality* to indicate how inequalities and their intersections are relevant at the level of political strategies. Political differences are most relevant here, as strategies on one axis of inequality are mostly not neutral towards other axes. Crucial questions to analyze political intersectionality are: how and where is feminism marginalizing ethnic minorities or disabled women? How and where are measures on sexual equality or on racism marginalizing women? How and where are gender equality policies marginalizing lesbians?

While the concept is widely used in academic studies, there is criticism that intersectionality remains unclear as a model for understanding structures (Beisel and Kay 2005). The attention is mostly on the level of different experiences of various categories of women. As yet there are no studies that analyze if all the possible intersections might be relevant at all times or when and where some of them might be most salient. The few solutions suggested so far could lie in exploring measures that will enable a legal recognition of differences that takes intersectionality into account (Young 1990). Another way of tackling the complex “move to consider equality and diversity rather than simply gender equality” is, according to Squires (2005: 382), to engage in a process of democratic deliberation among diverse social groups who bring to the public agenda their respective views and experiences. The risk, however, is to encourage an identity politics that could freeze group identities, undermine solidarity among diverse collectives, and foster coerciveness within group participants.

Overall, very little attention is paid to both structural and political intersectionality in policymaking. There is some reference to *structural intersectionality* in feminism and in gender equality policies, and also to some extent in movements and policies against racism. It is striking, though, that there is almost no reference to the concept

of *political intersectionality*. One exception is Sainsbury's analysis of the contribution of "intersecting struggles of recognition" to the surprising victory of the women's suffrage campaign in Oklahoma in 1918 (Sainsbury 2003).

The debate on the relationship between gender equality and other inequalities, while clearly extremely relevant, seems to be still at an embryonic stage when it comes to policymaking.

*Political and Theoretical Debates on Gender Equality:  
Who Has a Voice in Gender Equality Policies? A Second Debate*

A second issue that crosscuts the conceptualizations of gender in/equality concerns the question of who has/should have a voice in the political debate to say what is gender equality and how could the problem of gender inequality be solved. In academic literature the focus has been mostly on the tension between "expertise" and "democracy," an issue that has become even more evident in the context of the implementation of gender mainstreaming (Beveridge et al. 2000; Walby 2005; Verloo 2005a). On one side stands the idea of gender equality policy as a political process of democratization in which women's voices are included in the policymaking process (Walby 2005). On the other side gender equality policy (and gender mainstreaming in particular) increasingly is presented and organized as a technical process that politicians and bureaucrats should carry out, occasionally with the consultation of gender experts.

Gender expertise is an important element for progressing in gender equality policies, both because policymaking is informed by gendered knowledge and because policy actors who share a higher gender awareness are more likely to effectively implement gender equality policies (Beveridge and Nott 2002; Verloo 2001; Walby 2005). However, the risks involved in the treatment of gender policy measures by technocrats have to do with the potential "depoliticization" of the issue of gender inequality altogether (Squires 1999; 2005). This could result both from the presentation of gender equality measures as technical procedures that include no political conflict and contestation, and from the exclusion of more radical feminist voices from the policymaking process (Squires 2005 and Verloo 2005a). A further aspect of the technocratic approach to gender equality policy that causes problems for democracy is the extent to which women's wider concerns that are not part of the experts' experiences might come to the fore only in a limited consultation.

While this duality of directions is used to describe and criticize a signalled "technocratization" of gender mainstreaming, it also has been criticized as a false dichotomy (Walby 2005). In some cases, the two sides do not necessarily oppose one

another as much as reveal the political experiences of the formation of “velvet triangles” among femocrats, academics, and the feminist movement (Woodward 2004). These include, for example, Northern Ireland’s “participatory-democratic” approach to mainstreaming, based on the participation of civic groups in the policymaking process through consultations and hearings (Barnett-Donaghy 2003), and practices like the UK Women’s Budget Group,<sup>2</sup> in which a union of academics, civil society, and policymakers has contributed to progress in the gendering of the government budget (Walby 2005). These examples also point at some problems connected to more democratic approaches to gender mainstreaming, such as questions of resources and timing especially (Donaghy 2003).

Contemporary struggles for recognition (Taylor 1992; Fraser 1997; and Young 1990, 1997) and political voice (Phillips 1998, 2003; Lister 2005) show how important it is for excluded policy actors to gain access to the definition of the public debate in order to have influence on the formation of public policy. The right to have a voice in the framing of a policy issue is connected strictly to matters of power, and related to the actual inclusion or exclusion of actors in/from the political debate (Phillips 2003; Marx Ferree and Gamson 2003; and Lister 2005). According to Fraser (1989, 1997), existing hegemonization can be challenged only if there is some space for “subaltern or non-hegemonic counterpublics” to participate in the debate. Otherwise, participation processes under the condition of inequality will tend to serve dominant groups and exclude subordinated groups from the opportunity to articulate their interests. Similarly, Benhabib (1992) argues that since the present public space does not encourage the development of democratic participatory structures of collective discussion and political activism, it is unlikely that the inclusion of more women in such a poor public space will make any considerable change. In such a context women will not be able to participate effectively in the public arena or contribute to the democratization of society.<sup>3</sup> Thus, she calls feminists’ attention to the need for creating a critical theory of the public space, in order to reframe both the private and public spheres.

The result of these struggles for, and debates on, political voice is a continuous re-defining of the borders of “gender equality” as a concept. However, the debate on who has/should have voice in policymaking seems to remain largely at a normative level, while empirical evidence is still scarce. It also seems to be in danger of (re)creating

2. UK Women’s Budget Group. Online: <http://www.wbg.org.uk>.

3. Benhabib shares Habermas’ definition of public space as the locus for collective debate and political participation. See Habermas (1962).

dichotomies that are unproductive, such as the division between “experts” and “civil society,” who can also engage in constructive alliances rather than oppositions.

*Political and Theoretical Debates on Gender Equality:  
Defining the Political: The Public/Private Dichotomy*

In the background of debates on gender in/equality frequently lies the fundamental issue of the definition of the political, and especially the feminist critique of the gendered public/private dichotomy underlying much of the borders of politics (Pateman 1987 and Okin 1991). Feminist actors have struggled in favor of a broader definition of “political” that includes all the so-called “private” and “personal” issues, such as violence against women, reproductive rights, and the sharing of care work between the sexes, which were traditionally excluded from the public sphere. In this classical feminist debate, the two spheres are considered as deeply interrelated because neither the intimate and domestic areas nor the non-domestic, political world can be understood separately, due to the role of each domain in supporting and maintaining the other. Moreover, the so-called “private sphere” is seen as political because problems that are labelled “personal” in fact are regulated by the state and are caused by, perpetuated, or solved through political means (Olsen 1985).

The public/private division is a key dimension of the conceptualizations of the main structures that contribute to maintain and reproduce gender inequality, such as the organization of labor, intimacy, and citizenship.<sup>4</sup> These interconnected structures consist of the norms, values, institutions, and organizations that reproduce gender inequality in each of the three spheres. The division of labor is related to the public/private dichotomy because the existing divisions between labor and care, and between paid and unpaid work, are based on a hierarchy between men and women that places women in a subordinate position. This is reflected in the fact that women as a group have lower positions in labor than men, work in sectors that are paid less, and perform most of the unpaid work of care. The latter makes possible the system of paid labor, currently dominated by men. In this division of work, care is not seen as a collective responsibility of men and women, or of the whole of society, but as an individual responsibility of women. Employment and budget policies can maintain or challenge this division of labor, depending on factors such as the value they attribute to the unpaid work of care or the extent to which they encourage and facilitate the

4. This three-folded typology was elaborated by the MAGEEQ project on the basis of the work of Walby (1990), Connell (1987; 1995), and the Dutch Gender Impact Assessment theorized by Verloo and Roggeband (1996).

equal sharing between women and men of paid-productive and unpaid-reproductive work (Phillips 1991; Okin 1989; Budlender et al. 2002; and Villagómez 2004).

In the organization of intimacy, concerning the norms, values, institutions, and organizations regulating sexuality, reproduction, and private and family life, men and women are seen as two different kinds of people who are supposed to be sexually dependent upon each other, i.e., heterosexual identities are assumed and socialized. These identities are shaped by existing norms and values on masculinity and femininity. Female sexuality is either invisible or understood as a derivation of male sexuality. The organization of private life and the relations with children are permeated by traditional notions of masculinity and femininity, resulting in unequal positions of men and women in private life. Family policies and domestic violence are two of the policy issues that can be linked to the organization of intimacy. The effects of these policies on the public and private gender roles vary according to the different ways in which problems are represented. There is debate, for instance, on the role of family policies in either promoting a shared responsibility for care work between women and men or reinforcing the traditional perception that women's main role should be within the private sphere of the family. Domestic violence can be treated as a public or private problem depending, for example, on the type of state involvement in the issue, the priority accorded to it, or the extent to which policies effectively target (male) perpetrators and the structural causes of violence. Furthermore, policies can have different effects depending on the connections existing between violence against women or family policies and gender equality as a goal (Kantola 2006; Lombardo and Meier 2006; and Stratigaki 2004).

In the current organization of citizenship, there exists a hierarchy between women and men as concerns the enjoyment of the main civil, political, and social rights. Gender and ethnicity are not considered among the classic elements of political citizenship, such as voting and active participation and representation in political institutions, nor are they included in the definition of who can be a citizen and under what conditions, who is supposed to give "his" [*sic*] life for the country or what specific contribution to a society is expected, and who can expect protection and security against which kinds of violence or hardship. A number of debates take place on the obstacles to women's representation in the "public sphere" of politics, on the strategies to foster it, and on the role of state measures in tackling or not tackling issues of the so-called "private sphere" (e.g., time devoted to care and reproduction, mainly by women) that could enable such participation (Phillips 1995, 1998; Bashevkin 1985; Stetson and Mazur 1995; and Lovenduski and Norris 1993). The gender bias present in the public sphere of politics itself also is singled out as a major obstacle to women's political representation, with attitudes and practices of discrimination against women and institutional sexism occurring in the main political parties (Lovenduski 2005).

The debate on the definition of the political can be seen as highlighting the importance of looking at what is not seen as part of gender equality policies, and the relevance of the various ways gender equality policies construct gender equality in relation to the three mentioned structures.

### *Contextualizing Gender Equality Policies*

The models of gender equality and political debates that we have discussed so far can be found in different national contexts. In these settings is where visions of gender equality like inclusion, reversal, or displacement meet with the wider multiplicity of gender political debates, such as those on intersectionality, voice, the public/private division, and many more, to generate different ways of representing gender in/equality as a policy problem and different solutions to the problem. Only in Europe does the variety of conceptualizations of gender equality go from framing prostitution as a job in the Netherlands and as a crime in Sweden (Outshoorn 2001), to creating houses for battered women in Spain and expelling the perpetrator from his home in Austria (Logar 2000). Thus, the third level of analysis that we consider in the discussion of gender equality as a contested concept focuses on the way in which this diversity of visions and debates on gender equality is articulated across various geographical locations. Different national political contexts may, in fact, affect the framing of gender in/equality due to the influence of specific cultural and political histories and ideologies (Verloo 2005b). Gender debates within Europe have already presented ideological cleavages along the North-South axis, but an enlarged European Union could be confronted with another divide between East-West in the way of framing gender in/equality problems (Jalušič 2001; Havelkova 1998; and Verloo 2005b).

However, in the absence of tested typologies of gender equality regimes, and given the highly dynamic character of gender equality policies as a supranational phenomenon (an example are the numerous activities of the United Nations, the Organisation for Economic Co-operation and Development, the World Bank, the International Labour Organization, and many other transnational organizations), overgeneralizations concerning the existence of North-South, East-West shifts and gaps in the representation of gender in/equality should be avoided in the analysis of gender equality across Europe in order to not to fall into the trap of stereotypical assumptions about more or less women-friendly states. Any analysis of the diversity in the framing of gender in/equality as a policy problem in Europe should aim at grasping the nuances and eventual inconsistencies of policy discourses, rather than over-simplifying conclusions about this or that concept of gender equality. Moreover, countries may share similarities in the framing of a certain policy issue and present differences in another,

as each issue has a different institutional and political history (Walby 2005), and may have been influenced by a different range of policy actors, with different results.

In order to capture this diversity in the framing of gender in/equality in Europe, the contributors to this book aim at mapping the different meanings of the concept of gender equality across a range of European countries, covering the northwest, the east and the south of Europe: Austria, the Netherlands, Hungary, Slovenia, Greece, and Spain. In the context of these countries, the case of the European Union also needs to be considered, as it is interesting to see what role does the EU play as a self-defined norm-setter (Luxembourg Presidency 2005) in the context of a Europe where competing notions of gender equality are articulated by policy actors in the different member states. The different meanings that gender equality takes across Europe will be discussed in this book in relation to the issues of family policies, domestic violence, gender inequality in politics, prostitution, homosexual rights, anti-discrimination, and migration. These issues, which belong to two of the structures that reproduce gender inequality, i.e., the organization of intimacy and citizenship, reflect either the most debated issues that the EU shares with the six mentioned countries (family policies, domestic violence, and gender inequality in politics) or highly debated issues specific to the national contexts considered (prostitution in Austria and Slovenia, migration in the Netherlands, homosexual rights in Spain, and anti-discrimination in Hungary).

### **3. Gender Equality in Europe: A Critical Frame Analysis Approach**

Since gender equality is such a contested concept and so many visions and debates take place in different national contexts, this variety calls to be studied, if only to understand what is meant by “gender equality” in Europe’s policy practice. But how to study this diversity? Where to look? And how to sharpen the analysis in order to grasp all the nuances of a complex concept such as that of “gender equality?” What interpretative tools could be developed to enable distinctions between different meanings that are commonly pooled under the general and open concept of “gender equality?” Critical Frame Analysis, the approach adopted in this book, provides the theoretical and methodological framework for studying this diversity within the concept of gender equality through an in-depth analysis of the different dimensions of a policy discourse.

Frame analysis starts from the assumption of multiple interpretations in policy-making and seeks to address such implicit or explicit interpretations, in this case, the concept of gender equality, by focusing on the different representations that socio-political actors offer about the problem of gender inequality and about the solutions

to the latter. The type of frame analysis that is employed in this book has been built upon theoretical notions developed by social movement theory (Snow and Benford 1988, 1992; Snow et al. 1986; and Tarrow 1992, 1998), public policy (Bacchi 1999 and Giddens 1984), and gender theory (Walby 1990, 1997; Verloo and Roggeband 1996; and Connell 1987), and has been further developed within the MAGEEQ project, where research for this book has been carried out.

At a theoretical level, the key concept of critical frame analysis is that of a “policy frame.” A frame usually is described as an interpretation scheme that structures the meaning of reality (Goffmann 1974). This conceptual schema is not to be understood as intentional in the subject’s way of representing reality (Bacchi 2005). Using a distinction made by Giddens (1984), policy frames originate in discursive consciousness, to the extent that actors using them can explain discursively why they are using them and what they mean to them, but they also originate in the practical consciousness, to the extent that they originate in routines and rules that commonly are applied in certain contexts without an awareness that these are indeed rules or routines, and that they could have been different. Discursive or practical, either way policy frames have concrete and material consequences that set the conditions for future actions and realities.

Gadamer also nicely explains it when he argues that our understanding of reality is always filtered through “prejudices,” which, unlike the common negative meaning of the term, he defines as our “conditions for understanding.” Gadamerian “prejudices” are the socially constructed and cultural filters through which we perceive, understand, and give meaning to reality (Gadamer 1960). These “prejudices” can shift our attention towards certain aspects of social reality, where our socio-cultural biases mostly lead us, while at the same time they can make us neglect others. As a result, actors may provide a representation of a given policy problem that is more gender-, or race-biased than they actually wished.

However, the fact that the representation of reality is embedded in the conceptual schemas through which we understand the world, does not necessarily make actors passive reproducers of cultural discourses. In fact, an increased awareness of conceptual “prejudices” can help foster a positive critical attitude towards reality that could enable a critical distance to our own pre-assumptions. As Gadamer wrote concerning the relation between “prejudices” and textual interpretation, “it is those prejudices of which we are not aware that make us deaf to the voice of a text” (1983: 317). The efforts of critical frame analysis go precisely in the direction of exposing the frames that operate in the policy texts on gender equality in order to avoid any inconsistencies at the level of policy formulation or to facilitate political debates.

Conceptual frames that shape the understanding of reality also exist in relation to the policy process under the name “policy frames.” Verloo defines a “policy frame” as

an “organising principle that transforms fragmentary or incidental information into a structured and meaningful problem, in which a solution is implicitly or explicitly included” (Verloo 2005b: 20). This definition refers to the various dimensions in which a given policy problem can be represented.

In the previous section, we discussed the existence of at least three different visions that offer different representations of gender inequality as a policy problem. In particular, the approaches of equality, reversal, and displacement differently construct the two key dimensions of a policy frame: the “diagnosis” (what is the problem?) and the “prognosis” of a problem (what is the solution?). For instance, the diagnosis of the problem of gender inequality is, for the vision of equality, the exclusion of women from the political; for the vision of reversal, the existence of a male norm; and for the vision of displacement, the gendered world itself. The three models diverge again in the prognosis of the problem they suggest, as the vision of equality represents the inclusion of women in the existing world as a possible solution, while the vision of reversal constructs a solution that challenges the existing male norm by incorporating women’s perspectives in the definition of the political, and the vision of displacement proposes to deconstruct political discourses that engender the subject.

Furthermore, the three theoretical visions of gender equality conceptualize and treat the dimension of “gender” in different ways. The model of equality tends to assume gender-neutrality and to treat women as if they were equal to men. The vision of reversal, instead, argues that gender-neutrality reflects, in fact, the dominant male perspectives and that women’s difference from men needs to be recognized and valorized. Finally, the vision of displacement challenges the category of “gender” altogether, for being based on a fixed dichotomy that contributes to generate further inequalities, and it proposes a diversity politics as an alternative to both equality and difference. The dimension of “gender” then is singled out as another key element of a policy frame. By questioning the gender dimension of policy discourses it is possible to detect whether and how the latter address the complex and multilayered phenomenon of gender.

If the visions of gender equality center around “diagnosis,” “prognosis,” and “gender,” then the political and theoretical debates on gender equality discussed in the first section also conceptualize other relevant dimensions of a policy frame. The debate on the relationship between gender and other inequalities, which focuses on the dimension of “intersectionality,” reveals that, despite its relevance, the attention that policymakers devote to it is extremely limited. Thus, it appears necessary to tackle “intersectionality” in the structure of a policy frame by questioning the extent to which policy discourses represent any other structural inequalities beyond gender (class, ethnicity, race, age, sexuality, etc.) as part of the diagnosis and prognosis of the problem of gender inequality.

The debate concerning a supposed dichotomy between “expertise” and “democracy” has contributed to highlight the relevance of the dimension of “voice” in policy discourses (Walby 2005). The emphasis on voice originates from emergent scholarly debates about recognition and the legitimate right to have a voice in the political arena as basic elements of social justice, together with redistribution. It appears relevant then to include within the dimensions that characterize a policy frame the question of who has/should have a voice in the political debate to say what is gender equality and how the problem of gender inequality could be solved. The inclusion of voice in the dimensions of a policy frame adds a “critical” feature to the “frame analysis” methodology that is applied in this book. It facilitates an analysis in terms of inclusion/exclusion and power that enables the identification of which voices (perspectives and experiences) are more regularly included or excluded from the possibility of framing policy problems and solutions in official texts.

Policy discourses tend, implicitly or explicitly, to attribute different roles to different actors. Representations vary with respect to who is seen to be holding the problem of gender inequality, and who, if there is a problem group, is seen to be the norm group of reference that enables the definition of the other group as problematic. For instance, if we take the problem of gender violence, whose problem is it seen to be? Is it women’s? Men’s? Society’s? The same goes for other issues. Is reconciliation between work and family framed as a problem for men or for women? Is gender inequality in politics represented as a men’s problem or do women appear as the main problem-holders? And who are the target groups of the proposed actions? Dimensions such as “roles in diagnosis” (Whose problem is it seen to be? What is a norm group if there is a problem group?) and “roles in prognosis” (Who should [not] do something to solve the problem? Who are the target groups of the actions?) appear as relevant to characterize a policy frame.

The broad public/private debate has been at the basis of theorizations of the three main structures that reproduce gender inequality. This debate has suggested to incorporate in the configuration of a policy frame the dimensions of “location” and “mechanisms” that allow a deeper analysis of what are the main structures in which gender inequality is seen to be located, and what are the main mechanisms that are seen to maintain and reproduce gender inequalities. The dimension of structures allow us to focus on “where” the problem and solution are located, whether in the organization of labor, intimacy, or citizenship. For instance, it makes a difference to locate the problem of “reconciliation of family and work” either within the organization of labor or in that of intimacy, since the problem may be represented, in the former, as a labor market need to have flexible (female) workers who should be able to “combine” work and family or, in the latter, as a problem of women’s inequality due to the work that is required of them both in the (unpaid) reproductive and productive spheres, a

burden that is not generally imposed on men. The dimension of “mechanisms” helps us focus on “how” the problem of gender inequality is maintained and reproduced and how it should be solved. The question asked is whether the text draws a representation of the problem along material lines (through the access and redistribution of resources) or along discursive lines (through the attribution of legal and/or cultural norms and interpretations) or through the use or legitimization of violence.

As exemplified in the aforementioned theoretical and political debates, many different interpretations can make their way into the construction of policy problems (Bacchi 1999). For instance, gender inequality in politics can be represented as a problem of “women lagging behind men” or of “men dominating power positions and excluding women.” These different ways of framing the problem can generate completely different solutions. Theoretically, prognosis should correspond to diagnosis, so that solutions are adapted to the problems posed. As in the previous example, a coherent solution to the problem of male domination could be, for instance, to introduce measures that challenge male domination in power by requiring change from male politicians, while a less consistent solution would be to ask only women to change (that would rather be more consistent with the diagnosis of “women lagging behind men”). Frame analysis can help the researcher to assess whether or not this correspondence between the diagnosis of a problem and the prognosis or solution to it actually occurs in a policy text, through the introduction of the dimension of “balance” that facilitates the detection of inconsistencies within a given policy frame.

Diagnosis and prognosis, voice, roles in diagnosis and in prognosis, gender and intersectionality, location, mechanisms, and balance between the different parts of a policy text are among the dimensions that structure a policy frame. These and other elements were included in a list of “sensitizing questions,” the methodological tool elaborated by the MAGEEQ research team and employed in the analysis of policy texts in order to detect the different aspects of a policy frame. The content of the “sensitizing questions” builds upon issues that are highly present in the current feminist debates, such as, the meaning of gender, the treatment of intersectionality, the inclusion of voice, or the structures reproducing gender inequalities. Policy documents are analyzed on the basis of the “sensitizing questions” by assigning codes to each dimension of the text.<sup>5</sup> Diagnosis, prognosis, and the other dimensions of policy documents are organized around the structure of the “sensitizing

5. Frame analysis employs elements from grounded theory, a methodology that includes the analysis of words and sentences regularly repeated along the text, of words in their context, of dimensions of ideas implicit in the texts, and of how ideas are organized in different positions within these dimensions (Strauss and Corbin 1990).

questions” in a systematic and detailed summary that has been called the “supertext” (Annex 1).<sup>6</sup> Selected documents, thus, undergo an in-depth analysis whose results disclose the different dimensions of a policy frame according to the criteria established in the “sensitizing questions.”<sup>7</sup>

Three of the issues in this book, family policies, domestic violence, and gender inequality in politics, are approached through a comparative perspective.<sup>8</sup> Comparative analysis enabled us to form a comprehensive idea of the different meanings of gender equality as they appeared in the policy frames identified in the different member states and in the EU. The idea behind the comparison was not to single out the best national practice, but to have an overview of the variety of ways in which gender equality is framed in Europe. In order to present this variety, the chapters in this book will adopt a distinction between major and minor frames<sup>9</sup> that is by no means a strict criteria but rather a way of presenting the data on member states and EU policy frames on gender equality. The comparative study helps to detect policy frames that are absent in one national context but that may appear in other member states. This favors a reflection that is in line with Bacchi’s “what’s the problem?” approach concerning the importance of focusing not only “upon the representations of those issues that reach the political agenda,” but also upon “what does not get problematised” (Bacchi 1999: 36). The identification of absences in the policy discourse adds yet another element towards a critical analysis of frames, due to the implications it has in terms of power. According to Lukes’ “radical view” (2005), one of the levels at

6. Diametrically opposed to the concept of “subtext,” a “supertext” enables the hidden significance of a text to be made explicit according to the dimensions listed in the “sensitizing questions.”

7. The database of “supertexts” produced by the MAGEEQ project includes a total of 366 texts for the three comparative issues that were common to the EU and the six national cases (Austria, the Netherlands, Slovenia, Hungary, Greece, and Spain), i.e., family policies, domestic violence, and gender inequality in politics.

8. The format of a “supertext” is such that it makes possible for anyone who is familiar with the theory and concepts used (and with the English language) to read and understand the texts. This allowed the comparison of texts whose originals are in six different languages.

9. The criteria employed in MAGEEQ, to distinguish the major or most important frames from the minor and more fragmented frames, are: the occurrence of a frame (i.e., most frequent frames), not calculated on the basis of numerical frequency of words in the texts but on the researchers’ perception of the occurrence of certain concepts across the supertexts; the comprehensiveness of a frame (i.e., the extent to which it incorporates many aspects of a problem, the complexity of a frame), that does not necessarily imply the consistency of a frame; and the innovativeness (i.e., the extent to which frames introduce something new). These criteria do not need to be present at the same time; in fact, a frame can be presented as major without being innovative, only due to the fact that it is comprehensive or that it occurs more often in the texts.

which power operates is precisely the situation in which an issue is unquestioned to the extent that it is not even formulated in the actors' minds nor openly discussed in political debates.

The period of study covered in this book goes from 1995, the date of the United Nations World Conference on Women in Beijing that represents a milestone in governments' formal commitment towards mainstreaming gender equality in the policy process, to 2004. The chapters are based on the analysis of a selection of texts that include primarily official documents declaring policies on gender equality elaborated by the main political and administrative institutions (a list of analyzed texts is included in the annex at the end of most chapters). The selection of documents was based on the construction of a timeline that identified key moments that stimulated debates among different socio-political actors in each of the selected issues throughout the period of study. Starting from these key moments, texts were added until they did not include any new substantial information. The type of texts varies in accordance to the instruments privileged in the formulation of equality policies within the specific national and EU contexts, but they usually include legislative texts, political plans and programs, parliamentary debates, and political speeches and declarations. An additional source of texts for analysis was the media, i.e., written press, useful in grasping other types of public interventions. Finally, the selection included, to a lesser extent, texts originating within the feminist movement and from gender experts, as a contrast.<sup>10</sup>

#### 4. Critical Frame Analysis Methodology: Potential and Pitfalls

Critical frame analysis appears particularly suited for the study of the diversity of meanings of gender equality in policy practice across Europe, as the purpose of this methodology is precisely that of mapping the different ways in which an issue is framed. The relevance of this approach, however, does not consist in the identification of major and minor frames, but most of all in the possibility of grasping the nuances of a policy frame. This is achieved through an in-depth, detailed analysis of the different dimensions within a specific frame.

One of the potentials of critical frame analysis is that it exposes the “conceptual prejudices” that unintentionally may shape policy discourses; consequently, it can

10. The smaller number of feminist and expert texts selected within MAGEEQ was due to the decision to focus the research on the analysis of official documents presenting the position of political institutions on gender in/equality.

reveal latent inconsistencies, or even gender bias, embedded in the design of public policies. Reading a text through the lenses of the “sensitizing questions” can help us sharpen our way of looking at policy discourses and, as a result, it improves our capacity to detect the inconsistency of the latter. Even policy discourses originating in feminist actors, once read through the critical frame analysis methodology, may reveal the presence of sexist prejudices such as the attribution of the problem of reconciliation, political inequality, or domestic violence to women only, while silencing the role of men in all of them. The in-depth analysis of frames is also particularly helpful in challenging generalizations about East-West and North-South divides in the formulation of gender equality policies, and in revealing differences in the way in which specific issues are framed within each national context, making cross-issue comparisons extremely fruitful, so far at a preliminary stage in this book.

Furthermore, this methodology enables the researcher to give visibility to processes of exclusions that exist in the formulation of policy discourses, as it can help to identify how, within the policymaking process, particular “discursive strategies can modify the process itself by means of excluding some actors from the debate” (Triandafyllidou and Fotiou 1998: 6.4). This is because policy frames operating both explicitly and implicitly in the discourse of policy actors drive the latter to select and focus attention on certain issues, arguments, and actors, while at the same time ignoring or marginalizing others. The awareness of inconsistencies and exclusions in policy discourses can be a powerful tool for both sharpening the formulation of gender policies and minimizing processes of exclusion.

The frame analysis approach adopted in this study is both constructionist and deconstructionist. It starts from the basis that policy problems are constructed, that there exist competing interpretations of what is the problem, and that policy solutions are in-built in the representation of the problem (Bacchi 1999). However, to map the different representations of gender in/equality as a policy problem, it adopts a deconstructionist paradigm at least on three occasions. Firstly, when it refuses to define “gender equality” in the first place, leaving it as an open concept that can be filled with a multitude of meanings. Secondly, when it establishes criteria for the analysis of policy texts, namely the “sensitizing questions,” which are “relative” rather than “absolute norms” (Bustelo 2003). Although they are normative assessment criteria, with all their ideological and political implications, they are not absolute models of reference fixed once and for all, but are rather open to periodical revision and transformation in order to better adapt both to the variegated nature of policy texts and to the changes in the researchers’ theoretical perspectives. Thirdly, it does not close the possibilities of coding ahead of the analysis; thus it grants more freedom and flexibility for interpreting the specific variations of a text. Consequently, this approach has more chances to capture unexpected and inconsistent elements of frames

that could be left out from the use of a pre-established coding template. The other side of the coin is that this open-endedness of the coding template creates problems for comparisons, as there are no common codes agreed in advance and the subjective interpretation of codes favors the multiplication of synonymous ways of coding, thus generating potential confusions and delays in the comparative analysis.

Both the constructionist and deconstructionist approaches are combined in a reflexive methodology that seeks to adopt a flexible attitude based on a periodical revision of the categories that have been constructed previously. The construction of a common language, based on the criteria for analysis and the often-implicit understanding of the different styles of text-coding, is necessary to progress in the analysis. However, a deconstructionist approach helps researchers to continuously challenge and problematize their own analytical categories, which, precisely for being constructed, are provisional and leave room for transformation. This “theoretical flexibility,”<sup>11</sup> typical of the vision of displacement, is what enables us researchers to be more aware of our own frames, by taking distance from the categories we have constructed ourselves, metaphorically laughing at them, in order to dismantle and reconstruct them. In the practice of the MAGEEQ project, this reflective methodology meant that, after the first round of frame analysis of texts, there have been different stages and processes of the revision of codes. These led to a clarification of the “sensitizing questions” by, for instance, explicitly coding “absences” in the policy discourse or sharpening the coding of the dimension of gender, and to a second reading of all analyzed material on the basis of the new coding template. This approach appeared useful to work with such a contested concept in continuous transformation like gender equality.

The reflexive character of this methodology, however, is questioned both with respect to the more or less implicit frames we researchers have to measure other people’s interpretations of gender equality (Bacchi 2005 and Rönnblom 2005) and the use of comparative methodology (Rönnblom 2005). With respect to “reflexive framing,” the type of critical frame analysis employed in this study does not explore presuppositions that ground our own problem representation. Rönnblom (2005) suggests to explicitly place ourselves within one feminist tradition and use the language that is usually adopted in that context. However, although we are aware that we have certain political perspectives, we have chosen not to assume a particular position beforehand and to avoid the risk of closing down the variety of existing options and of prioritizing more articulated political positions over less articulated ones (Verloo

11. Thanks to Maria Bustelo for the concept of “theoretical flexibility” and to Elin Peterson and Raquel Platero for an insightful brainstorming session on critical frame analysis methodology.

and Pantelidou 2005). A second criticism concerns the coherence of a supposedly constructionist and reflexive methodology that analyzes the detailed dimensions of policy frames and then turns towards a positivist paradigm of comparative politics, looking for similarities and differences in frames (Rönblom 2005). Comparison is treated in this frame analysis methodology as an element of contrast, in order to detect absences in the policy discourse by comparing with other cases, and as a way of reflecting on the variety of ways of framing gender equality, rather than to establish a hierarchy of typologies. However, critical frame analysis has not resolved the tensions of a methodology that aspires at frame reflexivity, but does not deal with its own frames and has not articulated a more reflexive way of comparing, different from the positivist tradition of comparative politics yet.

A clear limitation of this methodology is that, although it can be helpful in mapping policy discourses on gender in/equality, it is not equally useful for understanding why the existing frames have emerged in the form in which they appear to the researcher. For this aim, other explanatory approaches are required, such as those researching what is the political context in which certain discourses emerged, which actors elaborated them, how other actors have been excluded, and under which conditions some discourses became more dominant than others. In particular, the literature on political opportunities structures, on state feminism and changes in the gender machinery, and on the relationship between the women's movement and state feminism can provide explanatory insights (see Stetson and Mazur 1995).<sup>12</sup> Interviews with key actors involved in the formulation and adoption of official documents on gender equality also would be useful to complement the analysis.

A final limitation to which we wish to pay attention is the influence of subjective interpretation and coding on the obtained data and how this could affect the reliability of comparative results. Questions can be raised as to how does a researcher know s/he is answering to what the text says or to what s/he thinks the text is saying. In other words, how can one avoid subjective interpretation and individual ways of analyzing a text that will affect the results so that a policy issue in a given country appears framed in a way that does not correspond to reality? Although questions concerning the role of the researcher in biasing results are difficult to answer, and the literature on hermeneutics and epistemology warns us of the impossibility for the subject of situating her or himself out of the circle of interpretation (Gadamer 1960 and Harding 1991), a possible way of minimizing these problems is to contrast interpretations with the context in which the documents originated. In the cross-reading of codes conducted during the process of analysis, we have introduced "multiple eyes"

12. This type of analysis will be further developed by the QUING European project. For more information, please see online: <http://www.quing.eu>.

so that at least two people were checking the selected codes. This raised discussions about why a code was employed in one country and not in another, which helped to minimize the problem of not employing “multiple eyes” methods to cross-check the relation between codes and texts.

Despite its limitations, critical frame analysis has great potential as a methodology able to grasp the different meanings of gender equality and, through a process of progressive questioning and refining, it could further expand its analytical possibilities.

## 5. Conclusions

The argument of this book is that the different and sometimes competing interpretations of gender equality, as manifested in the variety of visions and debates discussed in this chapter, affect the way in which gender equality policies are framed. The discourses developed in such policies, more or less implicitly, express particular representations of what the problem of gender inequality is and what the solution could be. They also include traces about how are gender and other inequalities conceptualized; who has/should have a voice in the framing of gender equality problems and solutions; which structures can gender inequality problems and their solutions be located; what are the mechanisms maintaining and reproducing gender inequality; for whom is gender inequality seen to be a problem; who is represented as the normative group; and who are the target groups of the policy measures proposed, as well as several other issues. These dimensions structure gender equality policy frames, which reflect both the different visions of gender equality, such as inclusion, reversal, and/or displacement, and a variety of theoretical and political debates such as those concerning gender and other inequalities, access to voice for framing policy issues, and the definition of the political, particularly with reference to the public and private divide.

The approach adopted for studying the diversity of meanings of gender equality is Critical Frame Analysis, a methodology that allows the mapping of policy frames through an analysis of different dimensions of the latter. This is particularly helpful for studying the contested and multifaceted concept of gender equality. Frame analysis, that as a methodology presents both potentials and pitfalls, provides a tool for detecting the inconsistencies of policy discourses, including the most feminist ones. It can thus sharpen the way of looking at gender equality by exploring, metaphorically, *what is actually hidden under the carpet of gender equality policies?*

This and other questions related to the diversity of meanings of gender equality as a policy problem are tackled in this book within the context of the European

Union and six member states from the north, west, east, and south of Europe. The different policy frames on gender equality are explored in these contextual locations with respect to the issues of family policies, domestic violence, gender inequality in politics, prostitution, migration, homosexual rights, and anti-discrimination. In the discussion of the different ways of framing gender equality in Europe, each chapter will provide insights on the ongoing theoretical and political debate about “what is gender equality?”, disclosing the visions, debates, and contexts that move around and contribute to shape such a complex and contested concept.

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## **Annex 1.**

### *MAGEEQ Methodology of Critical Frame Analysis* *SUPER-TEXT TEMPLATE*

#### **NUMBER/CODE/ TITLE (max 20 signs)**

- Full title
- (In English and in original language)
- Country/Place
- Issue
- Date
- Type/status of document
- Actor(s) and gender of actor(s) if applicable
- Audience
- Event/reason/occasion of appearance
- Parts of text eliminated

#### **Voice**

##### **SUMMARY**

- Voice(s) speaking
- Perspective
- References: words/concepts (and where they come from)
- References: actors
- References: documents

#### **Diagnosis**

##### **SUMMARY**

- What is represented as the problem?
- Why is it seen as a problem?
- Causality (what is seen as a cause of what?)
- Dimensions of gender (social categories/identity/behavior/norms & symbols/institutions)
- Intersectionality
- Mechanisms (resources/norms & interpretations/legitimization of violence)

- Form (argumentation/style/conviction techniques/dichotomies/metaphors/contrasts)
- Location (organization of labor/organization of intimacy/organization of citizenship)

### **Attribution of roles in diagnosis**

#### SUMMARY

- Causality (who is seen to have made the problem?)
- Responsibility (who is seen as responsible for the problem?)
- Problem holders (whose problem is it seen to be?)
- Normativity (what is a norm group if there is a problem group?)
- Active/passive roles (perpetrators/victims, etc.)
- Legitimization of non-problem(s)

### **Prognosis**

#### SUMMARY

- What to do?
- Hierarchy/priority in goals
- How to achieve goals (strategy/means/instruments)?
- Dimensions of gender (social categories/identity/behavior/norms & symbols/institutions)
- Intersectionality
- Mechanisms (resources/norms & interpretations/violence)
- Form (argumentation/style/conviction techniques/dichotomies/metaphors)
- Location (organization of labor/intimacy/citizenship)

### **Attribution of roles in prognosis**

#### SUMMARY

- Call for action and non-action (who should [not] do what?)
- Who has voice in suggesting suitable course of action?
- Who is acted upon? (target groups)
- Boundaries set to action
- Legitimization of (non)action

## Normativity

### SUMMARY

- What is seen as good?
- What is seen as bad?
- Location of norms in the text (diagnosis/prognosis/elsewhere)

## Balance

### SUMMARY

- Emphasis on different dimensions/elements
- Frictions or contradictions within dimensions/elements

## Comments



# European Union Gender Policy Since Beijing: Shifting Concepts and Agendas

*Emanuela Lombardo and Petra Meier*

## 1. Introduction

Increasingly, the European Union (EU) plays an important role in affecting gender equality policies across Europe through the process known as “Europeanization” (see Andersen and Eliassen 1993; Hoskyns 1996; Lombardo 2004). Since 1995, the gender mainstreaming strategy of the EU pretends to widen the spectrum of EU gender issues beyond the area of the labor market that is still the main competence of the EU. Therefore, this chapter focuses on the analysis of issues related to citizenship and the private life of citizens, rather than those in direct relation to the labor market. In the last decade, these issues have acquired progressively greater relevance in the EU policy agenda. This chapter thus aims at providing an account of the evolution of the EU gender policy with respect to both the main concepts adopted, i.e., equal opportunities, positive actions, and gender mainstreaming, and new agendas developed in the period from 1995 to 2004, in particular concerning the issues of family policies, domestic violence, and gender inequality in politics.

The chapter will reflect on the following research questions: what is the evolution of EU strategies in the area of gender equality? When do new issues, as opposed to the usual labor-related areas of EU gender policy, appear? Who are the main actors initiating and developing policies on these issues? How do the issues of gender inequality in family policies, domestic violence, and politics evolve over time? What is the main focus or objective of these new issues? How are they related to gender equality or are they embedded in other goals? What legal instruments does the EU have to act in the selected issues? How does the main EU competence on employment and labor market issues affect the development of the three issues here?

The chapter first will provide an account of the EU evolution of gender equality strategies from equal opportunities to positive actions and mainstreaming, according to the different concepts of equality that have been developed over time. Then it will discuss the progressive development of EU gender policy from a labor market focus towards a broader approach that includes issues of family policy, violence against women, and gender inequality in politics. Reference will be made to the EU’s main

policy documents and events that were milestones in this process through a reconstruction of a short history on the three selected issues.

## 2. Shifting Concepts: From Equal Opportunities to Positive Actions and Gender Mainstreaming

From its beginnings in 1957, EU gender policy has been based predominantly on the concept of equal opportunities, in particular in the labor market. It is mostly in the nineties, and partially in the eighties, that other types of political strategies such as positive action measures and gender mainstreaming have emerged to complement the equal opportunities approach.<sup>1</sup> At the time of the Treaty of Rome in 1957, the rationale for introducing Article 141 (ex 119) on equal pay for equal work was ensure equal opportunities between women and men within the labor market in order to establish a fair level of competition among member states (Hoskyns 1996). Establishing the principle that individuals must be granted the same opportunities with regard to their access to certain fundamental goods (freedoms, income, welfare, employment, etc.), the concept of equal opportunities has set the legal basis for the elimination of discrimination against women in the field of employment in the EU and its member states.

Article 141 EC sets the “principle of equal pay for male and female workers for equal work or work of equal value,”<sup>2</sup> and in paragraph 141.3 encourages the Council of Ministers<sup>3</sup> to “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...” A variety of reasons—ranging from women’s political activism inside and outside European institutions (Hoskyns 1996 and Reinalda 1997) to supranational and domestic “pincers” that pressure unwilling member states to legislate on gender equality (van der Vleuten 2007)—may explain both the introduction of Article 141 EC and the adoption of legally binding measures such as Community Directives in the areas of equal pay, equal treatment in employment and working

1. The equal opportunities approach was reflected in the denomination of the policy itself that was known as “equal opportunities” policy, while the current name employed in the EU official language is “gender equality” policy. This change of name could be read as a shift towards a broader concept of equality between women and men, open to new policy approaches and areas.

2. Article 141 EC is “directly effective.”

3. The Council of Ministers represents the member states of the EU. It is the main decision-making institution of the European Union and legislative power that it shares with the European Parliament under the “co-decision” procedure.

conditions, and equal treatment in social security.<sup>4</sup> This has guaranteed the creation of a legal framework on equality at work that member states must implement and to which European women can refer to in case of violation of their rights.

The equal opportunities approach, however, reveals limitations embedded in a perspective that adopts the logic of the individual, rather than paying attention to the gender-biased structural conditions under which opportunities are offered. The strict application of an equal opportunities approach by the EU could generate further inequalities for women. This approach fails to consider the existence of material conditions, determined by the patriarchal social contexts in which women and men live, that prevent women from exercising their rights and having equal access to the opportunities they are offered on a fair ground with men (such as women's role as caretakers, gender violence, sexist education, and gender bias in selection criteria). The debate on the limits of the concept of equal opportunities in bringing about an equality of outcomes entered the EU arena as a result of litigation in the European Court of Justice on the principle of equal treatment between men and women in employment and working conditions established in Directive 76/207/EEC. In particular, it was through the *Kalanke*<sup>5</sup> (1995) and the *Marschall*<sup>6</sup> (1997) cases that the EU initiated a debate over the legitimacy of positive action<sup>7</sup> measures as a means to address the disadvantages women face in accessing the equal opportunities formally offered to them. Both cases questioned the lack of legal clarity on issues of equal opportunities and expressed the need to introduce new political strategies to overcome women's structural discrimination.

Feminists both in EU institutions and nongovernmental organizations took part in the debates that followed the restrictive *Kalanke* sentence and the more benign European Court of Justice interpretation of positive actions in the *Marschall* case. The result of the debates on positive actions activated by the *Kalanke* and *Marschall* cases

4. See Council Directive 75/117/EEC, OJ L 45, 19.02.1975; Council Directive 76/207/EEC, OJ L 39, 14.02.1976 amended by the recent Directive 2002/73/EC, OJ L 269/15, 05.10.2002; Council Directive 79/7/EEC, OJ L 6, 10.01.1979; Council Directive 86/613/EEC, OJ L 359, 19.12.1986; Council Directive 86/378/EEC, OJ L 225, 12.08.1986 amended by Council Directive 96/97/EC, OJ L 46, 17.02.1997; Council Directive 92/85/EEC, OJ L 348, 28.11.1992; Council Directive 96/34/EC, OJ L 145, 19.06.1996; Council Directive 97/80/EEC, OJ L 14, 20.01.1998; Council Directive 97/81/EC, OJ L 14, 20.01.1998.

5. Case C-450/93 *Eckhard Kalanke v. Freie Hansestadt Bremen* [1995] ECR 1995.

6. Case C-409/95 *Hellmut Marschall v. Land Nordrhein-Westfalen* [1997] ECR I-6363.

7. Positive actions try to correct the initial disadvantage of women, taking gender into account in establishing the criteria for employment, promotions, and participation in decision-making institutions. In all of these situations, the application of a compensatory measure means favoring, in cases of equal merit, a woman over a man.

was the approval of a Communication on positive actions,<sup>8</sup> a Commission proposal for amending Directive 76/207/CEE,<sup>9</sup> and, most importantly, for including a new provision in the Treaty of Amsterdam, i.e., Article 141.4. The latter allows member states to introduce positive actions, defined as “specific advantages in order to make it easier for the underrepresented sex to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers.” The aim of these measures is that of “ensuring full equality in practice between men and women in working life.” The article sets the goal of equality of outcome and allows positive actions not only when one sex is underrepresented but also as a compensatory or preventive measure, thus recognizing the discrimination women must face as a collective in the labor market. However, Article 141.4 leaves a certain legal uncertainty as it does not mention the term “positive action,” it does not prescribe the elimination of all constitutional and judicial obstacles to the introduction of positive actions and quotas existing in the member states, and it does not specify the criteria to judge concrete cases by establishing in a clearer way a preference in favor of the female collective (Otero García-Castrillón 2002). Moreover, as Vogel-Polsky points out, the article only refers to the area of employment, leaving untouched the area of politics.<sup>10</sup> Further reference to positive actions is found in the EU Charter of Fundamental Rights, though with a weaker formulation than that of Article 141.4.

Unlike the principle of equal opportunities, positive actions have not been given the legally binding form of a directive yet, a fact that reveals the uneven evolution of EU equality concepts as far as legal instruments are concerned. The trend towards the adoption on the part of the EU of “soft” measures to address the problem of gender inequality increases even more with gender mainstreaming. This refers to the introduction by governments and EU institutional actors of a gender perspective into all policies and programs, in order not only to analyze their effects on women and men before decisions are taken, but also to implement, evaluate, and review policies and political processes taking gender into account. It was introduced in the new Articles 2 and 3.2 of the Treaty of Amsterdam, the latter stating that in *all* its activities “the Community shall aim to eliminate inequalities, and to promote equality, between men and women.” This shift towards an EU competence on gender equality in “all areas” also can be found in the Charter of Fundamental Rights of the EU, where Article II-23 states: “equality between women and men must be ensured in *all areas*, including employment, work and pay.”

8. COM (96) 88 final.

9. OJ C 179, 22.06.1996, p. 8.

10. Eliane Vogel-Polsky, Public audition on *Marschall* sentence organized by the Committee on Women's Rights and Gender Equality of the European Parliament, January 22, 1998.

The EU discourse on broadening gender equality to all areas represents progress compared to an *acquis communautaire* mainly centered on equality at work, as it may enable EU action on areas of inequality that go beyond employment and the labor market. However, the rhetoric on gender mainstreaming has not been supported by legally binding measures such as directives; it has rather privileged soft law instruments such as the Commission's Action Programmes for Equal Opportunities between women and men (Third 1991–1995, Fourth 1996–2000, and Fifth 2001–2005), and the Commission Communication 96/67 on “Incorporating equal opportunities for women and men into all Community policies and activities” (COM [96] 67 final). In spite of the general claims included in these documents, there are no concrete objectives, no allocation of economic and human resources (Stratigaki 2005), no timetable for action, and no specific measures for implementing gender mainstreaming, monitoring its application, or sanctioning noncompliant actors. The Open Method of Coordination, through which the EU sets targets to achieve, and after which the member states are left to implement the policies and report annually on their developments, is the main instrument employed to monitor the implementation of gender mainstreaming. Scholars agree in denouncing the lack of effective implementation of gender mainstreaming in the EU policymaking process (Behning and Serrano Pascual 2001; Verloo 2001, 2005; Walby 2005; and Lombardo 2005).

Even more problematic than ineffective implementation is the “misinterpretation” of gender mainstreaming as a replacement for positive actions. Catherine Hoskyns warned already in 1999 that gender mainstreaming could run the risk of making EU gender policy “broad and shallow” instead of “narrow and deep” (Hoskyns 1999). The risk that she feared was that mainstreaming could be taken as a good excuse for diluting gender expertise and dismantling the infrastructures created to support women's policies in the EU. The formal inclusion of gender equality in mainstream policy led some people in the EU to the wrong assumption that special funds and specific programs for women should now disappear.<sup>11</sup> Some years later, Maria Stratigaki (2005) provided a lucid and experienced account that gender mainstreaming in fact had been employed in the EU patriarchal policy environment to attack positive actions and downplay the overall objective of gender equality. She argues that though the rhetoric of gender mainstreaming was accepted by EU policymakers, its implementation was manipulated against women's demands for binding positive action measures

11. Both in 1998 and 2000 proposals for abolition of the Committee on Women's Rights were put forward in the name of mainstreaming. The replacement of the NOW (New Opportunities for Women, a specific program for promoting women's employment) with the EQUAL program (a general initiative to combat discrimination that does not make any specific reference to women as a discriminated-against group) can be interpreted as part of the same trend.

in political decision-making bodies, in order to maintain the current gender distribution of political power.

The evolution of EU gender policy concepts reveals a shift from equal opportunities to positive actions and gender mainstreaming. The EU approach to gender inequality has broadened to incorporate not only new strategies but also new areas of policymaking. This has enabled the EU to extend the range of legal and political instruments to face the challenges of gender inequality. However, both the broadening of the policy areas beyond the labor market in which the EU could intervene, through gender mainstreaming, and the deepening of focus in order to tackle the structural conditions of gender inequality and to challenge the gender dimension of political power, through positive actions, have been inversely proportional to the binding nature of the measures adopted. If the principle of equal opportunities in the area of the labor market has been endorsed through a series of directives on equal pay, equal treatment at work and in social security, no directives have been approved on positive actions and gender mainstreaming, in spite of the incorporation of these two concepts in the 1997 Amsterdam Treaty and the 2004 Constitutional Treaty. Furthermore, the concept of positive actions seems in need of further clarification, as the existing definition leaves legal uncertainty over a number of issues. Finally, as the use of gender mainstreaming versus positive actions discussed by Stratigaki suggests, the shifts in concepts of the EU gender policy are not accidental, but rather part of ongoing political struggles over the meaning of gender (in)equality in which political actors are involved.

### 3. Shifting Agendas: From Labor Market to ‘All Areas’

“In *all the activities* referred to in this Article [*that is, in all the EC activities*] the Community shall aim to eliminate inequalities, and to promote equality, between men and women.”

—Article 3.2, Treaty of Amsterdam (1997).

“Equality between women and men must be ensured in *all areas*, including employment, work and pay.”

—Article II-23, Charter of Fundamental Rights of the EU (2000).

The above-mentioned articles of the Treaty of Amsterdam and the Charter of Fundamental Rights reflect a shift in EU gender equality policy from the usual labor-related agenda to all other areas, at least at the rhetorical level. This shift, fostered by the strategy of gender mainstreaming, could mean that the EU concept of gender

equality has broadened to include not only employment but also family, politics, sexuality, culture, and violence, all areas of patriarchy in which we encounter gender inequality and discrimination (Walby 1990). In practice, it means that the concept of equality can apply to all EU activities, which, as stated in the Article 3 of the Treaty of Amsterdam, are predominantly market and employment-related. The emerging of new issues such as family policies, domestic violence (Walby 2004), and gender inequality in politics must then be understood in the context of a shifting EU agenda in this area, but with the limitation of an EU competence that is still essentially market related. None of the three mentioned policy areas specifically falls under the EU remit, although the EU has more powers in those aspects of family policies that are clearly employment related, such as issues of maternity and parental leave. This section will explore the broadening of the EU agenda to the areas of family policies, gender inequality in politics, and domestic violence, the timeline following the evolution of these three issues from 1995 to 2004.

### *Family Policies*

Europe has a tradition in paying attention to families. Family provisions and support are largely well developed when compared to other regions of the world. Policymakers tend to focus on three issues with respect to families: demographic concerns or the need to replace the population, moral issues or the need to maintain a certain set of norms and values, and questions of employment and of economic growth or competitiveness (Daly 2004). EU policy documents mainly reflect the first and last concerns. Stratigaki (2004) underlines that family-related matters are interwoven with labor market issues. The initial concern was to promote gender equality. Discussions on work were preceded by mentions of the unequal sharing of tasks within the family, and the need to share was a condition to create equal opportunities for women in the labor market. These later became incorporated in the European employment strategies of the 1990s, and here they shifted meaning gradually. The gender equality perspective was overruled by economic concerns (also see Daly 2005 and Perrons 1999).

According to Simon Duncan (2002), EU policy on “the reconciliation of work and family life” has never been the outcome of concerns for gender equality only. Rather, the central theme has been demography. Duncan argues that in the 1990s the “increasing influence of a parallel policy discourse that had been bubbling along during the 1980s—the demographic time bomb—politically exposed the limitations of equal opportunities at work policy” (Duncan 2002: 309). Various policy problems such as an aging population, low fertility, and the need for a flexible work force could be

addressed by reconciliation. The gender (equality) discourse could then fit into and exploit this agenda, given further impetus in the mid-1990s by the accession of Finland and Sweden that had to deliver to their home constituencies. Even if the dominant theme in the EU is not gender equality but a competitive economy, the debates on the demographic time bomb and on flexible labor have moved gender equality center stage, if only because gender equality is seen as necessary to achieve success in these fields. Notwithstanding their differences, both Stratigaki and Duncan set the tone of EU documents on family matters: in many cases they focus on the relation between care and work, be it from a labor market perspective or from the perspective of demographics.

This intermediary perspective can be explained partly by the fact that the EU as such has no authority in family policies: it is a competence of the member states. This shows clearly that EU documents on families and family policies are rare. The most explicit document to be found on the issue since the mid-1990s is the 1999 Resolution of the European Parliament on the protection of families and children (A4-0004/1999). It underlined that families perform an important function in rising the next generation. They should be well equipped regarding the changes society is facing and that affect family structure and life as well as society: the size of families, the cohesion of social ties, material well-being, problems of violence, and criminality. The resolution tackles a wide range of topics, without setting clear goals except for the need to assist families in their performance to raise future generations. The resolution is not the first of its sort: in 1983, the European Parliament<sup>12</sup> issued its first resolution on family policies in the European Community (June 9, 1983), and another resolution was issued on the protection of families and family units on December 14, 1994.

In June 2002 the European Commission<sup>13</sup> issued a report providing for state-of-the-art family benefits and policies across the EU. In particular, it addresses demographic concerns, different concepts of the family and household across Europe, and benefits and provisions for families in the fields of labor legislation, social security,

12. The European Parliament is the elected institution that represents the citizens of the EU. Members of the European Parliament are elected every five years. The Parliament shares legislative power with the Council of Ministers under the “co-decision” procedure.

13. The European Commission is the supranational body of the EU. Its main functions are proposing legislation, implementing EU decisions in a number of policy areas, monitoring the implementation of EU directives and regulations in member states, and representing the Union in the world. Commission members are appointed for a five-year mandate by agreement within the member states and are subject to approval by the European Parliament. Civil servants of the Commission carry out their work within thirty-six directorates-general (DGs).

and fiscal policies. The European Commission also mandated other actors to pay attention to family matters. In 1989, it established the European Observatory on National Family Policies, on the basis of the conclusions of the Council of Ministers responsible for Family Affairs, meeting within the Council on September 29, 1989, as well as on the basis of Communication from the Commission on Family Policies (COM [89] 363 final), adopted by the European Commission. The Observatory's name was changed to European Observatory on Family Matters and in 2001 it became the European Observatory on the Social Situation, Demography and Family. The Observatory served until 2004 and was meant to monitor demographic, socio-economic, and political changes that had an impact on families and to analyze the impact of family policies. It organized annual seminars subsequently focusing on family issues in relation to gender and generations (1999); low fertility, families, and public policies (Sevilla, 2000); family forms and the young generation in Europe (Milan, 2001); immigration and family (Helsinki, 2002); the family in the health system (Tutzing, 2003); and demographic trends and social change (Brussels, 2004). The Observatory paid but little attention to gender issues. Though the 1999 annual experts' seminar was on the intersection of gender and generation, only 13 of the 92 pages of the concluding report were on gender, and these debates focused solely on women's participation in the labor market and the gendered division of unpaid care work in the intimate sphere.

Conferences were a major instrument to tackle family-related matters. In 2004 the Irish EU Presidency held another conference in Dublin on May 13–14. At this European Conference on Family, Change and Policy in Europe, Hubert Krieger from the European Foundation gave an overview of important underlying issues for family policies with an eye on the expanded EU of 25 member states. The European Foundation is a European agency set up by the Council in 1975, with the aim of contributing to the planning and design of better living and working conditions. The fact that its members contribute to the thinking on family matters in the EU is illustrative of how family policies are framed. While the Observatory studied family matters very much from a demographic perspective, including a focus on youth, on future generations, on the graying of society, and on immigration, family matters are also approached from an economic perspective in the EU. Texts deal with the intersection of work and family life, thereby linking this issue to a field where the EU has competence, namely labor and employment issues. Discussions on work are preceded by mentions of the family and the equal sharing of family or caring responsibilities, relabeled as the reconciliation of care and work, from an initial concern to further equal treatment or opportunities for women in the labor market. Whereas in the EU member states policies to support working parents were introduced as family policies, at the EU level this was done through labor market policies (Stratigaki 2004).

A number of policy texts illustrate this. The Community Charter of the Fundamental Social Rights of Workers, a nonbinding but official document issued in 1989, already contained a chapter on equal treatment for men and women, including the development of measures to enable them to reconcile occupational and family obligations. The 1993 White Paper on Growth, Competitiveness and Employment tackled the issue of reconciliation, the 1994 White Paper on Social Policy paid attention to child care, and in the second half of the 1990s the topic gradually was included in all major EU policy texts on employment and the organization of work, such as the 1996 Green Paper on Living and Working in the Information Society: People First, or the 1997 Green Paper on Partnership for a New Organisation of Work. The European Employment Strategy launched after the Treaty of Amsterdam introduced measures of reconciliation, and they also reappeared in the priorities of the European Structural Fund and especially the Social Fund. For the period 2000–2006, for instance, equal opportunities include the issue of reconciliation. There is also the Resolution of the Council and of the Ministers for Employment and Social Policy, meeting within the Council on June 29, 2000 on the balanced participation of women and men in family and working life. Moreover, the sharing of work and family responsibilities between the sexes has been addressed in the Charter of Fundamental Rights (Article II-93.2 of the Constitutional Treaty). Nonetheless, whereas family issues are addressed through the issue of reconciling work and care, and whereas child care is considered to play an important role in this context, the concept of families is not always mentioned. At the European Council held in Lisbon in 2000, the idea to benchmark child care provisions was introduced, but the notion of “family life” was replaced by that of “personal life” (Stratigaki 2004).

In 1996 and 1997, European social partners succeeded in what the national governments had not managed to achieve before: UNICE (Union of Industrial Employers’ Confederations of Europe), CEEP (European Centre of Enterprises with Public Participation), and ETUC (European Trade Union Confederation) concluded framework agreements on parental leave and on part-time work.<sup>14</sup> After endorsement by the Council of Ministers these framework agreements became EU directives. A first Proposal for a Council Directive on Parental Leave and Leave for Family Reasons had already been issued in 1983,<sup>15</sup> but the national governments of the member states had never managed to come to an agreement. In 1992 the Council already had issued a Recommendation on Child Care.<sup>16</sup> While the measures in some member states went

14. Council Directive 96/34/EC, OJ L 145, 19.06.1996; Council Directive 97/81/EC, OJ L 14, 20.01.1998.

15. COM (83) 686 final of November 24, 1983.

16. Council Recommendation 92/241/EEC, OJ L 123, 08.05.1992.

beyond these directives, which did little but confirm the bottom line of a new standard, for some, like the UK, it represented a significant step ahead (Duncan 2002).

On the whole, policies regarding family matters rely on soft measures. In 2001, the French Presidency presented a report and a series of indicators on the reconciliation of work and family, including indicators on the provision of care for children and other dependants. In 2002, the Barcelona European Council identified targets for child-care services: by 2010 the member states should provide child care for at least 90 percent of children between three years of age and school age and for 33 percent of children under the age of three. There are no up-to-date structural indicators and data are not comparable across the EU. The indicators on child care and care for other dependents rely on national administrative statistics. Substantial progress still has to be made in the provision of data to support the indicators and targets, and the development of child-care facilities and the traditional division of work and care between men and women remain a challenge within many member states.

Family matters, be it indirectly through care responsibilities and their interaction with women's position on the labor market, have also been the focus of gender equality policies. The various medium-term Community Action Programmes on Equal Opportunities (1982–1985; 1986–1990; 1991–1995; 1996–2000) all addressed parental responsibilities—sometimes but not necessarily reduced to mothers' responsibilities—and reconciliation issues—sometimes but not necessarily reduced to the need for sufficient child-care provisions. The subsequent Community Framework Strategy on Gender Equality (2001–2005) did the same. Femocrats within the European Commission made efforts to keep the issue on the agenda, such as the then still functioning Women's Bureau of the Commission that initiated a network on child care and other measures to reconcile employment and family responsibilities during the first half of the 1990s. In 1999 the European Commission published a report that gathered together existing research on reconciliation of work and family life and the quality of care infrastructure.

Looking at the evolution of EU activities on family policies, we can conclude, first of all, that the EU has shown some interest in—certain aspects of—family-related issues, notwithstanding the lack of direct competence in family matters. Secondly, the initial scope on family matters was not labor market related. Family issues were equal to questions of fertility, relations between generations, the impact of immigration, the health system, and social change. Thirdly, when family-related matters were interwoven with labor market issues, the initial concern was to promote gender equality while it shifted towards economic concerns in the 1990s. Fourthly, family matters usually are dealt with superficially and generally lack a focus on gender. Families are mainly conceived along the lines of the classic heterosexual model and policy measures refer to traditional gender roles. Fifthly, mainly femocrats tried to further a feminist

reading of family-related matters but they were marginal actors. Formally important players were the European Parliament and European Commission, but in the end it has been the social partners who negotiated the directives on parental leave and part-time work and not the member states, which fear a loss of sovereignty. Finally, except for the Council directives on parental leave and part-time work, the policy tools employed are soft ones: resolutions, communications, and research reports. Founding documents such as the Charter of Fundamental Rights refer to the issue of reconciliation but in vague terms. It is noteworthy that the most binding policy tools can be found in the labor market sphere, which falls under the EU remit, and not in the field of demographic concerns (parental leave and part-time work have the potential for solving demographic concerns, but the effects are neither direct nor guaranteed) (Rubery et al. 2001).

### *Gender Inequality in Politics*<sup>17</sup>

Although the EC treaties do not confer powers to the Union to initiate legislation on gender inequality in politics, debates on the issue emerged in the European arena towards the end of the 1980s. The need to comply with the EU objective of achieving gender equality established in the Treaty of Rome and general appeals to democratic principles are among the arguments that support advocates' demands of a greater political equality for women. The latter is often depicted in the EU documents as an increase in the representation of women in the political institutions and in a more gender-balanced division of decision-making powers. The EU activities on gender inequality in politics intensified from the 1990s onwards, and experienced a number of peaks both before and after the dates of the European Parliament elections (1999 and 2004) and in correspondence with certain initiatives by the Committee of Women's Rights of the European Parliament, the Commission, or the European Network of Experts "Women in Decision-making" (particularly in 1994 and 1996). Prior to the 1990s, on August 2, 1988, the European Parliament's Committee of Women's Rights had presented a first report on the position of women in political decision-making. This covered most of the issues that were addressed from the second half of the nineties onwards, such as the impact of electoral systems on the position of women in political decision-making or the influence of the existing perception of gender roles on the political measures adopted to promote women in politics. An outcome of the report was the European Parliament's first resolution on women in decision-making on September 16, 1988.

17. This section draws extensively on the MAGEEQ research report by Meier and Paantjens 2004.

If the European Parliament's resolution was centered specifically on women's political decision-making, the Third medium-term Community Action Programme on equal opportunities for men and women (1991–1995) was the first policy initiative to pay attention to the promotion of women in political, economic, and social decision-making. Its rationale is that since women's underrepresentation in politics is an obstacle to gender equality, a fundamental EU objective established in the Treaty of Rome, it is therefore necessary to improve women's status in society in order to achieve EU objectives. This legitimates the Council in its resolution of May 21, 1991 on the Third Medium-term Community Action Programme to ask the member states to introduce measures that promote women in decision-making, including the political sphere.

As a result of the Third Community Action Programme, a number of expert networks to assist the European Commission in implementing the program were established, one of which was the European Expert Network "Women in Decision-Making." In the first half of the 1990s, the Network dedicated its efforts to the collection, analysis, and dissemination of comparative data on the position of women in political decision-making in the member states and at the EU level. It developed material to promote women candidates during the 1994 European Parliament elections and organized events such as the first European conference on women in decision-making held in Athens in November 1992, in collaboration with the European Women's Lobby (European Expert Network Women in Decision-making 1996). The official document that resulted from this conference was the Declaration of Athens of November 3, 1992, which demanded an equal sharing of power between the sexes. The declaration was signed by women ministers of the member states, female members of the European and national parliaments, and other women holding decision-making positions.

Four years later, the women ministers of the EU member states signed the Charter of Rome (May 17, 1996), stating not only that the equality of men and women had to be recognized as a priority of the EU but also that there was a need to take concrete measures at all levels in order to promote an equal participation of men and women in decision-making. The European conference of Rome, that elaborated the Charter and centered the issue on "women for the renewal of politics and society," was yet another event organized by the Network, under the Italian Presidency and the European Commission.<sup>18</sup>

18. The Rome conference was one of the last activities of the European Expert Network "Women in Decision-Making." Its work was continued by the project "European Database: Women in Decision-making," led by the FrauenComputerZentrum in Berlin, which continued the collection and dissemination of data on women in decision-making and developed an online database (Meier and Paantjens 2004). Available online <http://www.fczb.de>.

In the evolution of the EU debate on gender inequality in politics—from the acknowledgment of women’s political representation as an EU priority to the first references to more comprehensive strategies for achieving that goal—the European Parliament’s Committee on Women’s Rights continued to play a leading role during the first half of the 1990s. The demand for an integrated approach to increase the number of women in decision-making positions, proposed in the Committee’s Larive Report, was incorporated in the 1995 Council resolution which invites the member states to develop a comprehensive and integrated approach to promote a balanced participation of women and men in decision-making.

The Council resolution was crucial both because it set the basis for the Fourth medium-term Community Action Programme on equal opportunities for men and women (1996–2000), that includes measures for the promotion of balanced participation of men and women in (political) decision-making, and because it led to the Council Recommendation of December 2, 1996 on the balanced participation of women and men in the decision-making process. The rationale for the Recommendation is that women’s participation in decision-making is a democratic prerequisite. The document recommends the development of an integrated approach for promoting the balanced participation of women and men in decision-making by targeting a wide range of policy actors: member states, EU institutions and bodies such as the Council, the Commission, the European Parliament, the European Court of Justice, the Economic and Social Committee, the Committee of the Regions, and the European Investment Bank.

In the second half of the 1990s, the EU debate on the issue tackled some of the causes of and solutions to women’s underrepresentation, particularly those related to the gender-biased role of electoral systems. In 1997, while the European Parliament’s Committee on Women’s Rights published a working document investigating the differential impact of electoral systems on women’s political participation, further reflection on gender inequality in politics was developed by gender experts employed by the Commission. In 1994 the leading Belgian lawyer on women’s rights, Eliane Vogel-Polsky, conducted a study on the conceptualization of a gender-conscious European citizenship on behalf of the Directorate General on Employment and Social Affairs of the Commission. The study set out the broad lines for integrating the concept of “parity democracy” in future European documents on the issue. In 1997 Monique Leyenaar, a Dutch political scientist, conducted a study for the same Directorate General on how to create a gender balance in political decision-making. Focusing on the member states, the brochure, in summarizing the main findings, analyzed why women are underrepresented in political decision-making and which actors could undertake what type of actions to increase women’s numbers. Finally, in 1999 a team of four European political scientists, Michael Laver, Monique Leyenaar,

Kees Niemöller, and Yvonne Galligan, carried out a gender-impact assessment of the different electoral systems in Europe and developed guidelines for a European electoral system allowing for a “genuinely gender-balanced” European Parliament.

An increase in EU activities to promote women’s higher representation, particularly in the EU institutions, can be registered around the European electoral date. In the run-up to the 1999 European Parliamentary elections, the Commission, in cooperation with the European Parliament’s Women’s Rights Committee, published a brochure “Europe for Women, Women for Europe.” The European Women’s Lobby launched a shared electoral strategy for women by publishing a special edition of its newsletter about the extent to which women would benefit from the new European Parliament and Commission. In the same year, EU ministers signed a declaration at the Paris conference on “Women and Men in Power—A Caring Society, A Dynamic Economy and a Vision for Europe” (April 17, 1999). This declaration aimed at ensuring a balanced participation of women and men and recommended that European institutions, governments, and political parties should take the necessary measures both when it comes to elections and the appointment of members to advisory bodies. At the end of 1999 the Finnish Presidency presented a report to the Council on the position of women in the decision-making process in the member states and in European institutions. The main aim of the report was to develop indicators in order to measure and monitor the follow-up to the Beijing Platform for Action by the member states.

The year 2000 followed the trend of the previous year, the adoption of EU soft law measures on the promotion of equal representation of women and men, and gender balance in political decision-making. In March, the European Parliament adopted a resolution that repeated its recommendations to the member states on the participation of women in decision-making, mainly in light of a special session of the UN General Assembly in September 2000 that marked the five-year anniversary of the landmark Fourth World Conference on Women held in Beijing in 1995, and urged the Commission to present a report on the measures taken. The resolution suggested quotas as a transitional measure to bring more women into the decision-making process. The European Women’s Lobby also produced a recommendation (May 22, 2000) on the position of women in decision-making.

Gender balance within the committees and expert groups of the Commission was the objective of two Commission documents, a Commission decision (June 19, 2000), and a communication addressed to the member states (July 7, 2000). In the same year, the Commission also presented a report to the Council, the European Parliament, and the Economic and Social Committee on the implementation of Council Recommendation 96/694 of December 2, 1996 on the balanced participation of women and men in the decision-making process. The report showed that,

notwithstanding the number of measures adopted, no fundamental change had occurred in the underrepresentation of women in political (and other areas of) decision-making. In December 2000, the Council approved a decision on the Fifth Community Framework Strategy on Gender Equality (2001–2005), which, like previous Commission programs on equal opportunities between women and men, included a section on the promotion of equal participation and representation of women and men and a gender balance in political decision-making in the European Commission.

The year 2001 started with a general focus on possible actions concerning the balanced participation of women and men in decision-making, including political decision-making, urged by the European Parliament's resolution on the Commission report on the implementation of Council Recommendation 96/694. The emphasis then shifted to the need for statistical data and targets to measure progress in women's representation. In October of the same year, the French EU Presidency organized a conference of member state ministers in charge of gender equality that covered, among other topics, the access of women to decision-making positions. At the conference, the ministers underlined the need for adapting statistical systems and for exchanging experience and knowledge on the issue. They also emphasized the importance of setting goals or time-bound targets for the progress of women in decision-making positions. In the same line, the project "European Database: Women in Decision-making" (see footnote 15) published a brochure with facts and figures on women in political decision-making positions in order to reach members of the public without access to the Internet database.

In 2003, the 2004 European Parliament elections catalyzed most of the attention of policy actors involved in the debate on gender inequality in politics. The European Parliament's Committee on Women's Rights presented a report on how to ensure a balanced representation of women and men in the setting of the upcoming elections. The European Parliament itself organized a debate on the Committee's report and a public hearing. Lobbying initiatives included a letter by the Committee on Women's Rights addressed to the party leaders of the countries participating in the 2004 European Parliament elections, inviting them to agree on no less than 30 percent of women among the candidates. The European Women's Lobby joined the lobbying efforts by publishing a resource paper on women in decision-making and a declaration that "women demand an equal share," preparing a lobbying kit for the elections, and writing a follow-up report on the number of women commissioners after the 2004 European elections.

Considering the timeline of EU activities on the issue of gender inequality in politics, we can draw a number of conclusions. First of all, there is evidence that from the 1990s onwards the predominantly market-oriented focus of gender equality in

the EU has widened to incorporate activities promoting gender equality in politics. Secondly, initiatives in this field have tended to focus on the questions of women's underrepresentation in political decision-making (sometimes extending to areas other than politics) and the achievement of a gender balance. Thirdly, the main actors initiating policies on the issue appear to be members of the European Parliament from the Committee of Women's Rights, women politicians, women ministers, the European Commission's Directorate General on Employment and Social Affairs, the European Expert Network Women in Decision-making, and the European Women's Lobby. Finally, in spite of the broadening of the EU equality agenda to tackle the question of gender inequality in politics, the proposed measures are general rather than concrete and the legal instruments that the EU has provided to act in the field are merely "soft laws." It is true that throughout the 1990s the labor market approach of the Union has "widened to the progressive recognition of equality between women and men as a fundamental principle of democracy for the whole European Union." (Hubert 2001: 145), and the principle of equality has been enshrined as "a general competence" in recent basic documents of the EU (Vogel-Polsky 2000). However, even though this shift implies the promotion of gender equality in political decision-making as a matter of democracy, to date the principle of gender equality in politics is neither explicitly stated nor supported in the EU by any concrete and legally binding provision (Meier and Paantjens 2004). This shows that, in spite of emerging rationales to legitimize the EU action in the area of gender inequality in politics, e.g., the need to comply with the objective of gender equality or to respect the principle of democracy, the EU gender equality agenda does not follow.

### *Domestic Violence*<sup>19</sup>

The issue of domestic violence and violence against women frequently has been overshadowed in EU policymaking by the issue of trafficking in women, in particular in fighting the criminal and migration aspects of the problem, which fall more clearly under the EU competence for developing an Area of Freedom, Security, and Justice (Askola 2006). However, the issue of domestic violence slowly has made its way through the EU policy agenda, though both the labor market orientation of the EU and the lack of a clear legal basis for violence against women have hindered the emergence of the issue.

19. This section draws extensively on the MAGEEQ research report by Paantjens 2004.

The EU labor market legacy appears to have limited the debate on domestic violence until 1999. Prior to that date, the EU had avoided addressing the issue of violence against women and preferred to focus on the labor market competence of “sexual harassment in the workplace.” This is reflected in a resolution on sexual harassment in the workplace in 1990, a Commission recommendation on protecting the dignity of women and men at work, and a code of practice, both from 1991 (European Commission 2000). The only official EU document on violence against women dating from before 1995 was a resolution on violence against women (1986)<sup>20</sup> that followed on the 1984 report by the Committee of Women’s Rights. The latter also was linked to labor market policy as it presented violence against women as a structural problem that hindered the potential benefits of employment policy for women (Hoskyns 1996: 155). In the period from 1995 until 1999, there were a few EU activities on domestic violence such as, in 1997, the launch of the Daphne initiative and the adoption of an European Parliament resolution on the need to establish an EU-wide campaign for “zero-tolerance” of violence against women. Reference to domestic violence was included in the Third and Fourth Community Action Programmes on equal opportunities between women and men, while in 1997, the European Women’s Lobby established a Policy Action Centre and Observatory on violence against women.

The lack of an EU-specific competence in violence against women has been an obstacle to the inclusion of the latter in the EU agenda. The difficulty in finding a legal basis for addressing the problem of violence against women persisted even after the Treaty of Amsterdam strengthened the principle of equality between women and men in the *acquis communautaire*. The European Parliament debate on the Daphne program in March 1999 exemplifies this difficulty. In the absence of a legal basis to address the problem of violence against women in the EU, Article 235 EC<sup>21</sup> (that can be employed to create a legal basis when there is none to attain one of the objectives of the Community) was suggested to enable the adoption of the program. However, this suggestion did not gather consensus among member states and, as a result, Article 152 of the Treaty of Amsterdam (ex Article 129 EC), which deals with the improvement of public health, was finally employed as a legal basis for approving the Daphne program. The 2000 World Health Organization’s definition of health

20. European Parliament, *Resolution on Violence against Women*, OJ.C. 176, 14.07.1986 (doc. A2-44/86)

21. Article 235 EC states that: “If action by the Community should prove necessary to attain, in the course of the operation of the common market, one of the objectives of the Community and this Treaty has not provided the necessary powers, the Council shall, acting unanimously on a proposal from the Commission and after consulting the European Parliament, take the appropriate measures.”

as a “state of complete physical, mental and social well-being and not merely the absence of disease or infirmity” was included in the Daphne program to legitimize the EU action on violence against women. The public health approach left a number of female members of the European Parliament unhappy and concerned that the definition of violence against women as a health problem would be excessively narrow for tackling an issue that is rather considered a violation of human rights.<sup>22</sup>

1999 was a particularly “hot” year in terms of the EU attention to violence against women mainly due to preparation for the Daphne program (started in 2000) and the launch of the European campaign of “zero-tolerance” against domestic violence in January.<sup>23</sup> As part of the campaign, the EU held a ministerial conference in Cologne in March 1999. Daphne drew much attention to the problem at stake: it was not only the first European program to address violence against women on a larger scale but also required the production of a great number of documents. These included the Commission proposal for the Daphne program, the European Parliament debate on “Violence against Women and Daphne” in March, the European Parliament Amended Proposal for the program in April of that year, the European Parliament position paper, and reactions to the amended proposal expressed by the Economic and Social Committee and the Committee of the Regions.

An analysis of the EU official documents on violence detects a shift in the political debate from the “human rights” approach adopted in the “zero-tolerance” campaign to the “public health” perspective of the Daphne program (Paantjens 2004). The aforementioned European Parliament debate on the legal basis to approve the Daphne program is emblematic of this tension. The rationale for the “zero-tolerance” campaign is that violence against women is a human rights violation. The message is supported by reference to a number of human rights treaties, UN declarations, and conventions such as CEDAW (Convention on All Forms of Discrimination against Women), according to which violence against women is considered a “crime.” The campaign is based on the idea that violence against women, which is seen as violence exercised by male perpetrators towards female victims, “not only reflects unequal gender power relations in our society, but also forms a formidable barrier to efforts to overcome inequality between women and men” (Resolution A4-0250/1997). A whole set of causes underlying the problem are discussed in the documents for the

22. Since there was a real chance that the Daphne program would be blocked on the basis of Article 235 EC, even the most critical MEPs had to accept the change to public health through Article 152 ToA (ex 129 EC).

23. A Eurobarometer Survey on violence against women was conducted in October 1999 in the context of the campaign against violence.

campaign, including gender stereotypes, while the lack of legal and socio-economic measures to protect victims is considered to be part of the problem.

In the Daphne program, the gender-sensitive analysis of domestic violence and the treatment of the latter as a violation of human rights gave way to a different interpretation in which violence is deemed problematic because it is “a major health scourge” and because of the “high social and economic costs to society as a whole” (A4-0250/1997). Unlike the “zero-tolerance” campaign, the Daphne program leaves untouched the causes of violence and the unequal distribution of power between the sexes. Equality is said to be part of the problem only because the health implications for the victims of violence affect the “equal opportunities of those concerned.” Moreover, the problem definition shifts from addressing “violence against women” in the “zero-tolerance” campaign to addressing “violence against children, young persons and women” in the Daphne program. Marjolein Paantjens (2004) suggests that the framing of violence as a health issue, in combination with the extended problem definition that includes children and young persons apart from women, shows a “de-gendered” approach to the problem in the Daphne program.

A similar level of activity on the issue of violence against women in the EU was apparent in 2000. The publication of a special issue on domestic violence in the Women of Europe Newsletter reflects the relevance of the problem in the debate at the time. The year started with the launch of the Daphne program after the Council and Parliament’s had decided to adopt it. The “zero-tolerance” campaign continued with the publication of the brochure “Breaking the Silence,” aimed at raising public awareness about the problem of violence against women by uncovering existing taboos on the matter and calling upon male perpetrators to seek help and upon victims to break the wall of silence. Preparations for the UN’s Beijing+5 conference provided an opportunity for revising the EU’s implementation of the objectives of the Beijing Platform for Action of 1995, including the part on violence against women. Moreover, throughout the year EU officials, such as Anna Diamantopoulou, Commissioner for Employment and Social Affairs, and May Britt Theorin, Chairperson of the Committee on Women’s Rights of the European Parliament, gave several speeches that discussed violence as a structural problem caused by the unequal gender balance of power. European-level NGOs also seemed to focus their activities on this issue. The European Women’s Lobby published an observatory about the hidden data of domestic violence and a guide for young women that presents data on different issues among which violence. The network Women Against Violence Europe prepared a training program for people working with domestic violence, proposing a variety of measures to prevent and fight the problem.

In the period from 1998 to 2003, the problem of violence against women also was discussed at expert meetings held under different EU presidencies that focused

on different aspects of the problem: in 1998 under the Austrian Presidency on “police combating violence against women,” in 1999 under the German Presidency on “measures towards combating (domestic) violence against women,” in 2000 under the Finnish it was named “EU expert meeting on violence against women,” in 2001 under the Portuguese on “violence against women zero-tolerance,” in 2002 under the Spanish it was focused on “violence against women (domestic, in school, sexual harassment),” and in 2003 under the Greeks the expert meeting was centered both on “domestic violence and trafficking.”

The level of activity on the issue decreased in 2001, the most notable document being the previously mentioned Fifth Community Framework strategy on gender equality (2001–2005), that refers to the “need to strengthen the fight against gender related violence” as part of actions in the area of “civil life,” which, as the program states, “covers the enforcement of the human rights of women.” In 2002 and 2003 there was greater activity again, related to the revision of Daphne I and the proposal for a second phase, Daphne II. In 2002 this included the annual work plan of Daphne for 2003, a midterm review of the program by the Committee on Women’s Rights of the European Parliament, and an external evaluation report on Daphne. In 2003 initiatives grew around the Commission’s proposal of a second phase of the Daphne program, after which followed an European Parliament report on the proposal through the voice of the Committee on Women’s Rights and Equal Opportunities. In 2003 the European Women’s Lobby published a resource paper on domestic violence. Both years saw Commissioner Anna Diamantopoulou making speeches on the issue of domestic violence, where she referred to the structural causes of violence and to the latter as a form of male control and domination over women. While violence against women has not been addressed explicitly in the European Constitutional Treaty (IGC 87/2/04 REV 2), a non-binding declaration on the Union’s aim to combat “all kinds of domestic violence” (13 re Article III-116) was introduced in the June 2004 Intergovernmental Conference at the request of the Spanish government.

Regarding the timeline we can conclude that, in spite of a slow start of the EU activities on the issue, from 1999 onwards, domestic violence has progressively been legitimized as a public policy concern of the EU. Secondly, it has entered the EU policy agenda sometimes as a human rights problem and sometimes as a public health problem. Thirdly, the lack of legal basis has been determinant in shifting the focus from human rights to public health, thus hindering a broader approach to the problem. Fourthly, among the main actors initiating and developing policies on violence against women in the EU are the European Commission through the Daphne programs, the European Parliament (particularly through the Committee on Women’s Rights’ reports and declarations), the Council through expert meetings held by the different EU presidencies, individual EU officers from the Commission and

the Parliament, and European level NGOs such as the European Women's Lobby and Woman Against Violence Europe. Finally, as for family policies, and gender inequality in politics, the legal instruments the EU has to act in the area of domestic violence are only soft law measures. Thus, the EU gender equality agenda has broadened but has not provided the binding measures necessary for a more effective enforcement of the policy on domestic violence in member states. Moreover, the lack in the *acquis* of a proper legal basis on gender equality in all areas beyond employment blocks the establishment of gender equality as a goal in its own right, and only opens opportunities for action when the goal of gender equality coincides with other goals (e.g., public health).

#### 4. Conclusions

This chapter discussed the progressive development of the EU gender policy from a close focus on labor market towards a broader approach that includes issues of family policy, violence against women, and gender inequality in politics. Throughout the last decade we can see that the EU broadened its agenda on gender equality issues, although fragmentary and nonbinding, as the issues of gender inequality in politics or of domestic violence illustrate very well. However, in the case of family policies we have to conclude that initiatives to promote gender equality preceded the general adoption of a gender mainstreaming strategy, whereas more recent policies reflect a domination of economic concerns over far-reaching gender equality objectives. In the other two policy areas the predominance of the main EU competence on employment and labor market issues does not show that directly. It nonetheless hindered the development of a consistent mainstreaming of gender equality objectives across the various policy areas.

All three policy areas reflect a lack of competence and the subsequent need to adopt measures in these areas that are linked to policy matters for which the EU has legislating power, which facilitates the co-optation of gender equality concepts and principles by other concerns. The emerging rationale for a broader approach to gender equality issues through gender mainstreaming is undermined by a lack of competence in most policymaking areas. This lack of a proper legal basis on gender equality in all areas beyond employment can steer the focus of the policy towards goals that do not necessarily coincide with the policy area itself nor with the achievement of gender equality. The issue of gender inequality in politics seems to be less attained by this redirection of gender equality issues to other policy priorities, but it certainly goes for the issue of family policies, that is reoriented to labor-related matters, and it partially goes for domestic violence, that oscillates between the human rights and the

public health approaches. This lack of direct competence involves a move away from a gender perspective. Families become the sphere of personal life; issues of family policies and of domestic violence focus on children more than on gender.

The lack of competence also explains partly the soft character of measures taken to promote gender equality. However, it does not explain all of it since one of the issues where the EU was entitled to act, the issue of reconciliation and of part-time work, was settled by the social partners and not by the member states. This example reflects a cleavage between formal and concrete power. On the whole, the broadening of the gender equality agenda went together with the use of soft policy tools. The case of reconciliation reflects the difficulty of translating targets into practice, since the collection of comparable data becomes a goal in itself before the goal of reaching the targets set in Barcelona in 2002.

The presence of femocrats or of particular events allows re-inserting appeals to gender equality from time to time. It also should be noted that the concern for gender equality issues in the various policy fields is related to events rather than the consequence of a coherent policy plan. The case of gender inequality in politics is a perfect illustration of the stimulating effect of events such as the European elections. The issue of domestic violence reflects the similar impact of feminist actors, which is much less visible in the case of family policies, but here, too, conferences also play a major stimulating role. Official policymakers are important actors given that a large share of the initiatives are provided by them, but feminist frames can mainly be found in the discourse of individual actors such as members of the European Parliament or initiatives stimulated by feminists, such as the European Expert Network “Women in Decision-Making.”

On the whole, although the scope of gender equality policies certainly has broadened beyond the labor market focus, this did not lead to a coherent and far-reaching agenda of EU gender equality policies. The findings suggest that, for this to happen, the broadening of the EU gender equality agenda should be accompanied by a proper competence of the EU in the various policy areas concerned so as to come to a successful implementation of a gender mainstreaming strategy at the EU level.

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PART TWO  
Comparing Gender Equalities



# Taming the Male Sovereign? Framing Gender Inequality in Politics in the European Union and the Member States

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## 1. Introduction: Questioning Gender Inequality in Politics

Statistics on the status of women in European politics show a slowly but steadily increasing number of women in political institutions in Western European countries (European Commission 2005), while in former state-socialist countries, democratization was accompanied by the masculinization of parliaments (Rueschmeyer 1998; Jalušič and Antić 2001; Sauer forthcoming). Gender inequality in politics was not at the top of the agenda of autonomous women's movements in Western European countries. Autonomy meant opposing state and party institutions; issues such as body politics, violence against women, and work participation were at the center of Western European women's movements of the 1970s and early 1980s. In state-socialist countries, state party systems preserved gender inequality in politics but established special systems for the representation of women in parliaments,<sup>1</sup> either with a quota system across the social spectrum (Einhorn 1993: 150) or with seats reserved for state women's organizations.

With the establishment of women's policy agencies since the 1980s, the issue of gender inequality in politics moved to the fore, and party women started to fight for representation and quota systems (Hardmeier 2004 and Lovenduski 2005). Since the 1990s the issue has entered the political agenda of the EU and the member states' political debates. It has been incorporated increasingly into official policy documents on gender equality, and discussed in EU countries by both policy and gender researchers, alongside feminist practical and conceptual debates (Phillips 1995 and 1997; Squires 1999; Dahlerup 1988 and 2006; Lovenduski 2005; Fraser 2003).

1. Whereby the parliaments were rather token institutions and the factual political power was located in the leading institutions of the Communist Party—like the Party's Central Committee.

Gender inequality in politics as a policy “problem,” however, can be framed in different ways, intentionally or unintentionally,<sup>2</sup> and the measures proposed to confront it are subject to various interpretations. This chapter will reflect on how the issue has been framed across Europe by presenting the MAGEEQ results of a comparative analysis of policy frames on gender inequality in politics at the EU level and in six member states—Austria, the Netherlands, Spain, Greece, Slovenia, and Hungary.<sup>3</sup> The period studied is 1995–2003.

Gender inequality in politics, as a policy area, is explicitly gendered in the sense that the impact it has on roles of women and men in society appears more visible than it might be for other topics, such as agriculture or transport (see Meier et al. 2005). It seems as if here it would be easier than in other areas to formulate effective strategies to increase women’s voice, presence, and participation. It is thus interesting to see the extent to which gender policies include contested or ambivalent meanings of gender and how do these meanings influence the framing of gender in/equality policies (Bacchi 2005; Jalušič and Hrženjak 2006). The main research questions of this chapter are: what does gender inequality in politics mean in the six selected countries and in the EU? How is the problem of gender inequality in politics represented (diagnosis)? Which solutions are offered to the problem (prognosis)? The chapter will depict the different representations, both explicit and implicit, that political actors provide of the definition of the *problem* of gender inequality in politics and of the *solutions* proposed. It will analyze which actors are given a *voice* to express them in the analyzed texts and which actors are absent; who are deemed to be the *problem holders* and the *target groups* of the measures taken; and who are the *norm groups*. It will furthermore discuss *inconsistencies* in the framing of the problem and solution, and the extent to which frames are *gendered*. It will then map the frames within the EU context to see how the issues and frames *cut across the European space* from east to west, north to south. In conclusion, the chapter attempts to show some of the effects and predicaments of the framing of gender equality policies and pose critical questions to the formulation of policy measures on gender inequality in politics in the EU.

## 2. The Problem of Representation: Feminist Debates

While we decided in this chapter to frame the issue as “gender inequality in politics,” since this appears as a more open signifier which could be filled with a variety of meanings, the most commonly referred way of addressing the issue is by the term

2. See discussion of intentionality in the introduction of this book.

3. See Annex 1 for the list of texts on gender inequality in politics analysed by the MAGEEQ Project.

“representation,” a label that we see as a specific form of treating the issue. Most of the gender-sensitive literature on gender inequality in politics deals with the question of *how gender differences could be represented in politics* (e.g., Diaz 2005; Mansbridge 2003 and 2005; Paxton/Kunovich 2003). However, if representation is a dominant concept in issues of gender inequality in politics, the literature differentiates among several concepts of representation, usually based on Hanna F. Pitkin’s (1967) analysis. One main differentiation is, according to Pitkin, between quantitative and substantive representation. Speaking of women, quantitative or descriptive representation refers to the number of women in elected bodies, parties, and leadership positions. This dimension of representation is also called “social” or “mirror” representation, based on the idea that democratic bodies should mirror the population. Qualitative or substantive representation refers to the process and output of politics and policies. Are women, women’s issues, needs, and interests represented in policy processes and outcomes? Here representation means not only “standing for” but “acting for” women (Squires 1999). Although the feminist literature is skeptical about this form of “functional” representation, because the concept of “women’s interests” is misleading (Young 2000 and Phillips 1995), the differentiation is helpful as a heuristic tool, as it raises many normative questions as to how the issue should be perceived in view of a democratic coexistence of gendered subjects.

Arguments that problematize the concept of representation also contribute to reinforce the dominant status of this notion in existing political theory. What is problematic in the notion of representation is that it denotes the existence of an already existing common aim of the given group, so that the representative may function as an intermediary, accountable to its assignors. Such a preexisting common aim is something that does not exist with respect to the heterogeneous social category of “women.” In the same manner that there are no common interests of all women, there are no common political perspectives and no common proposals for the resolution of problems (see the debate between Sapiro 1998 and Diamond/Hartsock 1998). Additionally, representing someone means acting in her or his name, and being *accountable* to her or him for any actions I may do (see Pitkin 1967: 8–9). To what instance could women “representatives” of women be accountable? Is the electoral process sufficient to provide such accountability? Furthermore, descriptive representation cannot be considered an advance over representation as accountability, because as a rule, women representatives have no prescribed way of being accountable to women as a social category. As for “fair representation,” it is not something that can be achieved by a decision nor can it be guaranteed in advance, since it depends on the continuing relationship between representatives and the represented, as Phillips (1995) notes in her critique of the concept of representation. She correctly points out that “anyone concerned about the exclusion of women’s voices or needs or

interests would be ill-advised to shut up shop as soon as half those elected are women” (Phillips 1995: 82; also Pantelidou Maloutas 2006).

Other feminist research on women’s political exclusion deals more with the mechanisms that reproduce the problem of a low participation of women in politics, especially party politics and the barriers in the political realm that prevent women from participation and representation. Joni Lovenduski and Pippa Norris (1995) differentiate between a “demand-oriented approach” (Why do parties [not] recruit women?) and a “supply-oriented approach” (Why do women [not] run for office?). While the supply-oriented approach focuses on women—they should change, they should be trained, educated, and encouraged for participation—the demand-oriented approach focuses on parties and voters—how to encourage parties to recruit women and the electorate to vote for women? The shift from a supply-oriented perspective to a demand-oriented approach opened the perspective for the analysis of social structures and the structure of politics and decision-making as male terrains, and as constructing barriers for women in politics.

A variety of other concepts in feminist research, such as “critical mass” (Dahlerup) or “politics of presence” (Phillips), have flourished next to the concept of representation. The argument of critical mass (Dahlerup 1988 and 2006) includes the idea that policy output and style may change as soon as a certain number of female representatives enter decision-making bodies—the critical mass of approximately one-third. In Dahlerup’s concept, numbers do matter since, after the critical mass of one-third of women (in political bodies) is reached, they *might* be able to transform the political agenda or at least change the decision-making style. While some scholars point at the difficulty of critical mass theory to account both for women as individuals rather than as a group and for the dynamic nature of political interactions (Mateo 2005), others support the potential for change of a critical mass of women, especially when these women are in contact with feminist organizations or institutions that promote gender equality (Mazur 2002).

Another strand of feminist literature is characterized by the gender difference argument. Bringing women in politics aims at making a difference in politics. The expectation is that women in parliamentary and government politics will influence the policy agenda and outcomes by bringing a different, supposedly more gender-aware, perspective on public issues (Lovenduski 2005; Norris 1996; Dahlerup 1988 and 2006). As Galligan and Tremblay (2005) point out, the expectation that women will make a substantial difference in politics goes together with an underlying high expectation that women in politics will represent women’s interests, which in turn presupposes a shared gender awareness and common goals among female politicians. The analysis of Childs (2004) on New Labour Party women MPs in the United Kingdom shows that female politicians believed they were representing women’s con-

cerns and achieving gendered outcomes. The contribution that women MPs claim to make, however, is arguable on the basis of the fact that feminist groups do not always recognize it (Galligan and Tremblay 2005). Arguments about difference also discuss shifts in the style and approach to politics that a feminization of the political space would supposedly bring, in the direction of less confrontational and less sexist political institutions (Lovenduski 2005).

There also exists a corpus of feminist literature within democratic theory on how to overcome gender inequality in politics and how to transform representative democracies. Within this scholarship there are at least two arguments that focus on group representation: Anne Phillips' "politics of presence" and Iris Marion Young's group representation. Phillips (1995) suggests that not only political ideas but the experience of women should be present in the policy process. Here, the identity of the representatives and their descriptive similarity with the electorate is crucial (Squires 1999). Phillips argues that the notion of women representing (interests, needs of) women runs into danger of essentialism and ignores the accountability of elected women towards their male and female party constituency. Thus, she pleads in favor of an identity-based argument for group representation, one that holds quota as a means to foster the mere presence of women in politics as a matter of justice, distancing herself nevertheless from the idea that women in politics *represent* women.

A different concept of representation that unites a politics of presence (social representation) with the need to provide fair representation to the ideas of oppressed social groups (functional representation) is Iris Marion Young's (2000) notion of "group representation." Young pleads for both resources and special institutional mechanisms for group representation in order for oppressed social groups to be able to voice their issues in the political arena. She suggests that women as a "serial group" should be represented in politics (Young 1994). According to Young's notion of "gender as seriality," rather than based on similar interests, the unity that exists among women is a result of the material organization of (patriarchal) social relations that, at the same time, is determined by and determine women's position within society.

While the former arguments on group representation have connected the question of justice with recognition, in the last decade feminist democratic theory has put also the question of redistribution (Fraser 1995) on the feminist agenda. This body of scholarship stresses the importance of addressing both recognition and redistribution, by introducing the issue of social or class inequality next to that of gender inequality. Nancy Fraser (1995 and 1997) has argued in favor of bringing attention back to redistribution and, as a result, of refocusing on the ideological conception of representation that the most recent feminist debates had overlooked. This process of refocusing requires linking the struggle for a more fair representation with issues of unequal socio-economic redistribution (Squires 1999). The debate on recognition

and/or redistribution offers yet another perspective on the concept of representation, which can lead the discussion towards how to deal with the intersection of class and gender differences which constitute inequalities, and what type of differentiated solutions could be needed, like for instance deliberation (Fraser 1997 and Young 2000).

Whereas the issue of recognition and redistribution is still related in some way to the main scholarly conceptualizations of the problem as representation, recent research has offered alternatives, such as gendering policy outcomes or reflecting on the notion of women's interests. As comparative gender policy research suggests, in the last thirty years state feminism has developed by integrating women in policy processes (descriptive representation) and by gendering policy outcomes (substantive representation) (Mazur 2001; Stetson 2001; Outshoorn 2004; Lovenduski 2005). New lines of research also address the importance of doing empirical research that respects the undefined character of women's interests (Celis 2005). Gender inequality in politics in this research targets not only the number of women, but also the presence of both the issues and aims of women's movements in policy decisions. However, in spite of their relevance, these alternatives so far seem to be a separate strand that has not influenced the dominant conceptualization of the issue of women and representation in the literature.

### **3. Quantitative Representation of Women: The Major Frame in Problem Definition and Solution<sup>4</sup>**

In this section frames on the diagnosis and prognosis of the problem of gender inequality in politics found in the EU and the member states' policy documents are linked to the conceptual questions of political representation of women. We consider the extent to which the problem definitions and measures are more targeted on parties or on the electorate (political culture), as we saw in the discussion of Lovenduski and Norris (1995); or on polity, politics, or policies (see research on comparative gender policies); or whether the frames tend more to social (identity), functional (interest), or group representation of women as in the theorizations of Phillips and Young.

The debate on gender inequality in politics started in Austria, the Netherlands, Slovenia, and Spain before or around the mid-1990s, while in Greece and Hungary it was most lively around or after 2000. There is a double "narrowness" in the frames

4. See Annex 2 for the numbers of women in elected and decision-making bodies in the case studies and periods selected.

we found. *Firstly*, the problem of women's inequality in politics is framed mainly as women's quantitative underrepresentation in elected decision-making bodies, in political parties, in top positions, and on candidate lists. *Secondly*, it is addressed mainly as inequality in elected bodies such as parliaments, and in state administration, while gender inequality in leadership positions rarely is mentioned. In most of the cases this frame does not reflect quantitative *presence* as defined by Phillips (1995), that is, the presence of different experiences of people, men, and women, but rather expresses the idea of mirror representation. It is the "unequal" physical presence of women in political decision-making that is the problem.

While the range of relevant political institutions varies across countries, it is always *quantitative representation* that is the major frame. Sometimes, like in Austria and the Netherlands, this also refers to top positions and well-paid jobs in the civil service and business sector, where women are underrepresented and men are over-represented. In Hungary, the issue is framed in terms of both low levels of women in politics (quantitative presence) and of the disadvantageous position of women in high-ranking positions in the public sphere (politics, public administration, and labor). In Slovenia it is also, though more rarely, defined as women's underrepresentation in all public spaces. Here, moreover, we find reference to an unequal representation of *men* in the judicial powers where women's numbers seem to prevail, which could be labeled as a "poor" men's frame. In Greece the issue is mainly framed as "few women in decision-making" and as a lack of equal opportunities for women in political decision-making (Pantelidou Maloutas 2005). In the Netherlands, unequal distribution of power and influence between the sexes is a noticeable problem framing. The notion of "balance" plays a central role. In Spain, where representation is the most present issue, the low participation of women is a question, whereby the term "participation" refers to "presence" of women in political parties, decision-making, and elected bodies. The argument about women's unequal representation is sometimes articulated as a lack of "parity democracy," in which a more equal representation is interpreted as a sign of a more democratic representation.

Whether the problem is articulated as women's representation, participation, or presence, in all countries it is framed in terms of *numbers* and *shares*. In some cases the issue is even presented in terms of target figures set by national governments and European institutions (percentages of women in elected and decision-making bodies), which is the case for the EU, the Netherlands, Austria, and, to a lesser extent, Slovenia.

The major voices speaking in this frame, in all countries and the EU, are almost exclusively the policymakers' voices, in particular female policymakers, female MPs, or party women, with some cases in Spain, Slovenia, and Greece where a civil society voice is observable as well, though to a very limited extent. While the speakers in

all frames make reference to international documents, treaties, and agreements to support their diagnosis (UN and EU documents), reference rarely is made to gender experts and civil society actors.

Problem definitions and solutions tend to be located at the level of *individual women*. Women are seen as the problem-holders because they lag behind men in political representation, and in this sense they are implicitly compared to the norm-group “men.” The solution mentioned is that women should change or be encouraged to run for office and be trained to become politicians, which shows a focus on the “supply-oriented” approach. Policy discourses, thus, tend to reproduce traditional gender stereotypes about the active male citizen and the inactive female citizen who has a problem with the functioning of democracy. The normative scale to define who has a problem, and indirectly who is not a competent enough citizen, may also include race and ethnic stereotypes, as for instance in the Netherlands, where a specific group of women—“allochthonous (migrant) women”—is seen as the problem group. Only very few documents and frames depict men as problem-holders and responsible for gender inequality in politics. Austria is one of the countries where the frame of male networks being responsible for female underrepresentation is at least mentioned.

The solution of the problem framed as women’s quantitative underrepresentation is to *raise the number of women* in politics. Policymakers in different countries differ in their choice of strategies to raise the number of female representatives, for instance, through quotas or target figures. In policy discourse there is little debate on *why* bigger numbers of women in politics should be the main goal. Arguments in favor of women’s increased numbers sometimes are made in the name of democracy and equality, in particular in the EU, Spain, and Greece. However, neither the question of justice nor more functional questions—be they framed as representing women’s interests or needs, or as changing the output of a policy towards more women friendly politics—are discussed in the documents. The aim of parity of number is seen as the main achievement and the main goal, to be accomplished through means such as quotas, mentoring of women, monitoring of affirmative actions, and gender mainstreaming.

Turning one’s eyes to only the numbers seems to be a very basic approach to inequality, because it narrows the problem down to the mere physical presence of an essentialized group and restricts the range of possible aims and strategies for solving the problem. Yet, public space is about physical presence as well, and policymakers may try to rely on the “critical mass” argument in order to put the issue on the agenda (Dahlerup 1988 and 2006). Another problematic aspect of only or mainly relying on numbers is the shortcut made between women (present in political bodies) and the qualitative or substantive representation of women. Most of the policy documents

analyzed in this study implicitly suggest that women “as women” would act in favor of substantial female representation, that they will (automatically) act for a women-friendly outcome of politics. The underlying assumption of this mechanism is that quantitative representation automatically leads to substantive or qualitative representation of women. However, not only empirical results show that the idea of a “critical mass” has to be differentiated (Tremblay and Pelletier 2000), but also large sectors of contemporary gender literature acknowledge that women’s common identity “as women” risks reducing the multiplicity of different women’s positions into one essential hegemonic identity that excludes women’s differences.

#### 4. Alternative Frames on Gender Inequality in Politics: Broadening the Approach

The analyzed policy documents also include other problem definitions that do not occur as frequently or as comprehensively as the quantitative representation frame, but suggest interesting alternative definitions and solutions to the problem of gender inequality in politics. However, most of them refer to a notion of representation too. One set of them still presents a *narrow framing* of the issue, in that it keeps arguing *why it is a problem* that decision-making bodies have low numbers of women. If there are no women in politics, the argument goes, women’s interests are not represented or put on the agenda, representatives do not “act for” women and there is no women-friendly outcome of politics. Documents do not differentiate between “standing for” and “acting for” and most of them again assume that the low number of women is the reason that women’s interests are not represented and that the policy outcomes are not women-friendly. Mostly, in the conception and framings of European policymakers there is a sometimes overt, sometimes latent preconception that women in politics necessarily represent women.

A more utilitarian variation of the same frame asks why quantitative underrepresentation of women might cause a problem for democracy. This could be labeled the *women difference* frame: if women are underrepresented, the argument says, politics is lacking the feminine part. This frame is grounded deeply in essentialist notions of femininity, opposite to a naturalized masculinity in politics. Moreover, the frame is combined with a utilitarian discourse that aims at bringing in women’s capacities as a means to further “democratize democracies.”

Another framing of the problem of why quantitative underrepresentation is a problem for a polity is that it is a symbol for a country lagging behind European standards. This *Europeanization or modernization* frame wants to encourage policymakers by blaming countries for lagging behind in the European context. As it can

be expected, this framing of the problem has a clear East-West divide, in that it occurs in Hungary and Slovenia, former state-socialist countries, and in Greece, part of the EU since 1981. However, it does not occur in Spain, which is part of the EU only since 1986.

While most policy frames focus on women's need to change, fewer frames suggest that the structures of the polity are the problem, for instance, election laws that disadvantage women or parties that do not nominate women to run for office (demand frame). The solution then would be to change the polity and to focus on parties as gatekeepers. Only a small set of frames presents this somewhat *broader approach* to the problem, often departing from the causes of quantitative and qualitative underrepresentation of women in politics. Such frames can be grouped around the *women-unfriendliness of the polity* and the political structures. These frames include reference to the gender bias of existing electoral systems and to a *poor or weak policy of affirmative action in politics*. Framing also refers to the *social structure* either described as male dominance in society or as patriarchy. The gendered division of labor and discrimination of women in the labor market are seen as causes for political inequality. Similar framings are gathering around *social citizenship* and the lack of social infrastructure or a *bad social policy* to overcome structural inequalities, by proposing to change the existing sexual division of labor and underlying social inequality. In this group of frames that pay a greater attention to the structural causes of gender inequality, social structures are mentioned and made responsible for the problem, such as power structures and patriarchy or the majority electoral system. However, these frames rarely are found in official policy documents, and if they are present, they are expressed through the voice of gender experts (in the case of the EU, the European Parliament Committee of Women's Rights), activists, and left-wing politicians.

The broader approach to the problem of gender inequality found in the last group of frames can also be traced in frames that focus on the need to build *velvet triangles* (Woodward 2004) between state feminists, party women, and women's movement in order to empower women's political action. The frame on *gender mainstreaming* points at the relevance of tackling the problem of gender inequality in politics through incorporating a gender perspective in all public policy areas. This frame, which occurs more frequently in the Netherlands, Austria, Spain and, to a lesser extent, in the EU, suggests that the aim of integrating gender into all policies can be achieved through measures such as gender impact assessment or monitoring the progress of women through the elaboration of indicators for follow-up and the gathering of gender-specific statistics.

A strong frame on men as the cause of the problem of gender inequality in politics does not exist. On the contrary, the *poor men's frame*, which is mainly found in texts opposing quotas, sees men potentially outnumbered by women because of quotas

and paints the picture of a supposedly threatening feminization of the sphere of power. While a general call to *change political culture* through awareness-raising measures is rather frequent in the policy texts across countries, and particularly in the EU, a frame to *change the male political elite* is far more rare and would indeed be a paradigm shift in the prognosis towards changes in the political representation of men. This frame appears in Austrian documents a few times, with reference to the need for men to renounce their power and to bring more women in politics, and in Spain only in a single case of male self-criticism concerning the existence of machismo within parties.

### 5. Inconsistencies and Absences in the Framing of Gender Inequality in Politics

Our analysis of policy documents dealing with gender inequality in politics shows evidence of inconsistencies, absences, and competing policy frames. A first inconsistency is that the relation between diagnostic and prognostic frames is *unbalanced towards solutions* to the problem, since policy texts tend to focus on proposing measures to solve a problem that has not been diagnosed in the first place. One of the consequences is that the suggested solutions are provided without a thorough analysis of the situation of gender inequality in politics. This could indicate that the proposed measures inadequately answer the complex reality of the problem and that, to be more effective in problem solving, policies would require a more comprehensive diagnosis of gender inequality in politics. The reasons for a poor problem definition could be due either to the lack of knowledge and conceptual clarity on the part of policymakers, or to the lack of political will to provide a more articulated diagnosis that would challenge existing gendered power hierarchies.

Another inconsistency is that even where policy documents focus on both *prognosis and diagnosis*, these *do not necessarily match*. The diagnostic frame on the problem of male domination and patriarchy has no matching frame in prognosis that, for instance, would propose measures to overcome the structure of male domination in society and politics. The democracy frame in the problem definition has no matching solution frame that would say that democracy necessarily needs instruments and measures to represent gender differences in order to function well.

The lack of consistency and the existence of competing premises is particularly relevant for understanding the potential dangers in the implementation of policy measures. For example, the lack of a parallel discourse on changes to the male political elite required for aiding the entrance of more women into elected and decision-making bodies could suggest wrongly that male change is not needed to bring about

gender equality in politics. This situation could occur because the dominant prognostic frame of *increasing the number of women* through quotas and positive actions does not correspond to a parallel frame that suggests a *change of the male political elite*. As a result, this could create a potential conflict between the proposed measures to increase women's numbers and the missing measures demanding male politicians change their patriarchal attitudes in order to facilitate women's entry in the currently male-dominated political institutions. Frames do not only reveal inconsistencies but also *absences in the discourse*. Most of the documents, with few exceptions, such as Austria, mainly focus on women as the main problem-holders and *men* as the implicit or explicit norm group. Furthermore, the message to "encourage women" is ambiguous, as it provides women with resources for entering politics, while confirming a patronizing idea that women need encouragement and support, while men do not need training and information on the causes of male domination in politics, its effects on women and society, and the development of more gender equal attitudes. Moreover, since men are implicitly measured to a double normative standard, being the norm to whom women should conform to and the group dominating power positions, the premises that may allow women to challenge such power appear rather weak.

Absence can also be interpreted as lack of articulation, for instance, of *roles*, or as *lack of voice* of certain actors. In most frames where specific roles are absent, gendered structures of power—addressed as patriarchal structures or women-unfriendly electoral systems—are mentioned as responsible for the problem. Voices speaking in the texts are policymakers, mostly women. This in itself appears like an argument in favor of increasing the number of women in politics, otherwise the issue of gender inequality in politics would not be raised at all. Gender experts and the women's movement rarely appear in official texts, but when they do so they usually give voice to the frames that show a more structural approach to the problem and solution.

## 6. Gendering Inequality in Politics and Neglecting Other Inequalities

The issue of inequality in politics appears explicitly gendered because the unequal roles of women and men are far more visible here than in other policy areas. But how is this explicit genderedness treated in the analyzed texts? What meanings are attributed to gender? In most of the policy documents, women (and men) are seen as a homogenous group—either with similar characteristics and potentials or with similar interests. The gendering strategy varies according to the type of frame in the diagnosis or prognosis. When the frame is quantitative representation, the major framing of the issue, texts mainly take into account the physical presence of given women and thus focus on the mere sex of people. In diagnosis, the (physical) lack of

women is seen as the major problem of gender inequality in politics. The same applies to the policy solution of raising the number of women. In both cases, gender seems to represent a mere “natural” sex and a given, fixed, and dichotomous category: women opposed to men according to their “sex.” Moreover, most times women are the main focus of diagnosis and prognosis—it is not men’s over-representation that is depicted as a problem, but women’s underrepresentation. Since they do not frame the issue in relational terms, nor do they take into account the socially constructed dimension of the relation between women and men, policy documents on gender inequality in politics actually appear to be gender-blind.

The notion of physical presence of “natural sex” that we found to be the core of most problem definitions and solutions in our policy documents studied here differs from the idea of Phillips who distinguishes the “presence of ideas” and the “presence of people, of experiences.” Only in the *gender difference* frame—where the lack of women is depicted as a lack of women’s qualities and characteristics in politics or when women are expected to bring something different into politics—are women treated as gender rather than naturalized sex. However, this framing relies upon essentialist ideas of women’s characteristics, which are supposed to be all the same and different from men’s characteristics in politics.

The little consideration for the social dimension of gender is also reflected in the fact that women as a category are not “internally” differentiated in terms of social differences. The interplay of gender with other social differences and inequalities such as ethnicity, class, and social status or age is absent in almost all policy documents on gender inequality in politics. Differences only occur as differences in political ideology, that is, as differences among women belonging to different parties. A sign of the absence of concern for intersectionality is, for instance, the fact that the lack of voting power for migrant women is not seen as a problem of gender inequality in politics in the analyzed documents. This absence is particularly striking given the historical background of women’s struggles for the vote in Europe.

## 7. Comparing Gender Inequality in Politics across Europe

Our analysis of policy documents on gender inequality in politics shows that in the six countries and in the EU the main frame presents the issue as a quantitative problem that should be solved by increasing the number of women in politics. Keeping in mind this generally uniform trend in the framing of the problem and solution, our analysis also shows specific country patterns in framing the issue of gender inequality in politics. It shows some differences between the southern countries (Spain and Greece) and the EU, as well as between younger and less stabilized

(Greece, Hungary, Slovenia, and Spain) and older and more well-established democracies (Austria and the Netherlands). The pattern can also be described in terms of differences between liberal democracies and former socialist countries. The latter had a tradition of women's quotas in parliament, although imposed from above.

In the problem definition, the EU, Austria, the Netherlands, and Slovenia share a focus on targets, percentages of women in political institutions that must be achieved, while this frame is not so strong in Greece, Hungary, and Spain. In this sense, there exists a North/EU-South divide, in which northern countries share with the EU a "public management" discourse on achieving target figures, but there is not a clear East-West divide. Due to the socialist legacy of tokenism, post-socialist countries tend to be against quotas. In this respect, the Slovenian focus on achieving a certain percentage of women appears as an exception when compared to other post-socialist countries, including Hungary. The role of the state in the frames differs too. The southern countries do not blame the state for its failed policies on representation. This frame is present in countries either with strong corporatist structures or a state-socialist tradition—in Austria, the Netherlands, Hungary and Slovenia, as well as in the EU. Moreover, the interpretation of women's underrepresentation as a failure of democracy is more present in the EU, Spain, and Greece, partially in the former socialist countries, but not in Austria and the Netherlands, countries that perceive themselves as stable and "good" democracies.

While the EU shares the frame of the gendered division of labor as a problem for gender inequality in politics with the former socialist countries as well as with Spain and Greece, this frame is less strong in the Netherlands and Austria where again corporatist traditions, characterized by state's negotiations with employers' organizations and trade unions, might have established the hegemony of the class cleavages. The frame of Europeanization—in which the lack of female representation is framed as a problem of fitting into Europe—is present in the analyzed post-socialist countries Hungary and Slovenia. In Greece, a country in which the modernization/tradition divide has deep cultural roots, the framing of gender inequality in politics is linked to the discourse on the need for modernization of the country. By contrast, the weakness of the "Europeanization" frame in Spain is striking. Despite the evidence that Spanish gender policy has been Europeanized since Spain's membership in 1986, and that Spanish state feminists recognize the key role of the Union in supporting progress in Spanish gender policy, official documents analyzed here do not emphasize the need to comply with EU policies to increase women's representation. This official disregard shows the poor record of implementation of EU gender legislation on the part of Spanish courts and legal practitioners (Lombardo 2004).

The countries' problem solution patterns are more uniform than they are in diagnosis. The main uniformities across countries and the EU at the level of prognosis

consist in framing the general goal of policies on gender inequality in politics as women's quantitative representation. Quotas are present and dominant on the EU level and in all other countries, with the exception of Hungary and the Netherlands, where this is a minor frame. In general, it is common to propose the adoption of a state regulation as a major strategy to overcome the problem of gender inequality in politics, a suggestion less frequent only in Greece and the Netherlands.

A gap between the EU and the member states appears in the monitoring processes, mainly at the EU level, while it is absent in the nation-states. The EU emphasis on monitoring rather than regulatory activities can be explained due to the lack of EU competence in the area of gender inequality in politics. In effect, the monitoring progress of women in politics is a frame typical of the EU approach to gathering information, statistical data, and monitoring activities to support member states in policy implementation. However, the lack of this frame at the national level is evidence of a poor culture of evaluation of public policies in the member states that could hinder an effective implementation of other EU policies too.

The overall picture is more differentiated when it comes to the type of approach that should be adopted to solve the problem and the actors that should do something about it. As far as the adoption of a broader approach to policymaking is concerned, in spite of the (mainly soft) EU legislation on gender mainstreaming, the latter is in fact a weak frame at the EU level for solving the problem of gender inequality in politics. At least at the rhetorical level, the frame is rather strong in Spain and the Netherlands, and less frequent but present in Austria. Rather than focusing on gender mainstreaming, Greece recurrently uses women's capacities as an argument for solving the problem of gender inequality in politics. Such a gender difference argument is uncommon in the remaining countries. It is absent on the EU level, in Slovenia, and in the Netherlands, and it is a minor frame in Hungary, Austria, and Spain.

With respect to who should do something to solve the problem, the EU and Spain suggest the strategy of encouraging women to participate in politics (a "supply-oriented" approach). The option of making parties responsible for the solution is absent only at the EU level, while it is present in Slovenia and Austria, less frequent in Spain and the Netherlands, and weak in Greece and Hungary. This may depend on several factors, among which are different national traditions of demanding the accountability of political parties, the centrality of the party system in the functioning of democracy, parties being more or less trustworthy, etc. Finally, the idea that a "triangle of empowerment" between femocrats, female politicians, and women's movement actors would contribute to the solution of gender inequality is not a strong frame in the debates, possibly due to the limited presence of feminist voices in the documents: only in Spain this appears as an important strategy, while it is absent in Greece, and less frequent or weak in the other case studies.

If we look at what should be the object of change, member states and the EU place the emphasis on different aspects of the solution. Some countries, such as Slovenia and Spain, partially, show a special interest in changing the polity like the election system or the constitution. This frame is less strong in Austria and the Netherlands and is weak at the EU level. When the object of change is the gendered division of labor, the frame is strong only in Spain and the Netherlands, while it is less frequent at the EU level and in Hungary, and a weak frame in Greece and Austria. Changes in the political culture, for instance, concerning the perception of women politicians in society, are strongly recommended only in Spain, while this is a less strong framing at the EU level and in the Netherlands, and a weak frame in Greece and Austria. In conclusion, although clearcut shifts and cleavages between South/North and East/West cannot be identified in the framing of gender inequality in politics across Europe, a number of group and specific country patterns could be found that concern small variations in the major frame and in the articulation of alternative frames.

## 8. Conclusions

From Pitkin (1967) onwards, the literature on gender inequality in politics has placed the concept of political representation at the core of its theorizations. In this respect, our analysis presents analogies with existing scholarly debates, as it shows clearly that the major framing of the problem and the solution across all countries and the EU remains that of women's quantitative political representation. This has important implications. When using this frame, policymakers implicitly or explicitly are relying on a (normative) theory of democracy: democracy is representative democracy and representation is about numbers of people—the majority rule. Policymakers mainly stick to the idea of quantitative representation, but they do not argue why raising the number of women should contribute to democracy.

In this sense, it appears as if concepts such as Phillips' "politics of presence" or Dahlerup's "critical mass" are somehow in the background of policymakers' debates, although the latter seem to lack articulated arguments (that are present in the literature) to support their standpoints. This might explain why the quantitative shift proposed in the majority of policy discourses on gender inequality in politics rarely is seen to be in need of shifts in power and political structures. Policymakers seem to adopt a rather simplistic approach to the problem, when in fact the change required to bring about political equality appears more complex than a shift in numbers may suggest (Lovenduski 2005; Lombardo and Meier 2006).

Indeed, a mere focus on numbers not supported by other structural measures that address, for instance, reconciliation of family and personal life with politics and

targeting male politicians, could have the effect of de-politicizing the issue. This is because, although setting targets can have its positive side by giving an easy visibility to the issue, a predominantly numerical framing may risk suggesting that the problem of gender inequality in politics can be solved by achieving some target figures, not by changing existing gendered power relations. This dilemma has been conceptualized as the “benchmarking fallacy” of women in political decision-making (Meier et al. 2005).

Apart from the co-occurrence of the quantitative frame in all countries, there emerge articulations of minor frames that provide interesting insights on the nature of the problem of gender inequality in politics. Some of the issues that emerge in the frames are debated in the literature on political representation, particularly with respect to the barriers to women’s political participation represented by party and electoral politics (Lovenduski and Norris 1995). Policy frames found include, among others, male domination and patriarchy, the unfriendliness of electoral systems to women candidates and voters, the importance of women’s triangles of empowerment, and structural obstacles to women’s political representation caused by the gender division of labor in society as a preconditioning structure of politics as a profession.

These alternative frames appear more often in the discourse of gender advocates, such as women politicians from left-wing parties (often with a feminist background), gender experts, and civil society actors. However, the extremely limited reference to the voice of civil society actors, gender experts, and women’s movements in official policy documents shows that the contribution they could offer to the framing of the problem and the solution of gender inequality in politics is inevitably limited. The absence of their voices and their debates apparently affects the terms in which the problem and solution of gender inequality in politics is debated in the political arena, thus narrowing the definition of the issue only to the concerns voiced by policymakers. The small presence of issues analyzed in the policy documents, such as gendering policy outcomes (Mazur 2001; Stetson 2001; Outshoorn 2004; Lovenduski 2005) and reflecting on the notion of women’s interests (Celis 2005), that we find in most recent scholarly studies in gender and politics could perhaps also be connected to the absence of the voice of gender experts and women’s movements in policy debates.

The policy field discussed in this chapter is gendered in a specific way—it is about the deficits of women in politics. Although documents generally do not blame women directly for gender inequality in politics, women are presented as the problem holders. It is mainly women speaking in the documents, and policy recommendations mainly address women (very rarely men)—if not social structures like general social inequality, sexual division of labor, and patriarchy. Men appear as the implicit norm group and are not asked to change. The concept of gender that is adopted in most policy documents analyzed shows that the issue of gender inequality in politics is not generally framed in substantially transformative terms across Europe. It seems

to pursue practical gender goals related to women's inclusion in the existing political world rather than strategic objectives of transformation of the existing gender order. Difference arguments can be found but are not dominant. Furthermore, the reference to social structures in the frames is helpful for analyzing the problem and exploring the causes of female underrepresentation. However, since this approach is combined with an implicit norm of men and concrete responsibilities are missing when it comes to policy action, the solution might be difficult to achieve. Finally, issues that we find in the literature linking recognition and redistribution, such as Fraser's (1995 and 1997) reflections on the intersection between class and gender inequalities, are extremely rare in the analyzed texts, as are all references to intersectionality.

While country patterns show a general uniformity in the major quantitative framing of the issue, the comparison between nation-states and the EU level shows that the EU makes general diagnoses and recommendations that do not necessarily adapt to the polity and politics of the different nation-states (for instance, different party systems, different polity arrangements). Moreover, since it has no competence on gender inequality in politics, the EU makes general statements about the problem and solution of gender inequality in politics but its action is based on "soft" rather than binding measures that reduce its impact on member states.

Finally, the framing of the issue of gender inequality in politics reveals a number of inconsistencies like: the unbalance towards the prognosis of the problem, which shows a poor diagnosis; a mismatch between diagnostic frames on the problem of male domination that are then left with no solution challenging the male standard; or essentialist perceptions of women and gender that hinder the effective implementation of gender equality policies. It seems that to formulate more transformative and effective policies to solve the problem of gender inequality in politics, policymakers should become more aware of such inconsistencies in order to design more coherent policies. The awareness of inconsistencies would help them, for instance, to adopt a broader approach to the issue of gender inequality in politics, that would tackle not only the number of women in politics but also more structural issues concerning the challenging of male domination in politics and the unequal sexual division of labor. Or it could serve to make women *and* men, rather than only women, the main subjects holding the problem of gender inequality in politics and the main responsible for solving it. This would require change from male political elites too, thus initiating a process that we could name *taming the male sovereign*. This approach, however, seems to rely on the political will to open debates on the meanings of gender equality in politics with a wider range of political actors, including civil society and the feminist movements. The most direct challenges to male domination in politics often come precisely from the discourse of these neglected actors. In this respect, the inclusion of alternative articulations and voices could open up new possibilities for

representing the problem and solution in ways that go beyond the major quantitative framing of the issue, ways that could even approach the issue in more structural and defiant terms.

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## Annex 1.

### *List of Texts on Gender Inequality in Politics Analyzed by the MAGEEQ Project*

#### **Austria**

1. ÖVP party program (1995).
2. Article in *Die Presse* (October 1995).
3. Article in *Die Presse* (January 1996).
4. Dissenting opinion on equal treatment report (December 1996).
5. Article of *Die Presse* (January 1997).
6. Article of *Der Standard* (October 1998).
7. SPÖ party program (1998).
8. FPÖ deputies on amending Federal Equal Treatment Act (June 1999).
9. SPÖ deputies on amending Federal Equal Treatment Act (June 1999).
10. Liberal Forum deputy on Federal Equal Treatment Act (June 1999).
11. ÖVP deputies on amending Federal Equal Treatment Act (June 1999).
12. Green Party deputies on Federal Equal Treatment Act (June 1999).
13. Austria's 5<sup>th</sup> CEDAW report (September 1999 and April 2000).
14. Article in *Der Standard* (September 2000).
15. Article in *Der Standard* (July 2001).
16. Green Party program (2001).
17. FPÖ Women's Initiative statement on quota (March 2002).
18. Article in *Der Standard* (December 2002).
19. Article in *Der Standard* (January 2003).
20. Government program (February 2003).
21. ÖVP deputy's statement on quota (July 2003).
22. Statement on new Federal Equal Treatment Act (September 2003).

#### **European Union**

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3. Charter of Rome (1996) Summit on "women for the renewal of politics and society."
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13. European Parliament Committee on Women's Rights and Equal Opportunities (2000). Report on the Commission report on the implementation of Council Recommendation 96/694 of December 2, 1996 on the balanced participation of women and men in the decision-making process. COM(2000) 120—C5-0210/2000—2000/2117(COS).
14. EP debate 96/694 report: European Parliament plenary debate on balanced participation of women and men in the decision-making process (COM(2000) 120—C5-0210/2000—2000/2117(COS))
15. EWL (2004) Lobbying Kit: European Women's Lobby Lobbying Kit for European Elections 2004. "Have we got the balance right?"
16. European Parliament Committee on Women's Rights and Equal Opportunities (2004) Report on the elections of 2004: How to ensure balanced representation of women and men. A5-0333/2003.

## Greece

1. Parliamentary discussion on the amendment of Law 2910/2001, Article 75, on the application of quotas in municipal elections.
  - M. Damanaki's speech
  - R. Zisi's speech
  - V. Papandreou's speech
  - E. Kourkoulas's speech
  - P. Foundoukidou's speech
  - K. Papacosta's speech
  - O. Kolozof's speech
2. Papandreou, V. (2003) Speech "Women in Posts of Responsibility: New Policies." May 7, 2003.
3. Soula Efthymiou (2003) Speech "Women Intervene in Local Society" at the regional conference of Pasok women of Thessaly, Greece. May 11, 2003.
4. Center of Research on Equality Issues (2004) "New Directions, Vote for Women, Women in Decision-making." Pamphlet prior to the 2004 parliamentary elections.
5. Diamantopoulou, A. (2001) Speech "Women, A Force for Development and Renewal in Political and Social Life" Panhellenique Conference of Pasok's women section, September 24, 2001.

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2. Alliance of Free Democrats [SZDSZ] (1999) Equal Opportunities for Men and Women.
3. Wiener, György and Mónika Lamperth, Socialist MPs in opposition, Hungarian Socialist Party or MSZP (2000) Proposal for reducing unequal opportunities of women and men in national parliamentary election procedures. March 2000.
4. Parliamentary Temporary Committee Preparing the Reform of the Election System (2000) Protocol. September.
  - a) Péter Hack (liberal MP in opposition, SZDSZ): comments during the debate on the decision whether the Temporary Committee Preparing the Reform of the Election System supports the proposal of MP György Wiener and MP Mónika Lamperth.
  - b) György Rubovszky (right-wing MP of governing party, FIDESZ), Zoltán Balczkó (radical right-wing MP in opposition, MIÉP), Béla Pokol (right-

wing MP of governing party, FKG): comments during the debate on the decision whether the Temporary Committee Preparing the Reform of the Election System supports the proposal of MP György Wiener and MP Mónika Lamperth.

- c) György Wiener (socialist MP in opposition, MSZP): comments during the debate on the decision whether the Temporary Committee Preparing the Reform of the Election System supports the proposal of MP György Wiener and MP Mónika Lamperth.
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8. Ministry for Justice (2002) Concept and Draft Law on Equal Treatment and Equal Opportunities. November.
9. Protocol of the plenary session of the Parliament on the project for the Law on Equal Treatment and the Promotion of Equal Opportunities, No. T/5585. October–December 2003.
  - a) Péter Harrach (right-wing MP in opposition, FIDESZ): comments during the debate on the project for the Law on Equal Treatment and the Promotion of Equal Opportunities.
10. “Women in Power and Decision-making” (2004) Preliminary country report on the implementation of the Beijing Action Program (internal affairs), 1999–2004.

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2. EER electoral system (1996) Gender Impact Assessment on the proposition for a mixed electoral system. July 1996.
3. Cab Standpoint (1996) Cabinet Standpoint on Women in Politics and Public Governance 1996/Letter from the Minister of the Interior (22777, No. 8). November 13, 1996.
4. Parliamentarian Committee for Social Affairs and Employment (1999) “Women in Politics and Public Governance” (KS 22777-11), Minutes of

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5. Leyenaar (1999) Power and Decision-making: on emancipation and participation. Exploration of the field on behalf of the Dutch women's policy machinery. May 1999.
  6. MJB (2000) Mid-term Policy Plan on Emancipation 2000. November 15, 2000.
  7. Adviesstelsel (2000) "A World to Gain." TECENA'S final report on the advisory system with conclusions and recommendations. December 2000
  8. Minister of the Interior and Kingdom Relations (2001) Letter from the Minister of the Interior and Kingdom Relations informing the Second Chamber of Parliament about the cabinet's resolutions concerning possible arrangements for pregnancy and delivery leave for politicians. April 6, 2001.
  9. Parliamentary Committee for Social Affairs and Employment (2001) Minutes of the General Meeting of the Parliamentary Committee for Social Affairs and Employment consulting the Secretary of State on Social Affairs and Employment A. Verstand on the cabinet's reaction (letter of October 1, 2001) to CEDAW's reaction to the second and third national report (28009, No. 7). November 28, 2001
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  13. Policy Article 12 (2003) Annual presentation of emancipation policy resolutions. September 2003.
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  15. Mediakesstelsel (2004) "New Electoral System Does Not Solve the Problems." Opinion in NRC *Handelsblad*. February 19, 2004.

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2. Act on Equal Opportunities of Women and Men (2002) Discussions at the National Assembly, 17<sup>th</sup> session. June 20, 2002.
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4. Letter to the presidents of the political parties and invitation to the public discussion “European Elections—Challenge for Equal Opportunities of Women and Men in Slovenia.” October 20, 2003.
5. Constitutional Commission (2002) Public presentation of opinions at the Constitutional Commission of the National Assembly. “Promoting Equal Opportunities of Men and Women in Standing as Candidates at Elections.” October 28, 2002.
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7. Proposal for starting the procedure to change Article 44 of the Constitution (Encouraging equal opportunities of men and women to run for election). September 20, 2002.
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10. Proposal for starting the procedure for the change of the Constitution of the Republic of Slovenia with the draft Constitution Law. November 30, 2001.
11. Proposal of the Act on Changes and Amendments of the Act on Political Parties. Discussions at the National Assembly, 38<sup>th</sup> regular session. February 28, 1996.

MP (m), SDS, President of the Committee for Internal Affairs and Justice.

MP (m), United List of Social Democrats, Representative of the submitters of the changes.

MP (f), Liberal Democracy of Slovenia, President of the Women’s Policy Commission.

12. Letter to MPs about the changes and amendments to the Act on Elections of MPs of the Republic of Slovenia to the European Parliament. January 16, 2004.
13. Report to the proposal of the Act on Changes and Amendments to the Act on Elections of MPs of the Republic of Slovenia to the European Parliament. January 21, 2004.  
     Spokeswoman of the Office for Legislation and Judiciary  
     Spokesman of the government
14. Report to the proposal of the Act on Changes and Amendments to the Act on Elections of MPs of the Republic of Slovenia to the European Parliament by Members of the Committee of the Interior. January 21, 2004.
15. Parliamentary debate on the Proposal of the Act on Changes and Amendments to the Act on Elections of MPs of the Republic of Slovenia to the European Parliament by MPs of position parties. February 26, 2004.
16. Parliamentary debate on the Proposal of the Act on Changes and Amendments to the Act on Elections of MPs of the Republic of Slovenia to the European Parliament by MPs of opposition parties. February 26, 2004.
17. UN Convention on the Elimination of all Forms of Discrimination Against Women; Second Report of the Republic of Slovenia on the Implementation of the Provisions of the Convention to the Committee on the Elimination of Discrimination Against Women, January 1999.
18. UN Convention on the Elimination of all Forms of Discrimination Against Women; Third Report of the Republic of Slovenia on the Implementation of the Provisions of the Convention to the Committee on the Elimination of Discrimination Against Women, December 2002.

## Spain

1. Third Plan for Equal Opportunities between women and men 1997–2000.
2. Fourth Plan for Equal Opportunities between women and men 2003–2006.
3. Third Equality Plan Basque Country 1999–2000.
4. Fourth Governmental Action by the *Catalonia Generalitat* in Equal Opportunities for Women (2001–2003).
5. Fourth Equal Opportunities Plan for Women and Men in the region of Madrid 2002–2005.
6. The Socialist Party's (PSOE) Equality Plan, April 26, 2002.
7. Parliamentary debate on women's rights. April 22, 1997.
8. Law proposal from November 16, 2001 on a reform of the electoral Law 5/1985, June 19.

9. Law 11/2002, June 27, for modifying the electoral law 5/1986, December 23. Castilla-La Mancha.
10. Debate on three law proposals on guaranteeing equality among men and women in their access to electoral positions. April 8, 2003.
11. Fernando Lazaro and Nuria San Roman (1999) "Aznar and Borrel State their Differences Regarding Policies for Women" *El Mundo*. March 7, 1999.
12. Women's Movement Manifesto for Parity (CELEM—Spanish coordinator for the European Women's Lobby)
13. María Durán (1999) 'Initiatives and Reforms of Electoral Legislation. Modifications in the Norm of Financing Political Parties' *Towards a Parity Democracy: Analysis and Review of the Current Electoral Legislation*.
14. Socialist Party [PSOE] (2004) Electoral program.
15. Leftist Party [IU] (2004) Electoral program.

## Annex 2.

*Table 1.*

*Percentages of Women in Parliaments and Cabinets from 1995 to 2004*

Country	1995		2000		2004	
	Parliament	Cabinet	Parliament	Cabinet	Parliament	Cabinet
Greece	6.3 (1996)		8.7 (2000)		13.0–14.0 (2004)	President 0 JM 0 SM 17 (2006)
Slovenia	7.8 (1996)		—		12.2 LH 7.5 UH (2004)	President 0 JM SM 6 (2006)
Hungary	11.4 (1994)		8.3 (1998)		9.1 (2002) 10.4 (2006)	President 0 JM 20 SM 12 (2006)
Austria	26.2 LH 20.3 UH (1995)		26.8 LH 20.3 UH (1999)		33.9 LH 27.4 UH (2002)	President 0 JM 0 SM 55 (2006)
Spain	24.7 LH 13.3 UH (1996)		28.3 LH 22.8 UH (2000)		36.0 LH 23.2 UH (2004)	President 0 JM 50 SM (2006)
Netherlands	31.3 LH 22.7 UH (1994)		36.0 LH 26.7 UH (1998)		36.7 LH 29.3 UH (2003)	President 0 JM 50 SM 31 (2006)
<i>EU</i>	1995		2000		2004	
	Parliament	President	Parliament	President	Parliament	President
	President 0 26.8 (1994–1998)	President 0 25.0 (1995–1998)	President 31.0 (1999–2001)	President 0 25.0 (1999–2001)	President 0 30.0 (2006)	President 0 29.0 (2006)

*Notes:* LH stands for Lower House, UH stands for Upper House, JM stands for Junior Ministers, and SM stands for Senior Ministers.

*Sources:* Data for the Parliament come from Inter-Parliamentary Union, <http://www.ipu.org>; data for the cabinet come from European Commission, DG Employment, Database on Women and Men in Decision-making, as it is for data concerning the EU institutions, [http://ec.europa.eu/employment\\_social/women\\_men\\_stats/index\\_en.htm](http://ec.europa.eu/employment_social/women_men_stats/index_en.htm).

# The Pregnant Worker and Caring Mother: Framing Family Policies across Europe

*Petra Meier, Elin Peterson, Karin Tertinegg, and Violetta Zentai*

## 1. Introduction

Modern and late modern societies (still) nurture and regulate their members in and through various family patterns. Family formations create interfaces between the private and the public, mediate the movement of individuals between the realms of labor and the household, and facilitate complex cultural and material exchanges between generations. Due to their persistence in organizing social ties and affairs, families are subject to state practices, and capture the attention of almost all political ideologies. As a consequence, families stand at the crossroads of various policy actions that directly or indirectly guard citizenship, welfare, and demographic composition of society, and often intimate relations as well.

However, “[I]f in the past policy could take the existence of the family for granted, it can no longer do so. For people’s readiness to form families at all is now at stake” (Daly 2005: 15). Families are changing in that the initially dominant form of a family in Western democracies, including Europe, is losing ground to a much broader set of forms of family life, where members are related to another by different or no form of a formal contract and not necessarily by blood-ties. In everyday life “family” has become a term indicating a broad range of social relationships, whereby the main common characteristic might be the presence of minor dependents. The paramount demographic changes for Europe due to falling birth rates and aging population has triggered policy anxiety not only among those who are assigned to family matters. By the same token, policymakers are involved with families in a larger context than the birth rate within the population.

Not only is the structure of families changing; the same goes for the perception of families. For a long time, families have been thought to be a basic unit with homogeneous interests, which were represented by the head of the family, in general the *pater familias*. Feminists have fought a long battle to unravel this myth. As families enact spaces for interactions between men and women as spouses, parents, partners, and their minor and elderly dependents, families are genuinely gendered social constructs. As such, they have been debated, referring to gendered conflicts of interest, imbalanced power relations, and how these were partly generated and reproduced

by the state through its (lack of) involvement in families. Over the last decades, and parallel with the evolution of the feminist movement, policymakers across Europe have paid increased attention to balancing gender relations in society through public policies. While many early initiatives were framed as equal opportunity policies, the more recent trend towards gender mainstreaming makes all policy areas to get involved in the promotion or achievement of gender equality. Family policies, in this respect, should influence gender relations in families in the direction of gender equality. However, this does not exclude that family policies, as well as parts of other public policies that target families, are still constitutive of unequal gender relations in families because they influence the structure, organization, and societal position of different types of families as well as the interpersonal relations within them.

The present chapter takes a look at broad trends in family policies across Europe as they emerged in the critical frame analysis conducted by the MAGEEQ research project (see introduction by Verloo in this volume and also Verloo 2005). The MAGEEQ research project aimed at studying policy frames articulated in policy documents. The main goal of the inquiry was found in uncovering how policy frames reflect upon gender equality, which problem representations they use, and what blueprints or directions they offer for solutions. In a broader scope, this research intended to reveal how the identified policy frames may facilitate or obstruct the transformation of gender relations. Family policies target those relations that are considered to form a family in a variety of ways by focusing to their main functions, including who can be a partner to whom, parenting and caring, pooling resources and organizing welfare, socializing future citizens, and maintaining social control on sexuality, work, consumption, etc. The MAGEEQ research has revolved around one main issue in this complex field: the *problem of sharing* between men and women both in the realms of paid and unpaid work, and care. Accordingly, our main research questions were: how do documents on family policies address gender issues? How is the concept of equality interpreted and related to gender in the area of family policies? What depth of an analysis can be found with respect to gender issues? What are the similarities and differences in the way different policy frames articulate, if at all, the problem of sharing?

Similar to the chapters on gender inequality in politics and domestic violence, the member states involved in the study of family policies were, in alphabetical order, Austria, Greece, Hungary, the Netherlands, Slovenia and Spain. EU policies in the field of family policy also were included in the project. In the case of EU policy, documents were selected on the grounds that they dealt with families, since there is no strict competence on family matters. But the EU has been concerned about (particular aspects of) family matters and active in the field as has been described by Lombardo and Meier in this volume. For the six member states studied, the policy

documents selected were related directly to family matters. Notwithstanding the fact that many areas of public policies shape family life, our aim was to study the field of family policies and the way it tackles issues of gender equality.

In the rest of this chapter we first briefly sketch the problem of gender inequality within the family and the political-institutional context of family policies. Then we give an account of the various articulations to be found in family policies across Europe since the mid-1990s. We further discuss the extent to which family policies pay attention to gender issues and which voices express feminist articulations of family policies. We finally place the findings of the MAGEEQ project in a broader context, leading then to conclusions.

## 2. The Problem of Gender Inequality within the Family

It is widely agreed in gender studies literature that, even in loving families, women are vulnerable to traditional assumptions regarding care and household work. Thus, for men and women, but in particular for women, families are not only realms of choices but also realms of constraints. Despite the advances propelled by the feminist movement during the last quarter of the twentieth century, most families are based on an unequal division of domestic labor. Ultimately, families are part of a system that reproduces women's social and economic inequalities. Some would even argue that families are the linchpin of gender injustice (Okin 1989).

In the rise of modern societies, family life has not only been shaped by cultural norms and social customs but by state regulations as well. The family always has been subject to the public eye and legal provisions. Therefore, feminists have long been arguing that private matters of the family, sexual relations, and reproduction are constitutive of the political realm. Furthermore, internal relations within the family cannot be sealed off from the principles of justice and equality (Okin 1989).

Okin (1995) argues that the public-private dichotomy has serious consequences for the way in which women's work is acknowledged or devalued. Work is by definition what people do outside the household, thus domestic labor does not count as work. Women invariably are the primary caretakers; therefore, women's care and domestic work remains largely unpaid. If something is not paid, the social perception is that women's work in general is of less worth in any context and is attributed less power in personal relations. This perpetuates a division of labor between men and women by reinforcing women's partial or full dependence on men. As Kittay (1999) points out, dependency is an inevitable realm of human relations as commitment to care is a basic element of personhood. The relationship between those who need care and those who provide care could not simply be provided for by contracts invented

for the association of equals. As the caretakers are disproportionately women, a new theory of justice embracing the conditions of dependency should be elaborated in which gender injustice should have a key significance.

In the literature more directly connected to policy thinking, it is discussed thoroughly how labor market and employment conditions, welfare provisions, and the domestic division of labor are interrelated in the production of gender differences and inequalities both in terms of choices and constraints that men and women experience. Gender scholars differ in their views on what are the main explanatory factors for the resistance to, or at best, very slow move, towards sharing unpaid work. Bussemaker and Kersbergen (1999) argue, for instance, that the social capitalist welfare state is predominantly biased towards a male breadwinner model which has remained powerful despite country differences and major changes in welfare state policies in the 1980s and '90s. They refer to Esping-Andersen in claiming that the European welfare state model—as referred to in comparison to the US and other models—offers highly (if not overly) developed social insurance, biased towards pensions and underdeveloped towards social services. This reflects the assumption that family members depend on full-time male breadwinners, whereas women are mainly responsible for social care. Maternal leaves are generous compared to parental leaves, which are inclusive towards both men and women. Western welfare states are more willing to support women to give birth and less so to support sharing between work and family when raising children. This is true even if part-time work for women has become widespread in many countries, but not in all, and child-care facilities are increasing in the 1990s. Despite tangible achievements in women's employment in the 1980s, the declining level of employment, resulting high unemployment, deteriorating dependency ratios, and severe financial crisis of social-security arrangements has brought severe social consequences. In addition to direct consequences, labor supply reduction inspires insiders to defend their high wages, employment, and social-security entitlements at the expense of the labor-market opportunities of outsiders (women, young people, migrants). In sum, mainstream policy strategies and arrangements delineate the space in which unpaid labor is understood and arranged in the family.

Esping-Andersen (2002), in a recent account on welfare system changes, describes the essence of gender inequality patterns through a clear chain of causality. He argues that equality concerns should pertain to job segregation, unequal pay, and the asymmetric distribution of domestic burdens. For this chapter, his reasoning is of prime interest in regard to the connection between participation of men and women in paid and unpaid work. He proposes that the forces that spur convergence between men's and women's life courses also create second-order inequalities, such as inbuilt obstacles to career advancement or unequal division of domestic responsibilities. One of his main examples is the Swedish welfare state, which enhanced women's participa-

tion in the labor force and thus their independence by turning them into the main employees of the public sector, whereas men gathered in the private sector. This has yielded to diverging career expectations and wage differentials for men and women. Esping-Andersen argues that if it is almost always the rule that the female employee's temporary leave from the labor market for domestic and child-rearing work takes away less resources from the family than her husband's or partner's, then it is obvious what choice families would make and at what consequences.

Lewis and Guillari (2006) underline the erosion of the male breadwinner concept in Western European welfare systems, but argue that, while men decreased their paid work, they only slightly increased care work. Choice has become the core on which to reorganize the welfare state but men and women are given different freedom of choice. When defining choice in gender equality terms, the main emphasis is put on employment issues even if economic strategies pay little attention to the problem of reconciling paid and family work. Lewis and Guillari argue that academic arguments encourage more institutionalized child-care provisions and the defamilialization of care work inspired by an equality strategy that revolves around the labor market participation of women. They warn, however, that there are limits to the defamilialization (commodification) of care. Family life is increasingly characterized by diverging schedules and paths of family members. This increases the demand for more rather than less informal care. This does not comply with the mainstream policy idea of increasing individualization. In their view, commodification of care is a weak strategy to address gender inequality in employment and care in Western European welfare states.

By incorporating the new European Union member states into the inquiry, the assumption that high labor participation and defamilialization of welfare policies automatically increase women's capabilities to achieve full citizenship could be questioned. The trajectory of gender relations in former socialist and now post-socialist states is instructive. During socialism, women's employment was high, supported by entitlements through work, and wage differences were relatively low. The ruling political ideology underscored the dual-earner-based nuclear family model, which never intended to transform men's role in domestic labor. The generous welfare provisions promoted mothering and backed women in combining paid and domestic duties. Since the start of the post-1989 transformations, this hardly has changed despite the fact that the gender employment gap is below, and the proportion of women in higher paid jobs is beyond, the EU 15 average (Pascall and Kwak 2005: 46; Fodor 2002: 480).

### 3. Shaping Family Policy: Across Europe<sup>1</sup>

Family policies have taken different forms across Europe over the last decade. In countries such as Austria, Hungary, and Slovenia, the issue of family policies was located in a specific ministry, the Ministry of Family Affairs, often in combination with Youth, Labor, or Social Affairs. The Netherlands and Greece, on the contrary, had no tradition of a separate Minister on Family Affairs. In 1995, the Christian-Democratic Party in *the Netherlands* proposed to assign a separate minister to Family Affairs with the aim of emphasizing the role of the family as a counterweight to the increasing individualization in society. A minister's portfolio was not established, but the request did stimulate the family to become an issue in public and political debates, resulting among others in policy notes on the position and function of the family. After only two years, in 1997, the family policies dossier already was closed. Since then family policy issues have been addressed in many other areas of policymaking and legislation, ranging from emancipation to youth care, from marriage and adoption rights for same-sex partners to family formation and reunion conditions for migrants, and from conflict regulation in cases of divorce to conditions for parental access. In Greece, family issues are located in the Ministry of Health and Social Solidarity. In Spain, the Conservative Party that governed between 1996–2004 developed a policy of cutbacks, as well as further delegation to the autonomous regions, and the Ministry of Social Affairs, which previously had been given responsibility for many of the components of family policy, was replaced by a Secretary General within a new Ministry of Labor, Social Security, and Social Affairs. Currently, family policy issues are located in the Ministry of Labor and Social Affairs, together with issues related to Youth, Equality, and Migration.

Notwithstanding the different institutional forms family policies take across Europe, there seems to be one constant factor: family policies tend to be concentrated in the hands of conservative parties if those are part of government. In *Hungary*, family policies were a flagship for governments after 1990. It can be seen as perhaps the most divisive issue between left- (1994–1998, 2002–2006) and right-wing (1990–1994, 1998–2002) governments. Whereas right-wing governments have seen family policies primarily as an instrument for “stopping the decline of the nation,” left-wing governments understood family policies more as an instrument to decrease social inequalities and to foster social redistribution. Universal welfare packages were

1. This section draws extensively on the introductions to the following research reports: Bustelo et al. 2004; Horváth, Krizsán and Zentai 2004; Pantelidou Maloutas et al. 2004; Sauer and Tertinegg 2004; Van Lamoen, Paantjens and Verloo 2004; Zaucer 2004.

shifted to means-tested methods and then turned back in the context of a major economic restructuring and stabilization package and its aftermath. Family matters have been under the ministerial roof with various other portfolios, such as health, social (welfare) affairs, youth, women, and most recently labor in the years of post-socialist transformation depending mostly on the ideological color of the government.

In *Austria*, family policies have been in the hands of the conservatives (ÖVP) over the last decade, both during the grand coalition of the conservatives with the Social Democrats (SPÖ) from 1995 up to 2000, and during the conservative coalition with the right-wing FPÖ of Jörg Haider afterwards. Family policy is perceived as an issue of the conservatives, and it was especially a means for them to distinguish themselves from their social-democratic coalition partner. While the latter claim that family policy must be a social policy, helping to reduce the gap(s) between richer and poorer families, as we can also find in Hungary, the conservatives always held that family policy must be seen as a specific policy to support families regardless of their income. Also similar to Hungary, debates on family policies were intermingled with broader economic restructurings and the joining of the EU. When Austria joined the EU in the mid-1990s, the grand coalition started austerity policies and welfare state retrenchment. The debate of the crisis of the Austrian welfare state was initiated, legitimizing cuts in welfare state spending. Simultaneously, the idea of reevaluating the family arose. Since then family policies has been a hot issue in Austrian politics that was, amongst others, extensively debated in the media.

In *Spain*, the development of family policies in the last decades has been linked to the legacy of the Franco era and related to the influence of the Catholic Church. The Conservative Party, in power from 1996, referred to the family in strongly normative terms, arguing that the family is the most important institution in Spanish society. Although little initially was done by the conservative government to support families in comparison to other EU countries, in 1999 Spain inaugurated a series of measures to improve the reconciliation of work and family life, as encouraged by the EU. These measures were part of a broader national plan for family policy, including issues of tax and housing, family law, and social and cultural participation, but the plan had no specific funding, and economic support and care services to families and working mothers continue to be scarce. Family policy increasingly has become an explicit concern of both conservatives and socialists in the context of low fertility rates and women's increasing labor force participation. The socialist administration in government since April 2004, however, has linked family policy issues to gender equality, homosexual matrimony, and welfare state reforms.

In *Greece*, from 1993 until 2004 the Socialist Party (PASOK) was in power, followed by the conservative government of Nea Dimokratia. Family issues were always at the center of public interest, political debate, and government policy due to the

traditional and paramount importance of the institutions of family and marriage in Greek society. For the last five or six years, family has been at the center of public debate and official action, especially in the discourse on the all-embracing issues of demography, employment, and social security schemes. The change in government also reflects in family policy measures. The range of political measures initiated by the PASOK (Socialist Party) governments, in power from 1993 until 2004, exhibit a central tendency towards the reconciliation of work and family life. Actually, there was an effort for the expansion, improvement, and increase of services and the compatibility of working hours of child-care facilities as well as services for the elderly. Parental leave regulations were improved. Since 2004, the conservative government of Nea Dimokratia has changed the existing welfare policy to help families with many children in order to combat demographic problems.

In *Slovenia*, family policy traditionally has been the domain of the Ministry for Labor, Family, and Social Affairs. During the period 1995–2005, the ministry has been led by the Liberal Democracy Party and after that by the Social Democracy Party. Due to the fact that the overall attention of the left-wing government, led by the Liberal Democrats, was directed toward joining NATO and EU in this period, the issues of family policy have not been of great concern. Maternity/parental leave was the most exposed issue, apart from debates around the registration of same-sex couples and the right of single women to artificial insemination. The debate, initiated in 1995, resulted in a new law on parental protection and parental benefits that came into force in 2001. The most important novelty in the new law is the right to 90 days of paternal leave for fathers.

In the *Netherlands*, notwithstanding the return to a governing coalition led by the Christian Democrats (CDA) in 2002, after eight years of a “Purple” coalition of the Social Democrats (PVDA), the Liberals (VVD), and a smaller centrist coalition partner (D66), the issue of family policies kept a low profile. It has been less of an issue than in the other countries studied.

In most of the countries studied, family policies have been an important issue over the last decade. This diverse landscape of family policies across Europe provided for a selection from the last decade of 106 texts to be studied.<sup>2</sup> Similar to the other cases, studied texts include formal policy documents from government and parliament, such as bills, acts, and recordings of parliamentary debates. They also include less formal documents from these political institutions, such as speeches, press

2. The 1995 Beijing world conference on women was taken as a starting point because of its importance when it comes to the broader introduction of gender mainstreaming.

releases, research reports, or awareness-raising and documenting brochures. Finally, texts also include documents from other actors, such as political parties, but also civil society actors, experts, lobbying groups, the press, etc., if these documents or their producers are seen to have influence on policy debates. Texts were selected in order to explore the addressed issues in an exhaustive way. This implies that texts were added until they covered all the issues raised in family policies throughout the last decade. For most countries studied this exhaustiveness was attained with about 15 texts. For Slovenia 20 texts were selected; for the EU only 11. Regarding the EU, it proved to be particularly difficult to find texts addressing the issue of family policies, given the lack of competence of the EU in these matters (for a full list of texts studied, please consult Annex 1). Most countries studied a mix of texts, with the exception of Slovenia, where all texts reflected one parliamentary debate that resulted in the adoption of a new law on parental protection and benefits that came into force in 2001. Notwithstanding the mix, most selected texts emanate from parliament or government.

#### **4. Major Policy Frames: Reconciliation, Labor Market Needs, and Demographic Issues**

The frame analysis of family policies has identified major frames as well as minor or more fragmented ones operating in the political arena across Europe. The definition of major and minor frames is difficult. Major frames in family policies offer an elaborate reasoning in several of the sections in the “supertext” (on the supertext, see the introduction by Verloo). They also show patterns of diagnostic and prognostic connections, though not both diagnosis and prognosis need to be fully elaborated and consistent in a given document. Minor or fragmented frames are those of a more sketchy nature, bits and pieces being less elaborated as a whole. The dominance or importance of frames refers to the frequency in which they are found, though it does not mean that frequent ones are found in all countries studied. Major frames tend to be numerically dominant.

Given the focus of our research, problems of *reconciliation* surprisingly were not those most frequently addressed, especially when it came to the question of what to do. The diagnostic part of this frame articulates that paid labor and caring responsibilities, or personal life in general, cannot be combined well by women (gendered variation), or by people, citizens, or parents (gender-neutral version). It refers to the unequal burden of caring tasks in the intimate sphere and to its consequences for the main caregivers in the public sphere, with a focus on their lacking participation in the labor market. While the unequal burden of care work is addressed this does not mean that an unequal sharing is part of the problem analysis. The gendered division

of paid labor is addressed in the reconciliation frame, but not the gendered division of unpaid labor. Those not providing for care work—men—are generally absent, but they do appear as the implicit norm group, not as a problem group. In this case, an easy match of diagnostic and prognostic frames could be found: “reconciling family and work is a problem” that has to be solved through an increased possibility to “reconcile work and family.” Given the lack of attention paid to men in the problem analysis, the corresponding prognosis mainly addresses how women, or mothers, could better combine a more active participation in the labor market with care work. If sharing of duties and responsibilities between women and men in the sphere of intimacy is addressed, it is located in diagnosis but hardly translated to prognosis—in other words: it sometimes is perceived as a problem, but no solution to this problem is suggested. The gendered organization of intimacy is not the focus of family policy texts. In general, the frame tends to reproduce traditional and stereotyped gender role patterns attributing women to the role of primary caregivers. Solutions for reconciliation problems target women, not men, let alone the relations between them. Men are very rarely conceptualized as caregivers. There is generally no recognition of social differentiation regarding reconciliation possibilities across different social groups, except for women and men. Caregivers are not understood as a differentiated group, and the needs of single parents rarely are addressed.

Family policies thus primarily seem to be regarded as means to building bridges between the requirements of family life, in particular child rearing, and those of the labor market. The EU shares the importance it attaches to the reconciliation frame with all the other countries studied, except for the two most recent member states, Slovenia and Hungary. However, the reconciliation frame appears less significant in the EU than in the Netherlands or Spain. In Slovenia the reconciliation frame is still of secondary importance; in Hungary it has no particular importance. Both Slovenia and Hungary offer relatively long maternity leaves, and the problem definition focuses, not on reconciliation, but on how long maternity leaves cause difficulties for women to enter or re-enter the labor market. In Austria, on the other hand, the reconciliation frame is linked precisely to women’s problems of entering or re-entering the labor market after a long maternity leave. Regarding the EU, the importance of the reconciliation frame can be explained by the EU’s historically strong focus on labor market policies combined with the absence of a clear competence in family policy. Further, the influence of EU policies to a certain extent can explain the strong tendency to frame family policy in terms of reconciliation in the Spanish context.

While the reconciliation frame is characterized by an underlying attention to the labor market, the *focus on the labor market* also constitutes a distinct and important frame in family policies across Europe. The diagnostic reasoning stresses the low participation of mainly women in the labor market, although sometimes it addresses

people in more general terms. It underlines the fact that the labor market offers unequal opportunities for men and women, and that it negatively discriminates against women. Reference is made to higher positions being difficult to attain for women, but also to the functioning of the labor market in a broader respect. The locus of the problem in this frame is the sphere of the labor market. The problem analysis is reduced to a large extent to supply-side problems of the labor market: the accent is on the (long-term) absence of women from the labor market, on the under-utilization of their capacities, on a shortage of labor force (partially) caused by the low participation of women in paid work. The reasons for this lack of presence of women on the labor market are not addressed; issues of inequality within the private sphere or reconciliation problems, for instance, are not considered by this frame. If the reconciliation problem is tackled, it is only from the perspective that a lack of supporting infrastructure hinders women from participating in the labor market and not as an issue in itself. Nor is the problem tackled from the perspective of women's needs or interests, or, in other words, women's interests are represented to be basically their (re)integration into the labor market. The focus is on the needs of the economy and women become a tool in this context. The lack of equal opportunities for men and women in the labor market is not a problem in itself but an obstacle for an efficiently turning economy. When problems of discrimination against women, or mothers, in the labor market are addressed, it is in terms of discrimination against those not unconditionally available for the labor market due to care responsibilities. Men are mainly absent and the masculine norm regarding the functioning of the labor market is not questioned. By a straightforward matching of diagnostic and prognostic frames, the concern for the labor market facing shortage problems goes together with a prognosis to make women participate in the labor market. The main aim of solutions provided for in this frame is to increase the share of women in the labor force, to raise the number of hours they work, and eventually to get them into different and better positions.

The focus on the labor market in family policies across Europe is reflected in the fact that the labor market frame was a constant across all countries studied. It was found to be of importance in all countries studied and in the EU itself. However, it was found less frequently than the reconciliation frame.<sup>3</sup>

Finally, a third major frame to be found in family policies addresses *demographic issues*. The diagnosis of this frame captured by the "demographic decline" argument mainly addresses the problem that women (or people) do not have enough children,

3. The only exception is Slovenia, but here the lack of focus on the labor market can be explained by the selection of texts (see section two of this chapter).

thus endangering the reproduction of the population. Sometimes the problem is articulated along economic lines like the economy, the social security system, and the pension system do not receive enough input in order to function in the long run. Demographic decline is related to a decrease in the active labor supply and its impact on the economy and welfare state arrangements. In other cases, the problem is articulated along nationalistic lines, whereby the low number of births is related to the more symbolic strength of the nation rather than to issues of material well-being. The logical prognostic match is “to stop the demographic decline.” The underlying logic is to promote an increase in birth rates rather than to develop other tracks such as immigration policies. Women (or people or families) should be stimulated to have more children and family policies are meant to provide for these stimuli. The gendered version has a strong focus on women in their (social) function of mothers, and a gender dimension especially linked to this frame is the category of women at fertile age. Men’s involvement in caretaking is not considered a main factor that would lead to more children. In some cases the demographic decline is seen as being caused by changed gender roles, leading to women not fulfilling their roles as mothers.

Although the low birth rate and aging population are problems in all countries in an enlarged Europe, to directly connect national demographic objectives with family policy is mainly a central and southern European phenomenon. The well-being of the family and the increase of the birth rate are viewed as crucial objectives for the advancement of the nation, particularly in Greece, Hungary, and Austria. For Greece and Hungary, the demographic decline is a central theme in the nationalist and conservative discourses surfacing in several policy texts on family matters. On the EU level and in the Netherlands, it is a marginal issue.

On the whole, the dominant overall frame in terms of numbers in family policy documents is the *reconciliation* frame. In prognosis it accounts for not less than two-thirds of the frames found in policy documents. It tends to dominate less the diagnosis of problems in family policies; here, we find that accent is also being put on labor market concerns, the demographic deficit, and especially the problem of failing family policies as outlined below. The overall picture then is that no matter what problems family policies detect, the answer seems to be a better reconciliation of paid work and care work. However, the focus on the labor market may be of more importance than thought at first sight because it is woven into both the reconciliation and the demographic frame. Reconciliation problems and low birth rates are presented at least partly as being a problem for the economy; the solution to the problem is in both frames meant to increase women’s participation in the labor market. In this respect, the frames reveal a strong focus on labor market issues in family policies, be it underlying other more apparent topics such as reconciliation or demography. This leads us to two important conclusions regarding the major frames to be found in

family policies. First, notwithstanding the presence of a number of different frames, on the whole, a relatively comprehensive diagnosis comes through in the policy documents on family policies. Arguments might be fragmented across these three major frames, yet they are there to support a certain coherent logic. Second, and following on the preceding, in sum, family policies are mainly at the service of labor market policies, a trend that already has been documented for EU gender equality policies (Stratigaki 2004).

### 5. Gender Equality in Family Policies: A Derived Outcome, No Goal

Apart from detecting three variations of a reconciliation frame, the *equal opportunities frame* could be detected in family policies across Europe. It consciously has been labeled as an “equal opportunities” frame since the focus is generally on the latter and not on more substantive gender equality. Occasionally, the *equal opportunities frame* contains a sub-frame on gender equality. In fact, the diagnosis in the *equal opportunities* frame mainly addresses the slow or even endangered progress of gender equality for reasons like the persistence of traditional mentalities or the failure of policies to promote gender equality. In diagnosis, the focus is actually on gender inequality and not on the lack of equal opportunities. However, it is an observation rather than a thorough analysis of existing problems, and the underlying causes for the persistence of gender inequality are not addressed. This diagnosis is but weakly articulated, and to a much lesser extent than the case with the major frames found here. The prognostic frame on equal opportunities is more developed and appears in two forms. The more frequent “equal opportunities” focus limits itself to an equal treatment perspective, concentrating on how to encourage women’s employment and their chances on the labor market. Women should catch up with men while the latter are left out of the picture in this articulation of solutions that intends to overcome the inequality of the sexes. Gender often seems to signify precisely “women,” rather than referring to women and men or social constructions of gender roles. Male norms also are not touched upon. The far less frequent “gender equality” focus in prognosis addresses the social construction of gender roles and their implications for the power relations between the sexes. It addresses men and their role in the reproduction of inequality. While “gender equality” in prognosis targets not only the organization of labor but also the private sphere and addresses both women and men, women (and men) are mainly constructed as a homogeneous group and there are few allusions to intersectionality. However, the “gender equality” focus could be found but in a few policy documents. Hence, while in diagnosis the problem of gender inequality is a buzzword, unsupported by a thorough analysis of the problem, the corresponding

prognoses are limited to equal opportunity measures not tackling the roots of gender inequality. On the whole, whenever family policies address issues of gender inequality, they actually tend to mean equal opportunities.

We expected to find an equal opportunities frame both in the EU and in countries with a long history of gender equality policies, such as the Netherlands. Results of our research show, however, that this frame is of no particular importance in the Netherlands. Problems are not, or maybe no longer, articulated in terms of gender inequality in a country that has a long history in gender equality policies and still is considered to be one of the forerunners in the field. At the EU level, an equal opportunities frame was found more frequently, but with an accent on equal opportunities in prognosis, mainly with respect to the labor market. For example, as shown in the previous section, an ineffective reconciliation of personal and professional life is not seen as a problem in itself but as an obstacle to women's higher participation in the labor market, to be overcome by "equal opportunities for women." As little attention is paid to the gendered organization of intimacy in EU policy documents on families, it is no surprise to find that an equal opportunities frame is predominantly about labor market issues. But it is telling for the way in which policy areas and goals can be co-opted for other purposes.

Apart from the EU, an equal opportunities frame was found only in Spain and in Hungary. In all other countries studied, this frame is of no importance. Thus, a major difference between the EU and the other countries can be found in the relative importance of an equal opportunities frame in the former. The MAGEEQ mapping of this frame reveals that belonging to the same geographic setting, or a shared political, ideological, and religious legacy, does not seem to be an indicator for the presence of the gender equality frame. It also means that the discourse to be found in EU policy documents does not necessarily diffuse, at least not with an identical time frame, to the member states.

Even more telling than the narrow focus on equal opportunities is the fact that the problem of gender inequality is never at the heart of family policies. The low frequency or non-dominance of such a frame actually means that problems of gender inequality are no reason in itself to draft or review family policies. Gender inequality is not seen directly as a problem in most cases of family policies. It is only indirectly seen as a problem, when gender inequality within the family or in other spheres of society has negative implications for the labor market or for the biological reproduction of the population. In those cases it appears as a policy frame, meaning that the issue of gender equality is only a tool or derived outcome but not an aim in itself. A telling indicator for this finding is the weakly developed diagnosis addressing issues of gender inequality. What the major frames found, especially the reconciliation frame, seems to give a more elaborate diagnosis than the equal opportunities frame. This

actually reflects where family policies locate their real concern and focus. Another telling indicator for the weak importance attached to gender equality issues is the fact that whenever these issues are addressed, they are not thoroughly connected to reconciliation, demographic, and labor market concerns and their causes, whereas they all interplay in the definition of gender roles and positions. While the policy frames are all gendered, most of them do not represent gender equality as a norm.

### **6. Minor or Fragmented Frames: Failure of the State, Changing Families and Poverty**

An issue often tackled by family policies is of a self-reflecting nature in the sense that the *shortcomings of family policies* are addressed. This frame could be found in diagnosis but not in prognosis. In the diagnosis the frame centers on the shortcomings of family policies, seeing that family policies have failed to solve the existing problems. All sorts of failures are addressed in this context: insufficient material and logistical support for families, financial and fiscal incentives not being adopted to the real needs of families and that fail to achieve the expected results, problems of reconciling work and care, skewed linking of family policy to employment issues, no fit between family policies and major structural changes in society, no advances in gender equality, etc. On the whole, family policies are considered to have failed because there is a profound misunderstanding of the real problems society faces when it comes to family matters, there is a wrong articulation of family policies in the light of other policies and a lacking association of family policies to other policies, there are insufficient policy measures taken, or family policies fail in the light of outside (international) requests. As the diagnostic frame is an empty signifier that addresses all sorts of failures in family policy, it nicely combines with most prognostic frames but has none of its own. There is no intrinsic reflection on how family policies themselves, as an institution, should be approached and improved.

This frame on the shortcomings of family policies was found to be of limited importance at the EU level and in the Netherlands, whereas it is of secondary importance in Spain and dominant in all other countries. Diagnoses of family policies refer as often to its shortcomings as to the problems of reconciliation. But this dominance should be approached with caution. First, the frequency with which a shortcoming of family policies is observed has to be put in perspective. The selection of Slovenian texts contains a bias towards a frame on the shortcomings of family policies. Second, this frame is seldom a frame dominating the analysis contained in a given policy document. It is rather a supportive frame meant to underline the need for action. Finally, this action targets other fields of potential intervention such as reconciliation

rather than the institution of family policies itself. In this respect the reconciliation frame is, for instance, more dominant.

Next to the frame on the shortcomings of family policies, a minor frame focuses on changes within families. This *families-in-change* frame is of a patchy nature. The diagnosis articulates that the institution of the family is changing, which leads to a lot of problems both for families and for society at large. Changes involve a decrease in the number of childbirths, an increase in the number of divorces and of single parent families, a loosening of family ties, and an erosion of extended family networks across generations. The frame also detects problems such as the individualization of society, violence within the family, child abuse, etc., problems that are both ascribed to families and to society at large. In some cases, the problem diagnosis contains a normative undertone, blaming the erosion of families for the aforementioned problems, for problems of criminality, etc. In several cases the relationship is turned around; changes in society are considered to provoke changes in family life. References are made to technological and scientific changes, to the requests of the labor market, but without relating them to the changes occurring in families. On the whole, the frame is strongly degendered, with a focus on the family, families, or children. A thorough analysis of the problems is missing; they are rather summed up than put in a clear causal relationship. Given the broad range of issues addressed in diagnosis, the prognostic match is a “helping or supporting families” frame, but it also could be “reconciling work and family” or “providing for a sustainable social development.” The prognostic frame depends on the particular accent put in diagnosis. The frame is largely missing in prognosis though, since it does not articulate what family policies should do about the changes in families.

The diagnostic frame can be found in all countries but is not strong anywhere. It can more often be found in Hungary and Greece than in the other countries, and often in combination with the demographic decline frame. Overall, this frame is weaker than the frames previously accounted for.

Finally, a concern for the widening divide between the rich and the poor in society could be found in some documents on family policies. We would be hesitant to call it a frame, since what came from an analysis of family policy documents on poverty in our sample is highly incidental. Nonetheless, the diagnostic part of this frame has a focus on class and the divide between classes. It is related to the dismantling of the welfare state and of social provisions. Discussions mainly focus on how new measures do not manage to cope with existing needs, especially of the needy, generally referred to as families. Reference is made to the costs of having children and to the living conditions of families and children. Women are mainly addressed in relation to discrimination against them on the labor markets, and what this involves for their financial situation. They are addressed as a vulnerable group due to their weak posi-

tion on the labor market, long maternity leaves, or their difficult situation as single mothers. Women also are addressed as mothers of children facing a difficult situation due to the weak social position of the mothers. The prognostic match of this frame is “sustainable social development” and “equal treating of all children, parents and families.” Yet, the frame is rather of a diagnostic nature given the lack of articulated solutions that address poverty issues as such.

The poverty frame is a weak frame in family policies across Europe; it is found as a diagnostic frame in Austria and Hungary, to a lesser extent in Spain and the EU, and does not appear in Greece, Slovenia, and the Netherlands.

### **7. Voices Expressing Feminist Frames and the Gender-blindness of Family Policies**

In family policies, when citizens are attributed roles, it is striking that gender-neutral roles were found quite frequently throughout all texts and countries, especially when it comes to policy target groups. The significance of gender neutrality should be analyzed with caution. Although this neutrality could be read as an attempt to target men and women equally, this attempt can be misleading or even deceiving if the goal is to tackle gender regimes. If citizens are articulated as gendered, then it is women who are mostly attributed roles as problem holders in the EU, Austrian, Spanish, and Dutch documents, and working women in the Greek case. Men, on the other hand, are frequently found as problem holders only in Spain; in all other countries and the EU they rarely are referred to or are absent completely. Generally, men are hardly addressed as problem holders or target groups, while women are found to be both the ones who have a problem and the ones who should do something about it. Only the equal opportunities frame, and in particular the “gender equality” focus, refers to men as problem holders, target groups, or the ones who should do something about it. This last sub-frame, stemming from the feminist movement, pays attention to socially constructed roles of men and women as part of the problem and solution to gender equality, even if the diagnosis, part of which usually is weakly articulated. Which voices use this particularly feminist accented “gender equality” sub-frame?

When analyzing what voices pay attention to gender in the intimate sphere, one can note that at the EU level, only one voice uses this particular frame (Council of Ministers Employment and Social Affairs). At the national level, voices targeting gender relations in the organization of intimacy are MPs of social democratic or green parties (with affiliation to feminist movements in Spain and Austria), experts (in Austria and the Netherlands), and NGO representatives (in Slovenia). State voices in combination with expert voices were found to use this frame in Spain and Hungary.

Looking at party voices, conservative or right-leaning parties do not see gender relations in the intimate sphere as being a problem. State voices seem to pay attention to gender in the intimate sphere only if their state voice is accompanied by expert voices. Taking into account that the EU sees itself as a pioneer of gender mainstreaming, it is also noteworthy that even among EU voices, a frame with a particular emphasis on gender roles is used rarely. EU voices primarily frame family policy issues as being about other “problems” than gender, especially about other things than unequal gender relations in the private sphere.

The analysis shows how the frame paying attention to socially constructed gender roles depends strongly on feminist actors or actors having an affiliation to the feminist movement. As can be expected, feminist voices show the most highly articulated attention for gender relations in the private sphere, and they expand the focus from only women to relations between women and men. Both have a problem and both should be part of the solution. However, the feminist idea of socially constructed roles is only weakly articulated compared to the other frames found in family policy, and voices different from feminist voices tend not to perceive socially constructed roles of women and men in the private sphere as problematic. Additionally, in most of these cases, when a voice does pay attention to gender inequality in the intimate sphere, the causes of the problem usually are not deeply elaborated. Moreover, attention to concrete solutions is rarely found.

Overall, documents on family policies are rather gender-blind. Apart from ideas articulated by feminist voices, on the whole men are not part of the issue to be tackled and prevailing gender relations are not put into question. The fact that women share the burden of reconciliation is not only presented as an observation of how society functions, but is also generally accepted as a norm, which is confirmed by a focus on how women could reconcile work and care better. When family policy documents do allude to men, they often leave vague formulations. They do not frame the diagnosis in accordance to this perspective, let alone policy measures or roles in prognosis. They lack a holistic approach of gender that would tackle the multiple, interconnected causes that create unequal relations between the sexes to the disadvantage of women and the privilege of men.

Gender inequality also is hardly ever understood in connection with other inequalities in family policy documents. Nonetheless, some other inequalities are, even if rarely, addressed, for example, inequalities related to class (poverty), ethnicity, or age. Whenever these inequalities are addressed, they are disconnected from gender relations. Women are rarely addressed in another way than belonging to the social category “women.” Differences in class, ethnicity, age, sexual orientation, etc., among women are generally not recognized. Categories such as class are sometimes addressed in relation to “families.” Age differences are addressed as cooperation between

generations within families and as security of children within families. Gender and other inequalities, if addressed at all, are addressed as separate problems that do not intersect.

## 8. The MAGEEQ Findings in a Broader Context

Our research results concur with the evaluation of European policies in various fields. As Stratigaki (2004) argues, 25 years of European policymaking shows a shift from the concept of *sharing* to that of *reconciliation*. The original policy goal, the redistribution of domestic and caring work between women and men, has been obscured, if not abandoned, in favor of a growing policy priority: an increase in employment. The sharing language referred to the balance between women's and men's roles or positions, whereas the reconciliation refers to creating a balance between occupational and family obligations of each man and woman. Even if men and women manage to share individually, this does not entail that they do so on an equal basis. The assumed model for women's integration in the labor market changed as well. Formerly, women strived for full integration in the primary labor market competing with men on an equal basis. Now, women's work is supposed to be integrated in the secondary labor market. Stratigaki warns that the reconciliation language encourages gender stereotyped policy discourses. The European Employment Strategy and the European Structural Fund for 2000–2006 claim equal opportunity as one of the main pillars of action, yet employment of women remains the prime target and thus equivalent to equal opportunity policy, ignoring the issue of unpaid domestic work. Daly (2004) confirms the ever closer relationship between family policy and employment policy. She also underlines that reconciling work and family is now the dominant frame in European and especially EU policy. Women and men are seen as independent worker citizens in a utilitarian approach to the family in a working society. Equality is seen as equality in access to work, education, and training. Concepts such as work, citizenship, and parenthood are increasingly used in a generic, gender-neutral way. The growing gender neutrality, however, does not help redefining solidarity within the family. Lewis and Guillari (2006) warn that, at the EU level, employment growth increasingly has been seen as a key social policy goal to promote social inclusion. The EU Social Policy Agenda justifies social policy spending as an investment in competition and growth. Gender equality goals targeting families, and within that domestic divisions of labor, indirectly route through employment.

The notable non-importance of a gender equality frame in family policy documents in most of the countries studied by MAGEEQ is mirrored in the broader literature. Daly (2004) describes a contradiction to the significance paid to gender

inequality at the EU policy level and member states' obligations to pay attention to gender in their national action plans on employment and social exclusion as well in how they spend the Structural Funds. Collier (2001) outlines a process of "gender sameness" for the UK, whereby women and men are increasingly outlined as gender-neutral or non-gendered beings. Institutionalized expectations for mothers and fathers consequently are seen as being the same. For Lewis (2002), this process could be characterized as the generalization to women of the masculine model of work and welfare.

Whenever documents deal with family matters in the MAGEEQ research, the focus is on women or families, but not on men, with the notorious exception of the "gender equality" sub-frame. While the tone of policy documents is often gender-neutral, the frames detected show that policy documents contain a clear perception of gender roles. In several frames a "gender inequality" diagnosis is conspicuously missing: issues of reconciliation do not question inequality within the private sphere at all, the low participation of women in the labor market addresses reconciliation only as a problem of lacking infrastructure, and the gender inequality frame contains no diagnosis beyond the observation that gender inequality persists. There is a lacuna where policy analyses should capture intertwined problems. For example, the demographic deficit is not seen as connected to reconciliation problems or gender inequality despite evidence-based opinion in the academic literature. The frequent use of gender-neutral language in the absence of gender analysis creates an easy entry to gender stereotypes. The solutions provided for overcoming the reconciliation problem are a good example of a shift from a gender-neutral language to women as a focus group in prognosis. Instead of overcoming traditional gender regimes, policy documents perpetuate the focus on women in terms of better reconciliation of care and work.

What the present research revealed very clearly, as compared to others in the field, is how inconsistencies within and among frames consequently make the frame of "gender equality" become subordinate to other frames. The policy documents analyzed reveal frequent examples of inconsistencies between the diagnosis and the prognosis of the texts. Within this field of tension, the focus on "gender equality" shifts to other frames. On the one hand, inconsistencies within policy texts reveal how easily gender equality concerns can become perverted. On the other hand, these inconsistencies offer a broad number of points of departure for further research.

The dominant reading of the reconciliation problem might be seen as reluctance to interfere in private realms on the European policymaking level, yet domestic policy debates diverge in this respect. In new member states, resistance to social engineering and the legacy of the protection of private matters are often in conflict with equal opportunity (feminist) considerations. During conservative post-socialist governmental

regimes, however, family policy is not reluctant to interfere in the private realm, as the concern for birth rates and the unwanted consequences of changing family life patterns shows. It nonetheless can be argued that family policies across Europe are reluctant to interfere in the relations between the sexes in the private realm, except for a couple of documents reflecting feminist thinking. Mainstream family policy documents across Europe share the characteristic of not touching upon the power relations between men and women in general.

Another striking feature of the policy texts analyzed is that the heterosexual nuclear family is the only target of action except for the “changing family” frame; the duality of parenting and partnership is not reflected. Given the strong incentives from a labor market perspective, the family is envisioned as a dual-worker-adult unit. Lone parenting, single mothers, or multi-generational yet single-earner families are rarely on the horizon. This is particularly interesting, as one may contemplate on how the new forms of the family may contribute to the decline of the bourgeois family ideal and thus may create incentives for equal opportunity frames in policy debates. Policy texts in the MAGEEQ project occasionally recognize the changing composition and nature of families in their diagnostic statements but the perspective disappears when discussing prognosis.

## 9. Conclusions

Critical frame analysis revealed that family policies, as connected to gender relations and inequality within them, concentrate on the issue of the reconciliation of both domestic and paid work. The point is that this mainly happened from the point of view of labor market exigencies. A lack of reflection on the organization of unpaid labor makes one think if traditional gender regimes still offer the guiding norms for policymakers. While we did not systematically investigate the contexts of policy frame production and examine in-depth the root causes behind the silence on certain problems, we nonetheless assume that silence on gender equality in the intimate spheres of family life tells a clear story about the acceptance of mainstream social norms which still regulate the family in Europe as a space for undisturbed intimacy based on a disproportionate division of domestic labor between men and women.

In evaluating the results of the MAGEEQ research, it is worth going back to the initial statement of this chapter that equality in the family is influenced by a complexity of internal and external forces. Sharing care is not only a result of agreement between spouses to share the work of nurturing children and doing the dishes. Most notably, labor market conditions for men and women (wage, working time, support for reintegration, risk containment, etc.), welfare schemes for the family and

its members, and the availability of social services in care—all of these with different gender perspectives—contribute to shaping the circumstances among which men and women could choose and negotiate participation in paid and unpaid work. The literature shows significant differences in how these external forces are regulated and supported by domestic policy choices and traditions in European societies. The very fact that the reconciliation frame appeared to be the most favored in our sample should not generate huge concerns if gender equality goals of any sort were articulated within these frames. The idea of reconciliation, in principle, may embrace various important conjunctions of the external and internal forces shaping the division of domestic labor. Our analyses of frames circulating in domestic and European family policy circles suggest, however, that the attention to how men and women as free individuals reconcile work and family life in their own lives leaves the inequalities in organizing domestic work, especially care for dependents, mostly hidden.

Our main findings also suggest that the current policy thinking is lagging behind social practices that are massively changing the field of care for children, the elderly, and other dependents, many times in families composed by unmarried, divorced, remarried, and single parents, many times living together with or surrounded by the elderly who could be the persons in need of care or help in care. In this respect family policies still focus on the heterosexual nuclear family (occasionally, single parent families), and resist grasping the conditions in which working parents make decisions in an increasing diversity of types of family structure. The major frames have little to say about intersecting patterns of inequalities. They rarely investigate internal family life and the relation of families to broader social structures in different social groups (e.g., migrant, ethnic, minorities, etc.). It is hardly reflected that decisions on sharing in domestic work change across different socio-economic positions or class divisions.

The MAGEEQ research did not uncover how major policy frames get interpreted, used, referred to, and deployed to support or contest paradigms, convictions, and strong or ambivalent incentives for policy action. Further analysis should explore how the frames we identified convey the potential of *transformative reasoning*. There are differences as to how the transformative potentials of certain frames can be valued. If frames are read in their current shape and position on a policy map by judging their potential persuasive power on gender equality, then the potential of transformative reasoning is limited. However, as the history of recent gender policy discourses show, voices of contestation and innovation may find alliances among those whose view only reluctantly embraces gender equality convictions (Hobson 2006). These potential alliances may be fragile and may contain the risk of strategic framing, leading in the end to a stretching and bending of gender equality concepts into others. Or a whole range of actors, often tied by peculiar alliances, may be able to open windows of opportunity and thus have transformative potentials in equality policy work. There

is full agreement among MAGEEQ researchers in that the political participation of equality advocates is a condition for articulating the problem of sharing. And, in exchange, sharing in family life is a condition for increasing political participation, as revealed in the respective chapter in this volume.

MAGEEQ researchers are in full support of feminist voices that advocate for more explicit and persistent talks on inequalities in the internal life of families. In fact, feminist academic literature is rich in articulating what aspects of gender inequality in families might be addressed by policymakers, and how their ideas and analyses could be translated into concrete policies. Daly predicts that care work will occupy a much higher place of prominence in the twenty-first century due to the changing social and economic status of women, the deconstruction of extended families, and an aging population. She observes that current differences in child and elderly care in European states are “intimately related to the prevailing ideology surrounding the family.” In Nordic countries, child care and elderly care are rights of social citizenship, but in European continental countries, care is to be provided in the first instance by the family. In Greece, Portugal, and Spain, care is more or less left to the family (Daly 2001). Lewis and Guillari offer a powerful normative position by stressing an equality agenda for sharing and valuing care work. They draw on Nussbaum’s theorem of a universal list of core capabilities, including the need for care. As already referred to, they stress that family life increasingly is characterized by diverging schedules and paths of family members and thus fragmentation of family life. This increases a demand for both organizational and personal dimensions of care work, thus creating a need for more rather than less informal care. Lewis and Guillari propose that policy measures should center around time, money, and services both on the household and collective levels (Lewis and Guillari 2006: 185).

Our research revealed that policy frame producers should acknowledge that “choices are made in the context of gendered inequalities in power relations, in all their economic, political and discursive manifestations, which skew the interdependency of men and women’s individual capabilities sets at the household level” (Lewis and Guillari 2006: 184). Families are characterized more than before by a dual-worker model, in which both men and women are involved in paid work, although the proportion of these families shows divergence across Europe, in particular by the North/South axis. Lifestyle, parenting, and intimate relations of spouses/partners also are changing quickly, altering the power relations among family members. But nobody should be misled by the fact that men cook when guests come to the house, start playing with children when they are capable of rationally talking, or drive the elderly to the doctor when they are sick. This does not replace permanent sharing of less fancy domestic work, such as daily cooking, taking care of infants at any part of the day, and regularly listening to the elderly in the family, not to speak about care

for disabled, very old and chronically ill family members. Justice in the family is a policy matter, even if strong moral considerations try to keep the state policies out of the domestic space. This could be resisted for a while but if European societies are concerned with social integration and stable welfare, family policies could not avoid addressing gender equality problems, most notably cooperation between men and women towards a just division of domestic labor and care.

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## Annex 1.

### *List of Texts on Gender Inequality in Family Policy Analyzed by the MAGEEQ Project*

#### **Austria**

1. Article of daily *Kurier* on women's policy (February 24, 1995).
2. Article of daily *Kurier* on families (November 10, 1995).
3. Article of daily *Kurier* on working mothers (March 11, 1996).
4. Ministerial Report on Families, the Austrian Ministry for Youth and Family (1999).
5. Parliamentary debate on children's care check (February 19, 1999).
6. Austria's 5<sup>th</sup> CEDAW report (September 1999 and April 2000).
7. Article of daily *Kurier* on parenting (January 18, 2000).
8. Statement by the Institute for Marriage and Family (NGO) on Children's Care Benefit Act as proposed (May 21, 2001).
9. Statement by the Austrian Children's Friends on Children's Care Benefit Act as proposed (May 2001).
10. SPÖ deputies' debate on Children's Care Benefit Act (June 6, 2001).
11. ÖVP deputies' debate on Children's Care Benefit Act (June 6, 2001).
12. FPÖ deputies' debate on Children's Care Benefit Act (June 6, 2001).
13. Green deputies' debate on Children's Care Benefit Act (June 6, 2001).
14. Program of the Austrian Government/Coalition paper (February 2003).
15. Article of daily *Die Presse* on young people (August 23, 2003).
16. Interview with Chancellor in daily *Der Standard* (September 2, 2003).

#### **European Union**

1. Council recommendation on childcare (March 31, 1992).
2. Equal Opportunities for Women and Men in the European Union (1996).
3. Council Directive 96/34/EC on the framework agreement on parental leave concluded by UNICE, CEEP, and the ETUC (June 3, 1996).
4. Council Directive 97/81/EC concerning the Framework Agreement on part-time work concluded by UNICE, CEEP, and the ETUC (December 15, 1997).
5. Resolution on the protection of families and children (A4-0004/1999).
6. Resolution of the Council and of the Ministers for Employment and Social Policy, meeting within the Council on the balanced participation of women and men in family and working life (June 29, 2000).

7. Council Decision of December 2000 establishing a Programme relating to the Community framework strategy on gender equality (2001–2005).
8. Low fertility, families, and public policies, Synthesis Report, Annual Seminar, Seville, Spain (September 15–16 2000).
9. Young People and Children in EU Policies. Closing Statement on Behalf of Anna Diamantopoulou. Commissioner for Employment and Social Affairs (Speech for the seminar on Family Forms and the Young generation in Europe, Milan, Italy), (September 20–22, 2001).
10. Family Benefits and Family Policies in Europe (European Commission, Directorate-General for Employment and Social Affairs, Unit E.2) (June 2002).
11. Family life in Europe, results of recent surveys on Quality of Life in Europe, speech of Hubert Krieger (May 13–14, 2004).

### Greece

1. Parliamentary discussion on Bill “Welfare provisions to confront the demographic problem.” Speech of P. Kritikos (PASOK, governing Socialist Party) (October 26, 2000).
2. Parliamentary discussion on Bill “Welfare provisions to confront the demographic problem.” Speech of P. Kosionis (KKE, Communist Party of Greece) (October 26, 2000).
3. Parliamentary discussion on Bill “Welfare provisions to confront the demographic problem.” Speech of G. Konstantopoulos (Nea Dimokratia, Opposition) (October 26, 2000).
4. Parliamentary discussion on Bill “Welfare provisions to confront the demographic problem.” Speech of G. Abatzoglou (Sinaspismos-Left Coalition) (October 26, 2000).
5. Parliamentary discussion on Bill “Welfare provisions to confront the demographic problem.” Speech of Chr. Magoufis (Nea Dimokratia, Opposition) (November 29, 2000).
6. Law 2525/1997 on “Comprehensive lyceum, access of graduates to tertiary education, evaluation of educational performance and other provisions,” Articles 3 and 4.
7. Discussion on the Bill 2525/1997. P. Paraskevopoulos’s speech (PASOK, governing Socialist Party) (September 3, 1997).
8. Presidential Decree 176/1997 on “Measures for the improvement of safety and health at work of pregnant, post-partum, and nursing workers in compliance with directive 92/85/EEC.”

9. Discussion on Bill 2639/98. A. Psarouda-Benaki's speech (Nea Dimokratia MP, Opposition) (August 4, 1998).
10. National Action Plan for the Social Integration, 2003–2005, pages 17–18, 29–30 by the Ministry of Labor including independent experts and civil servants.
11. Discussion on the Bill 3232. K. Mitsotakis's speech (honorary President of Nea Dimokratia) (January 29, 2004).
12. Article in *TA NEA*, entitled: “Part-time job is female: half women up to 29 years old work part-time.” I. Georgakis and M. Kaitanidi (May 22, 2004).
13. Pamphlet: “We Support Family: We ensure Equal Opportunities and Rights for All, We Protect Maternity, We Promote Women in the Labor Market: What is in Effect, New Measures, Our Commitments and Prospects” by the General Secretariat for Equality, Ministry of Interior, Public Administration, and Decentralization (December 2003).
14. Pamphlet entitled “Women Heads of Single Parent Families: Social Provisions: Benefits and Supporting Services” by the General Secretariat for Equality, Ministry of Interior, Public Administration, and Decentralization. Analyzed text: introductory note by Efi Bekou, Secretary General of Equality (July 2003).
15. National Action Plan for Employment 2000, Guideline 18: Reconciling work and family life, Athens, by the Ministry of Labor, including independent experts and civil servants (2002).

## Hungary

1. Protocols of Plenary Session of the Parliament on the Bill T/331 on the Amendment Concerning Family Provisions—general debate and detailed debate (November 24, 1998 and December 7, 1998).
2. Protocols of the Plenary Session of the Parliament on the Bill T/1280 on the Amendment of Legislation Concerning Childcare Benefits—general debates (June 14, 1999 and September 6, 1999).
3. National Family Policy Concept, Draft presented to the Government, Minister of Social and Family Affairs (October 1999).
4. Protocols of the Plenary Session of the Parliament on the Amendment of the Act LXXXIV of 1998 on Family Provisions—general debate, detailed debate and voting (February 14, March 9, and March 27, 2001).
5. “Family Friendly Workplace Award 2004”—Call for Proposal of the Labor Ministry and the Governmental Office of the Minister for Equal Opportunities.

6. A Collection of Problems and Draft Action Plan for the Values of the National Demographic Program by the Prime Minister's Office (2001).
7. Protocols (Memo) of (Re)Launching Meeting of the Governmental Committee on Demographic Policy (September 19, 2002).
8. Joint Assessment of the Employment Policy Priorities of Hungary (November 2001).
9. Press release on the Governmental Program "Chance for the Future" (September 27, 2002).
10. Hungarian National Development Plan. Approved by the Hungarian Government. Office of the National Development Government Commissioner Plan and European Funds (March 26, 2003).
11. Closing speech at the conference "At a Crossroad—The Situation of Demographic Policy at the Beginning of the 21<sup>st</sup> Century" held by Imre Szekeres, Secretary of the Governmental Committee on Demographic Policy (September 25–26, 2003).
12. Governmental Strategy on Demographic Policy by the Governmental Committee on Demographic Policy (December 17, 2003).
13. Joint Inclusion Memorandum on Social Integration. Hungarian Ministry of Health, Social and Family Affairs (December 10, 2003).
14. Report on the Social Situation of the Society and its Defence Mechanisms. Based on preliminary findings of the Solid Project. Ministry of Social and Family Affairs (December 2003).
15. "Changing Male Roles"—Call for Proposal of the Governmental Office of the Minister for Equal Opportunities and the background material for the Call for Proposal (2004).

## **The Netherlands**

1. Towards a National Careplan 93: Lecture Jeanne de Bruijn, Amsterdam: Paradiso (March 8, 1993).
2. Project Group Redistribution Unpaid Labour: Progress report on the redistribution of unpaid labor, also in relation to the increase of men's care responsibility (April 4, 1995).
3. Letter from the State Secretary of Public Health, Welfare and Sports containing a policy Note on the Societal Position and Function of the Family (September 16, 1996).
4. Speech by Minister of Social Affairs and Employment during the presentation of the final advice of the Committee Daily Routine, The Hague (April 23, 1998).

5. Letter from the Secretary of State of Social Affairs and Employment containing a reaction to the report “Women’s Treaty, Motherhood, Parenthood, and Labor” (November 25, 1998).
6. Project group Stimulation Measure Daily Routine: Information Brochure (2001).
7. Preliminary Report by the Parliamentary Committee on Social Affairs and Employment concerning the preparative research for the legislation proposals Labor and Care Act (27207) and the Implementation Act Labor and Care (27208) (February 26, 2001).
8. Letter from the Secretary of State of Social Affairs and Employment to the President of the Second Chamber of Parliament containing a Cabinet Standpoint on Long Term Care Leave (November 16, 2001).
9. Course of Life Inventory: policy options for learning, working, caring, and living. Presented to the Second Chamber of Parliament by the Secretary of State on Social Affairs and Employment (January 22, 2002).
10. Speech by the Secretary of State of Family Policy and Emancipation Khee Liang Phoa during the launch of the project “Men in the Leading Role” (February 27, 2003).
11. Final Advice Steering Group Daily Routine (March 24, 2003).
12. Council of State’s advice concerning the draft Course of Life Arrangement (September 10, 2003) and the additional report of the Secretary of State of Finances and the Minister of Social Affairs and Employment (September 15, 2003).
13. Speech by the Minister of Social Affairs and Employment during the manifestation “Business-like and Careful, 10 Years of Child Care” (November 3, 2003).
14. Family Notation NGR: Towards a fruitful, productive, and careful family policy (May 2004).
15. An EER (gender impact assessment) for the Course of Life Arrangement (Autumn 2004).

## Slovenia

1. Adoption of Law on Parenthood and Family Income, speech of Lučka Boehm, representative of Employees Syndicates (June 2, 1999).
2. Adoption of Law on Parenthood and Family Income, speech of Roman Jakič, MO (LDS) (June 2, 1999).
3. Adoption of Law on Parenthood and Family Income, speech of Tomaž Merše, representative of Family Initiative (NGO) (June 2, 1999).
4. Adoption of Law on Parenthood and Family Income, speech of Miran Potrč, MP (ZLSD) (June 2, 1999).

5. Adoption of Law on Parenthood and Family Income, speech of Franci Rokavec, MP (SDS) (June 2, 1999).
6. Adoption of Law on Parenthood and Family Income, speech of Helena Kamnar, M.A., State Secretary, Government RS, Ministry of Finance (June 30, 1999).
7. Adoption of Law on Parenthood and Family Income, speech of Ph. D. Helena Hren-Vencelj, MP (SKD) (June 30, 1999).
8. Adoption of Law on Parenthood and Family Income, speech of Bojan Kontič, MP (ZLSD) (June 30, 1999).
9. Adoption of Law on Parenthood and Family Income, speech of Janez Mežan, MP (SDS) (June 30, 1999).
10. Adoption of Law on Parenthood and Family Income, speech of Maksimilijan Lavrinc, MP (LDS) (June 30, 1999).
11. Adoption of Law on Parenthood and Family Income, speech of Mario Gasparini (LDS) (June 30, 1999).
12. Adoption of Law on Parenthood and Family Income, speech of Janez Drobnič, MP (Nova Slovenija) (June 22, 2001).
13. Adoption of Law on Parenthood and Family Income, speech of Andrej Vizjak, MP (SDS) (June 22, 2001).
14. Adoption of Law on Parenthood and Family Income, speech of Danica Simšič, MP (ZLSD) (June 22, 2001).
15. Adoption of Law on Parenthood and Family Income, speech of Cveta Zalokar Oražem, MP (LDS) (November 21, 2001).
16. Amendment to Law on Parenthood Protection and Family Benefits, speech of Bogdan Barovič, MP (SNS) (July 10, 2003).
17. Amendment to Law on Parenthood Protection and Family Benefits, speech of Vojko Čeligoj, MP (DeSUS) (July 10, 2003).
18. Amendment to Law on Parenthood Protection and Family Benefits, speech of Silva Črnugelj, MP (ZLSD) (July 10, 2003).
19. Amendment to Law on Parenthood Protection and Family Benefits, speech of Janez Drobnič, MP (NSi) (July 10, 2003).
20. Amendment to Law on Parenthood Protection and Family Benefits, speech of Stana Stopar, MP (LDS) (July 10, 2003).

## Spain

1. III. National Equality Plan (Plan for Equal Opportunities between women and men) (1997–2000).
2. IV. National Equality Plan (Plan for Equal Opportunities between women and men) (2003–2006).

3. Law 39/1999 to Promote the Workers' Reconciliation of Family and Work Life (November 5, 1999).
4. Law 46/2002 on Partial Reform of the Personal Income Tax IRPF (December 18, 2002).
5. "Civil servants who have children will reduce workday without losing in salary." Press article, *El Mundo* (April 18, 2002).
6. IV. Equal Opportunities Plan for Women and Men in the region of Madrid (2002–2005).
7. III. Equality Plan Basque Country (1999–2002).
8. Evaluation of the tax deduction for maternity and the tax reduction for child caring included in the partial reform of the IRPF-law. Trade Union UGT on Law 46/2002 (January 2003).
9. Parliamentary Debate of two law proposals, the first Socialist Party's Proposal on the rights to reconcile family and professional life of working men and women, and the second the Catalanian Nationalist Party law proposal on paternity leave in case of child birth, adoption, or foster parenting (May 13, 2003).
10. Parliamentary debate and proposal to investigate the development of the Law 39/1999 which promotes the reconciliation of family and labor life for working people (June 2003).
11. The Church's Directive on family issues in Spain (February 2004).
12. Electoral Program of the Conservative Party PP (March 2004).
13. Electoral Program of the Socialist Party PSOE (March 2004).
14. Electoral Program of the Leftist Party IU (March 2004).

# Domestic Violence: A Public Matter<sup>1</sup>

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and Fray Kamoutsi*

## 1. Introduction

In the last few decades, the recognition of domestic violence as a policy issue has passed from a feminist demand to a major public issue. This recognition is the result of ongoing discussions and struggles across Europe. Generally speaking, in today's Europe, domestic violence is considered a matter of concern for the entirety of society, a matter in which public intervention is required by states that are supposed to protect their citizens. This recent recognition has different interpretations across and within countries. In this chapter we try to describe and analyze the different representations of domestic violence for policy purposes in Europe. This chapter sets out to explore the range of interpretations found in six European countries and the EU, and especially their connection to gender equality.

The variety of interpretations of domestic violence in the different policy debates is reflected both in the activity level of governments in adopting measures to address it, and in the way it is framed as a policy problem. Although there are some important national studies for measuring the phenomenon and its costs (Walby and Myhill 2001; Walby 2004), the attention given by feminist scholars to cross-national variation in domestic violence policies has been relatively small compared to other areas such as social welfare, family policy, or child care (Weldon 2002: 3; Kantola 2004), and there is an important absence of comparative studies on violence policy (Mazur 2002: 160). Except very few studies during the 1990s (Busch 1992; Elman 1996a and 1996b), the interest on comparative research in this policy area is very recent (Weldon 2002; Mazur 2002; Kantola 2004 and 2006; Johnson and Brunell 2006) and mostly focuses on policy outputs. In the largest comparative study on domestic

1. Much of this chapter is based on the comparative study on domestic violence written within the framework of the MAGEEQ Project and was a product of a larger group. Therefore we would like to express our gratitude to all of those who, beyond the authors of this chapter, have contributed to the comparative report: Jacintha van Beveren, Tamás Dombos, Maria Filiopoulou, Raquel Platero, Karin Tertinegg, and Mieke Verloo.

violence so far, Weldon studied thirty-six countries, ranking their national policies as better or worse based on the scope of their governments' responses. She explained cross-national variations by showing that cultural differences, levels of development, and the presence of women legislators are relatively unimportant factors, and demonstrated that greater policy responsiveness to the problem of violence against women is a product of the mutually reinforcing interaction between women's policy agencies and a strong, autonomous women's movement (Weldon 2002).

Building upon Weldon's seven criteria for measuring state response and the theories of feminist scholars such as Connell (1987), Walby (2003), and Randall (2004), Johnson and Brunell developed the concept of "domestic violence regimes," applying it to a comparative study of eleven countries in post-communist Europe. Although their concept of "domestic violence regimes" is defined by the authors as "how the response to domestic violence has been 'institutionalised' in a combination of state and nongovernmental policy, discourse and practice" (Johnson and Brunell 2006: 576), their focus remains on policy outputs.

Kantola is one of few scholars who analyzes the policy discourses surrounding domestic violence. She looks at domestic violence discourses by comparing Scotland and England after devolution (Kantola 2003), and by exploring the relationship between violence against women and gender equality in two EU member states, Finland and England, and in the EU itself (Kantola 2004). In her analysis she points to the different influences of devolution processes and the impact of the EU that seem to have a continuing power, depending on national discourses. Her results indicate that the policy discourses behind the policy practices in the different cases might be even more different than the practices themselves. She demonstrates that even though feminist discourses in the field have filtered into parliamentary debates to some extent (Kantola 2003), there are many differences between countries in the way domestic violence is framed. She points out the unexpected difference between the pre-EU impact, non-gendered policy discourses on domestic violence in a supposedly "women-friendly state," such as Finland, and some strong feminist discourses in Britain. She studied the link—strong in Britain and weak in Finland—between domestic violence and gender equality, and the ways in which this link is emerging at the EU level, and argued for a more inclusive understanding of gender equality policies at the EU level, one that encompasses policy with respect to violence against women (Kantola 2004).

The tendency to discuss domestic violence outside the context of gender equality considerations, as shown by Kantola to exist in Finland, occurs in the framework of the strategic integration of gender interests into larger, more inclusive issues on the policy agenda (Ferree et al. 2002; Ferree and Gamson 2003). Such integration, however, has a double side effect. While it leads to a more successful building of strategic

coalitions supporting the issue, it can also lead to fragmentation of the issue, in which case the degendering of governance is also conducive to a loss in the authority of voices supporting gender equality approaches on the issue, and ultimately conducive to loss in terms of autonomy for women (Ferree and Gamson 2003).

Over a longer period of time, and speaking of the larger international system, MacKinnon considers violence against women as an issue in which the international system has made progress in counterbalancing the male-gendered state. The main paths where this influence could be conceptualized are countering state tendencies to mask issues of sexual politics as morality issues, to equate subordination with difference, to hide coercion behind consent, and to overemphasize the distinction between public and private (MacKinnon 2006).

Previous work on discursive analyses of domestic violence hence points to a number of tendencies that can be expected, notably a variation in degendering or gendering of the issue, and some variations of older historical framings in terms of morality or privacy.

In this chapter, which presents the results of a comparative analysis of frames in domestic violence policy within the MAGEEQ project, we aim to capture the different policy frames articulated on the national and EU level and their relationship to gender equality considerations, by examining national debates in six European countries and the EU. In the analysis we identify policy frames, establishing their comprehensiveness, presence, occurrence, or co-occurrence. We focus not only on differences between policy frames but also on potential inconsistencies within the frames. We analyze how the different frames can be attributed to different actors, and whether the types of actors promoting the same types of frames correspond to each other in the different national contexts. Changes in framing that occurred over the ten years that we looked at (1995–2004), or a more in-depth understanding of the different variations of the identified frames in each country—including regional and local variations—are issues that remain to be examined more closely in the future.

The study of frames on domestic violence included the analysis of a total of 130 policy texts produced during the last decade. Texts include formal policy documents from governments and parliaments, such as motions, bills, acts, reports, policy action plans, and protocols of parliamentary debates. They also include less formal documents from these political institutions, such as speeches, interviews, or official letters. Finally, the selection contains documents from other actors, such as political parties, civil society actors, experts, lobbying groups, or the press. Texts were selected in an attempt to come to exhaustiveness in terms of issues addressed. This implies that, following the reconstruction of the history of domestic violence in each country, texts were added until they covered all the issues raised in regards to domestic violence throughout the last decade. For most countries studied, this exhaustiveness was at-

tained with about 20 texts. As some frames derive from different forms of strategic framing and varying alliances, the selection of texts tried to capture this variation, resulting in a different numbers and types of texts for each of the seven cases. In Greece, domestic violence is only addressed in debates in conjunction with other forms of violence against women such as prostitution and trafficking, so the texts selected for Greece reflect on this larger definition of the topic.

## 2. Policy Frames in the Field of Domestic Violence

### *Sequence of Diagnosis and Prognosis Frames*

In our analysis of domestic violence policy, frames are defined around two questions: what is the problem's cause and whose problem is it? The extent to which the cause—and the effect—of the problem is or is not attributed to gender inequality define the three main frames (Gender Equality Frame, Degendered Domestic Violence, or Domestic Violence with Accent on Women as Main Victim Group) where almost all the documents are situated. These three frames describe what we can call the “gender continuum.” Also, the answers to the second question, “whose problem it is it?” help to articulate the different policy frames that we found in our analysis. The problem can be a gender inequality problem: a problem of women and men in unequal power relations, where domestic violence is a form of discrimination against women (Gender Equality Frame). It can be a problem of citizens—genderless victims and perpetrators, with the recognition sometimes that women are most often the victims (Degendered Domestic Violence or Domestic Violence with Accent on Women as Main Victim Group). Domestic violence may also be seen as a problem generated by a passive and failing state (Failing State Frame). It can also be seen as a problem of men, who are victims themselves in one way or another, neglected by policy (Men as Victims). It can be a problem that concerns the private sphere (Privacy Frame) or the family as a social unit (Family Frame). Finally, it can be seen as a problem of society at large, determined by decaying social norms, or it can be a problem for only some parts of society—for immigrants, for the poor and marginalized people, and for pathological individuals (Social Norms Frame).

To present the policy frames found in our research, we distinguish between major and minor frames, based on the criteria of comprehensiveness, authority of voice in the policy arena, innovativeness, and frequency. Given the qualitative focus of our research, the frequency of the frames was considered only as a secondary criterion in defining the salience of the identified frames. The analysis of domestic violence debates resulted in five major frames, frames that are dominantly present in the de-

bates of most of the examined countries; articulate a comprehensive story of domestic violence including diagnosis, prognosis, roles, and norms; and are most often put forward by policy actors with an important voice in their respective policy frameworks. These are the three frames of the “gender continuum,” as well as the Failing State Frame and the Social Norms Frame. Another five frames were identified as minor ones. The presence of the minor frames is much less widespread, sometimes typical for only one country, one policy actor, or one specific period of time. Minor frames do not necessarily provide a comprehensive approach to the problem, and are often articulated by marginal voices in the policy arena, but they do provide important additions to the debates and therefore cannot be disregarded. These are: the Men as Victims Frame, the Privacy Frame, the Family Frame, the International Obligations Frame, and the Public Health Frame. In what follows, we will describe and analyze in more detail the content of these frames, the voices that typically articulate them, and the similarities or differences as they appear in the various countries and the EU.

### *The Major Frames*

#### Gender Equality Frame

This frame is the most comprehensive one, and it defines domestic violence as a problem related to gender equality and as a form of gender discrimination. It interprets the phenomenon as a reflection of unequal power relations within the family and more broadly within society, viewing it as a universal problem of all social classes and groups regardless of economic situation, education, or ethnicity.

According to this frame the main causes of domestic violence are economic, financial, and social dependency, and the exploitation of women within the family and society. This dependency is seen to cause violence while also preventing women from stepping out from the cycle of violence that can be physical and psychological. Stereotypical social values are seen to support and perpetuate the phenomenon by sustaining unequal power relations in the family, but also by making it acceptable to the rest of society, thus keeping it hidden. At the same time, according to this frame, gender inequality is not only a cause of domestic violence, but it is also perpetuated by domestic violence: it causes damage to the health, physical condition, and self-esteem of women. These together form obstacles to gender equality by decreasing the participation of women in society and politics and by decreasing their chances of entering or staying on the labor market. This frame views domestic violence as primarily a problem that affects women and often lists it together with other forms of gender discrimination or violence against women such as sexual harassment, traf-

ficking, or prostitution. The victims are primarily women and the responsibility for the phenomenon is assigned primarily to men, then to a prejudiced society, and ultimately to the state, guilty of omitting its duties. Domestic violence, for this frame, is clearly a public matter of concern for the entirety of society and for the state, and it is primarily a human rights issue. Therefore the necessity of state intervention is unquestionable.

The solution proposed by this frame to this complex problem is equally complex and includes several pillars of action. First of all, complex coordinated action is needed in which all stakeholders have their role. A strategy should be developed that would assign clear roles and responsibilities to all actors, ranging from various ministries to the police and a web of different social welfare institutions and nongovernmental organizations (NGOs). Both cooperation and a proper flow of information among these actors are crucial.

The main focus of action is the sanctioning of domestic violence similarly to crimes committed in the public realm. Domestic violence should be defined clearly and distinctively as a crime. Perpetrators are to be kept away from their victims by restraining orders during legal proceedings and sanctioned harshly. Along with sanctioning (this is another pillar of action), perpetrators also should be treated—they should be made aware of the weight and implications of their behavior by therapy or treatment within or outside prison.

Lastly, another pillar of action is support and care for the victims, namely women. This includes support such as legal aid, psychological counseling, and economic and labor market assistance. The main principle behind this support is to empower women victims, not to just treat the symptoms, and also provide them with a means to avoid reentering the trap of domestic violence. Though the primary aim of the frame is to maintain the victims, the women, in the home and keep the perpetrators away from the home, it also may include the need for establishing women's shelters for those women who had to leave their homes—including not only women with children but also single women. These shelters are to be aimed specifically at women, work on the empowerment of women, and are preferably maintained by women's NGOs in a feminist spirit.

Finally, this frame also proposes action aimed at society at large by awareness raising and education. The values transmitted through such actions should be related to gender equality in general and violence against women as a form of gender discrimination in order to address social prejudices and stigmas that prevail in relation to women. The aim is to create a more aware society that can actively participate in the avoidance and prevention of the reproduction of gender inequality and domestic violence as one of its manifestations. Society is targeted in general as a bearer of public opinion; potential victims and perpetrators also are targeted; and finally different

stakeholders working on addressing domestic violence are targeted, too. Education strategies in the form of public campaigns and in the reform of educational curricula are the main elements of this frame.

### Domestic Violence with an Accent on Women as the Main Victim Group

This frame speaks about domestic violence, most often but not necessarily, as a problem between women and men. It depicts women (very often together with children) as being the primary victim group and men as being the primary perpetrator group, though it also implies that everybody can be a victim or a perpetrator. Responsibility for domestic violence, importantly, is assigned to the failures or omissions of the state and to some extent to an ignorant (but not prejudiced) society. It does not interpret the phenomenon as being related to gender inequality. The frame does not have much to say about the structural gender inequality features behind domestic violence. It may refer to the mechanisms of the reproduction of violence, such as the relevance of dependency to becoming a victim of domestic violence, or the relevance of childhood abuse in the family to becoming a perpetrator. However, these mechanisms are not framed in gender equality terms. Domestic violence is seen as a clearly public matter, but the problem may be located in different realms: it can be a human rights issue as well as an issue of public health or crime. According to this frame, domestic violence is a social given: there are no references to the factors that cause or help reproduce it but mainly to the problems it creates both on the personal and social level. Consequently, there is an emphasis on the prognosis.

The solution to the problem offered by this frame is multifaceted: it requires complex coordinated action from all state and non-state actors. A lot of attention is paid to the efficiency of institutional cooperation and other technicalities of state intervention. Their main components of action beyond these are: the criminalization of domestic violence and the introduction of restraining orders to keep perpetrators away from the victims; support and protection for victims including the creation and maintenance of shelters for all victims, child support measures, and other economic and psychological support measures for the victims (without the empowerment of women component characteristic of the Gender Equality Frame); and awareness raising and education concerning the social problem of domestic violence and the fact that it is not a private matter (without the specific focus on gender equality of the Gender Equality Frame). The emphasis here is on protection, support, and care for the victims of domestic violence and sexual violence mainly from a social policy perspective.

Whereas in the gender equality frame the ultimate goal is to criminalize domestic violence and maintain the safety of victims in their home while the perpetrators are kept away and sanctioned, in this frame support for the victims by establishing shelters and aiding them when they are away from home is as important as sanctioning.

An important sub-frame is “violence against children” which, though remaining within the above framework, perceives the phenomenon through the lens of a child abuse problem. In this sub-frame women are also seen as victims, and this endangers children. In this context, women victims are exclusively mothers and women without children are apparently lost and out of sight. Accordingly, the prognosis puts a large emphasis on child support; refuge places are designed for women with children, often not providing for women without children.

### Degendered Domestic Violence

In this frame the victim and perpetrator have no sex and no gender. The perpetrator is seen as violent and dangerous. The victim is portrayed as dependent and can include anybody of dependent status (even institutionalized children, elderly, or disabled people). The issue is represented in gender-neutral terms and the problem is seen as universal, as occurring across classes. This frame also discusses the mechanisms of reproduction of violence, how dependency contributes to the inability of victims to come forward with their problems and the necessity to return to the perpetrator, and how violence in the family reproduces violence from generation to generation. Responsibility for the problem is either located within state and society, where the state omits the required actions and society remains ignorant and passive, or located with individual abusive perpetrators. The issue is a public matter—it requires state intervention.

The solution to the problem should be brought on by complex coordinated multi-stakeholder action just as in the case of the previous frame, Domestic Violence with Accent on Women as the Main Victim Group. Improvements to the institutional framework and cooperation, protection and support for victims, awareness raising and education for prevention and sanctioning, and restraining orders for criminalizing, are all proposed by this frame, but only in their gender-blind forms. Emphasis can be put equally on all of these intervention proposals, but it is possible that we may have versions where the criminalization and sanctioning is put forward in a way similar to the Gender Equality Frame. As the empirical data about domestic violence show, most victims are women, thus most of the measures proposed by this frame implicitly target women.

As compared with the Gender Equality Frame and the previous frame, Domestic Violence with Accent on Women as the Main Victim Group, the Degendered Domestic Violence frame goes even further in putting aside the gender equality component of the problem of domestic violence. The inequality component in this frame is emptied of all of its structural components and relegated to the micro-level of private relationships. On the one hand, the frame seems to incorporate the inequality mechanisms that are behind domestic violence; on the other hand, it dismisses the systemic component, which shows that the problem falls disproportionately on women and is generated disproportionately by men because of prevalent social relations.

### The Failing State

The Failing State Frame differs from the previous three gender-related frames in the sense that it places the emphasis of the problem of domestic violence less in society and more on how a problem in society is dealt with. That is, the accent is more on the failure to address the problem than on the problem itself. This does not necessarily imply that the state is seen as responsible for “causing” the problem or having a role in making it. Thus, the idea behind this frame is one of a technocratic state, failing to solve a problem in society, more than a postmodern state, seen as part of the dominance and inequality in society.

According to this frame, which has the highest occurrence among frames, violence against women is considered an issue of public responsibility and relates to the organization of citizenship since violence threatens the institutions of democracy.

This frame strongly argues for domestic violence being a public matter that has to be addressed as such by the state. The state and its different branches, including different ministries and departments, police, the judiciary, child-care, healthcare, and welfare administrators and educators, are seen to fail in recognizing the problem, handling the problem, and preventing the problem from reoccurring. Part of this failure is explained by ignorance and a lack of information, and inadequate communication, cooperation, and coordination are also seen to cause the problem.

The solution proposed is twofold: first, improve the institutional framework addressing domestic violence, and second, improve the understanding of the problem within the state by raising awareness, education, and training. The institutional framework should be improved by better cooperation among stakeholders and better coordination of their actions. Strategies of action for addressing domestic violence should be developed, targeted research should be initiated, and appropriate data collected for improving the understanding of the problem. Protocols of action and good

practice guides should be developed. Action should be organized towards three main aims: recognition of the problem, handling, and prevention. Better understanding of the problem by different stakeholders should be achieved by education programs, training focusing on the nature of domestic violence, and general awareness raising, all of these targeted to all the relevant actors—police, judges, and healthcare and child-care administrators among others.

NGOs should be involved as stakeholders. The role of NGOs is emphasized particularly in developing and providing training and education programs and awareness-raising measures within the population but also for police, state employees, judges, or other state actors who play a role in fighting domestic violence. NGOs also are assigned an active role in supporting the victims. NGOs in this frame are not only seen as a resource of external and critical support to the state for addressing domestic violence but also as a major actor in policy implementation.

This frame provides no substantive interpretation of the social problem behind the issue of domestic violence. Therefore, it is rarely present alone. There are some texts in which it is the dominant frame; however, in most of the cases it occurs together with one of the three frames of the “gender-continuum.”

### Social Norms Frame

According to this frame the main problem behind domestic violence is to be found in social norms. Violence is part of social norms; society believes that violence is a normal part of family life. This means that perpetrators believe they can act violently, that violence is the primary means for conflict resolution within the family; it means that victims do not complain about domestic violence, they do not try to step away from its cycle; and it also means that the surrounding actors (neighbors, colleagues, health, and other service providers) do not find the violence problematic; therefore, they do not come forward with their problem. The media communicates and thereby sustains a culture of violence. Therefore, the main scope of any policy dealing with domestic violence is to change social norms, to reeducate society, to teach the relevant actors how to argue, to teach victims how to come out, to teach society to recognize the problem, and to interiorize the norms set by laws because “people cannot be made happy against their will.”<sup>2</sup>

2. Expression typical for this frame used by Katalin Gönczöl, Hungarian Commissioner for Crime Prevention in Hungary.

To some extent, as with the former Failing State Frame, the Social Norms Frame is also about the recognition of the problem rather than the problem itself. Pointing out social norms as a root cause of the problem may block possible solutions. Moreover, this frame tends to hold certain groups responsible for the problem, as we see in the following sub-frames.

This larger frame has several sub-frames. One important sub-frame is the *relativize the problem* sub-frame. According to this sub-frame, the problem of domestic violence is not a universal problem that all classes or categories of people potentially face. It is a problem of specific social groups having specific social norms within the society. There are two very distinctive versions of this frame that were present in the texts we analyzed. The first, the *underclass problem sub-frame*, argues that domestic violence is only present among marginalized vulnerable families, who are many times characterized by alcoholic or other dependent behavior or who are sometimes pathological families with pathological individuals in them. A specific version of it focuses on pathological individuals without actually placing them within the context of a larger social pathology problem. Solutions to the problem in this sub-frame contain anti-poverty measures, specific elements addressing alcoholism, and a focus on education and awareness raising concentrated on schools or other educational institutions, and specifically for those who cannot get it at home. Solutions may include therapy for the family or for the pathological individual as well.

The second version, the *immigrant problem sub-frame*, argues that it is mostly minority, immigrant populations and women who have to face the problem of domestic violence, and it is much less typical for the majority population. The problem here is with existing traditions and cultural norms and taboos that predetermine practices such as forced marriages, honor killing, or genital mutilation. Solutions contain several elements that are specific for the treatment of domestic violence within minority groups such as: lifting taboos, empowering minority women by making domestic violence independent ground for asylum, providing independent subsistence and housing for minority women, having zero-tolerance for culture-specific forms of violence, and encouraging research into the specific area of domestic violence in immigrant communities.

Another sub-frame is that of the *deteriorating society*. This sub-frame argues that society's values are deteriorating. It represents violence as a problem that extends to the entirety of society and is seen essentially as a problem of the distortion and degradation of morals that strikes at the heart of the value system of family and society, with negative effects on social cohesion, social consciousness, and solidarity. This is attributed to "the sexual revolution and the emancipation of women"—as the roles of men and women have changed—holding, in effect, women responsible for the violence done against them. There is also, in this case, particular reference to pornog-

raphy that reproduces stereotypes of violence against women related to essentialist notions of male aggressiveness and to the development of deviant sexual behavior. Therefore, public moral decadence has to be fought; public morals should be improved by education strategies directly targeting phenomena such as pornography, prostitution, and sexual exploitation. This sub-frame could also belong to the Family Frame, to be discussed among the minor frames.

### *The Minor Frames*

#### Privacy Frame

Taking an opposite position to the Failing State Frame, the Privacy Frame sees domestic violence as a private matter. Therefore, it is not a matter of concern for the state. Even if state intervention occurs it cannot be the same as for other forms of violence in the public realm, but needs to be much more cautious while sanctions have to be milder. Given the constraints of the private sphere, it is difficult to prove such crimes and easy to abuse the powers of intervention by the state. Women also might abuse, through false accusations, their rights for protection and the opportunity to inflict sanctions and restraints on their spouse or partner.

The outspoken radical version of this frame, while prevalent in the pre-Beijing period prior to 1995, has almost disappeared entirely from European policy debates by now. The elements of this frame, however, often come up in softer forms, especially in the form of proposing procedurally cautious intervention, or in the form of overemphasizing the human rights and the interests of the perpetrators. Often, there is concern for the property rights of perpetrators, for example, the risk of turning restrained perpetrators into homeless people.

#### Men As Victims

According to this frame, and completely shifting away from gender equality, it is men who face a problem when speaking about domestic violence. There are a few different rationales offered in this case. One version of the frame reverses the sex-specific violence frame and focuses on women perpetrators and male victims. According to another version, the measures used to handle domestic violence, especially sanctions (mainly, the restraining order), violate important rights of men, while sanctioning measures give women procedural weapons that they can easily manipulate and abuse to the disadvantage of their husbands. A somewhat distinctive version of this

frame related to the *Family Frame* sees male perpetrators as victims of society, victims themselves in family tragedies where it is very difficult to assign liability objectively. The solutions proposed to the problem are accordingly mild; they propose therapy instead of sanctions and mediation in the family instead of forced separation.

### Family Frame

The Family Frame problematizes family and social values as the main cause of domestic violence. Traditional values attached to the family are changing. Women's emancipation also brings changes; hence, the problems within the modern family. A less conservative version of this frame argues that society and families should accept the fact that violence in the family is part of the private family sphere and the solution to the problem also belongs there. These are problems because the family is the most basic unit of society, the natural place for people to belong, a place to provide security and protection, especially for children. Meanwhile, the family is also the basic unit of society which has its own dynamics and in which it is very difficult to assign liabilities and properly understand the nature of abuse. Therefore, only careful intervention is allowed into the family, if any. To address domestic violence is to address this change of values, or to change mentalities about violence in the family without unnecessary intrusion into family matters. Therefore, the family as a social unit has to be supported and helped through the conflict as a unit. Families have to be taught about proper values. Conflict resolution strategies have to be taught too, and conflicts need to be mediated as far as possible. This frame relates in many of its elements to the Privacy Frame. It also relates to the Deteriorating Society sub-frame of the Social Norms Frame, though its focus is somewhat more restricted: it does fear for the integrity of the family and only indirectly for that of the society.

### International Obligations Frame

This frame presents the norms, standards, and requirements of international agencies and international conventions (especially of the EU and those related to the Convention on All Forms of Discrimination Against Women [CEDAW]) as models to be followed and as frames of reference when evaluating policies and actions. The protection of human rights and the implementation of gender equality policies are major obligations not because of their immanent values but because they are imposed externally on the country in question, and as such they are keys to democracy, modernization, and Europeanization. Policy tasks are seen as defined by international

obligations and measured against the standards set in either CEDAW or relevant EU norms. Thus, both the problem and the solution to it are defined with reference to the external authority of international obligations. This is a very simplistic frame that almost never occurs by itself but rather along with some other, more substantive frame.

### Public Health Frame

This frame, specific to EU debates, defines the problem of domestic violence not in terms of violation of human rights but in terms of it being a “a major health scourge” and because of its high social and economic costs to society as a whole. According to this frame, violence against women is not a human rights issue but a health issue, despite the fact that it may at points make reference to some UN documents and to some fundamental rights (right to safety, right to life, etc.). This interpretation of the problem is largely devoid of gender sensitivity. Within this frame references to inequality or to the unequal distribution of power between men and women, as an underlying cause of the problem, are not made at all, leaving causes unaddressed. The existence of violence against children, young persons, and women seems to be taken as a “given fact.” The problem lies in the mere existence of victims of violence. Action within this frame is targeted primarily at the protection of victims and the prevention of violence. These goals have to be reached through awareness raising and research. The emphasis lies on the health implications for the victims of violence, and not on the criminal, human rights violation aspects of it.

### *Patterns among Countries*

#### The “Gender-continuum”

The presence of the *Gender Equality Frame* seems to set one of the main differences between most of the countries and the EU. The EU policy debate on domestic violence clearly seems to be a forerunner in defining the problem as a gender inequality problem and proposing an accordingly gender equality sensitive solution to the problem. Two-thirds of the documents analyzed for the EU consistently have the Gender Equality Frame present and it is articulated by experts, MEPs, and even commissioners, being part of official documents.

The presence of the Gender Equality Frame is almost as high in the Spanish case. In Spain, half of the documents frame their arguments in terms of a relatively consistent Gender Equality Frame. This frame is present in the texts of women’s or-

ganizations, the Basque regional prevention plan, expert texts, and texts coming from the Socialist Party, the opposition party during the period studied. The Spanish version of the frame offers a “gender order” diagnosis, and therefore provides solutions and proposals that aim at the structural change of society (Bustelo et al. 2004). The presence of this frame is much lower in the case of the other countries in this study. This already high presence of the Gender Equality Frame in texts from sources other than national government explains the rapid shift to an “official” Gender Equality Frame in Spain after the Socialist victory in the 2004 general elections. A new law against gender violence framing the issue in terms of the Gender Equality Frame was adopted only nine months after the political shift.<sup>3</sup>

This frame is relatively frequent in Greece, despite the fact that during the period examined in the MAGEEQ project domestic violence as such has not reached the national policy agenda<sup>4</sup> and has been discussed in the context of violence against women in general and more specifically trafficking. This high frequency may be explained by the effort of women active in EU institutions, NGOs, and the Secretariat for Equality to push the domestic violence issue to the forefront. Austria has fewer texts with the Gender Equality Frame consistently present throughout diagnosis and prognosis. The main actors who articulate it are the Socialist, Liberal, and Green parties. The frame is particularly weak in the two new EU member states: Hungary, where it only occurs in early texts from left-wing MPs and the 2000 CEDAW Report; and Slovenia, where it occurs in texts from outside the mainstream policy arena, in the CEDAW Report, and in a text by the Governmental Office for Women’s Policy.

The Gender Equality Frame is surprisingly absent from the Netherlands, where it only occurs in one non-state text from female experts. An interesting, distinctive element of the framing of domestic violence in the Netherlands should be mentioned here. As we will show below, the most prevalent frame in the Netherlands in terms of the relationship with gender equality issues is the Degendered Domestic Violence frame. This frame, however, mainly refers to the majority Dutch population, whereas the immigrant population is managed with a different approach: one that emphasizes gender relations and the gender inequality dimensions of domestic violence. This approach, closest to the Gender Equality Frame, is applied only to migrant women

3. Organic Act 1/2004 Law on Integrated Protection Measures Against Gender Violence. This text was not part of the comparative analysis, due to the fact it was passed after MAGEEQ closed its fieldwork in March 2004.

4. A new law on domestic violence was discussed and voted in Greece at the end of 2006 (10-10-2006).

and not to Dutch women. This ambivalence in framing domestic violence is present in different texts expressing governmental voices. Its presence seems to suggest that domestic violence, and implicitly the emancipation of women, is a problem for the immigrant population and not the Dutch, who are supposed to have overcome the problem already (Krizsán, Pantjens, and van Lamoen 2005).

Considerable variation exists among the different national contexts in terms of what policies belong to the Gender Equality Frame. Whereas the EU, the Spanish, or some of the Austrian versions of this frame mainly coincide with our description above, some of the other versions can be quite different. The language of the Hungarian version is rather shy, rarely using expressions such as power inequality or exploitation, and mainly speaks of domestic violence in the realm of gender discrimination. Meanwhile the Greek language, supposedly due to the fact that in Greece the phenomenon has been linked strongly to trafficking and prostitution and gained no individual problem status, is extremely powerful. Though it lacks in many cases a thorough structural analysis of the dynamics of domestic violence, expressions such as women's slavery or exploitation are used quite often.

As a middle ground between a gender inequality explanation to domestic violence and an entirely degendered explanation, the *Domestic Violence with an Accent on Women as the Main Victim Group Frame* is widely present both in countries which have a gender-equality-minded public debate on domestic violence and in ones that discuss the issue without taking into consideration its gender relevance. In contexts where the debate strongly relates the issue of domestic violence to gender inequality, this frame mainly is articulated by conservative speakers or occurs in official legal or policy documents (EU, Spain, Austria, and Greece). In countries where the debate is generally insensitive to issues of gender inequality, this frame represents a relatively gender sensitive approach that at least recognizes the fact that the majority of victims are women (Hungary, Slovenia), though it often lacks all references to structural forms of gender inequality.

As we have already said, in Greece, Austria and Spain, the appearance of the *Domestic Violence with an Accent on Women as the Main Victim Group Frame* is clearly related to conservative views. In Greece it was found in texts of conservative MPs and party officials. In Austria it is articulated mainly by conservative parties' newspaper articles, and surprisingly the CEDAW Report. In Spain this frame appears dominantly in governmental texts during the conservative period 1996–2004. While in Spain these documents emphasize individual rather than structure-oriented measures, the frame in Austria shows that equality is not seen as a right of women (citizenship) but as a matter of private arrangement between spouses.

This emphasis on the private in Austria can also be seen in the Netherlands. In the Netherlands, while most texts present a gender-neutral approach to the problem

of domestic violence, in some cases, mainly governmental and media texts, there is a mixture of concepts that do incorporate the gender dimension, though failing to provide definitions and specific diagnoses for the forms of violence addressed: they speak of sexual violence, violence against women, and trafficking in women, at times adding the modification “also in the private realm.” These texts tend to link the cycle of violence not so much to structural power inequalities in society, but rather to structures and relations in the private realm. Adult victims tend to be held responsible for maintaining the cycle by not sufficiently “coming out” with their problem and avoiding breaking up with their partner.

This frame is relatively important in Slovenia and it occurs in several parliamentary debates that include the viewpoints of the government and some members of Parliament. In the debates, initiatives for the legal protection of women and children and victims of violence came from MPs from the right-wing political parties. The security and protection of victims of violence is handled in very general terms, while violence against women and violence against children is considered a basic human rights violation.

In Hungary it appears in the two most relevant national strategies in the field and parliamentary speeches defending them. Given the prevalence of a degendered framing of domestic violence, texts using this approach are, in fact, some of the most gender sensitive approaches present in the Hungarian debate. Women are identified as potential victims but only as one of several other groups of people living in dependent relationships in the family. Domestic violence is presented as a human rights issue, but it is not located in the realm of gender inequality. At the same time, the general victim group described is that of dependent people, this dependency including both financial and emotional components.

In the EU this frame appears as a minor one, in debates associated with the Daphne program that speaks about “all acts of physical, sexual and psychological violence against children, young persons and women”; thus, on the one hand, treating women, young people, and children victims together, and on the other hand, including domestic violence against women, but also trafficking of women and children, or sexual abuse.

Though present in most countries, the *Degendered Domestic Violence Frame* is most prevalent in those countries that have a low presence of the Gender Equality Frame: Hungary and the Netherlands. In Hungary this frame is widely present in official, particularly legal, texts and official statements (Minister of Justice, for example).

In the Netherlands contemporary policy texts on domestic violence tend to frame the problem in gender-neutral terms, using categories as “victims,” “perpetrators,” “cases,” and “people concerned.” At points, specific target groups are identified, such

as children witnessing domestic violence and elderly people as victims. Women hardly are ever mentioned as specific target groups, not even in documents specifically focusing on violence against women. An exception to this is the specific framing used for immigrant women. The gender-neutral technocratic style as adopted by the government is taken over by many other different actors.

The Degendered Domestic Violence Frame also occurs in the EU, in texts originating from the European Parliament and the Council in which domestic violence is framed as a human rights or a public health issue.

The Degendered Domestic Violence Frame is marginal in the debate of all the other countries. It mainly occurs in Austrian, Slovenian, and Spanish legal texts, statements of ministers of justice or even internal affairs, or documents coming from conservative parties. In Greece this frame does not occur at all. The reason for this may be that the texts analyzed were related to trafficking and, by extension, to sexual violence and the absence of any legal documents concerning the issue.

Regarding the *Failing State Frame*, our analysis shows that in the countries examined there is almost full consensus on the view that a complex, integrated, and well-coordinated strategy is needed to handle domestic violence, a strategy that includes sanctioning, treatment, and support for the victims and awareness raising. Accordingly, the analysis shows that one of the main consensually accepted problems with domestic violence is that the state fails in providing such an integrated policy. On the one hand, the wide presence of the Failing State Frame points to this consensus, and on the other hand, to the technocratization of the issue, together with its arrival on the official policy agendas.

This frame occurs predominantly in the Netherlands, where it is present in almost all analyzed texts. This is probably due to the relatively long history of this policy in the Netherlands, which makes it easier to assess state failure. It is also quite common in Hungary. This frame is put forward practically by all participants of the debate in both of these countries.

The frame is relatively strong in Slovenia, Spain, and Austria, and is articulated by a similarly broad range of voices. It occurs in Greece as a marginal one and is mainly found in the texts of expert women from the General Secretariat of Equality. This can be explained by the fact that the issue has not yet reached the national policy agenda.

This frame seems to dominate most strongly the debates in countries where the gender content is relatively weak: in the Netherlands, Hungary, or Slovenia. However, sometimes it also co-occurs with the Gender Equality Frame.

The set of sub-frames under the *Social Norms Frame* is not so widely present as the ones discussed earlier, and is missing from Slovenia and the EU. However, given its

comprehensiveness and the importance of policy voices that articulate it, it cannot be disregarded as being one of the major domestic violence frames.

The most comprehensive form of this frame—which argues that it is the culture of violence and society’s tolerance towards violence in the family that generates domestic violence—occurs in a governmental strategy text in Hungary, in a law in Spain, and in a party program in Austria.

The *relativize sub-frame* occurs in only a few cases in the documents analyzed. As mentioned, the sub-frame varies according to the groups perceived to be especially prone to domestic violence. The groups considered may be the poor, marginalized people, especially those who are exposed to alcohol and drug addiction, or pathological families or individuals. This frame is typical for all kinds of policy voices, from laws and legal strategies to statements by MPs or government representatives or experts.

In the Netherlands immigrants are seen as the main group where domestic violence prevails. The relativization of the problem of domestic violence is further accentuated by two different policy frames used for the immigrant and Dutch populations. This sub-frame therefore emerges as a significant frame in many Dutch documents, mainly expressed by governmental and MP voices. Specific treatment of migrant women also comes up in Austria, though in this case no clear duality can be detected in the approach towards the different groups of women. The proposed measures specifically target the empowerment of migrant women, primarily by improving their legal status.

The *deteriorating society* sub-frame is only present in the Greek debates. It is interesting that this approach also relates social decay to recent increase of immigration to Greece. Such views are commonly found in the speeches of male, especially conservative but also liberal MPs who either explicitly or implicitly express, more or less, traditional and moralizing political views.

The approach of the Social Norms Frame and the Family Frame dismiss entirely the human rights aspects of the problem, discharge all individual aspects of responsibility, and locate the problem entirely in the social context. The different versions of the Social Norms Frame and the Family Frame are incompatible with the Gender Equality Frame and they are absent from the EU context as well as from any other texts that have a gender-equality approach to domestic violence. Proposed action here remains mostly in the realm of soft, non-interventionist measures. Compared to other countries, the Greek, Austrian, and Hungarian debates (and especially but not only conservative speakers within these countries) are more concerned with the protection of social norms, traditional values, or the institution of family.

## Minor Frames

We found only one instance of the most outspoken radical form of the *Privacy Frame*, which says that domestic violence is a private problem and therefore no state intervention is needed for handling it: in an early (1997) parliamentary debate in Hungary. However, milder forms of this frame, arguing for procedurally cautious intervention, are still present in Austria, Hungary, and Slovenia, expressed by governmental, legal, and party voices from mostly conservative sources. These types of arguments have not occurred in Spain, the Netherlands, Greece, or the EU. The milder version of the Privacy Frame occurs together with the Men as Victims Frame, if the perpetrator to be defended from undue process is interpreted explicitly as male.

The *Men As Victims* Frame appears as a minor, mostly fragmented one in all countries, with variations in content and emphasis in each case. This “protection for poor men” version appears in very few texts in total in the examined countries and is put forward either by conservative voices of MPs or the media.

The *Family Frame* is present as a minor frame in most of the countries that we examined, though it is completely absent from the EU and Slovenian contexts, and it only occurs once in Spain in a text originating from the Catholic Church. It is articulated in Hungary and Austria by conservative MPs and experts, and conservative party voices who fear “the integrity of the family.” In Greece this frame merges with the *deteriorating society* sub-frame of the Social Norms Frame. Thus, the emphasis here is on traditional family values and the main objective both in preventing and treating domestic violence is to support the family as a social unit and as an institution offering security and protection, especially for children.

The incidence of the *International Obligations Frame* shows a well-known picture. Using international norms and obligations as normative grounds for defining policy problems and justifying policy change appears only in the latecomers to the EU. The frame occurs several times in Hungary, articulated by left-wing speakers, legal documents, and the Minister of Equal Opportunities. In Greek documents it is primarily used by MPs, women politicians, and other voices coming from organizations representing women or concerned with equality. It also occurs in Slovenia in legal and other official documents. This frame is absent from all the others countries.

The *Public Health Frame* only occurs in the EU; our research has found no traces of it in any of the analyzed countries. The countries mainly locate the issue in the realm of human rights, criminal law, or family policy instead.

### 3. Inconsistencies in Framing Domestic Violence in Europe

Throughout the texts, the prognosis is much more developed than the diagnosis. When it comes to courses of action there is a wide consensus concerning the need for coordinated multi-stakeholder action (with the exception of Greece where the issue practically has not reached the policy agenda). Ministries, welfare institutions, schools, police and other state institutions, NGOs, and experts are proposed to work together for addressing domestic violence. The necessity of promoting and monitoring research on domestic violence as an integral part of prevention and early intervention strategies is stressed in a number of EU and Dutch documents. Versions of this proposal also are found in a few Greek texts but the accent is on the inspection of the problem. Almost all of the analyzed Dutch and Hungarian texts stress the importance of cooperation, coordination, and information-exchange among different disciplines like youth care, police, social services, and justice. This is a technocratic/pragmatic approach to the problem of domestic violence.

Gender-neutral prognoses are prevalent in most countries, often even in cases when the problem itself is defined in gender equality terms. An important and quite frequent mutation of the Gender Equality Frame is the version that contains a problem definition along the lines of the Gender Equality Frame but constructs a prognosis that lacks all the gender-equality-related elements, thus trying to solve the gender equality problem without addressing it directly. This version does not include action aimed specifically at empowering women, and the values that it aims to spread in the society by awareness raising and education are not gender-equality-related values but values related to human rights generally, or values such as humanity, solidarity, or democracy. This absence of concern for gender equality in the solution to the problem could have several explanations. It could be explained by the absence of details concerning specific measures from the policy prognoses available to us. In these instances, the wider scope of action for some of the measures might be seen to include gender-equality-minded elements, which the policymaker did not mention specifically. Another explanation could be the technocratization of the issue, the state-rationalizing tendency of the state to make policy fields more inclusive and comprehensive once practical to-do's are at stake, even if this leads to inconsistency in framing. Yet another explanation for this mutation of the Gender Equality Frame might be that the actors who use it have acquired some kind of gender equality discourse, borrowed from European and other international texts, but acceptance of the approach is not strong or consistent enough for translation into the what-to-do part—that needs a stronger commitment. A final explanation could be a strategic one, according to which a more inclusive degendered yet implicitly gender-equality-sensitive prognosis for domestic violence could be pursued more easily within

mainstream policy agendas; therefore, such strategic framing often can be chosen for pragmatic reasons.

This prevalence of the gender-neutral prognosis adds to the technocratic accent described above. However, despite their gender-neutral wording, these prognoses most often implicitly target women (being the largest group exposed to domestic violence, and therefore the largest group to receive remedies), and thereby cannot always be considered as gender insensitive. In the realm of the prognosis, sensitivity to gender equality derives from what type of measures are emphasized. A gender-equality-sensitive approach will mean emphasis on protecting the victims in their homes and empowering them to gain their independence, rather than just providing shelters. It will also mean emphasis on sanctioning perpetrators or changing social and perpetrator (male) attitudes towards more gender-equality sensitivity. Relatively few texts treat domestic violence as a specifically gender-equality-related issue if it comes to measures to handle the problem. Gender specificity in the prognosis mostly occurs in the EU and in Spain. If it occurs in the case of other countries, it is mostly focused on soft measures such as awareness raising with a gender equality tone, but a more substantive, “empower women to step out of domestic violence” approach—such as that found in Spain—is mostly absent. Moreover, even in Spain there is a tendency to consider women not only to be the main and exclusive problem holders but also the main responsible persons for overcoming the issue, through their denouncements.

In the analyzed texts most of the actions are geared towards victim support, mainly expressing welfare policy views on the issue. Additionally, suggested measures for the elimination of violence are aimed primarily at the sensitization of society towards the problem of domestic violence and the education of younger generations. Beyond the predominant soft measures approach, the sanctioning and criminalizing of domestic violence is also present in some of the countries: Austria, Hungary, and Slovenia. Contrary to conventional wisdom, the sanctioning and criminalizing approach is attached in this context to gender-equality-sensitive voices and not so much to conservative points of view. In the context of domestic violence, and this is well sustained by our findings, the latter argue for less radical solutions in which, especially given the constraints of privacy, in order to stop domestic violence, social change and collective measures should be devised rather than sanctioning individual behavior.

The main inconsistency in the analyzed European debates on domestic violence seems therefore to lie, first of all, in the framing of the issue as a gender-equality issue when launched on the policy agendas and its reframing as a gender-neutral issue once turned into policy, especially in terms of concrete policy actions to be taken. This reframing, the universalizing tendency of which could be seen as part of normal policymaking, is problematic because it seems to lead to the neglect of the structural causes of the phenomenon, a failure of policies to address the deeper causes, and

instead to remain constrained to actions leading to incidental changes, not wider social progress.

#### 4. Conclusions

The analysis of policy frames in domestic violence has shown a number of specificities of this field. The first and foremost finding of our work is that, by now, more than ten years after Beijing, a relatively strong consensus has formed in Europe about the idea that the problem of domestic violence exists. There are different definitions and arguments as to how the problem can be defined and whose problem it is, but the fact that this is a policy problem, despite being located in the private realm, is not questioned generally. The weakness and marginality of the Privacy Frame and its different forms occurring in the debates corroborates this general consensus. Our analysis has shown that policy frames on domestic violence in Europe have shifted decisively from a stance where morality masked important issues of sexual politics to a relative agreement over the fact that violence in the private realm, most often against women, is a matter of politics and policymaking rather than morality and that the distinction between the private and public domain is artificial in this domain as far as rights enforcement is concerned.

Beyond the general consensus that domestic violence is a public matter, there is almost full consensus that the state has the responsibility to address this problem and very often the problem itself is attributed to the failure of the state to do so. It generally is agreed that a complex, integrated, well-coordinated strategy is needed to handle domestic violence that includes sanctioning, treatment, and support for the victims, and awareness raising. The elevation of the issue of domestic violence in most countries to the official policy agenda and its inevitable technocratization in this process is well illustrated by the widespread presence of the Failing State Frame.

Meanwhile we also found many patterns of similarities and differences in the way domestic violence is understood in different countries. We argue that there are some reoccurring inconsistencies in the way domestic violence is tackled by policies around Europe. We show, somewhat in line with Kantola's argument, that inconsistencies occur in the problematic relation of policies on domestic violence to gender equality policies. Although domestic violence has been an important demand by the feminist movement in most countries, in framing the problem as a public issue, its relation to gender equality often changes as soon as the issue is elevated to the level of official policy, producing some inconsistencies in different directions. There are shifts from an original gender violence issue towards a more gender-neutral issue, in which women are only one of several victim groups or perhaps (in what we called the

Degendered Domestic Violence Frame) they are not even mentioned specifically. The three major frames discussed (the Gender Equality Frame, the Domestic Violence with an Accent on Women Victims Frame and the Degendered Domestic Violence Frame) conceptualize this reframing process along the lines of a sliding scale—or as we have already called it a “gender continuum”—moving from a gender equality focus towards a gender-neutral focus.

Generally speaking, all countries and EU mainly treat domestic violence as a human rights, criminal justice, or public health issue and rarely as a specific gender equality problem (with the exception of contemporary Spain). More specifically, human rights, legal and criminal justice, or public health frames intertwine with a gender equality frame, and in the large majority of the analyzed texts a combination of frames seems to overshadow or completely dismiss the gender equality aspect. The dominant framing, especially in texts representing the views of mainstream policy voices, shows that as soon as the issue reaches the policy agenda the problem tends to be defined as “domestic violence” rather than in terms of “violence against women,” and even if a human rights approach is maintained, gender equality is integrated into it without maintaining its specificity. Such an integrated approach involves losing the emphasis on a deeper understanding of what are the social structural causes of the problem. Gender inequality is rarely seen as a cause, especially by mainstream policy voices. Instead other causes are called upon, such as state failure, problems with social norms, dependency within the family, or individual causes. Dependency as a perpetuating cause of the phenomenon is conceptualized thus, most often as individual dependency and rarely as social structural dependency. In very few cases is gender dependency referred to specifically. Some Greek documents even see the general deterioration of society as the cause of the problem. Such framing departs from linking domestic violence to gender inequality altogether and instead implicitly suggests that domestic violence might be caused by progress towards gender equality.

Hence, a second finding is that the process of integrating domestic violence into policy leads to a loss of attention to some of the deeper structural gender inequality causes of the problem. This is not inherently negative. Research has shown that sometimes policies that provide higher autonomy for women can be achieved if the issue is strategically framed in degendered ways, especially if this framing is supported by coalitions wider than just feminist ones (Ferree and Gamson 2003). However, it seems in the case of domestic violence that strategic framing and strategic coalitions often end up being co-opted by other frames which are often contradictory to gender equality priorities, and may lead to the disappearing of gender equality sensitivity all together, ultimately resulting in less autonomy for women (Krizsán, Paantjens, and van Lamoen 2005).

Looking at debates in each country and the EU separately on this gender equality–gender neutrality continuum, the Spanish debate and the debate in the EU clearly stand at the gender equality end of the scale. In the case of the EU, one should not forget, however, that its official policies remain in the realm of soft policies (especially awareness raising, sensitizing, campaigning, program financing, or sharing of good practices), and a move of official policies towards a more gender-neutral framing is clearly visible since the inception of the Daphne program.<sup>5</sup> However, all in all, Spain and the EU can be seen as those that most unambiguously locate the issue within the realm of gender equality. This is shown by the prevalence of the Gender Equality Frame in both cases and a relative absence of both the Degendered Domestic Violence Frame and the Men As Victims Frame. In the Spanish case, the approval, at the end of 2004, of the Law on Integrated Protection Measures against Gender Violence has represented a clear shift in official policies to the Gender Equality Frame. A symbolic and important indicator for this change is that the term mainly used nowadays in official documents and in the media is “gender violence” and no longer “domestic violence.” On the other side of the spectrum, we find the two new member states of the EU, Hungary and Slovenia, and the Netherlands, give prevalence to the Degendered Domestic Violence Frame, a dominantly technocratic language, and an almost complete absence of the Gender Equality frame. The Greek public debate is also a relatively gender equality sensitive one, but this debate is still about placing the issue of domestic violence on the policy agenda, not about framing the official policies on the matter. Austria, being a forerunner in Europe in innovative regulations on domestic violence, stands somewhere in the middle in relating domestic violence to gender equality. Though parliamentary debates in Austria concerning the issue are clearly sensitive to gender equality aspects (with even the conservative parties accepting that the main victim group is women), once the issue is turned into policy and law or is discussed by mainstream ministerial voices, it becomes entirely degendered.

All in all, in comparison with the “earlier” EU, domestic violence framings in most of the countries, except Spain, seem to be much less gender-equality related. Both in terms of diagnosis and especially in terms of prognosis, all other countries, particularly the Netherlands, Hungary, and Slovenia, approach the problem from a considerably less gender equality sensitive perspective. Meanwhile, along the traditional human rights grounding of the gender equality agenda, in the last five years the EU quite distinctively also has used the Public Health Frame on domestic violence.

5. For a more detailed analysis of the EU process of degendering see Krizsán, Pantjens, van Lamoen 2005.

Even though in all policy contexts the issue was brought on the agenda by feminist NGOs, mostly under the influence of a transnational advocacy network (Keck and Sikkink 1998), when the issue reached the agenda of mainstream policymaking its framing remained no longer sensitive to the specificities and structural causes of gender violence. This reframing indeed occurred because of strategic decisions made by feminist groups or because of mainstream policy processes. Also, as Roggeband (2004) and Kantola (2003) showed, the importance of the decision on whether feminist groups should act autonomously from the state or emphasize the responsibility of the state in supporting the NGOs and taking an inside role in the process can have important influence on the outcome, but it does not necessarily determine the course of policy framing. In our cases the shift from a gender violence perspective to a more general domestic violence perspective is present in the problem definition used by policy actors, but it is particularly evident in the largely gender-neutral prognoses that were prevalent in most of our examined countries. The exception to this shift is Spain. As Stetson and Mazur (1995) pointed out, the weakness of the feminist movement is one of the major weaknesses of Spanish state feminism. However, our analysis shows that the participation and vindication of the Spanish women's movement has been a crucial factor in framing domestic violence as a gender equality issue, and therefore part of the Spanish success. Our research shows that the official frames adopted in Spain clearly derive from frames previously articulated by the women's movement.

Looking at our results in terms of Europeanization, it seems that the EU in our sample of compared European countries sets the benchmark for defining domestic violence in relation to gender equality. However, given its limited competence, its leverage on the member states remains relatively limited. Framing domestic violence as a women's human rights issue, that Kantola finds specific to the EU (2003), is taken over by most of our analyzed texts that articulated the Gender Equality Frame. However, as shown, these texts remain relatively few and marginal. Meanwhile, the Public Health Frame remains specific to the EU policy context.

Our research has also shown no clear and conventional patterns of similarities between east and west, north and south, or old and new member states. The EU frames on domestic violence could be differentiated clearly from most of the other countries (with the exception of Spain) by their interpretation of the problem of domestic violence more explicitly within the framework of gender equality. The EU texts not only had gender-equality-related diagnostic frames but also had corresponding prognostic frames. This is connected undoubtedly to the fact that the EU has no competence in this area, and the measures they propose are necessarily "soft" in character. In one of the two southern European states (Spain), the framing shows a quite strong convergence to the EU frames, whereas the other (Greece) has failed to even put the issue

of domestic violence on the policy agenda. A surprising absence of convergence with the EU frames was demonstrated by the Dutch case. The Netherlands, a model polity in many conventional aspects of gender equality policy, with its predominantly gender-neutral framing of the problem, is much closer to the case of Hungary or Slovenia, the two new member states, than to that of the EU. The only realm where the conventional divisions were confirmed was in the quantity of references to the EU and other external standards and requirements as normative grounds for action: this has only occurred in the two new member states and in Greece.

This absence of conventional patterns in domestic violence seems to be in line with earlier research. Kantola (2003) shows similarly unconventional patterns when comparing Finland and Great Britain in terms of domestic violence policy. She shows that Finland, a northern country eminent for its gender equality policy, at least as far as child care, maternity, and labor policy is concerned, fares considerably worse than Britain (a latecomer in terms of the above), if we compare how they integrate gender equality into their domestic violence policies. It seems that domestic violence policies pose different challenges to the policymakers of European Union member states, the answer to which does not necessarily follow the conventional patterns of gender equality policy development. Undoubtedly, analyzing these different challenges is a next step in understanding why the different states and the EU and all of them in relation to each other framed domestic violence the way they did.

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## Annex 1.

### *List of Texts on Gender Inequality in Domestic Violence Analyzed by the MAGEEQ Project*

#### **Austria**

1. ÖVP official party program (*Parteiprogramm*) (1995) ÖVP (conservative party).
2. Article of the daily *Kurier* (February 11, 1995) “Hitting as a sign of powerlessness” (*Eine Ohrfeige als Zeichen der Ohnmacht*) by Susanne Bobek (female).
3. Debate in the Austrian Parliament on Law against Domestic Violence (*Nationalratsdebatte über das Gewaltschutzgesetz*). Speech analyzed: Doris Kammerlander (female deputy of the Green Party, a small opposition party).
4. Debate in the Austrian Parliament on Law against Domestic Violence (*Nationalratsdebatte über das Gewaltschutzgesetz*). Speech analyzed: Maria Schaffenrath (female deputy of Liberal Forum Party in opposition).
5. Debate in the Austrian Parliament on Law against Domestic Violence (*Nationalratsdebatte über das Gewaltschutzgesetz*). Speech analyzed: Nikolaus Michalek (male Minister of Justice, with no party affiliation, who is responsible for the law).
6. Debate in the Austrian Parliament on Law against Domestic Violence (*Nationalratsdebatte über das Gewaltschutzgesetz*). Speeches analyzed: Johann Schuster, male deputy of the Austrian People’s Party (ÖVP), conservative party, in coalition government; Rosemarie Bauer, female deputy of the Austrian People’s Party (ÖVP).
7. Debate in the Austrian Parliament on Law against Domestic Violence (*Nationalratsdebatte über das Gewaltschutzgesetz*). Speeches analyzed: Willi Fuhrmann, male deputy of the Austrian Social Democratic Party (SPÖ) in coalition government with the ÖVP; Ilse Mertel, female deputy of the Austrian Social Democratic Party (SPÖ); Doris Bures, female deputy of the Austrian Social Democratic Party (SPÖ); Gisela Wurm, female deputy of the Austrian Social Democratic Party (SPÖ); Helga Konrad, female SPÖ minister of women’s issues.
8. Debate in the Austrian Parliament on Law against Domestic Violence (*Nationalratsdebatte über das Gewaltschutzgesetz*). Speeches analyzed: Harald Ofner, male deputy of Freedom Party (FPÖ), the right-wing party in opposition at that time; Michael Krüger, male deputy of Freedom Party (FPÖ); Franz Lafer, male deputy of Freedom Party (FPÖ); Edith Haller, female deputy of Freedom Party (FPÖ).

9. Federal Law on Protection against Family Violence (*Bundesgesetz zum Schutz vor Gewalt in der Familie*) (1996). BGBl. Nr. 759/1996.
10. Report of the Parliamentary Commission of Justice (*Bericht des Justizausschusses*)
11. Article in *Der Standard* (November 28, 1996) “Frauenhilfe ist Privatsache” by Sigrid Brandstätter (female).
12. Short statement in Parliament on fight against domestic violence by Minister of the Interior. Speech analyzed: Karl Schlögl, male Minister of the Interior (SPÖ).
13. Program of Social Democratic Party (*Parteiprogramm*) (1998) SPÖ.
14. Fifth Report Federal Republic of Austria of September 1999 and Austria’s answer of April 4, 2000 to the Committee’s written questions regarding several points in the report.
15. Debate in the Austrian Parliament on measures for women and families; with various references to the fight against domestic violence, FPÖ deputies. Speech analyzed: Elisabeth Sickl, female Minister for Social Affairs, from Freedom Party (FPÖ), the right-wing party in coalition government with ÖVP.
16. Debate in the Austrian Parliament on measures for women and families; with various references to the fight against domestic violence, SPÖ deputies. Speeches analyzed: Barbara Prammer, former Minister for Women, female deputy of SPÖ, party in opposition; Gisela Wurm, former Minister for Women, female deputy of SPÖ; Karl Schlögl, former minister of the interior, male deputy from SPÖ.
17. Green Party Program (*Grünes Parteiprogramm*) (2001).
18. Platform of the “Initiative of Women” (*Plattform der “Initiative Freiheitliche Frauen”*) from the Freedom Party FPÖ (right-wing party in government).
19. Article from the liberal daily *Der Standard* (July 31, 2002) “Domestic violence: police take away seven men a day” (*Gewalt in der Familie: Polizei führt täglich sieben Männer ab*).
20. Government program (government coalition of ÖVP and FPÖ) (*Regierungsprogramm*) (2003).

## European Union

1. Resolution of the European Parliament on the need to establish a European-Union-wide campaign for zero-tolerance of violence against women.
2. Press release about the ministerial conference of the European Union that is held in Cologne as a part of the campaign against violence towards women (March 19, 1999).

3. Brochure (European communities' office for official publications) for the European campaign "zero-tolerance of violence against women."
4. Amended Proposal for European Parliament and Council Decision adopting a Programme of Community action (the Daphne Program 2000–2004) on measures aimed to prevent and protect against violence against children, young persons, and women.
5. Parliamentary Debate. Violence against Women—Daphne Program. (March 8, 1999) (International Women's Day). Speeches analyzed: Gradin, female MP; Hautala, female MP; Gröner, female MP; Bennisar Tous, female MP; Kestelijn-Sierens, female MP; Crowley, male MP; Eriksson, female MP; Maes, female MP; Waddington, female MP; Banotti, female MP; Monfils, male MP; Garcia Arias, female MP; Todini, female MP; Marinucci, female MP.
6. Opinion of the Committee of the Regions (COR) on: the "Communication from the commission on violence against children, young persons and women" and on the "Amended proposal for a European Parliament and Council Decision adopting a programme of community action (the Daphne Program 2000–2004) on measures aimed to prevent violence against children, young persons, and women."
7. Amended proposal for a European Parliament and Council Decision adopting a programme of community action (the Daphne Program 2000–2004) on measures aimed to prevent violence against children, young persons and women (April 28, 1999).
8. Decision of the European Parliament and of the Council adopting a programme of community action (the Daphne Program 2000–2004) on preventive measures to fight violence against children, young persons, and women.
9. External Evaluators' Report on the Daphne Program (November 2000).
10. International Conference on Violence against Women: Zero-tolerance. Organized by the Portuguese Presidency in Lisbon (May 4, 2000). Anna Diamantopoulou speaks out against domestic violence.
11. Meeting of EU experts on domestic violence and trafficking in women (May 30, 2003) "Tackling Domestic Violence and Trafficking in Human Beings—the Role of the European Union, Member States, and Civil Society."
12. European Women's Lobby paper composed for a EWL seminar: Capacity building for gender equality in view of European Union enlargement. Violence against women and women's human rights in EU (April 2003).
13. Unofficial EU document, by NGO European Women's Lobby (January 27, 2000) "*Devoiler les données de la violence domestique dans l'Union Européenne.*" *EWL observatoire.*

14. Speech by MEP Maj Britt Theorin, Chairperson of the Committee of Women's Rights and Equal Opportunities of the European Parliament, at the meeting on Violence against Women: Zero-tolerance in Lisbon (May 4, 2000).
15. Good Practices and Training Programme of Women against Violence Europe WAVE (November 15, 2000).
16. Report by the Committee on Women's Rights and Equal Opportunities on the proposal for a European Parliament and Council Decision establishing a second phase of the Daphne Program (July 24, 2003).

## Greece

1. Parliamentary discussion on Draft Law 3064/02 (October 2, 2002) *Official Journal of The Hellenic Republic A* 248. "Fighting white slavery, crimes against sexual freedom, the pornography of the under-aged and more generally the economic exploitation of sexual life and aid in the victims of these actions." Speech analyzed: F. Palli-Petralia, female MP, opposition, right wing, President of the European Women's Union.
2. Parliamentary discussion on Draft Law 3064/02 (October 2, 2002) *Official Journal of The Hellenic Republic A* 248. "Fighting white slavery, crimes against sexual freedom, the pornography of the under-aged and more generally the economic exploitation of sexual life and aid in the victims of these actions." Speech analyzed: Marietta Giannakou-Koutsikou, female MP ex-Minister of Health and Welfare, spokesperson for New Democracy (ND) in the standing parliamentary committee that worked on the draft law on behalf of the opposition, right wing.
3. Parliamentary discussion on Draft Law 3064/02 (October 2, 2002) *Official Journal of The Hellenic Republic A* 248. "Fighting white slavery, crimes against sexual freedom, the pornography of the under-aged and more generally the economic exploitation of sexual life and aid in the victims of these actions." Speech analyzed: Ch. Spyraiki, female MP, PASOK, ex-undersecretary for Health and Welfare (doctor and Professor of Pharmacology at the Medical School of the University of Athens).
4. Parliamentary discussion on Draft Law 3064/02 (October 2, 2002) *Official Journal of The Hellenic Republic A* 248. "Fighting white slavery, crimes against sexual freedom, the pornography of the under-aged and more generally the economic exploitation of sexual life and aid in the victims of these actions." Speech analyzed: L. Grigorakos, male MP, PASOK, the main speaker on the behalf of the governing party.
5. Parliamentary discussion on Draft Law 3064/02 (October 2, 2002) *Official Journal of The Hellenic Republic A* 248. "Fighting white slavery, crimes

- against sexual freedom, the pornography of the under-aged and more generally the economic exploitation of sexual life and aid in the victims of these actions.” Speech analyzed: Th. Kotsionis, male MP (PASOK), doctor. Appointed Deputy Minister for National Defense in 2003; Deputy Minister for Health and Welfare (1996 to 2000); leader of the Greek delegation to the Parliamentary Assembly of the Council of Europe (where he sits on the Joint and Standing Committees); vice-president of the Parliamentary Assembly of the Council of Europe since June 27, 2000.
6. Parliamentary discussion on Draft Law 3064/02 (October 2, 2002) *Official Journal of The Hellenic Republic A* 248. “Fighting white slavery, crimes against sexual freedom, the pornography of the under-aged and more generally the economic exploitation of sexual life and aid in the victims of these actions.” Speech analyzed: Ph. Petsalnikos, male, Minister of Justice, lawyer, main speaker on behalf of the government.
  7. Parliamentary discussion on Draft Law 3064/02 (October 2, 2002) *Official Journal of The Hellenic Republic A* 248. “Fighting white slavery, crimes against sexual freedom, the pornography of the under-aged and more generally the economic exploitation of sexual life and aid in the victims of these actions.” Speech analyzed: A. Xirotyri, female MP of the Coalition of the Left, civil engineer with an active political life both within her party and the Technical Chamber of Greece, representing Greek engineering, building, and planning professionals.
  8. Parliamentary discussion on Draft Law 3064/02 (October 2, 2002) *Official Journal of The Hellenic Republic A* 248. “Fighting white slavery, crimes against sexual freedom, the pornography of the under-aged and more generally the economic exploitation of sexual life and aid in the victims of these actions.” Speech analyzed: V. Polydoras, male MP of the opposition (right wing), member of the Executive Committee of the New Democracy Party, former minister.
  9. Article in *Eleftherotypia* (August 31, 2008) “Domestic violence, common secret” by Niki Roubani, female, President of the European Women’s Network and responsible for “SOS Line.”
  10. Article in *Eleftherotypia* (August 31, 2008) “No tolerance to violence against women” by Anna Karamanou, President of the European Parliament Committee on Women’s Rights and Equal Opportunities, PASOK European Deputy.
  11. European experts’ meeting “Combating domestic violence and trafficking in women” (May 30–31, 2003) Athens. Speech analyzed: F. Genimata, female, President of the Union of Hellenic Prefectures..

12. European experts' meeting "Combating domestic violence and trafficking in women" (May 30–31, 2003) Athens. Official Greeting by A. Karamanou. Speech analyzed: A. Karamanou, female, member of the European Parliament, Chairperson of the Committee for the Rights of Women and Equal Opportunities of the European Parliament.
13. Conference organized by the General Secretariat of Equality to celebrate the International Day for Combating Violence against Women (November 25, 2002). Speech analyzed: K. Skandalidis, male, Minister of Interior, Public Administration and Decentralization (PASOK).
14. Information leaflet of the General Secretariat for Equality on domestic violence and the counseling centers operating in Greece. Campaign against domestic violence, November 2002, "Still... you can live free from the fear of violence!" with the collaboration of Ministry of the Interior, Public Administration, and Decentralization.
15. European experts' meeting "Combating domestic violence and trafficking in women" (May 30–31, 2003) Athens. Official Greeting by Anna Diamantopoulou. Speech analyzed: A. Diamantopoulou, female, Commissioner in charge of Employment and Social Affairs, European Commission.

## Hungary

1. Debate in the plenary session of the Parliament on the amendments to the Penal Code, No. T/4057 (*A büntető törvénykönyvről szóló 1978. évi IV. számú törvény módosításáról szóló törvényjavaslat (T/4057) parlamenti vitája*) (April 15, 22, and 28, 1997 and May 13, 1997). Speeches analyzed: MP Attila Bánk, conservative party in opposition (FKGP), male; MP István Balsai, conservative party in opposition (MDF), male; MP Imre Kónya, conservative party in opposition (MDNP), male; MP István Berregi (FKGP), conservative party in opposition (FKGP), male; MP László Varga, conservative party in opposition (KDNP), male; MP Ibolya Dávid, conservative party in opposition (MDF), female; MP József Torgyán, conservative party in opposition (FKGP), male.
2. Debate in the plenary session of the Parliament on the amendments to the Penal Code, No. T/4057 (*A büntető törvénykönyvről szóló 1978. évi IV. számú törvény módosításáról szóló törvényjavaslat (T/4057) parlamenti vitája*) (April 15, 22, and 28, 1997 and May 13, 1997). Speeches analyzed: State Secretary, male; MP Pál Tóth, socialist party in government (MSZP), male, Committee of Human Rights, Minority and Religious Affairs; MP Péter Hack, liberal party in government (SZDSZ), male; MP Balázs Csákabonyi, socialist party

- in government (MSZP), male; MP Ferenc Kőszeg, liberal party in government (SZDSZ), male; MP Ferenc Tokaji, socialist party in government (MSZP), male; MP József Simon, socialist party in government (MSZP), male; MP Mátyás Eörsi, liberal party in government (SZDSZ), male.
3. The Fourth and Fifth Reports of Hungary to the Committee on the Elimination of All Forms of Discrimination against Women (September 21, 2000).
  4. Concept of the Law on Protecting Human Dignity and Combating Domestic Violence and Other Forms of Violence against Women. Draft prepared by an expert committee established by the Ministry (*Koncepció az emberi méltóság védelmét szolgáló, a családon belüli, valamint a nők ellen irányuló erőszak más formáinak leküzdését elősegítő törvényről. Tervezet*).
  5. Debate in the plenary session of the Parliament preliminary to the submission of the Parliamentary Decision on National Strategy for Prevention and Efficient Handling of Domestic Violence, No. H/2483 (*A családon belüli erőszak megelőzésére és hatékony kezelésére irányuló nemzeti stratégia kialakításáról szóló országgyűlési határozat (H/2483) benyújtását megelőző parlamenti vita*) (October 2, 2002). Speech analyzed: Dr. Miklós Hankó-Faragó, State Secretary at the Ministry of Justice, male.
  6. Debate in the plenary session of the Parliament on the Parliamentary Decision on National Strategy for Prevention and Efficient Handling of Domestic Violence, No. H/2483 (*A családon belüli erőszak megelőzésére és hatékony kezelésére irányuló nemzeti stratégia kialakításáról szóló országgyűlési határozat (H/2483) parlamenti vitája*) (March 18 and 24 and April 14, 2003). Speech analyzed: Dr. Miklós Hankó-Faragó, State Secretary at the Ministry of Justice, male.
  7. Debate in the plenary session of the Parliament on the Parliamentary Decision on National Strategy for Prevention and Efficient Handling of Domestic Violence, No. H/2483 (*A családon belüli erőszak megelőzésére és hatékony kezelésére irányuló nemzeti stratégia kialakításáról szóló országgyűlési határozat (H/2483) parlamenti vitája*) (March 18 and 24 and April 14, 2003). Speeches analyzed: MP Mátyás Eörsi, governing liberal party (SZDSZ), male, proponent of parliamentary decision; MP Ágnes Vadai, governing socialist party (MSZP), female, proponent of parliamentary decision.
  8. Parliamentary Decision on Defining a National Strategy for Prevention and Efficient Handling of Domestic Violence, No. H/2483 (*H/2483. számú országgyűlési határozat a családon belüli erőszak megelőzésére és hatékony kezelésére irányuló nemzeti stratégia kialakításáról*) (April 16, 2003). Speeches analyzed: MP Mátyás Eörsi, governing liberal party (SZDSZ), male, propo-

- ment of parliamentary decision; MP Ágnes Vadai, governing socialist party (MSZP), female, proponent of parliamentary decision.
9. Open letter sent by Prime Minister Medgyessy to the participants at a conference on domestic violence (September 30–October 1, 2003) (*Medgyessy Péter miniszterelnök levele a 2003. szeptember 30. és október 1. között tartott családon belüli erőszakról szóló konferencia résztvevőihöz*) (September 30, 2003)
  10. Speech by Katalin Lévai, Minister for Equal Opportunities at a conference on domestic violence (September 30–October 1, 2003) (*Lévai Katalin esélyegyenlőségi miniszter beszéde a 2003. szeptember 30. és október 1. között tartott családon belüli erőszakról szóló konferencián*) (October 1, 2003) Speech analyzed: Katalin Lévai, Minister for Equal Opportunities, female.
  11. Speech by Péter Bárándy, Minister of Justice, at a conference on domestic violence (September 30–October 1, 2003) (*Bárándy Péter igazságügyi miniszter beszéde a 2003. szeptember 30. és október 1. között tartott családon belüli erőszakról szóló konferencián*) (October 1, 2003). Speech analyzed: Péter Bárándy, Minister of Justice, male.
  12. Speech by Katalin Gönczöl, Government Commissioner for Crime Prevention at the Ministry of Justice, at a conference on domestic violence (September 30–October 1, 2003) (*Gönczöl Katalin miniszteri biztos beszéde a 2003. szeptember 30. és október 1. között tartott családon belüli erőszakról szóló konferencián*) (October 1, 2003) Speech analyzed: Katalin Gönczöl, Government Commissioner, former Parliamentary Commissioner (Ombudsman) for Human Rights, female.
  13. The National Strategy of Social Crime Prevention (*A társadalmi bűnmegelőzés nemzeti stratégiája*) (June 2003) Ministry of Justice (Igazságügyi Minisztérium).
  14. “We have to understand that this can be done differently” (“Meg kell érteni, hogy ezt másképp is lehet”) (2003) Interview with Katalin Gönczöl, Crime Prevention Commissioner of the Ministry of Justice.
  15. Report about activities that have taken place until April 20, 2004 by governmental bodies and NGOs, as well as the National Police Head Office, the Chief Prosecutor, and the National Justice Council with respect to establishing the tasks defined by the 45/2003 (IV. 6.) parliamentary decision on preventing and efficiently handling domestic violence (*Tájékoztató a családon belüli erőszak megelőzésére és hatékony kezelésére irányuló nemzeti stratégia kialakításáról szóló 45/2003. (IV. 16.) OGY határozatban foglaltak megvalósítása érdekében 2004. április 20-ig tett kormányzati és társadalmi szervezetek, valamint az Országos Rendőr-főkapitányság, a Legfőbb Ügyészség és az Országos Igazságszolgáltatási Tanács Hivatala intézkedéseiről*), (April 27, 2004).

16. Expert policy text written by two police experts for assessing and critically evaluating police action in the field of domestic violence, and for providing guidance for improvement. Szabó, Zsolt and Gábor Diószegi (2003) “On the possibilities of police action against domestic violence” (*A családon belüli erőszak elleni hatékonyabb rendőri fellépés lehetőségeiről*). National Police Headquarters, Crime Prevention Unit.
17. Project of law on restraining order used in cases of domestic violence, No. T/9837, and Restraining order: Efficient instrument in the protection against domestic violence, Summary T/9837 (*T/9837 számú törvényjavaslat a családon belüli erőszak miatt alkalmazható távoltartásról, és Távoltartás: Hatékony eszköz a családon belüli erőszak elleni védekezésben. Összefoglaló*) (April 2004).
18. Debate in the plenary session of the Parliament on the project of law on restraining order used in cases of domestic violence, No. T/9837 (*A családon belüli erőszak miatt alkalmazható távoltartásról szóló törvényjavaslat (T/9837) parlamenti általános vitája*) (April 27, 2004). Speech analyzed: Dr. Miklós Hankó-Faragó, State Secretary at the Ministry of Justice, male.

### The Netherlands

1. Emancipation under Execution (*Emancipatie in uitvoering*) (November 22, 1995) Emancipation policy plan developed by the Ministry of Social Affairs and Employment (Direction Coordination Emancipation).
2. Action Plan Domestic Violence (April 8, 1999) Ministry of Justice’s Action Plan published as part of the “Action Plan on Emancipation Tasks of Departments 1999–2002” (section 3) (*Actieplan Huiselijk Geweld. Gepubliceerd als onderdeel van het Actieplan Emancipatietaakstellingen Departementen 1999–2002, Ministerie van Justitie, sectie 3*).
3. Manifesto “Stop Domestic Violence” (*Manifest “Stop Huiselijk Geweld”*) (May 9, 2000) Manifesto composed in cooperation with professionals and civil society representatives engaged in matters of domestic violence, offered to several state officials on May 9, 2000.
4. Mid-term Policy Plan on Emancipation 2000 (*Meerjarenbeleidsplan Emancipatie 2000*) (November 15, 2000). Policy plan of the Ministry of Social Affairs and Employment (Direction Coordination Emancipation).
5. Minutes of a general meeting on November 27, 2001 of the Parliamentary Committee for Justice and the Parliamentary Committee for Public Health, Welfare, and Sports. Minutes of a meeting in which the Minister of Justice and the Minister of Public Health, Welfare, and Sports are consulted on the policy in the realm of domestic violence, by the members of the Parliamentary

- Committee for Justice and the Parliamentary Committee for Public Health, Welfare, and Sports.
6. Private Violence—Public Matter: Action Plan Domestic Violence (April 12, 2002) Interdepartmental policy plan developed under coordination of the Minister of Justice reflecting the official government policy on domestic violence for the short and medium term.
  7. Fighting domestic violence against women in view of the women's treaty (2002). Article assessing the interdepartmental policy plan "Private Violence—Public Matter" in view of the UN Women's Treaty (published in NJCM bulletin issued by the Dutch Legist Committee for Human Rights (*Nederlands Juristen Comité voor de Mensenrechten*). Reference: Boerefijn, Ineke and Titia Loenen (2002) "*De bestrijding van huiselijk geweld tegen vrouwen in het licht van het vrouwenverdrag.*" *NJCM Bulletin*, jrg. 27, no. 2. p. 106–122.
  8. Balanced extensions of punishment periods (*Evenwichtige strafmaatverhogingen*) (September 17, 2002) Press release from the Ministry of Justice announcing criminal law adjustments to extend the maximum punishment for several criminal acts, including domestic violence.
  9. "A safe country where women want to live" ("*Een veilig land waar vrouwen willen wonen*") (December 24, 2002) Policy Note of the Dutch cabinet, containing a policy reaction to the report "The prevention and fighting of violence against women" by the Study and Information Centre on Human Rights (SIM), as well as to the advice "Violence Against Women" by the Advisory Council on International Matters (AIV)
  10. Speech of Minister Donner of Justice (*Speech van Minister Donner van Justitie start van het VNG-programma Huiselijk Geweld*) (November 20, 2003) Public speech of the Minister of Justice on the occasion of the start of the Program Domestic Violence of the Association of Dutch Municipalities (VNG).
  11. Letter from the Minister for Migration and Integration Affairs (*Brief van de Minister voor Vreemdelingenzaken en Integratie (29200VI, 20)*) (October 17, 2003). Letter from the Minister for Migration and Integration Affairs to inform the Second Chamber of Parliament on the cabinet's decision to formally recognize domestic violence as a ground for acquiring independent residence status for victims of partner violence who end their relationship while having a dependent residence title.
  12. Motion of MP Adelmund (*Motie van het lid Adelmund c.s (28600VI, 45)*) (November 7, 2002) Motion demanding the cabinet to formally recognize domestic violence as a ground for acquiring independent residence.

13. Motion of MP Bussemaker (Motie van het lid Bussemaker c.s. (28600XV, 101)) (April 8, 2003) Motion demanding the cabinet to formally recognize domestic violence as a ground for acquiring independent residence.
14. Letter by the Minister of Social Affairs and Employment (December 2, 2003) Letter by the Minister of Social Affairs and Employment informing the Second Chamber of Parliament on the cabinet's policy in the realm of "domestic violence and violence against women" (29200XV, 37).
15. "To Men's Advantage—And Women's Too!" Project report of interactive policy pilot entitled "To Men's Advantage—And Women's Too," aimed at collecting ideas from society that might serve as input for innovative emancipation policy, initiated and executed by the Ministry of Social Affairs and Employment.

### Slovenia

1. Criminal Procedure Act, discussions at the ninth session of the Committee of the Interior and Judiciary, April 11, 1997 (*Zakon o kazenskem postopku, obravnava na 9. redni seji Odbora za notranjo politiko in pravosodje*). Speech analyzed: Boštjan Penko, the representative of the submitter of amendments, Ministry of the Interior for the Government of the Republic of Slovenia, male.
2. Criminal Procedure Act, discussions at the fourth regular session of the National Assembly, May 13, 1997 (*Zakon o kazenskem postopku, obravnava na 4. redni seji Državnega zbora*). Speeches analyzed: Darja Lavtižar Bebler, president of the Committee of the Interior and Justice, female MP, Liberal Democracy of Slovenia; Josip Bajc, male MP, Slovene People's Party.
3. Criminal Procedure Act, discussions at the 22<sup>nd</sup> session of the Committee of the Interior and Judiciary, May 12, 1998 (*Zakon o kazenskem postopku, obravnava na 22. redni seji Odbora za notranjo politiko in pravosodje*). Speeches analyzed: Boštjan Penko, representative of the submitter of amendments, Government of the Republic of Slovenia, Ministry of the Interior (male); Borivoj Rozman, representative of the Secretariat for Legislation (male); Darja Lavtižar Bebler, the president of the Committee of the Interior and Justice, female MP, Liberal Democracy of Slovenia.
4. Criminal Procedure Act, discussions at the ninth regular session of the National Assembly, June 17, 1998 (*Zakon o kazenskem postopku, obravnava na 9. redni seji Državnega zbora*). Speech analyzed: Tomaž Marušič, Minister of the Interior, the representative of the submitter of amendments, the Government of the Republic of Slovenia (male).

5. Penal Code, discussions at the ninth session of the Committee of the Interior and Justice, April 11, 1997 (*Kazenski zakonik, obravnava na 9. seji Odbora za notranjo politiko in pravosodje*). Speeches analyzed: Miroslav Mozetič, male MP, Slovene Christian Democrats; Maksimiljan Lavrinc, male MP, Slovenian Liberal Democrats; Boštjan Penko, male representative of the submitter of amendments, Ministry of the Interior for the Government of the Republic of Slovenia; Darja Lavtižar Bebler, the chairwoman of the Committee of the Interior and Justice, female MP, Liberal Democracy of Slovenia; Janez Mežan, male MP, Slovene Social Democratic Party.
6. Penal Code, discussions at the fourth session of the National Assembly, May 13, 1997 (*Kazenski zakonik, obravnava na 4. seji Državnega zbora*). Speeches analyzed: Tomaž Marušič, Minister of the Interior, male; Miroslav Mozetič, male MP, Slovene Christian Democrats.
7. Penal Code, discussions at the ninth session of the National Assembly, June 17, 1998 (*Kazenski zakonik, obravnava na 9. seji Državnega zbora*). Speech analyzed: Tomaž Marušič, Minister of the Interior, male.
8. Act on Police, discussions at the 37<sup>th</sup> session of the Committee of the Interior, June 26, 2003 (*Zakon o policiji, obravnava na 37. seji Odbora za notranjo politiko*). Speech analyzed: Rado Bohinc, Minister of the Interior, male.
9. Act on Police, discussions at the 28<sup>th</sup> session of the National Assembly, July 11, 2003 (*Zakon o policiji, obravnava na 28. seji Državnega zbora*). Speeches analyzed: Franc Kangler, Deputy chairman of the Committee of the Interior, male MP, Slovene People's Party; Rudolf Petan, male MP, Slovene Social Democratic Party
10. Proposals of the Expert Council for the Problems of Violence against Violence to the Act on Changes and Amendments of the Penal Code, 2003 (*Predlogi Stokovnega sveta za vprašanja nasilja nad ženskami k "Zakonu o spremembah in dopolnitvah Kazenskega zakonika"*).
11. Act on Changes and Completion of the Act on Police (Ur. l. RS 79/2003, August 12, 2003) (*Zakon o spremembah in dopolnitvah zakona o policiji*).
12. Novel to the Act on Police, Approaching prohibition decree—Articles 39.a and 39.b (Dr. Katja Filipičič, dr. Katja Šugman; *Pravna Praksa*, št. 17/2003) *Novela zakona o policiji, Ukrep prepovedi približevanja—39.a in 39. b*).
13. Report to the UN Committee on the Elimination of Discrimination Against Women on the Issue of Violence Against Women (VAW) in the Republic of Slovenia (Association against Violent Communication, May 2003) (*Poročilo Odboru Združenih narodov za odpravo diskriminacije žensk o problematiki nasilja nad ženskami v Republiki Sloveniji [Društvo za nenasilno komunikacijo]*).

14. Suggestions for changes to the rulebook on assigning non-profit apartments for rent (January 2002) (*Predlogi za spremembo Pravilnika o oddajanju neprofitnih stanovanj v najem*).
15. National action plan for work against violence against women (Association against violent communication, April 2004) (*Nacionalni načrt dela proti nasilju nad ženskami [Društvo za nenasilno komunikacijo]*).
16. Rules book on assigning non-profit apartments for rent (Ur.l. RS 14/2004, 13.2.2004) (*Pravilnik o dodeljevanju neprofitnih stanovanj v najem*).
17. Draft report: Consideration of reports of States parties to the Convention on the elimination of all forms of discrimination against women—second and third reports of the Republic of Slovenia (July 10, 2003) (*Osnutek poročila: Obravnava poročil držav pogodbenic h Konvenciji o odpravi vseh oblik diskriminacije žensk – Drugo in tretje poročilo Republike Slovenije*).
18. Preliminary report from the Republic of Slovenia on measures taken for the elimination of all forms of discrimination against women (May 1993 and December 1996) (*Prvo poročilo Republike Slovenije o sprejetih ukrepih za odpravo vseh oblik diskriminacije žensk*).
19. Second report of the Republic of Slovenia on the implementation on the provisions of the Convention to the Committee on the elimination of discrimination against women (January 1999) (*Drugo poročilo Republike Slovenije o implementaciji določil Konvencije Odboru za odpravo diskriminacije žensk*).
20. Third report of the Republic of Slovenia on the implementation on the provisions of the Convention to the Committee on the elimination of discrimination against women (December 2002) (*Tretje poročilo Republike Slovenije o implementaciji določil Konvencije Odboru za odpravo diskriminacije žensk*).

## Spain

1. Plan of Action I, against domestic violence 1998–2000 (*I Plan de Acción Contra la Violencia Doméstica 1998-2000*). National plan of action I, approved by the Council of Ministers of the Spanish government
2. Second Integral Plan against domestic violence 2001–2004 (*II Plan Integral contra la violencia doméstica 2001–2004*). National Plan II, against Domestic Violence (government's policy document on domestic violence, elaborated by the National Women's Agency).
3. Basque Safety Plan for Women Victims of Domestic Violence 2002–2004. Follow-up Committee of Inter-Institutional Agreement (*Plan de Seguridad para Las Mujeres Víctimas de Maltrato Doméstico 2002–2004. Comisión de Seguimiento del Acuerdo Interinstitucional*).
4. Annex to Equality Plan: Program of Actions against domestic violence, region of Madrid, 2001–2004 (*Anexo Plan de Igualdad. Programa de Acciones*

- contra la violencia de género, de la Comunidad de Madrid 2001–2004*). Regional plan of action approved by the Council of Ministers of the Spanish government.
5. Organic Law 14/1999, of June 9, modifying the Penal Code of 1995, on the matter of abuse and the Criminal Procedure Law (*Ley Orgánica 14/1999, de 9 de junio, de modificación del Código Penal de 1995, en materia de malos tratos y de la Ley de Enjuiciamiento Criminal*).
  6. Domestic Violence Prevention Law of Castilla-la Mancha, Toledo (May 17, 2001) (*Ley de Prevención de Malos Tratos de Castilla-la Mancha, Toledo 17 de mayo de 2001*).
  7. Restriction Order Law 27/2003 (September 31, 2003) (*Ley 27/2003, de 31 de julio, reguladora de la Orden de protección de las víctimas de la violencia doméstica*).
  8. Parliamentary debate on domestic violence (November 3, 1998) presenting the Domestic Violence report by the Ombudsman (*Debate Parlamentario 3 Noviembre 1998, comparecencia Defensor del Pueblo para presentar el informe de violencia domestica*).
  9. Parliamentary debate (September 10, 2002) regarding the Socialist Party's proposal of an Integral Law against domestic violence (*Debate parlamentario 10 de Septiembre de 2002—toma en consideración de la proposición de ley del grupo parlamentario Socialista de una Ley Integral contra la violencia domestica*). Speeches analyzed: Navarro Garzón, female, representative of the Socialist Party; Castro Fonseca, female, representative of the Leftist Party; Sainz García, female, representative of the Conservative Party.
  10. Press release from the Madrid Forum on Violence against women (*Comunicado del Foro de Madrid contra la violencia a las mujeres*). Female activists present the Madrid Forum statement on domestic violence from the women's movement.
  11. Women's Movements Answer to the Report Presented by the General Council of Judicial Power on the Issue of Domestic Violence (*Replica al Informe del Consejo General del Poder Judicial Sobre la Problemática de la Violencia Doméstica*).
  12. Women's movement manifesto: "No more propaganda, effective protection now" (*Manifiesto del movimiento feminista: "propaganda no, protección efectiva ya"*) Manifesto of Women's Organizations on March 8, Women's Rights Day. Answer to the institutional domestic violence campaign.
  13. Article in *El País* (April 9, 2000) "Mapping abused Spanish women. The women's organizations question the results of the first governmental survey on domestic violence" (*"Madrid Radiografía de la española maltratada*).

- Las asociaciones de mujeres cuestionan los resultados de la primera encuesta del Gobierno sobre violencia doméstica.*”) by Amaya Iribar.
14. Article in *El Mundo* (January 21, 2004) “A judge states a woman dressing fashionable is not typical of a battered woman” (“*Un juez afirma que ir ‘a la moda’ no es típico de maltratadas*”) by Rosa M. Tristán.
  15. Electoral Program from Conservative Party, February 2004 (*Programa electoral del Partido Popular*).
  16. Electoral Program from Socialist Party, February 2004 (*Programa electoral del Partido Socialista para las elecciones de 2004*).
  17. Electoral program of the Leftist Party IU, 2004 (*Programa Electoral de Izquierda Unida 2004*).
  18. The Catholic Church’s Directive on family issues in Spain (*Directorio de la pastoral familiar de la iglesia en España*).

PART THREE  
Focused Chapters



What's the Problem with Prostitution?  
Prostitution Politics in Austria and Slovenia  
since the 1990s  
A Comparison of Frames

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**1. Introduction**

Prostitution touches on one of the key issues of the prevalent unequal gender order in post-industrial societies—namely on sexuality (Outshoorn 2004: 3). “Prostitution” is used as a more or less “neutral” term that describes selling and buying sex, while “sex work,” for instance, is used as one specific form of framing the issue, namely selling sex as paid labor. Most of the time prostitution involves heterosexual exchange, “men buying sexual services of women,” and prostitution is situated in social relations that imply power between men and women (Outshoorn 2004: 3). Prostitution therefore can be defined as a social institution which “allows certain powers of command over one person’s body to be exercised by another” through the medium of money (O’Connell Davidson 1998: 9).

States have been trying to control prostitution as a social institution by different institutional and legal arrangements. The most frequent prostitution regimes can be labelled *first* as prohibitive regimes, which makes all prostitution illegal, including the prostitute; *second* as abolitionist, the attempt to eliminate prostitution by criminalizing third parties but not the prostitute; and *third* a reglementarist regime, in which states are organizing the prostitution business (Outshoorn 2004: 8). In the last decade some comparative research has been conducted on prostitution policy (e.g., Holloway 2003; Lazaridis 2001; Kantola and Squires 2004). While most of the literature compares western countries (e.g., Outshoorn 2004), this chapter wants to contribute to this literature by comparing an “old” EU member state with a former state-socialist country. In our analysis we ask if the different paths of modernization in two neighboring countries that represent the divide between Eastern and Western Europe, in our case the different paths of women’s policy in a western democracy like Austria and former state-socialist country like Slovenia, have led to different prostitution policies. We analyze the framing of prostitution in the policy processes of these two countries. While prostitution is a highly contested issue in these two neighbors,

our analysis will show that the different political paths did not result in major differences in legislation and framing of prostitution in Austria and Slovenia, but rather in several similarities in framing the exchange of sexual services. One major difference between the old and the new market economy is the frame of marketization of sexual services in Slovenia in the context of the recent introduction of a capitalist market economy.

Since the breakdown of socialist states and the opening of East-West borders, the issue of trafficking in women became more and more intertwined with the prostitution issue in political discourses. Although trafficking in women does not exclusively mean trafficking women for the sex industry but also, for instance, trafficking for precarious workplaces like housework, home care, or food service related jobs, this development raised the issue of forced versus voluntary prostitution. For this reason and for the clarity of our analysis, we strictly separate prostitution and trafficking of women, but we are aware that policymakers often mix the two issues and frame trafficking only as “trafficking into prostitution.”

In our analysis, framing means the process of how an issue is represented by policymakers, how it is discussed in public, what is seen as a problem, what is not represented as a problem, and how policy solutions are represented. In this chapter, similarities and differences in framing the prostitution issue are described and explained. We want to compare frames and inconsistencies in the framing of the policy process in framing and analyze processes of gendering and degendering of the issue as well as processes of giving voice to social actors. Moreover, we want to give some explanation for the differences in policy outcomes.

This chapter uses MAGEEQ data from a Critical Frame Analysis of policy documents in the field of prostitution and trafficking in women in Austria and Slovenia since the mid-1990s.<sup>1</sup> For this chapter, 28 *Austrian* documents from 1995 to 2005 were analyzed. The material includes parliamentary debates, a parliamentary inquiry into the Ministry of the Interior, the Viennese prostitution law of 2003 (in effect in 2004), a statement on that bill by a feminist activist and counselling organization in the field of sex work, LEFÖ (Association for Counselling, Education, and Support for Migrant Women), statements from parties, one from the Social Democrats and two from the Green Party (the only parties that have put the prostitution issue on their agenda), and media articles. For *Slovenia*, seventeen documents from 2001 to 2003 were analyzed. The material includes policy documents such as the Amendment to

1. For a detailed overview of the Critical Frame Analysis approach and introduction of the concept of frames and framing as applied in MAGEEQ, see Chapter 1.

the Law on Offences and Public Order and Peace, the Voter's Initiative, or the country report to CEDAW (Convention for the Elimination of All Discrimination against Women), media texts, and expert texts on prostitution. Due to the lack of relevant texts on prostitution, five texts on human trafficking were added in the final stage of the analysis (see Annex 1).

## **2. Prostitution and Trafficking in Women in Austria and Slovenia: Shifts in Legal Contexts**

Austrian constitutional law (Article 118.3) holds that prostitution is to be regulated by each of the nine provinces, whereas matters pertaining to the Penal Code, AIDS/HIV-related laws, and tax and social insurance laws are to be regulated by federal legislation. Legislation and policymaking on prostitution therefore are complex processes and prostitution policy is often caught up in conflicts among different legislative and executive levels (Sauer 2004). Moreover, laws and policies differ from province to province and even from one city to another. Thus, there are various heterogeneous regulations concerning spatial or time restrictions for prostitution. As there are such vast differences on the provincial level, our analysis focused on the national level as well as on the province and city of Vienna. On the national level, heterosexual prostitution has been decriminalized since 1975. Only "illicit sexual acts in public" (§ 218), "soliciting" (§ 219), and "pimping to exploit" (§ 216) are still criminalized in the Penal Code. Moreover, in 1983 the federal Administrative Court classified prostitution as a "commercial enterprise" subject to taxation. However, prostitutes still experience several forms of legal discrimination: selling sex is treated as immoral and therefore contracts between prostitutes and clients are invalid, which means there is no legal way a prostitute can claim money for her services. Moreover, although registered prostitutes are forced to pay taxes, and in this respect are treated as "sex workers," they only have had limited access to the state social security systems since 1998 when the amendment of the social security law for private enterprises opened the pension system to prostitutes. Because most prostitutes are migrant women with no legal status in the country, so-called "secret" or "illegal" prostitution has been on rise since 1989. A decree from July 2001 by the Ministry of the Interior granted foreign show dancers and sex workers in bars temporary work permits. Also, while asylum seekers generally have no right to work permits, since May 2004, female asylum seekers may get work permits to work as prostitutes. Both measures try to control and regulate prostitution. On the level of the province and city of Vienna, an amended prostitution law in 2004 introduced new regulations to restrict legal prostitution as well as to combat "secret" prostitution.

Since the mid-1990s the issue of trafficking in women was put on the Austrian political agenda—due to the EU and pressure by the counseling center for migrant women in Vienna, LEFÖ. Trafficking is punished according to the Austrian Penal Code and since 1998 not only trafficking of women into prostitution but also into other forms of forced labor are punished. Also since 1998, victims of trafficking may get a limited residence permit on humanitarian grounds if they testify against the trafficker. While this regulation is still valid in 2006, it has received substantial criticism for binding the possibility for victims of a crime to get a limited residence permit to the willingness to testify against the trafficker.

In *Slovenia*, though not explicitly forbidden or seen as a criminal act, prostitution was, from the mid-1970s until recently, treated as a lesser offence against “public order.”<sup>2</sup> In 2003 this provision was abolished and prostitution was decriminalized. According to the Criminal Code (Articles 185, 186, and 387) pimping and serving as an agent of prostitution are still defined as criminal offences. Although the organization of prostitution is a criminal offence, the law includes no provisions to deal with clients. Before 1996 and after the independence of Slovenia, several individual statements of younger male liberal political leaders announced (together with debating the decriminalization of pornography) an endeavor for the decriminalization or even legalization of prostitution. In December 2001, a group of parliamentarians submitted a bill of changes to the Law on Public Order and Peace. After a year and a half, at the end of May 2003, the issue appeared on the agenda again. It was suggested again that the existing law should be changed and models adopted in Germany and the Netherlands were often cited. In the summer of 2003, all parliamentary parties supported the decriminalization of prostitution. As a result, the article that treated prostitution as a lesser offence against “public order” was removed from the Law on Offences against Public Order and Peace.

### 3. What’s the Problem with Prostitution?

In total, eleven diagnostic frames were found, but not all of them are present in both countries and some of them remain unelaborated fragments. This chapter thus presents the six major diagnostic frames that are well articulated and present in the two countries.

2. *The Law on Offences against Public Order and Peace (Zakon o prekrških zoper javni red in mir*, Ul. SRS Official Gazette of Republic of Slovenia, No. 16/74, item 5 of Article 10).

### *Neo-liberal Frame*

One of the dominant diagnostic frames in the Slovenian debate was that criminalization of voluntary prostitution is a problem. The main arguments for the decriminalization of prostitution were built on the conceptual difference between voluntary and involuntary prostitution. Voluntary prostitution is represented by indoor, high-rank, native prostitutes, while involuntary prostitution is represented by outdoor, low-rank, criminal, and immigrant prostitution. The Slovenian Liberal Party presented prostitution as a voluntary decision for the improvement of an individual's living standard. In this understanding, "new" forms of prostitution, for instance, weekend or student prostitution, are not presented as problematic. Above all, voluntary prostitution is presumed to be a consequence of an individual's free choice that should be treated as a human and citizenship right. A strong motive for decriminalization of voluntary prostitution is the large "untaxable income from prostitution" that should be made available for the state. Therefore, the state should take a pragmatic stand toward voluntary prostitution and treat it as an economic activity. This frame could be labelled "neo-liberal" due to the fact that the discussions were mainly about earnings, extra-earnings, or how to pick up taxes from prostitution. In this frame, prostitution is not treated as gendered at all. It is treated as an unproblematic economic activity performed by individuals who happen to be women in order to make a living. The degendered use of language obscures the gender dimension of prostitution. It is symptomatic, however, that even in the written proposal for decriminalization, prostitution is represented as a mainly female activity, despite the non-gendered approach.

This frame does not occur in Austrian policy documents since the mid-nineties because prostitution was decriminalized there 30 years ago. Also, there is a tendency in Austria not to differentiate between voluntary and involuntary prostitution because prostitution is most often framed as forced and involuntary work. In contrast, the Austrian debate is characterized by a strong polarization of "good" registered prostitutes and "bad" non-registered (and therefore secret and illegal) prostitutes.

### *Threat Frame*

The frame that prostitution is a threat is dominant in Austria, while it is rather marginal in Slovenia. In the Austrian debate, while it is usually connected to the polarization of "good" versus "bad" or illegal prostitutes, sometimes prostitution as such is presented as a threat to morals, to public order and security, and as a threat to children and minors, mainly by the conservative party ÖVP and the right-wing FPÖ.

While framing prostitution as a threat to public health is relatively constant in its appearance in policy debates, the frame that prostitution is a moral threat is a sub-text underlying much of the debate. The health threat frame that considers mainly “secret prostitution” as a threat to public health has been promoted mainly by ÖVP and FPÖ, but is also present in debates in the Social Democratic Party (SPÖ) at the end of the 1990s. Both public health and moral threat frames in Austrian documents degender the issue of prostitution, because the problem is not represented to be the working conditions of women, but in a more technical sense the security and health of the Austrian people.

Another version of the threat frame sees street prostitutes and clients as a threat to public security and to people living in areas of street prostitution. It is only in this version of the threat frame that clients are seen as part of the problem of prostitution. The Vienna prostitution law of 2004, for instance, claims to protect “uninvolved women” against johns, pimps, and prostitutes. Another dimension of this frame sees prostitution as a threat to children and minors being forced to work as prostitutes and also being exposed to prostitution in the neighborhood of schools. While in Slovenia this is a very marginal frame, it has gained importance recently in Austria in the context of media reports and parliamentary inquiries about trafficking Eastern European women under the age of 18 from dire socio-economic backgrounds to Austria for the sexual demands of high-status male clients.

#### *Sex-work Frame*

Another rather different but also dominant frame in Austria, again missing in Slovenia, is that prostitutes lack social and work rights. The focus, however, in contrast to the decriminalization frame, is not so much to stress the voluntary choice of prostitution as a job, but to make the labor aspect explicit. Within this frame, found in the Social Democratic and Green parties discourse, prostitution is presented rather as a forced and not a voluntary chosen activity. Only NGO voices (LEFÖ) shift the focus to the work aspect by discussing the non-recognition of prostitution as work as a problem. In the Slovenian frame of prostitution as a voluntary activity, social and work rights are not of deep concern.

#### *Social Problem Frame*

In this frame, prostitutes are seen as victims of social conditions, intimidated and exploited by pimps and organized crime. They are seen as victims who do not have

any protection against exploitation. This frame is found in Austria and Slovenia but it is rather marginal.<sup>3</sup> While it is connected to the work aspect of prostitution, the focus is not on work, but on the victimization and exploitation of women. For Slovenian Social Democrats who framed prostitution as exploitation, prostitution was a highly gendered topic since it arises from a difficult social and economic situation in which women may find themselves more easily than men.

### *Prostitution Is Voluntary and Is Not Trafficking Frame*

In Slovenia the issue of trafficking in human beings is not treated together with the issue of prostitution but separately. Trafficking is framed as involuntary prostitution while prostitution in general has been framed as something voluntary. Accordingly, we are faced with the following equation: voluntary prostitution is prostitution while involuntary prostitution is trafficking. Considering this equation, prostitution is not a problem anymore, and instead trafficking into (forced) prostitution becomes problematic. Trafficking into prostitution is perceived as sexual and economic exploitation of (mainly) women. Framing the involuntary prostitution only as a consequence of trafficking in human beings (and not as a consequence of the difficult socio-economic situation in which some groups of women can find themselves more easily than men) is one way how framing of the trafficking issue influences the discussion of prostitution in Slovenia.

Furthermore, in this framing trafficking is defined as concerning women from South Eastern and Eastern European countries, but not Slovenian women. Native prostitution is seen as not problematic. Prostitution performed by foreign women is framed as involuntary, low-rank activity, and as such problematic. Discussing the relationship between trafficking and prostitution in this way leads to the externalization of involuntary prostitution. Some political voices on governmental positions clearly state that trafficking is a consequence of the regions burdened with poverty. Slovenian political leaders would like to posit Slovenia more as being part of Western than of Eastern Europe. Considering this, it is of a particular political interest to stress that Slovenian prostitution is not the consequence of the poverty of Slovenian women; therefore, it should not be blurred with the phenomena of trafficking. On the other hand, the situation with foreign prostitutes, who have been trafficked from South Eastern European countries, is completely opposite to that of the Slovenian one.

3. Before 1995, this frame was an important frame in Austria, mainly used by members of the Social Democratic Party.

On the policy (state) level the arguments on trafficking in Slovenia are entirely degendered in two ways: first, they do not address the people but the states, and not all states, but mainly South Eastern and Eastern European countries; and second, there is no reference at all to a link between trafficking and gender equality, be it in the form of the recognition of the feminization of poverty or of female migration patterns. Hence, trafficking and prostitution are less framed in gendered terms but rather in predominantly ethnic and nationalist terms. A more gendered and less generalized framing paying attention to immigrant policies, xenophobia, globalization, and structural inequalities as connected to trafficking is found only in Slovenia in texts coming from NGOs. This frame is important in Slovenia but not in Austria.

### *Prostitution Is Trafficking Frame*

Since the mid-1990s the dominant frame on prostitution in Austria gradually shifted towards the issue of trafficking, either in its gendered form of trafficking in women or in its degendered form of trafficking in human beings, especially in statements of parliamentary deputies since 1995. The mixture of trafficking and prostitution frames the issue in terms of “forced labor,” slavery, and crime. In Austria, only LEFÖ and Sila, a counseling center for prostitutes, continuously tried to disconnect the issues of prostitution and trafficking, but they had only limited success. In Slovenia, the Slovenian Committee for Internal Affairs, in its opinion on a proposal for decriminalization, presented prostitution as linked with criminal activities and trafficking in human beings, and pointed out that the rate of voluntary prostitution is extremely small. Also Social Democrats in Slovenia linked prostitution to human trafficking, enslavement of persons, criminal offences, and illegal immigration. They see prostitution as sexual and economic exploitation of (mainly) women. Framing prostitution as trafficking is a highly gendered frame, defining prostitution necessarily as exploitation of women and claiming that prostitution is above all an involuntary activity. In opposition to the first “neo-liberal” diagnostic frame, where to prostitute oneself is seen as a matter of human rights, in this frame, to prostitute oneself as a result of trafficking is defined as a violation of basic human rights.

Framing prostitution as trafficking includes still another sub-frame occurring only in Austria in which (women) prostitutes are seen necessarily as victims of violence. In this sub-frame, the emphasis on women as victims has a different accent than in the “social problem” frame. It presents naïve young women from Eastern Europe dreaming of a Golden West as victims of foreign male traffickers who force them into prostitution in Austria. The range of women who are prone to becoming victims is narrowed down clearly in this sub-frame compared to the frame “prostitution as a social problem.”

#### 4. How to Solve the Problem? Frames in Prognosis

Six comprehensive, well-articulated frames involving suggestions on what should be done about the problem with prostitution as set out in the diagnosis have been found in the analyzed texts, along with a few rather unarticulated prognostic fragments that are not elaborated on further in this chapter.

##### *Decriminalize Voluntary Prostitution and the 'Neo-liberal' Frame*

The prognostic frame matching the “neo-liberal” diagnostic frame is a call for decriminalization of voluntary prostitution. In Slovenia, this prognostic frame was launched by the leading political party, Liberal Democracy, at the time (1991–2004), by submitting a proposal for the decriminalization of prostitution in Slovenia to parliament. The Liberals emphasize that prostitution should be decriminalized as it is mainly voluntary, referring to both human rights and the prostitute’s freedom to choose her own way of making a living. Concrete measures on social and economic rights and security are absent in this frame. If ensuring socio-economic rights of “voluntary” prostitutes is mentioned at all, the realization is put somewhere in an indefinite future and no concrete measures or timelines are suggested. The frame was particularly strong in Slovenia in 2002 and 2003. It could not be found as such in Austria, where decriminalization took place in the mid-1970s.

##### *Prostitution Should Disappear Frame*

In this frame, prostitution is seen as something undesirable that either should be completely erased, be reduced in its scope or visibility, or prevented in the first place. Depending on the different emphasis, this frame contains two sub-frames: to reduce prostitution in scope and to reduce prostitution in visibility. To *reduce prostitution in scope* by counseling and stepping away from prostitution is an important emphasis in Austria. If prostitution is identified as a social problem, a problem of the exploitation of women, then women should be assisted to leave the business by legal, financial, and life counseling. It is striking that counseling to end prostitution (often linked with demands for more funding available for counseling) is a major frame in the Austrian debate; meanwhile, it is completely absent in Slovenia where preventive measures such as educational programs like vocational retraining for “girls from the margins of society” are emphasized instead. The underlying presumption here is that reliable employment for marginalized women could diminish the problem of pros-

titution. To raise public awareness is another important point; however, it is more linked to the prevention of trafficking than prostitution. The focus in this sub-frame is on women who work as prostitutes or who are considered as potentially working as prostitutes. Their choice to get out of prostitution or not to engage in prostitution is seen as a means to reduce prostitution in general, while clients' choices or demands are not mentioned as means to reduce prostitution in scope.

A particular sub-frame, found only in Austria in the Viennese debate on the amendment of the prostitution law, is concerned with *reducing prostitution in visibility*. This is the only sub-frame found that addresses clients as a part of the solution of the problem. It calls for designating particular zones of the city area, such as schools, day-care centers, and religious places, where prostitution is to be prohibited. Prostitutes should be driven away from certain areas and districts and off the streets and should be registered with the police. In this sub-frame, clients are mentioned as part of the solution in the sense that citizens also should report to the police clients demanding sexual services in areas where prostitution is prohibited. Fining clients who "initiate sexual acts in an offensive way to third parties" is also seen as a solution to too much visibility of prostitution. When the accent is on the call for fining clients, it is linked to the moral threat frame in diagnosis: an invisible initiation of sexual acts is seen as unproblematic, whereas prostitution that is not only visible but obtrusive is seen as a threat to the public sense of decency and morals. Reducing the visibility of prostitution by fining clients thus is not concerned with sexual exploitation and violence against women in prostitution, but with how other people perceive prostitution. The frame is found in Austria but not in Slovenia, where only some minor remarks on excluding clients from legal regulation can be found. In Slovenia, rather strong claims for more rigorous prosecution of pimping could be found instead.

### *Help for Victims of Trafficking Frame*

In the "help for victims of trafficking" frame, women who are trafficked into the country should get legal status and residence permits or free legal advice. It is suggested that trafficking organizations might be exposed through cooperation with governments, NGOs, and women in the countries of origin. Sometimes, the frame is limited to a mere statement that "help for victims" should be achieved, without mentioning any means how to do this. In Slovenia, NGO voices suggest that illegal migrant victims of trafficking who testify against traffickers should be supported by giving them temporary residence and by assisting them in returning to their country of origin. This frame is distinctive and strong in Slovenia; it is a little less strong in Austria.

Frequently, helping victims of trafficking does not stand as a solution in itself but is subordinated to the ultimate goal of combating trafficking. If this occurs, an important shift in emphasis takes place: to help victims of trafficking is only then seen as relevant in order to prosecute traffickers, for example. A victim of trafficking thus may be denied help (such as legal status, residence permits, places in shelters, temporary healthcare access) if this help does not serve the ultimate goal of punishing traffickers.

### *Combat Trafficking*

The “combat trafficking” frame goes a step further than the previous one or may be mixed with it in both countries. In this frame, help to victims of trafficking frequently is equated with combating trafficking. The claim to combat trafficking sometimes is not specified any further in relation to the relevant mechanisms and strategies, or the means mentioned are of a highly administrative and formal character like “a close cooperation between governmental and nongovernmental institution is needed.” In that sense, the frame is merely rhetorical and not well elaborated.

### *Sex-work Frame*

This frame, only found in Austria, considers prostitution as sex work that should be regulated in terms of labor, contract, social security, and trade laws and as a social citizenship right. The main measures suggested are legal changes to recognize prostitution as (self-)employment, to make prostitutes eligible for the state pension and healthcare system, to stop social stigmatization, and to improve the position of migrant prostitutes.

While this frame gained some importance in the period up to the partial inclusion of prostitutes into the social security system in 1997 in Austria, it was never particularly strong and has been rather de-articulated since then. Apart from the Green Party program, this frame is lacking after 2000. Also, the part of the frame stressing voluntary, free choice of prostitution as a profession has become completely marginalized. With some exceptions, prostitutes’ rights, especially their economic and social rights, generally have been and still are ignored in policy debates and the media.

## 5. Who Has the Right to Speak?

As the above description of frames shows, frames on prostitution are articulated by various actors in the field who have enough standing to be considered “having a right to speak.” It is noteworthy that despite the variety of voices analyzed—state voices, party voices, NGO voices, and media voices—voices of prostitutes could not be found in policy documents in the period studied.<sup>4</sup> Prostitutes do not figure among the institutions and individuals who are apparently considered as having a right to speak about the issue in both countries. The framing of both problem and solution thus does not seem to be directly influenced by the people primarily concerned by the outcome of prostitution policies. Neither have the voices of clients as demanders of prostitution been found.

In the absence of the articulation of problems and needs by prostitutes themselves, the analysis shows that it is mostly NGOs, in both Slovenia and Austria, working closely with prostitutes who use frames that put prostitutes’ problems and needs at the center of attention by stating their problems and proposing concrete means to improve their precarious situation. In Austria, sometimes, Green Party and Social Democratic voices also were found to use these frames, be it with different emphases. In Slovenia, despite the fact that voices from Social Democracy define prostitution as violence against women, no concrete concerns for sex workers’ well-being could be found among political parties.

State voices seem to be responding to prostitutes’ problems and needs mostly if the actor has a decidedly feminist background. If this background is missing, the problems and solutions at the center of the frames articulated are not so much of and for prostitutes. Problems and solution may be framed as concerning primarily the public, such as public health, public security, order, and peace. They may be articulated as concerning primarily the state, such as security of national borders and combating crime. Lastly, frames may center on requirements attached to concepts like the “market” that should enable the free choice of one’s living and working conditions and self-responsibility. One thus could claim that these frames are not so much about prostitution as about other issues in the first place, and that problems that prostitutes may face as well as solutions to these problems move out of the picture. In this sense, prostitutes definitely are not at the center of prostitution policies.

From a democratic and citizenship point of view, this result is remarkable in two ways: firstly, as a considerable number of prostitutes do not have citizenship rights in

4. As for Austria, prostitutes managed to self-organize and had some influence in the policy debates before 1995. After this point, their organizations slowly became defunct and ceased to exist.

the country where they work, they are subjected to legislation that they are unable to influence due to their lacking the right to vote. Secondly, they are excluded from the policymaking process in the sense that they are not given voice and standing in policy documents. As a consequence, their opinions and needs are systematically not taken into account as such. Prostitutes are the “Other” in a double sense in the process of policymaking. They seem to have to rely on other actors to “take voice on their behalf” in order to be heard in the policymaking process.

## 6. Differences and Similarities. Comparison and Conclusion

Six comprehensive, well-articulated frames involving diagnosis and prognosis of the problem with prostitution have been found in the analyzed texts, together with a few rather unarticulated prognostic fragments. Six frames could be defined as major frames, but not all of them are present in both countries. They also differ in how “strong” they are. Some of them are mainly used by nongovernmental organizations, and therefore the political power of the voices using them is limited, although these frames are articulated precisely. Others could be of a more fragmented nature, missing a prognosis or diagnosis element (e.g., “prostitution is trafficking frame”), but they nevertheless may have considerable influence on the entire discourse on prostitution. On the whole, it could be stated that in Austria the *“threat frame”* and the *“prostitution is trafficking frame”* are the major frames, whereas the *“neo-liberal frame”* and the *“prostitution is voluntary and is not trafficking”* are the major two frames on prostitution in Slovenia. Both the *“sex-work frame”* and *“prostitution as a social problem frame”* are of lesser importance in both countries.

Moreover, in both countries, framing prostitution as a matter of equal opportunities for men and women, as an equality issue, or as relevant to gender mainstreaming did not occur in parliamentary debate after 1995, while an appeal to human rights also can be found in both countries. In Austria, some elements of an equality frame linking prostitution with unequal gender relations in society can be found, but they are rare and restricted to a few media articles and a Green Party statement.

In Slovenia, the dominant frame in the period studied is a neo-liberal frame of prostitution as voluntary economic activity and as a matter of human rights and free choice. In Austria, prostitution in most cases is perceived as involuntary, forced activity and very frequently it is linked to or mixed with trafficking. The frame of voluntary economic activity existed in Austria in the 1990s, but the focus was not so much on a free choice of profession by women, but rather a denial of social rights by the state. Ever since, prostitution has been perceived more and more as an involuntary activity and is placed firmly in the context of trafficking and public security.

The idea of women/prostitutes as the “Other” can be found in frames that exist in both countries. A common conceptualization of the “Other” is the framing of prostitutes as victims of trafficking who coming from abroad, from another country or region. This externalization can be linked to the idea of (involuntary) prostitution as something that should be done or is done by women of other countries, in any case not women from the country in question or nearby. The conceptualization of voluntary versus forced prostitution is central to these debates but very different in both countries. The nationalist version in Austria depicts only foreign or migrant women being forced into prostitution by hard socio-economic circumstances. Austrian women, in contrast to Slovenian women, are not seen as being forced into prostitution by hard socio-economic circumstances. On the other hand, Austrian women are not really seen as voluntarily choosing prostitution as a profession either, a notion that is very present in Slovenia. The nationalist neo-liberal Slovenian version of the “voluntary” conceptualization has a very clear picture of high-level Slovenian prostitutes choosing prostitution to raise their already high standard of living. The picture of the Austrian prostitute is somehow much more blurred. Prostitutes rarely are framed as explicitly Austrian prostitutes; it is simply stated that there are prostitutes or that there are women working as prostitutes, and the question of whether they do this voluntarily or not is left unanswered. The idea that Austrian women choose prostitution to raise an already comfortable standard of living is absent, as is the idea that Austrian women are forced into prostitution by poverty. This sketchy picture of the Austrian prostitute contrasts with the clear picture of the naïve migrant victim of trafficking forced into prostitution by poverty.

Despite these differences, the demand for prostitution is not addressed as part of the problem in either of the two countries. Frames on prostitution clearly focus on prostitutes, hardly ever on clients. Prostitutes’ behavior is, for example, depicted as an unproblematic, free choice in a neo-liberal market situation (Slovenia) but also as risky and potentially harmful behavior to both the client and to public health (Austria). Responsibility lies with the prostitute, not only for her own standard of living and working conditions (Slovenia) and her own health, but also for the health of the client and the public (Austria). In some cases, the prostitute is also seen as responsible to some extent for violence and for the bad working conditions that she is exposed to as victim of trafficking—had she not been so naïve and gullible, she would not have been lured to the West. If she were not so weak, she could free herself from forced prostitution (Austria).

In both countries, men seem to be rather unimportant in the discourses on prostitution and trafficking. They are sometimes addressed in the Austrian media by externalizing them as male foreign traffickers or, in both countries, by addressing them as pimps. Clients usually stay out of the picture in both countries as well: if the client

comes into the picture, it is because his interaction with the prostitute is framed as potentially harming the public sense of morality or harming uninvolved women (Vienna). Clients' behavior is very rarely addressed as being harmful to prostitutes' health—except for an occasional media article on severe violence against illegal prostitutes—and never is addressed as being harmful to public health, for example, by demanding sex without condoms.

Some more general observations regarding how the problem of prostitution is constructed in the actual policy discourse in both countries can be made. Three ambiguities are very characteristic and problematic. The *first* one is the ambiguity between voluntary and involuntary prostitution and the absence of attention to address structural reasons, such as the feminization of poverty, in which the supposedly voluntary character and free choice of one's profession are embedded. The *second* ambiguity found is the dichotomy between native and immigrant prostitutes, frequently simplified as native, hence voluntary prostitution, versus immigrant, hence involuntary prostitution (trafficking). It makes the diagnosis and prognosis simple and logical: native voluntary prostitution is not problematic and could be allowed, while immigrant involuntary prostitution has to be persecuted. Thus, involuntary prostitution is becoming more and more an issue of illegal migration and the women concerned are transformed from victims of violence and crime to outlaws or collaborators. As long as policymakers do not resolve this ambiguity, they will insist upon undertaking a "security approach," emphasizing protection of state borders and stability of a state in general, instead of a "human rights" approach, emphasizing prevention and protection of victims. In texts by NGOs, the human rights approach is becoming more and more important, but in state policy texts the security approach persists. However, while coercion on the level of individual women slowly is becoming accepted as a threat to human rights, the coercion that emanates from global structural inequalities is not discussed very much. If it is perceived as a problem, it is not addressed as a part of the solution.

*Third*, there is the ambiguity between the gendering and degendering of prostitution. Although prostitution usually is perceived in a simplified way, it is, in fact, a very structured phenomenon. It has its own internal hierarchy based on class, race, ethnicity, age, gender, and sexual orientation (Satz 1998: 284). As it has been shown in the analysis, race, ethnicity, citizenship status, age, and to a lesser extent social class are addressed in policy texts as important dimensions that could enable a deeper understanding of prostitution and could provide means for regulating it. Yet, policy texts usually express a fundamental blindness and confusion when it comes to the gender structure of prostitution.

Our analysis has shown that the general ambiguities towards prostitution that we found in the frames are very similar in the two countries. We can conclude that

although Austria and Slovenia experienced four decades of different gender policies, the policy representation of prostitution, in fact, is rather similar: women working in prostitution are seen as the problem, the male demand for prostitution is made a taboo subject, and the women working in prostitution are silenced in the policy process. Also, because the radical marketization of Slovenia during the 1990s introduced a new quasi sex work frame, which differs from Austria but which remained a weak frame in Slovenia, our conclusion is that policy regulations do not differ tremendously in the two countries.

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## Annex 1

### *List of Texts on Gender Inequality in Prostitution Analyzed by the MAGEEQ Project*

#### **Austria**

1. Green Party program (1990) valid until July 2001.
2. “Peace in Stüwer-district?” (July 27, 1995) *Die Presse*.
3. “Bulgarian trafficker of women arrested in Vienna” (February 13, 1996) *Die Presse*.
4. Parliamentary debate minutes, National Council (July 26, 1996).
5. “Prostitution in spite of AIDS” (January 27, 1997) *Die Presse*.
6. “Search for money for new help for prostitutes” (April 22, 1997) *Der Standard*.
7. Written inquiry to Federal Minister for Work of July 1997 on pension rights for prostitutes.
8. Answer to inquiry on pension rights for prostitutes by Federal Minister for Work of July 1997.
9. “Furious citizens chasing ‘traffic offenders’” (August 11, 1997) *Die Presse*.
10. Parliamentary debate minutes, National Council (November 11, 1997) Statement on prostitution by FPÖ party deputy.
11. Parliamentary debate minutes, National Council (December 10, 1997) Statement on prostitution by Green party deputy.
12. “Treat prostitutes as human beings” (January 16, 1998) *Der Standard*.
13. “Redlight scene blown-up: Punter bought 16-year-old girl” (April 4, 1998) *Die Presse*.
14. “Trafficking as huge business—200,000 women from Eastern Europe ending up as prostitutes in the West” (October 21, 1998) *Der Standard*.
15. Parliamentary debate minutes, Federal Council (November 19, 1998) Statement by Women’s Minister on trafficking and prostitution.
16. “Only tax authorities are tolerant” (December 11, 1998) *Der Standard*.
17. “Chance of surviving: seven years” (February 12, 2000) *Die Presse*.
18. “Rights for women in the ‘taboo-area’ of prostitution” (July 17, 2001) *Der Standard*.
19. “Girls forced to prostitution” (October 23, 2001) *Die Presse*.
20. Parliamentary debate minutes, Federal Council (July 25–26, 2002) Statement on prostitution of minors by SPÖ deputy.
21. Green Party’s statement (November 2002).
22. SPÖ women’s organization’s program (November 2002).
23. Speech by the spokeswomen of NGO LEFÖ (July 2003).

24. Bill for the Amendment of the Viennese Prostitution Act (July 2003).
25. "Viennese prostitution law adopted" (January 30, 2004) *Der Standard*.
26. "Politics is dealing with Public prosecutors as punters" (August 25, 2005) *Der Standard*.
27. Parliamentary inquiry on trafficking to the Minister of the Interior (September 20, 2005).
28. Answer by Minister of the Interior to parliamentary inquiry on trafficking (November 18, 2005).

## Slovenia

1. Bill Amending the Law on Offences against Public Order and Peace (2001).
2. Voters Initiative for an Application for a Subsequent Referendum to Confirm the Bill Proposing Changes in the Law on Offences against Public Order and Peace. (2003) Ljubljana: Civil Society
3. Committee of Parliament of the Republic of Slovenia for Internal Affairs, 35<sup>th</sup> regular session (May 7, 2003).
4. 26<sup>th</sup> Regular Session of the National Assembly of the Republic of Slovenia; Item 5 of the Agenda—the Second and Third Discussion on the Bill Proposing Changes in the Law on Offences Against Public Order and Peace (2003).
5. Second and Third Report of the Republic of Slovenia on the Implementation of the Provisions of the Convention on the Elimination all Forms of Discrimination against Women (CEDAW) (1999 and 2002) Ljubljana: Office for Equal Opportunities of Women and Men.
6. Kanduč, Z. (1998) "Prostitution." In *Sexuality, Violence and Law*, edited by Z. Kanduč, D. Korošec, and M. Bošnjak, 52–72. Ljubljana: Institute for Criminology, Office for Women's Policy.
7. Cotic, M. (2003) "Native Land, Pale Mother" *Primorska srečanja* [Magazine for sociology and culture], XXVII, 264 (5): 12–15.
8. Popov, J. (December 20, 2001) "Differences in the Field of Prostitution" *Delo*.
9. Bratina, M. (July 6, 2003) "A Young Albanian Escaped to the Italian South to Start a Better Life." *Druzina*.
10. "Delight of the Morning Love" (June 10, 2003) *Jana*.
11. Modic, M. (June 9, 2003) "Ugly Sex and Nice Words. A Sincere Conversation with a Professional Prostitute Who Knows Well Why Slovenian Men Attend Prostitutes and What They Want the Most." *Mladina*.

12. Working Materials for Draft on National Program for Equal Opportunities for Men and Women Concerning Trafficking in Human Beings, Prostitution and Pornography (2003) Ljubljana: Office for Equal Opportunities.
13. A Presentation of *Ključ Society* and its Activities (2003) In *Witness Project*, 6–15. Ljubljana: Ključ.
14. A Presentation of the Outcomes of the Inter-ministerial Working Group Acting in the Field of Trafficking in Human Beings (2003).
15. Speech of the Ambassador of the European Commission (2003) Ljubljana.
16. The Agreement between Ključ Society and the Supreme Public Prosecutor's Office of the Republic of Slovenia on the Cooperation on the Area of the Assurance Assistance to the Victims of Trafficking in Human Beings in Republic Slovenia (2003).
17. The Agreement between Society Ključ and Ministry of Republic Slovenia for Internal Affairs on the Cooperation on the Area of the Assurance the Help to the Victims of Trafficking in Human Beings in Republic Slovenia (2003).

# Overcoming Brides and Grooms The Representation of Lesbian and Gay Rights in Spain

*Raquel Platero Méndez*

## 1. Introduction

Citizen's sexual rights in Spain have evolved drastically over the last thirty years we have experienced a remarkable transition from a dictatorship into a modern European democratic state. In the seventies, "homosexual acts" were forbidden and prosecuted by law (Law LPRS, 16/1970) and the vast majority of Spanish society supported the idea of "making homosexuality disappear" (Guadiana Poll 1975 and Petit 2003). In June 2005, Spain was on the front-pages of every international newspaper due to the approval of same-sex marriage, supported by over 60 percent of citizens according to both the Gallup and CIS public opinion polls (2004).

Democracy has brought great changes in women's rights, impacting gender relations and also facilitating the promotion of gays and lesbians' rights in simultaneous processes. For some authors, women, gays, and lesbians share the experience of being treated and represented as ethnic-like minorities or interest groups (Rubin 1989: 146-147; Seidman 1993: 105; Murray 1979; Epstein 1990). They have been represented as homogenous groups with a personality and identity built on their sexual practices (Falquet 2002: 139 and Seidman 1993: 111). Many authors have pointed out that identity and minority politics tend to categorize citizenship into "otherness" (immigrants, blacks, women, Muslims, gays, etc.), keeping the normative group and heteronormativity unquestioned.

Equality discourses in Spain have evolved as a result of different political impulses such as advances in women's rights, the impact of feminism, the creation of equality institutions and policies, as well as European legislation. Each stakeholder constructs his/her own definition of (in)equality, making a different diagnosis and offering different solutions to this problem. One key political impulse for equality has been the development of gender equality policies, constituting an important prerequisite for the development of gay and lesbian rights, and having a remarkable development in the local and regional realms that, in turn, have an impact on the national agenda (Platero 2005b).

Currently, both women's and homosexual's rights remain controversial and raise resistance; nonetheless, there seems to be enough political consensus and legitima-

tion about the need to promote specific policies. The political achievements of same-sex marriage and the development of Spanish femocracies are signs of the increasing acceptance of these rights, revealing changes in the dominant social perception. Nowadays, the majority of Spanish citizens accept some sort of equality discourse. Most interventions of political actors on the issue involve some equality notion, including the particular view of the Catholic Church and most conservative parties<sup>1</sup> on equality and difference.

From a comprehensive view, the advances for both women and gay and lesbian people are related to a common source of discrimination: the gender order implies a social construction of sexuality. This gender order installs values linked to men and heterosexuality as dominant (Ostner and Lewis 1995). Therefore, homophobia and sexism are seen to have a common origin (Seidman 1993:114). In the nineteenth century, the idea of homosexuality emerged as a specific behavior but also as an identity, and it was considered both a sin and a sickness. According to Javier Sáez, homosexuals changed into “gay” people in the seventies, becoming identity groups that evolved into interest groups fighting to obtain quotas of “social integration” by losing their revolutionary potential (2004: 28–30) and making specific political demands.

This “gay identity” represents mainly white middle-class male homosexuals. The main representation of *being* or *being seen as* “gay” is male. Even the gay and lesbian movement has reproduced this hierarchy; endo-discrimination is maintained within the gay movement by ignoring not only the demands and needs of lesbians, bisexuals, and transgender people, but also those that are immigrants, disabled, older, or poor (Stevens 2004: 221). Similarly, feminism has contained a bias to heterosexual, middle-class white women, promoting primarily *their* demands and concerns, by excluding the “other” women. For these reasons, both feminism and the gay movement have been largely criticized by black feminism, lesbian feminism, queer theory, and postcolonialism. It is the debates on this criticism that also have challenged the mainstream representation of being gay as white, middle-class, and male.

This text will show the study of the Spanish case in the period 1995–2005, including the socio-historical context in which the representation of gay and lesbian rights evolves. My interest is focused on exploring the potential transformation embedded in struggles for same-sex rights: is it a qualitative change conceptualizing sexuality in a way that transforms society itself? Or is it a progressive advance based on traditional family and social structures? I will argue that LGBT<sup>2</sup> rights become

1. In October 2004, Ana Botella, Director of the Social Services in Madrid, member of the Conservative Party (PP), and wife of the former conservative president Aznar, stated during a TV intervention that *gay marriage would be treating the same what was meant to be different*, establishing a comparison between gay/straight people with apples and pears.

2. LGBT stands for Lesbians, Gays, Bisexual, and Transgender people.

a political problem in that period, entering the political agenda, once it is framed as coherent with the general understanding of political problems and socio-cultural values. Therefore, LGBT rights become a matter of kinship rights, built on the relevant concepts of marriage and family.<sup>3</sup> Consequently, the struggle is not to promote individual civil rights but rather to obtain recognition of LGBT families and relationships by the state.

Discrimination and (in)equality based on gender has been included in public policies much earlier than discrimination based on sexuality (see, for instance, the EU Treaty of Rome, Article 119; Treaty of Amsterdam, Article 13; Directive 2000/78/EC), and lastly, there is a move to focus inequality in an intersectional perspective, concentrating in the multiple and reciprocal effects of different structural inequalities (See, for instance, Verloo 2006: 211–228). Similarly to the EU, Spain is no different: public policies have been able to include attention for gender as a source of discrimination and to later face homophobia and LGBT rights.

## 2. A Recent History of Gay and Lesbian Rights

Basically, Spanish history in the twentieth century shows a movement from severe repression to increasing acceptance of homosexual people as regular citizens. The ongoing reforms to remove formal discrimination were followed by a struggle to obtain anti-discrimination legislation and later a fight for the recognition of same-sex unions (Table 1). The social perception of homosexuality in the Spanish legislation explicitly referred to homosexuals as a “danger for society” in a 1954 law that reformed the 1922 Law on Tramps and Delinquents. Similar references were present in the 16/1970 Law on Social Danger and Rehabilitation (LPRS),<sup>4</sup> prosecuting “those people that commit homosexual acts” (Pérez Canovas 1996: 20; Aliaga and Cortés 1997: 29). In the sixties and seventies, tourism and urbanization promoted a less strict social control that facilitated the creation of homosexual identities and homoerotic behavior, deviancy perceived by conservative realms and the state as in need of control and targeted through the LPRS (Monferrer-Tomás 2003: 182). Imprisonment, re-education, and lobotomies were governmental measures that affected primarily male homosexuals.

3. According to the CIS survey of 2004, “family” is the institution that Spanish citizens value the most, over others like employment, politics, leisure, friends, money, or religion (Study No. 2579, October–November 2004. Research on opinions and attitudes towards family. Developed by the Centre for Sociological Research [CIS]). Therefore, it is not surprising that LGBT rights are constructed by activists and policymakers within this framework.

4. Ley de Peligrosidad y Rehabilitación Social.

In general, lesbian acts were not punished. The data available shows only two women who were punished between 1974 and 1975 (Petit 2003: 27–28), maybe due to the conceptualization of female sexuality being constructed on men's.

During the democratic transition, amnesty was granted to political prisoners in two rounds (1975 and 1976), excluding “socially dangerous” individuals. During the first democratic elections (June 1977), one of the key demands was the appeal of the LPRS, resulting in the first mobilization for gay rights, not only by groups and individuals but also feminists and political groups. Once the Constitution was approved (1978), Article 14 established formal equality, not allowing discrimination on the grounds of sex, race, religion, or any “other social condition.” Also, Article 9.2 stated that equality and freedom are the values that rule all citizens and public administrations. Both Articles 14 and 9.2 are the framework for the equality of all citizens, although repression and discrimination against LGBT<sup>5</sup> people remained part of Spanish legislation until the late eighties. Nonetheless, the Constitution regulated the protection of family (Article 39), separated from the regulation of marriage (Article 32); the Constitution defined the family as an inclusive and wider concept not only linked to nuclear families, whereas marriage was interpreted as exclusively heterosexual.

In 1979 the LPRS law was modified, removing the reference to “acts of homosexuality,” although the reference to “public scandal” remained until 1988 (Article 431), being used to punish and prosecute gay and transgender people. Soon after (1983) the national women's agency (*Instituto de la Mujer*) was launched, thanks to the demands of certain groups in the feminist movement, under the international influence and the example set by EU member states and the election of a Socialist government in 1982. Women militants of the Socialist Party played a key role in the creation of state feminism in Spain (Valiente 1995). Later on, Spain became part of the European Community (1986), providing a new political and legal framework wherein the regulation of “equality” was of increasing importance.

The promotion of the first equality plan by the Women's Agency took place while the political organization of the state developed a new model of regional administrative autonomy, neither centralized nor federal, known as the Autonomies State (*Estado de las Autonomías*). From 1988 onward, equality policies and institutions were decentralized, developing heterogeneously in ways that reflected the different regional, cultural, and political realities (Bustelo 2004).

5. In 1989, lesbian feminists presented a joint platform of demands, called the Anti-discriminatory Platform, which was supported by all feminist groups in which they stated that: “We do not support the institutionalization of personal relationships, but we do not accept either the discrimination of those lesbians and gays that wish to marry” (3).

The suppression of the “public scandal” article in the Penal Code (1988) did not imply the *de facto* abolition of formal discrimination against gays and lesbians. There were some ambiguous interpretations of the legislation concerning “lustful acts” (Aliaga and Cortés 1997: 31). The following table on the next pages summarizes the historical trends and strategies over time, including references to the main events and the key policy frames found in our research.

The promotion of the first Partnership Register took place in Vitoria (1994), a key reference for all regional policies and the key promotion of “partnership rights.” The Penal Code was reformed in 1995, including Articles 510, 511, and 512, referring to crimes concerning “*sexual orientation*” within the “*crimes committed against fundamental rights and public rights granted by the Constitution.*” It is known as the “Democracy Code,” regulating individual formal rights and protecting specifically gays and lesbians from discrimination.

Some gay and lesbian groups, such as the Catalanian LGBT Federation (CGL) and the Madrid Gay Organization (COGAM) adopted the international dynamic of campaigning for partnership rights in the early nineties, although there was a lack of consensus on this collective demand. While not strongly opposing same-sex marriage for those who claimed it, some organizations like the Lesbian Feminism organizations<sup>6</sup> or the umbrella Organization of (sexual) Liberation (COFLHEE) stated that same-sex marriage basically was reproducing patriarchy oppression embedded in heterosexual marriage.

After twelve years of socialist government, the Conservative Party (PP) won the March 1996 national elections. According to the new Social Affairs Secretary, the partnership law was not “a priority of the new government.” In this period gay and lesbian organizations were increasingly present in the political debate, supporting those parties that include partnership rights in their electoral programs and creating “Pink Vote” campaigns and lobby groups.

On June 30, 1998 the Catalanian Parliament approved the first partnership law, the Law on Stable Unions of Partners. It was the first of its kind in Spain, only binding for Catalonia, and it recognized different rights to heterosexual and same-sex couples. From this date on, twelve partnership laws<sup>7</sup> have been approved, illustrating the importance of the debate on gay and lesbian rights at the regional level.

6. In chronological order: Catalonia (Law 10/1998); Aragón (Law 6/1999); Navarra (Law Foral 6/2000); Valencia (Law 1/2001); Madrid (Law 11/2001); Balears (Law 18/2001); Asturias (Law 4/2002); Andalucía (Law 5/2002); Canarias (Law 5/2003); Extremadura (Law 5/2003); Basque Country (Law 2/2003); Catalonia (Law reform 3/2005).

7. Law 1/2003 March 3, on Equal Opportunities between Women and Men in Castilla y León.

*Table 1.  
Facts, Dates, and Policy Frames in Gay and Lesbian Rights*

	1970	1975	1980	1985	1990	1995	2000	2005
<i>Historical trends</i>	Persecution of homosexuals, lesbians, transgenders, and transvestites		Ongoing reforms to remove formal discrimination in the laws	Fight to obtain Anti-discrimination Legislation				
								Recognition of rights for gays and lesbians: same-sex partnerships
								Formal Equality
<i>Framing</i>		<b>(3) Frames found in our analysis</b>						
	Law on (Social) Danger and Social Rehabilitation, promoted in 1970, punished homosexuality. The last reference punishing homosexuals was removed from the Penal Code in 1988.	Clandestine gay and lesbian groups fought against the LPRS law.	Gay and lesbian organizations are first legalized in Spain, 1980.  Gay men organize themselves into gay organizations whereas lesbians mainly are organized in lesbian feminist groups. First Feminist Conference on Sexuality 1983.		Police records with information in people's sexuality were used up to 1992.  First law proposals on domestic partnerships, 1993.  First partnership register in Vitoria (Álava), 1994.			
								1. Gay politics for gays individuals
								2. "Different rights for those who are not equal"
								3. Civil rights, citizenship, and equality
								Andalusia offers public assistance to transgender people with social security assistance, February 1998.  LGBT organizations demand partnership rights and/or same-sex marriage.

	<p>There are two amnesty processes (1975 and 1976) in which “socially dangerous” individuals remain in jail while political prisoners are liberated.</p> <p>The Constitution is approved in 1978. It includes Art 14 on non-discrimination.</p> <p>First gay march in Catalonia, June 1977.</p> <p>Law on Public Scandal, 1979.</p>	<p>Creation of the National Women’s Agency (Instituto de la Mujer), 1983.</p> <p>“Public Scandal” is removed from the Penal Code (used to prosecute LGBT people), 1988.</p> <p>Marches for anti-discrimination legislation.</p> <p>Spain enters the European Economic Union, 1986.</p> <p>First National Conference on Lesbianism, 1988.</p>	<p>Beijing Conference discussed “sexual rights” and “sexual orientation” with the support of the Spanish feminists, 1995.</p> <p>Creation of partnership registers in all but five regions and more at the local level.</p> <p>Law proposals in partnerships from different political parties.</p> <p>LGBT organizations demand partnership legislation.</p> <p>Legal changes punishing sexual crimes against gays and lesbians, 1995.</p>	<p>The III Basque Equality Plan is promoted, including lesbians and actions to fight lesbophobia, 1999.</p> <p>Most political parties include in the electoral programs rights for partnerships, elections, March 2004.</p> <p>LGBT organizations demand same-sex marriage.</p> <p>The “Family Forum” marches against gay marriage, June 2005.</p> <p>The change in the Civil Code that allows same-sex marriage is approved, June 2005.</p> <p>The Conservative Party presents an unconstitutional claim against gay marriage, September 2005.</p>
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The key demand in the period 1990 to 2002 has been partnerships' rights, which then evolved into same-sex marriage. There are some factors that have facilitated this evolution, such as the presence of gay activists in the relevant political parties leading the demand for gay marriage. Some of these activists have become mainstream politicians. Moreover, there has been an increasing presence and relevance of LGBT organizations in the political arena and media, claiming gay marriage instead of partnership rights. In addition, in the political debate same-sex marriage has been a source of political polarity among parties. And lastly, there has been an opportunity to present Spain as a "modern" country, linked to the idea of improving and catching up with the growing international (UN Conference on Women in 1995 in Beijing) and European legitimization of rights for gays and lesbians.

Later on, between 2002 and 2006, gender equality policies changed from soft policies (equality plans) to hard policies (equality laws). These equality laws show a similar pattern observed in the evolution of equality plans: most laws are resistant to include sexual orientation and it is present in only two texts. Women's sexual orientation is presented once as an isolated term that is not linked to other inequalities (Law 1/2003 Castilla León<sup>8</sup>). And secondly, it appears under a different view in which equality is linked to multiple discrimination (Law 4/2005 Basque Country<sup>9</sup>); in the Basque law, sexual orientation is one more inequality affecting women (see Platero 2005a).

During the national elections of March 2005, all parties except the Basque Nationalist Party or PNV presented proposals on gay and lesbian rights, either national partnership legislation, and/or same-sex marriage: gay and lesbian rights were a hot issue on the political agenda. The Socialist Party won the elections, after presenting an ambiguous electoral program concerning adoption rights; finally, same-sex marriage was approved in June 2005. It was the beginning of formal equality for gays and lesbians.

The main debates over gay marriage were reactive as they mainly have been a response to conservative statements and resistance. Consequently, the debates on the impact of marriage as a sexist institution or the role played by partnerships versus marriage were rather rare. Conservatives' groups have been very active in asking for affirmation of their views. The Spanish Family Forum<sup>10</sup> brought together conservative

8. Law 4/2005, February 18, on Equality for Women and Men in the Basque Country.

9. The platform is called "Spanish Family Forum" (*Foro Español de la Familia*) and supports the idea of the family as heterosexual, while fighting same-sex marriage. Available online <http://www.forofamilia.org>.

10. Intersectionality is the complex relationship of different inequalities, such as gender and sexuality but also race, ethnicity, and disability.

politicians and the Catholic Church and was very present in the media, organizing a national march against same-sex marriage called “Family Rights” (June 18, 2005). Lastly, the Conservative Party presented a draft law to “Support Family and Infancy” as well as an unconstitutional appeal to the 13/2500 marriage law (September 2005) that is still in the process of being judged.

### 3. Overview of Political Debates and Actions, 1995–2005

In order to study the formation of political problems concerning sexuality, we studied the most relevant events, political actors, and discourses in the period of 1995–2005, analyzing a total of twenty-five texts. The types of texts analyzed are national and regional gender Equality Plans; press articles including different views on LGBT rights; regional laws on partnerships rights; LGBT organizations’ proposals for politicians; Catholic Church statements; and electoral programs for the national elections of March 2004. The selection criteria include the relevance of the text in the period of study and inclusion of all political actors.

Equality plans are defined as a set of initiatives to be followed horizontally by the different governmental departments and institutions (Bustelo and Peterson 2005). Our review of the main Spanish Equality Plans within the period 1988–2007 (all four Equality Plans at the national level; at the regional level the Basque Country, Madrid, Catalonia, Andalusia, Valencia, La Rioja, Galicia, Aragón, Canarias, and Navarra Equality Plans) shows that most of these plans do not include non-normative sexualities and lesbians among their target groups.

The Third Positive Action Plan for Women in the Basque Country (1999) includes a section on “Women’s Rights as Human Rights.” Its goal is to “*promote full rights for women and men, erasing additional barriers that women face due to factors such as race, sexual orientation...*” (34). This goal contents a number of actions, such as: reviewing the legislation to erase any discrimination based on sexual orientation; sensitizing society with a gender perspective to avoid discrimination grounded in sexual orientation and the promotion of activities that eliminate lesbophobic and homophobic, intolerant, or discriminatory attitudes. The goals and actions are defined coherently, with explicit mention of lesbianism and concrete actions against lesbophobia.

It is important to keep in mind that the Basque Country was the first to recognize same-sex partnerships (Vitoria Partnership Register 1994), has the most progressive legislation in partnerships (Law 2/2003), has elected as Ombudsman, a former LGBT activist (June 2004), and has developed two public services for LGBT people (Énfasis 2000 and Berdindu 2002).

The Third Canary Islands Plan for Equal Opportunities between Women and Men (2003–2006) includes actions to tackle poverty and social exclusion. It states that:

Exclusion is linked to processes and mechanisms in which part of the population (people or groups) are limited in rights and social, economic, work, health, housing, education or cultural opportunities, recognized by a social and democratic State, concerning also their autonomy as persons, caused by material or spiritual reasons (drug-addictions, separations, illnesses or deaths in the family, imprisonment, sexual option, illiterate, irregular migration, lacking of enough economical resources) (114)....

Homophobia only is mentioned in relation to men. “Double exclusions” are mentioned with a very limited perspective of intersectionality<sup>11</sup> and a lack references to sexuality. In these texts, the closest term used is “multiple discrimination” (*discriminación múltiple*). Lesbianism apparently represents a challenge to women’s policies, but also to gay issues, showing their invisibility and lack of recognition. Lesbians are not treated as women by equality policies, but gay activism and legislation for LGBT individuals also have been developed with an androcentric perspective that privileges gay males. The Canary Islands’ Plan to Prevent and Eradicate Violence against Women (2002–06) is more explicit towards women’s sexual diversity, naming “sexual preference”<sup>12</sup> within positive actions.

The Action Plan for the Development of Women’s Policies in Catalonia (2005–2007) is the fifth equality plan developed by the Catalan Women’s Agency (*Institut Català de les Dones*). This plan is named differently from their previous plans, going back to the idea of women’s plans and women’s actions, and it includes a proposal to change the institution’s name from “Catalonian Woman’s Institute” to “Catalonian Women’s Institute.” It is of an inclusive design that includes different profiles of women, designing actions for women collectivities such as Gypsy women, elderly women, immigrant women, and lesbians. The third chapter on “increasing the presence and participation of women in all fields of social life, taking into account their diversity” includes a reference to “sexual orientation.” The diversity of identities refers to “women’s background, ethnicity, age, sexual orientation, times and activities in which she articulates her main relationship of support or belonging, etc.” (60). The fifth chapter on “offering an integral assistance to women’s needs” includes actions for disabled women, women in prison, (female) sexual workers, and women suffering from discrimination due to sexual orientation. The main goal is to give an answer to

11. The Spanish expression is “*opción sexual*” (sexual option).

12. de Cozar, Alvaro. “*El Gobierno revisará la discriminación de las lesbianas con los bebés ‘in vitro*.” (*El País*, October 18, 2006: 41).

the specific needs of women suffering discrimination due to sexual orientation, with seven actions such as lesbian's visibility in culture; including a gender perspective in the Interdepartmental Plan for gays, lesbians, and transgender people; guaranteeing appropriate health assistance; facilitating lesbians' access to artificial insemination; sensitizing health workers as to the specific health needs of lesbians; and preventing sexually transmitted diseases. It includes actions for lesbians in the Integral Plan for Violence against Women (2005–07) annexed in the Equality Plan. In contrast to other violence plans, the Catalan plan does not define gender violence as exclusively heterosexual.

The political context of this Catalan plan has important features. Catalonia approved the first law on same-sex partnership in 1998, offering different rights to same-sex/different-sex registered couples; also Catalonia has a Program for the Collective of Gays, Lesbians, and Transgender People, depending on the Presidency Office (responsible for the Interdepartmental Plan) and a Non-discrimination Office created by the City of Barcelona. In addition to all this, Catalonia has a rich civil society that includes the first LGBT organizations and complex LGBT/queer activist networks.

The Basque, Canary Island, and Catalan plans belong to a newer generation of inclusive plans as they target different groups of women, widen the definition of women, and refer to lesbians. Moreover, these plans were created with the participation of civil society, which includes lesbian feminists and LGBT organizations. It is not a coincidence that the most inclusive equality plans have been developed in Catalonia and the Basque Country as these two regions have Partnership Legislation, and initiatives for public services for LGBT citizens. Both areas have a strong civil society including feminist organizations, as well as strong women's institutions such as the Basque Women's Agency (*Emakunde*) and the Catalan Women's Agency (*Institut de la Dona*).

In the case of Canary Islands, the impact of feminist lesbians working in the administration and being able to influence the policies is rather clear, along with the impact of LGBT groups. The use of the term "sexual option" within the document resembles the will to include other sexualities, but because of its occasional and limited reference in the plan, it also points out the resistance to conceive sexuality in a more intersectional and comprehensive way.

There are twelve Regional Domestic Partnership Laws by now, mostly in the largest regions. The Navarra, Balearic, Basque, and Catalan (2005) laws are considered positively by LGBT organizations, since they grant the maximum benefits (adoption and couple rights). Opposed to these laws, the Catalan (1998), Madrid, Asturias, and the Canary Island laws are considered as "infra-laws" (excluding adoption and benefits). The Catalan law was the first and the most conservative. This law is peculiar because of the label it uses to refer to partnerships as "*Stable Partnership*

Unions.” It is the only one that defined different legal situations for homosexual and heterosexual stable unions (different requirements in length of cohabitation, access to adoption and co-adoption, and in case of death of one member of the partnership).

The Navarran Legal Rights for Stable Partnerships Law was approved on July 3, 2000. This law is considered by LGBT organizations to be a “good law” (adoption and benefits for partners). The Navarra law’s right to adopt was appealed on May 7, 2003 by the conservative and nationalist Navarra Party (*Unión del Pueblo Navarro*) and the Conservative Party. Later on, on June 22, 2004, a judge ruled in favor of a lesbian mother who adopted her girlfriend’s twin daughters, based on the Navarra law. The Constitutional Court ruled upon the Navarra law and the unconstitutional appeal was rejected.

The Basque Country Regulation of Domestic Partnerships was approved in 2003 by a large majority of the Basque Parliament. It was supported by some members from the Conservative Party and surprisingly it was rejected by some members from the political parties presenting it. The Church campaigned against this law and soon after the national conservative government appealed against the law. The claim was recently rejected. The law is rather advanced as it prohibits discrimination on grounds of sexual orientation and aims at equalizing the situation of heterosexual and same-sex couples by granting the latter rights that are already enjoyed by the former, such as adoption, foster parenting, co-adoption of the partner’s children, inheritance rights and taxes, and equal rights concerning public administration, health services, employment, and social protection. It represents a transposition of the Amsterdam Treaty (1997) and the EU Directive on Equal Treatment in Employment (2000).

The Law 13/2005, modifying the Civil Code on the matter of the right to marry, grants gays and lesbians full access to rights previously restricted to heterosexual couples. It includes inheritance, residency, adoption and co-adoption, tax exceptions, divorce, and pensions. Law 13/2005 constitutes a simple technical legal arrangement (Forcada Miranda 2005: 27), adding a paragraph to Article 44 of the Civil Code: “*marriage will have the same requirements and effects when both partners are the same or different sex.*” The rest of the changes involve the inclusion of *degendered* language regarding spouses and parents (“*cónyuges o consortes*” and “*progenitores*”). The text includes references to dominant social norms that have kept marriage exclusively heterosexual and changes in Spanish society as well as new family models. The law refers to living in partnership as a source of development of personality and an expression of human nature; the emotional and economical support requires state recognition. Also, the law recognizes historical discrimination based on “sexual orientation.”

Contrary with the spirit of Law 13/2005, same-sex parents are not recognized automatically as heterosexual parents, having to start an adoption process. Therefore, a law that has become the symbol of equality is indeed discriminatory against lesbi-

ans, since it does not recognize their children (Platero 2007). On April 21, 2005, the Socialist government committed to review the Law on Assisted Reproduction (Article 6) recognizing both lesbian women in couples as mothers.

Changes in the Civil Code for Gay Marriage and Divorce<sup>13</sup>—making divorce easier by abolishing separation requirements—took place almost at the same time. They created a new definition of marriage based on affection, not so much on morality or biology.

Moving to the political debates, there are two relevant parliamentary debates that have been analyzed here. First, the debate of September 19, 2000 that dealt with four different proposals, showing different frames of the problem by leftist, socialist, and Catalan nationalist parties, and the mixed group. None of these proposals were approved: the Conservative Party ruled at that time with an absolute majority and rejected all. The second debate analyzed is from June 30, 2005 in which same-sex marriage is discussed after the socialist proposal first was passed in the Parliament, rejected in the Senate, and finally approved back in Parliament.

The differences in parliamentary debates also were studied in the electoral programs. We analyzed how the issue is represented in the electoral programs, what is the relation to gender equality proposals, and what are the rights offered. The March 2004 elections have been relevant, because twelve political parties—all but one, the Basque Nationalist Party (PNV)—have presented proposals for gays and lesbians. The programs show the relevance attributed in the debates to gay marriage and adoption. The programs are very heterogeneous: from the Conservative Party that includes a short proposal on civil unions<sup>14</sup>—excluding the recognition of gay and lesbian relationships—to the leftist and Catalan Green Party with long and detailed proposals with both same-sex marriage and partnership rights. Some parties proposed different legal recognition for same-sex unions, whereas other parties supported similar legal recognition. Out of the twelve political parties with LGBT proposals, we analyzed seven programs<sup>15</sup> that we considered most relevant for the national debate as well as the Catalan and Basque context.

13. Besides the reference in the electoral program the proposal never materialized in a law proposal; therefore, we studied both the electoral program and the press.

14. The programs analyzed correspond to: PP, PSOE, IU, CiU, EA, ERC, IC-V.

15. The intervention about same-sex marriage at the roundtable of homosexual rights by Montse Rifa, member of the *Grup de Lesbianes Feministes*, showed that there are divergences in the support of same-sex marriage as the key demand of the LGBT movement. She also pointed out the feminist critique of marriage as an institution that is hardly present in the mainstreaming LGBT debate in Spain (Second MAGEEQ National Debate, December 2, 2005, Barcelona). Available online <http://www.proyectomageeq.org>.

In order to analyze the discourses of LGBT organizations, websites were used to document our research regarding LGBT manifestos. Most information was found in the context of “Pink (Gay) Vote” campaigns of either supporting political parties that gave rights to LGBT people or were rejecting the conservative parties’ standpoint. The national LGBT federation explicitly asked citizens not to vote for the Conservative Party in March 2004. The “*Fundación Triángulo*” proposal for the elections in 2000 also was analyzed, with concrete demands for the parties—mostly partnership legislation with the same rights of gay marriage—not so much asking for the vote in either direction but analyzing the proposals of all political parties. We have also included the FELGT (the National Federation of LGBT Organizations or *Federación Estatal de Lesbianas, Gays, Bisexuales y Transexuales*) standpoint using a press article. Therefore, two different perspectives on gay and lesbian rights are presented: *Fundación Triángulo* promotes the plurality of gay and lesbian experiences and their assimilation in mainstream heterosexual culture as well as fighting homophobia. On the other hand, FELGT promotes LGBT rights through common demands and presents itself as the true voice of gay and lesbian citizens. Both FELGT and *Fundación Triángulo* have disagreed strongly on issues such as the promotion of a gay identity or a gay community, pink vote or gay market.

The Catholic Church had an active presence in the political debate, presenting their standpoint on homosexuality, adoption, and same-sex marriage in the press, interviews, and Church directives. The Catholic Church is not a political actor *per se*, as they do not legislate nor constitute a political party, but the Church is a relevant actor in the political arena. The Church reacts to political debates and is clearly positioned against gay and lesbian rights. Many politicians and members of non-confessional public institutions support the Church’s standpoint, reproducing their vision. Most of the Church’s views are found in the media, but we decided to locate a direct source: the Directive on Family Issues that offers its view on gay rights and homosexuality and on women’s issues and domestic violence. Homosexuality is represented as an issue of a “gay lobby” that manipulates politicians, along with a narrow definition of the institution of marriage.

#### 4. Framing the Problem

Looking at the overall developments of gay and lesbian issues, we find that same-sex rights have been very visible in Spanish politics, especially since the mid-nineties. There is a progressive entrance in the political agenda, constructing LGBT issues as concrete political demands. Out of all gay and lesbian political problems, the key representations have been partnership rights (1993–2002) and, later on, same-sex

marriage (2002–05). Other issues such as homophobia and discrimination in the workplace do not become as relevant in the official debates; after same-sex marriage, transgender rights are becoming the next challenge for the LGBT movement (2005 and on) with a law under proposal regarding gender identity and proposals for new services for public health for transgender treatments.

“*Same-sex marriage*” has been presented as a twofold issue: it has been promoted as a *symbol of formal equality* but also as a reproduction of heterosexist values and institutions. In the Spanish political arena, the main debate has been a response to and fight against the most conservative political actors rather than a rich debate over the different statuses for partnerships and marriage recognition. The emphasis in the political struggle has been to recognize same-sex unions, where those who promoted “partnership rights” as a way to regulate homosexual unions debated and united with those that articulated the right not to get married for heterosexual couples. Lastly, there has been an argument in support of the institution of marriage, defending lesbian and gay individuals by stating that they should have access to the same type of regulation (marriage) rather than special policies (partnership rights); marriage was presented as a challenge to the heterosexual definition of marriage but also as a symbol of full access to citizenship rights.

As pointed out previously, a law that resembled equality and that was designed as a neutral measure in gender terms turned into a discriminatory law against lesbians, showing the lack of gender perspective. Feminism and queer critiques of marriage have been absent from the mainstream debate: most efforts have been given to presenting gay and lesbian unions as equally respectable as heterosexual families, challenging the pedophilia stereotype of gay males and presenting same-sex marriage as feasible, with ideal and politically correct representations of gays and lesbians (Platero 2006). “Adoption” became one of the most relevant aspects of the discussion, being used by the Church and conservative political actors to challenge the right of gay and lesbians to marry. Nonetheless, there have been some alternative discourses on gay marriage in the margins, mostly located in Lesbian Feminism<sup>16</sup> and queer activism.<sup>17</sup>

The discourses of political actors around same-sex rights, partnerships, and marriage are embedded in different framings. Some of these constructions created a

16. There has been a few voices that have pointed out the “side-effects” of focusing all LGBT activism on the struggle for gay marriage and putting aside issues such as AIDS, and the lack of consensus in choosing same-sex marriage as the key demand. For example: Vidate and Paco (2005: 38); Carmona and Pedro (2005: 38); Platero (2005c), etc.

17. Socialist Party PSOE; Leftist Party IU; Catalonia Nationalist Party CiU; Catalonia Leftist and Green Party IC-V; Catalonia Leftist and Republican Party ERC; Andalusian Party PA; Aragon Nationalist Party CHU.

stronger mobilization than others, being more successful in the agenda-setting process. We have found three main policy frames on gay and lesbian rights. The first one presents gay and lesbians as different subjects that require particular—special—policies, represented by the demand of “partnership” rights. “Gay subjects” in this frame have homogenous identities and demands. We have found these representations in the texts we analyzed from the largest LGBT organizations, regional governments (Catalonia, Madrid, and Basque Country included), and in texts from almost all political parties involved in the elections of March 2004.<sup>18</sup>

In the 2000 parliamentary debate analyzed here, all four partnership proposals use partnership rights as “gay policy,” intended to solve the discrimination experienced by gay and lesbians. In the 2004 national elections, some political actors still used the same framing: the “gay” issue demanded a “gay solution,” although some of them also supported same-sex marriage. Even though partnership recognition would benefit primarily heterosexual unions and their right not to marry, it mainly has been portrayed as a homosexual rights issue.

Between 2002 and 2005 the LGBT organizations changed their demand into same-sex marriage: most central and left-wing parties supported this demand, sometimes on top of partnership rights. The demand and debate over partnership rights has become a prerequisite for gay marriage, in which LGBT organizations and political parties have presented marriage as the one solution to (all) “gay problems.”

In the second frame, “homosexual subjects” are represented as differentiated and socially excluded individuals, or as sinners, as in the texts of the Catholic Church. Therefore, domestic partnerships and same-sex marriage are an attempt to abuse legislation made for the protection of “true” citizens, those whose rights are recognized and are able to marry and adopt children. The main argument is that “*you cannot make equal what it is different*,” which appears consistently in the Conservative Party texts. Examples are the speech by Ana Botella on “pears and apples” (see Footnote 3) and Ana Torme’s speech in the Parliament on June 30, 2006. Torme suggested that “*other formulas could be used to satisfy the legitimate demands of homosexual people... similar to the ones adopted in France and Germany*” (Spanish Parliament 2005: 5225). The conservative standpoint desexualizes partnership rights, not taking into account the sexual and affectionate relationship within gay unions, by using the example of those partnership laws that include any relationship among two people.

18. The socialist government has supported a number of initiatives linked to “equality” demanded by social movements, such as the Integral Law against Violence (Law 1/2004); the new and more correct terminology on disability used in the Dependency Law presented in Parliament (December 2005); and the Law on the Recognition of Spanish Sign Language as an official language presented to the Parliament (January 2006), etc.

Both the Conservative Party (PP) and the Catholic Church deny access to full rights to those citizens who are different, the “others.” Their logic of difference allows the restriction of rights and the installation of special rights, clearly excluding adoption and marriage. The main texts that include this frame are: the Catholic Church Directive, the 2004 Conservative Party electoral program, as well as their intervention in the 2005 debate on marriage. To a lesser extent, it is also present in the Catalonian partnership law made by the Catalonian Nationalist Party (CiU).

The third and most recent frame (1999, 2002, and later) presents gays and lesbians as a minority group, excluded from civil and human rights, with limited access to citizenship rights. This frame is present in the texts from the Basque Women’s Agency; the Catalonian Women’s Agency; the Federation of Lesbians, Gay, Bisexual, and Transgender people; the Leftist Party (IU); and in seven out of eight speeches in the Parliamentary debate on marriage as well as on the marriage law itself. All these actors refer to the equality discourse that is present in the Beijing Conference (1995). They see citizens as diverse in sexuality, gender, race, ethnic group, and disability. This representation of the problem presents gays and lesbians as a disenfranchised group, excluded from citizenship, a minority historically discriminated against and in need of compensation.

The frames on equality contain different sub-frames according to their emphasis on equality, full equality, or human rights. The sub-frame on *equality* is based on the disenfranchisement of gay and lesbian individuals, and therefore new legislation becomes a matter of compensation. The political actors compare struggles for women’s access to full rights previously limited to men (vote, divorce, priesthood) to homosexuality struggles for equality. Marriage is presented as a contract that is not natural or sacred, rather an instrument of integration and compensation of certain sectors of society, thereby making equal all family unions “independent of their sexual identity.” It is present in the discourses of CHA (Aragon’s Nationalist Party), BNG (Galician’s Nationalist Party), CC (Canary Island’s Coalition Party), and EAJ-PNV (Basque Nationalist Party) during the marriage debate of June 2005.

The sub-frame on *full citizenship* contains arguments supporting individual freedom and full access to citizenship rights and legitimizing the institution of marriage in a non-confessional and democratic state. We have found this frame in the 13/2005 Law, which underlines the norms and dominant models that have kept marriage exclusively heterosexual, as well as presenting marriage as full citizenship and formal equality for gays and lesbians. The left-wing coalition of parties IU-IC-V states that “*we need to take a step forward to liberate all men and women, becoming citizens, being closer to the Europe of rights and freedoms, becoming all first class citizens*” (Spanish Parliament 2005: 5222). Marriage is presented as a symbol of formal equality: “*different forms of family are all legitimate in a non-confessional and democratic state,*”

stating that adoption does not depend on sexual identity because that would imply that being gay would make you “*a different kind of person*” (Spanish Parliament 2005: 5221). Additionally, they argue that it is important to address some issues that are not resolved, such as homophobia and social education, discrimination in the workplace, legislation in gender identity, and individuals politically repressed due to their sexuality in the Franco period.

The socialist standpoint (in Zapatero’s opening speech in the Parliament, March 2005 and in Monzón’s speech in the debate on same-sex marriage, June 2005) also presents same-sex marriage as a matter of full citizenship, stating that this law does not attack or denaturalize marriage, but rather it is defending, widening, reinforcing, and supporting the institution of marriage. Therefore, in Zapatero’s words, marriage is not natural or divine but rather “*what each government decides.*” The socialist electoral commitment implies some changes in the Civil Code, stating that “*it implies returning respect, recognizing rights, restoring dignity, restoring the dignity and freedom of a minority*” (Spanish Parliament 2005: 5228).

The standpoint of the LGBT organizations, as represented by Beatriz Gimeno in her article commenting on Zapatero’s opening speech in the Parliament, presented partnership rights as second-class citizenship. In her words, both same-sex marriage and transgender rights imply full citizenship and rights. According to Gimeno, there are a number of unresolved issues such as social integration and a law on sexual identity.

The sub-frame on *human rights* shows a focus on individual rights as human rights. The texts stress a need for gender analysis as well as for a wider transformation of society that should go further than marriage, with measures in education and other areas. The Catalanian Republican Party (ERC) supported (debate, June 30, 2005) sexual minorities’ rights as human rights, with an explicit analysis of the situation of lesbians that implies specific actions: changes in the Civil Register Law and recognizing two women as mothers. They claim that lesbians experience double discrimination and invisibility, with references to “multiple identities,” struggles for freedom, and individual rights against homophobia. The leftist party electoral program (IU 2004: 54) referred to “*a new generation of civil and human rights,*” supporting free sexual orientation and equal rights, promoting both partnership and marriage rights. The Basque Equality Plan (1999) frames lesbian problems within women’s rights as human rights, including lesbians in the target of their actions, widening the concept of civil rights.

## 5. Conclusions

The main goal of our research is to analyze the representation of gays and lesbians in Spanish politics, in gender equality policies as well as in general politics. During

the last five years, gay and lesbian rights have become a hot issue in the political arena, in which practically all political actors have presented diagnoses and offered solutions. Spanish gender equality policies have gained legitimacy and have grown over time to reach EU standards in the institutionalization of these policies. Nonetheless, equality bodies and policies are resistant to include the dimension of sexuality and specifically to include lesbians in their actions: only three regional equality plans include lesbians in their actions (Catalonia 2005; Canary Islands 2003; Basque Country 1999). In these documents lesbians are represented as women in need of full access to human rights, affected by homophobia, socially excluded, or as a part of women's diversity. So far, the "inclusion" of lesbians is limited and does not challenge the normativity of equality policies, showing the power relationship imbedded in the construction of sexuality. Equality and women's issues are interpreted as mostly heterosexual, just as gay issues are presented as mostly male, white, middle-class, non-disabled, and urban. There are very little specific references to lesbians, and when they appear it is mostly as mothers and as individuals experiencing double discrimination: the intersectional effects of lesbianism remain unquestioned. In sum, the evolution of Spanish gender equality policies may reflect the EU trend of feminist practices, by addressing faster and easier gender equality and being ambivalent in regards to sexuality as part of gender theory.

As an answer to our initial questions about the definition of sexuality as transformative or defined by existing traditional values, our analysis shows that same-sex rights are expanding the understanding of normative sexuality by including some identities previously marked as marginal. Nonetheless, same-sex rights are constructed within institutions that are clearly traditional, such as family and kinship rights rather than defeating and transforming those institutions or conceiving of them widely as individual and civil rights.

The visibility and legitimation of gay marriage as well as the increasing tendency to include the "other" women into equality policies can lead us to think that in the near future it could result in a wider inclusion of lesbians into equality policies. Also, the presence of lesbian feminist political and technical personnel in the administration, the historical moment in which Spain presents itself as a country supporting equality,<sup>19</sup> and the new role and relevance of LGBT organizations in the political arena can further strengthen the inclusive tendency in all political realms. Whether this inclusive tendency also will imply a transformation of the institutions or understanding of sexuality and the subjects targeted by gender policies remains uncertain.

19. Parliament Session, November 7, 2006: the first step accepting the law project for parliamentary process approved with the support of 23 votes, and eight votes against it. In short, it will be debated in the Senate.

Concerning the location of the political debates on gay and lesbian rights, most activity has been located in the regional arena promoting partnership legislation and registers as well as services for LGBT individuals. In the meantime, the national debate has been mainly on partnership rights (1993–2002), and finally on same-sex marriage (2002–2005) with the approval of the 13/2005 Law (followed by incipient mobilization for transgender rights). Same-sex marriage has been represented by Spanish political actors in three major frames. The first frame presents partnership rights as matter of special policies for gay people. The second frame presents homosexuals as different individuals that attempt to access illegitimate rights such as adoption or marriage. The third frame shows gay and lesbian rights as a matter of equality, access to full equality, and human rights.

The political debates have been fragmented: the regional realm has been very dynamic and inclusive for gays and lesbians. The national political arena is legislating and acting afterwards, in those issues that firstly have been tackled in the regions, such as partnership rights or equality laws. Local and regional experiences show how civil society, feminist organizations, and LGBT people are able to impact on the political agenda, introducing political problems that later on may impact on the national agenda. Also, the important role of some gay and lesbian leaders who have become mainstream politicians has become clear as well as the presence of some LGBT organizations in politics and the media. There is not only a new political configuration of parties but also a renewed effort by key individuals.

The color of the ruling party certainly matters: the Socialist Party has played a protagonist role not only by promoting gender equality policies—the Spanish femocrats have, as a starting point, the creation of the Women’s Agency in 1983 by the Socialist Party—but also in gay and lesbian policies. Both the Leftist (IU) and Socialist (PSOE) Parties have made same-sex marriage a core part of their electoral programs in 2004. Although the Leftist Party was the motor to introduce key demands in the agenda such as same-sex marriage, it has been the Socialist Party who has taken the lead by approving marriage—and approving a gender identity law project<sup>21</sup> in 2006—with an international media impact.

Marriage is represented as a gender- and sexuality-neutral measure. There is no evidence of a consciousness of same-sex marriage having a potential differential impact on lesbians. The neutrality of Law 13/2005 may have contributed to make lesbians invisible again. Lesbians have been represented as mothers and wives, mostly as female homosexuals rather than as a complex experience of gender and non-normative sexuality. Lesbians no longer are representing disruptive sexuality challenging the heterosexist order; the only specific reference to lesbians in the marriage law is the recognition of a second mother in the Civil Code. Currently, lesbians are discriminated against within same-sex marriage, because, in contrast to heterosexual marriage,

within lesbian marriages there is no automatic recognition of the parenthood of the non-biological mother. This discrimination is addressed in the draft Law on Gender Identity presented by the socialist government. Lesbians are not in the margins of normative sexuality anymore, but rather becoming a symbol of the same traditional patterns that activists once meant to challenge.

Having this in mind, we could think that it is the turn of national politics to go beyond marriage, challenge resistances, face non-normative sexualities, and explore new intersectional gender and sexuality experiences. The intense legislative action of the national PSOE government, the mobilization of LGBT issues, and the heterogeneity of gender equality policies soon will show the new tendencies of (ex)inclusion of non-normative sexualities.

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## Annex 1.

### *List of Texts Analyzed*

1. Article in *El Mundo* (March 27, 1997) “Conservatives will regulate couples living together by contract. The law avoids references to sexual orientation,” (*El PP regulará la convivencia mediante contratos mercantiles. En la ley evitará referirse a la orientación sexual*).
2. Law 10/1998, July 15, Stable Partnership Unions Cataluña (August 19, 1998). (*Ley 10/1998, 15 de Julio, de Uniones Estables de Pareja*).
3. Third Equality Plan Basque Country (December 1999).
4. Parliamentary Debate on the four partnership proposals from the Leftist Party, Socialist Party, Cataluña Nationalist Party, and mixed group (September 22, 2000).
5. Gay and Lesbian organization’s proposal for the 2000 Legislature: “Agenda on Gay and Lesbian Equality”. (*Propuesta de la Fundación Triángulo para la legislatura del 2000. Agenda por la igualdad de gais y lesbianas 2000*).
6. Law 6/2000, July 3, Legal Rights for Stable Partnerships, Navarra (June 2000). (*Ley Foral 6/2000, de 3 de Julio, para la igualdad jurídica de las parejas estables*).
7. Law 2/2003, May 7, regarding Domestic Partnerships, Basque Country (May 2003). (*Ley 2/2003, 7 de Mayo, reguladora de las parejas de hecho*).
8. The Church’s Directive on family issues in Spain 2004 (February 2004). (*Pastoral sobre Familia*).
9. Electoral programs that include LGBT rights from (February 2004):
  - Conservative Party—*Partido Popular*
  - Socialist Party—*Partido Socialista Obrero Español*
  - Left-wing Party—*Izquierda Unida*
  - Catalonia Nationalist Party—*Convergencia i Unió*
  - Basque Nationalist Party—*Eusko Alkartasuna*
  - Catalonia Republican Leftist Party—*Esquerra Republicana de Catalunya*
  - Catalonia Nationalist and Green Party—*Iniciativa Per Catalunya y Les Verds*
10. Article in *El Mundo* (May 5, 2004). “Now yes” (Ahora sí) by Beatriz Gimeno (May 5, 2004).
11. Parliament Debate on the Law Project to change the Civil Code regard marriage. We include the speeches of the following parties (June 30, 2005):
  - Aragon Nationalist Party—*Chunta Aragonesista*
  - Galician Nationalist Party—*Bloque Nacionalista Gallego*
  - Canary Island Nationalist Party—*Coalición Canaria*

- Left Wing and Catalonia Nationalist and Green Party—*Izquierda Unida y Iniciativa Per Catalunya y Les Verds*
  - Basque Nationalist Party—*Partido Nacionalista Vasco*
  - Catalonia Republican Leftist Party—*Esquerra Republicana de Catalunya*
  - Conservative Party—*Partido Popular*
  - Socialist Party—*Partido Socialista Obrero Español*
12. Law 13/2005 modifying the Civil Code concerning the right to marry (July 1, 2005).



## Where Did Gender Disappear? Anti-discrimination Policy in the EU Accession Process in Hungary

*Tamás Dombos, Anna Horváth, and Andrea Krizsán*

The EU accession process was expected by many—both policy actors and academics—to bring substantive changes to gender equality policies in Hungary. The basis of these expectations was that gender issues have been on the agenda of the European Communities since the 1970s with a continuously widening scope (Verloo 2001). By the time of the Eastern enlargement, the European Union had an extended set of gender equality policies (both “hard” regulation and “soft” policy measures), especially compared to the accession countries. The existence of this gap and the need for harmonization led many to draw the conclusion: the accession process will result in major transformation of gender policies in Central and Eastern European countries. However, these expectations were not fulfilled and a breakthrough has not occurred. Nearly two years after becoming a member state of the European Union, Hungarian gender equality policy is still very fragmented (Krizsán and Zentai 2006). Although gender equality related directives were formally implemented, being exposed to European gender equality discourse has not resulted in an expected rapidly-growing sensitivity towards gender equality issues.

Analysts agree that for a variety of reasons the EU failed to put emphasis on gender issues in accession negotiations, and did not provide real incentives for the adoption of a comprehensive gender equality policy framework beyond the transposition of relevant directives (Bretherton 2001 and Sloat 2004). This primacy of formal requirements and “institutional compliance” (Knill and Lehmkuhl 2002) also can be seen from the limited focus of existing studies on accession countries. Research concentrates primarily on institutional and policy changes induced by EU conditionality—that is, on the final, formal outcomes of the policy process. Several monitoring and policy-mapping exercises (OSI EUMAP 2002; Kádár and Farkas 2003; OSI NWP 2005) were conducted in the last stages of the accession process and soon after the accession. These studies consisted mainly in legalistic analyses covering the policies and laws adopted without entering into a qualitative discussion of the debates in the adoption process.

In this chapter, we aim to analyze how European policy principles are relayed through domestic policy actors via “framing mechanisms” (Knill and Lehmkuhl

2002). In the framework of Knill and Lehmkuhl (2002: 259), an important channel of “Europeanization” is that European discourses and policy frames penetrate domestic discourses; thus EU policies frame “domestic beliefs and expectations.” This means that EU-level supranational policy principles can influence national policy action and institutions not only through “institutional compliance” and changing “domestic opportunity structures” (Knill and Lehmkuhl 2002: 257–258), but also through providing new frames of reference and changing the perceptions of domestic policy actors (Knill and Lehmkuhl 2002: 259). Until now, very few studies have examined the influence of the EU through these discursive processes, especially in the field of gender equality.

This study intends to complement the available literature by providing a qualitative policy frame analysis of policy debates around an issue that is crucial in the field of gender equality policies in Hungary: anti-discrimination. Our aims with this analysis are threefold. First, we will examine how gender issues are framed within debates about anti-discrimination policy. Second, we study how Hungarian policy actors perceive the European Union and EU requirements in these debates. As Schmidt and Radaelli (2004: 377) argue, Europeanization has an “inter-subjective quality”: “adaptational pressure is not an ‘external’ objective entity, but it is constructed in EU and domestic political discourses” and “discursive re-framing may entirely change the perception of pressure on the part of policy-makers.” Hence, in order to understand “Europeanization,” one has to look at how domestic actors frame the role of the EU. Finally, we aim to complement the above-discussed “lack of incentives” type of arguments about the lack of significant changes in gender equality policies in Hungary. We emphasize the importance of domestic repercussions of European discourses and argue that the non-change of gender equality policies is related to how European discourses and frames resonated in the domestic political arena.

Our methodology follows that of the MAGEEQ project, which studies divergences of policy frames around gender equality. Although the MAGEEQ methodology which relies on analyzing policy documents was developed to provide a framework for a comparative analysis of the framing of gender equality issues (for a detailed description of the MAGEEQ methodology see the Introduction), the need to allow for some flexibility and conduct studies of country-specific topics that are not included in the comparative study was recognized. In the case of Hungary, the policy field of anti-discrimination was chosen.

The policy area of anti-discrimination is suitable for our purposes for two reasons. Primarily, anti-discrimination was the only gender-related field where the EU did require state action, even if this pressure was considerably weaker than in other fields (e.g., in the case of Roma rights, see Kovács 2001). The primacy of anti-discrimination within gender equality policies is noted also by Bretherton (2001),

who argues that during accession negotiations the EU's "dialogue with CEEC [Central and Eastern European Countries] on equality issues has focused upon the legal aspects of the *acquis*; that is, adoption of anti-discrimination legislation in conformity with EU norms" (Bretherton 2001: 70). Secondly, unlike in the EU, in Hungary anti-discrimination policy is still one of the most important elements of gender equality policy. Although sporadic targeted gender equality projects exist, equal treatment and equal opportunities legislation was the most significant and one of the most widely discussed topics related to gender equality in the period covered by the MAGEEQ project. Thus, the analysis of policy debates revolving around anti-discrimination has a high relevance for understanding how gender equality has been framed and placed on the policy agenda in Hungary. As a consequence of these factors, this policy area is the best gender-related field to analyze both EU influence and the domestic perceptions of EU requirements. Certainly, this also limits our focus, since we do not take into consideration the influence of soft instruments, such as the European Employment Strategy and the Social Inclusion Process (for such an analysis, see Fagan et al. 2005 and Velluti 2005). Documents that are related to these processes are analyzed within the MAGEEQ framework in other chapters of this volume (see, for example, the chapter on family policy).

### 1. The Anti-discrimination Debate in Hungary: The Context

Although the prohibition of discrimination already was recognized as a legal principle under socialism, it was elevated to the level of constitutional principles only in 1989. Throughout the 1990s, the Hungarian anti-discrimination framework consisted of general constitutional provisions and patchy regulations scattered around various sectoral laws. The need to reform this framework was recognized first by NGOs and experts, but reform proposals already were present in party programs during the 1998 elections.

The awareness over the issue reached the state level in 2000, in the midst of the EU's drafting the Race Directive and the Employment Framework Directive (both concerning discrimination, but neither gender discrimination). Two anti-discrimination drafts were brought before the Parliament and its committees. The first was submitted by the Parliamentary Commissioner (Ombudsman) for the Rights of National and Ethnic Minorities under the title of a Bill on Measures against Racism and Xenophobia. The second was a proposal by MPs in opposition for a Parliamentary Resolution on Equality between Women and Men. Both initiatives were turned down.

The dominant approach towards anti-discrimination legislation that characterized the whole 1998–2002 (conservative) government can be labeled as “sectoral.” It can be summarized as follows: even though discrimination exists, available state instruments are more or less appropriate for handling it. Therefore, state action is not needed, at least not in the form of comprehensive legislative action. State instruments referred to are the Constitution and its anti-discrimination clause and the different sectoral laws, all of which prohibited discrimination only at a general level. This approach was strengthened by a Constitutional Court Decision in 2001 arguing that the Constitution does not require a more comprehensive anti-discrimination policy. Anti-discrimination policy reached the official governmental policy agenda only once, in 2001, upon the pressure of NGOs and the clearly declared influence of EU requirements. At this point, in line with the sectoral approach of the Hungarian government, the proposed action remained very modest. It consisted in tailoring some of the existent laws to fit the *acquis communautaire*: the anti-discrimination and equal pay clauses of the Labor Code were amended to include legislation conforming more to EU standards.

Opposition parties were not satisfied with the scope of the amendments and proposed two bills shortly after the amendment of the Labor Code. The first one was the direct continuation of the parliamentary resolution mentioned above, transforming it into a Bill on Equal Opportunities for Women and Men. The second one was entitled the Bill on Equal Treatment and the Prohibition of Discrimination, and aimed at handling discrimination on several grounds (including gender) in one comprehensive law, with a separate chapter on gender discrimination. Both drafts argued for the need for state action, although they disagreed on the approach. However, the government maintained its position against a comprehensive approach, and the Parliament rejected both proposals.

The last stage of policy development started around the end of 2002, with the first governmental draft of a comprehensive anti-discrimination law. This change in approach was connected to the shift from the 1998–2002 conservative government to a left-liberal government in 2002. Besides being the first instance when the state recognized the need for comprehensive action, the proposal also induced a shift in the views of moderate right-wing politicians in opposition, who reframed their arguments and gave up their sectoral approach. In December 2003, the Hungarian Parliament adopted the Equal Treatment and Equal Opportunities Act, a general anti-discrimination act that regulates discrimination on all grounds, including but not emphasizing gender-based discrimination. Due to its gender-insensitivity, women’s organizations heavily criticized this solution.

In the next section, we present the main frames that characterized the policy debates. These were identified by analyzing anti-discrimination policy debates between

2000 and 2003 in Hungary. We examined legislative documents (drafts, bills, and the final law), protocols of debates in parliamentary committees and plenary sessions, and an NGO opinion. This NGO document was included in the study because MPs explicitly referred to it in the parliamentary debates. Texts were selected with the purpose to cover all the main issues and arguments raised in anti-discrimination policy debates throughout the years analyzed.

## 2. Frames in the Anti-discrimination Debate

The policy frames identified in the analyzed policy debates are the following: the *equal opportunity as a human right* frame; the *equal opportunity as a key to the rise of the nation* frame; the *legalistic* frame; the *gender equality* frame; and finally the *full-time motherhood* frame. The description of the frames follows a similar structure: first, a description of what is conceived as the problem; second, what is proposed as the solution; third, what the main normative claims are; fourth, how gender issues are treated, fifth how gender intersects with other grounds of discrimination; and finally, where the frame can be found and what kind of actors articulated it.

### *Equal Opportunity as a Human Right*

This frame is centered on the idea of equal opportunities: there exist social inequalities in society that have to be tackled by coordinated state action. These inequalities result from discrimination against particular social groups (on grounds of gender, ethnicity, age, disability, etc.). The frame combines a narrowly defined anti-discrimination principle in the form of equal treatment regulation with equal opportunity policies, including positive action and governmental and non-state programming.

The diagnosis in most cases does not go far in specifying what inequalities mean; it only gives a list of problems, including, for example, the “disadvantageous situation of the Roma,” “discrimination against pregnant women,” or “inequality of opportunities” in general. Further details about the problem to be solved are identified only indirectly through the prognosis. Various forms of discrimination (direct and indirect discrimination, harassment, victimization) appear in the context of what should be regulated and forbidden. Sources of the problem only are touched upon briefly: “prejudices” and “social stigma” are mentioned as examples.

The solution for these loosely identified problems is much more elaborated: it includes a comprehensive definition of discrimination, a detailed description of possible sanctions, legal procedures, and the setting up of a specialized institutional

framework. The frame embeds these anti-discrimination measures in the broad concept of equal opportunities emphasizing the importance of soft policy instruments such as national and corporate equal opportunity plans. These policy measures are tools for an ambitious social transformation, in which legal action is perceived as instrumental for changing the way of thinking, public discourse, and everyday practice. This norm-centered orientation is well illustrated by the following quotation: “This law is capable of contributing to the transformation of social thinking, to provide a form of normative regulation.”<sup>1</sup>

The desired social transformation is identified with modernization, social progress, and democratization. Unequal opportunities are seen as incompatible with the unquestionable norm of human rights and human dignity, thus their elimination is a common (“our”) moral duty. Besides these values, fairness and solidarity serve as guiding principles. The community of developed European countries is seen as a carrier of these norms, as societies that are more advanced in realizing these norms. Thus Europe, rather than being a formal institution with specific legal requirements, appears as a manifestation of a desired social order.

This frame gained an increasing importance throughout the years in the contributions of liberal and socialist actors both in the administration and Parliament. It appears in its most developed form in the debates preceding the adoption of the Equal Treatment and Equal Opportunities Act. It is one of two concurring frames that characterize these debates, the other one being present in the contributions of conservative MPs in opposition (see next frame). Regarding the gender dimension of this frame, two separate sub-frames can be distinguished based on the emphasis put on the problems of women. Although these sub-frames do not differ substantially in their prognosis, the identification of the problem shows an important divergence.

*Degendered equal opportunities.* This sub-frame does not differentiate between the various grounds of discrimination; gender appears only as one ground of discrimination among many others. No specificity of gender inequalities is identified. Concepts that traditionally are used in the context of gender discrimination, such as equal pay for equal work or harassment, are used in an extended sense to cover other social groups as well. The best illustration for this sub-frame is the Equal Treatment and Equal Opportunities Act itself, and the speeches of the government representative introducing the bill to the Parliament.

*Accent on the rights of women.* This sub-frame also perceives unequal opportunities as a broad phenomenon covering different social groups, but uses discrimination

1. Speech by Miklós Hankó-Faragó (under-secretary of the Ministry of Justice) at the Plenary Session of the Parliament in the debate of the Bill on Equal Treatment and the Promotion of Equal Opportunities, No. T/5585.

against women as the primary example. These examples are only illustrative: rather than going into thoroughly analyzing the problem, they remain on the level of catchwords. The most commonly used examples are the problems of specific groups of women such as part-time employees, pregnant women, women with small children, and mothers in general. The concepts of equal pay for equal work and sexual harassment appear as specific problems related to gender but not as problems that render gender discrimination specific. That is, these problems are recognized as noteworthy instances of a broader problem—in this case, that of wage gap and harassment—but not as an interrelated set of problems that requires specific policies. This difference also is manifested in the proposed policy measures, which are predominantly non-gendered. The examples always are taken from the realm of labor; discrimination in the sphere of intimacy, such as sharing domestic work between couples or domestic violence, is never addressed. This frame dominates the November 2002 proposal and the speeches of politicians supporting the bill (both socialist and liberal) in the parliamentary debates. It is important to note that the contributors are exclusively female actors, but they do not emphasize their position as such.

### *Equal Opportunity as a Key to the Rise of the Nation*

This frame is the counterpart of the previous one, similarly focusing on the concept of equal opportunities, but linking it to such catchwords as nation, family, and Christianity. The most important inequalities it considers are regional and income differences. Rather than emphasizing equal treatment and anti-discrimination, the frame stresses the link between equal opportunities and social and family policy.

The frame accuses conventional anti-discrimination thinking of focusing too much on individual characteristics (e.g., gender, age, or ethnicity), and calls for the inclusion of so-called “community-based” forms of inequality (regional inequalities and differences between forms of settlement or family size as a source of disadvantage). Two main sets of problems are identified: the first is linked to the special needs of families, the other to the difficulties caused by economic transformation and the government’s economic policies. Concerning the first, the main problem holders are families with many children, single mothers, and children in poverty. These groups are given priority because they are “in the most insecure position, whose insecurity concerns the future of the nation.”<sup>2</sup> In the second case, macro-level social phenomena

2. Speech by Károly Herényi (conservative MP in opposition) as above.

are discussed: regional and social inequalities resulting from the closing of factories, post offices, nursing schools, railway lines, or from increasing taxes.

The redefinition of problems and problem holders is accompanied by a similar shift from anti-discrimination to equal opportunities in the proposed policy measures. In an extreme case, one policy actor regards anti-discrimination legislation as “pseudo-action.”<sup>3</sup> Furthermore, instead of seeing equal opportunities as a separate policy field, its integration into social and family policy (e.g., family taxation, housing policy) is proposed. Focusing on these systems of redistribution, state action appears as a corrective mechanism that protects the vulnerable by providing additional resources. This move can be evaluated as an attempt to dissolve the specificity of unequal opportunities. Meanwhile, it can also point in the direction of mainstreaming when it calls for equal opportunities to be part of strategic development plans and comprehensive policies.

As opposed to emphasizing social progress and modernization, this frame centers on the idea of the nation: equal opportunities are seen as a guarantee for the nation’s future. These two concepts are linked through the well-being of families. Instead of solidarity, it is the Christian principle of equality before God that justifies the need for equality legislation.

Within this frame, women appear only as mothers (potential mothers, mothers with many children, single mothers). Fatherhood and the more inclusive category of parenthood appear far less frequently. As the main target group is families, when targeting women, it is done only instrumentally to contribute to the protection of families. Women can become secondary targets because they are seen as bearing more responsibility in childrearing. This family focus renders men as a target group of equal opportunity policies as well—to the extent that they take on this responsibility, that is, when they become “single fathers.”

The frame emerges in the parliamentary debate of the Bill on Equal Treatment and Equal Opportunities in the speeches of conservative MPs in opposition.

### *The (In)appropriateness of Laws: A Legalistic Frame*

This frame incorporates debates over the necessary legal means of tackling discrimination. Its main distinguishable feature is the lack of a substantive diagnosis: the only problem (or non-problem) it can grasp is the inappropriateness (or appropriateness) of existing legal rules. The frame, therefore, is comprised of these two opposing

3. Speech by Erika Szabó (right-wing MP in opposition) as above.

approaches, the arguments of which share an important quality: the legalistic character. This means that the frame lacks any analysis of social problems or even examples taken from real-life practices.

Those who argue for the need for changing existing regulation usually mention that existing legal rules are “incoherent,” “inefficient,” do not “reflect reality,” or “cannot be translated into practice.” In contrast, those who claim that the current legal framework is appropriate blame the practices of law enforcement and the implementation of existing regulation, not the regulations themselves. These different emphases lead actors to contradictory conclusions and prognoses. While the first group of politicians proposes to adopt new law(s), the second group claims that there is no need to change the existing legal rules.

Interestingly, both types of arguments in the legalistic frame include references to obligations stemming from (at that time, still to come) European Union membership. The importance of fulfilling these obligations is accepted by all parties. However, the interpretation of European requirements and legal practices differs depending on the opinion about the appropriateness of the Hungarian regulations. The necessity for action is explained by Hungary’s failure to follow European requirements, and change is proposed with reference to EU directives. In parallel to this, non-action is legitimized through the claim that the European Union does not require Hungary to change its legal framework. Most importantly, the main argument against a gender equality law is that the evolution of European legal norms points in the direction of common treatment of disadvantaged groups; therefore, it is inadvisable to adopt group-specific regulation. In this context, the Employment Framework Directive and Article 13 of the EC Treaty were repeatedly mentioned as proofs for this trend, and previous EU legislation on gender equality was disregarded.

This frame is present in all the analyzed debates. It is dominant in the debate around the amendment of the Labor Code in 2001. Furthermore, government representatives framed their arguments the same way against the two proposals of 2001. Fragments of the frame can also be found in the debate preceding the adoption of the Equal Treatment and Equal Opportunities Act.

### *Gender Equality*

This frame identifies the problem of gender discrimination as a severe, widespread, and systematic social phenomenon that has to be eliminated by targeted state action. Although fragments of this frame can be found in various legal texts and debates, it has to be noted in advance that it does not appear in official state documents in the comprehensive form described below, only in NGO publications.

The frame defines women as the largest victim group of discrimination among minority groups, each of whom suffer from specific forms of discrimination. In the case of women, these specific forms of discrimination are present in all fields of life, in the organization of citizenship (decision-making, education, healthcare, and legal system), the organization of labor (employment practices, and wage gap), and that of intimacy (domestic violence, rape, and pornography). This situation of women is described as “social oppression,” “exclusion,” “exploitation,” or “dependence.” Discrimination is deeply rooted in social, economic, and legal inequalities reproduced not only by traditional institutions and social-economic customs, but also by discriminatory laws and discriminatory practices of the judiciary. The frame allows for incorporating the problems of similarly disadvantaged groups, for example, the Roma and other minorities. It pays special attention to multiply disadvantaged women: Roma women, lesbians, and women living in small settlements.

The frame incorporates two main types of mechanisms that (re)produce inequality. First, there are arguments based on a rational calculus. For example, the reasoning can be: the high costs of employing women lead to discrimination or expensive legal procedures hinder taking cases to court. Second, the reproduction of stereotypes is linked to the one-sided representation of women, for example, in teaching materials and advertisements.

The specific problems of women require targeted state action. This can be achieved either by introducing a specific gender discrimination section in a comprehensive anti-discrimination law or by passing a separate gender equality law. In this frame, the problem with comprehensive laws is that they tend to be blind to the real problems and necessities of particular groups. In the case of women, these omissions include forbidding sexual harassment and the derogatory representation of women, regulating hate speech addressed to larger audiences, measures promoting the sharing of domestic work among spouses, and achieving proportionality in employment and decision-making through positive action. The importance of gender mainstreaming is emphasized: programs have to be started in all fields of life to prevent the reproduction of inequalities.

The normative anchoring of the frame does not differ substantially from that of the *equal opportunity as a human right* frame; the rights-based argument is taken further by calling for the formal recognition of the “right to equal treatment,” the “right to fighting oppression,” and the “right to social inclusion.” What distinguishes this frame from the *equal opportunity as a human right* frame—besides the obvious gender aspects—are the strong and normatively highly charged expressions (e.g., “exploitation,” “oppression,” “patriarchy”) that are used in the diagnosis.

This frame is the most elaborated in terms of gender aspects, both in its diagnosis and prognosis. It covers all dimensions of gender: social categories such as women

in work or women in public life; identity by discussing stereotypes and the view of women as sexual objects; behavioral aspects are emphasized in the relationship between discrimination and customs; and finally institutions such as the family, the judiciary, and the media are also mentioned. Basic concepts such as equal opportunities are not only used generally, but are often applied in a gendered way (like “equal opportunities for women,” “human rights of women,” “equality of women and men”). Several concepts originating in feminist theory, such as patriarchy, gender blindness, and the opposition between biological sex and performative gender are used. The Convention on All Forms of Discrimination Against Women (CEDAW) is the main point of reference for this frame.

The two bills of 2001 (the Bill on Equal Opportunities for Women and Men and the Bill on Equal Treatment and the Prohibition of Discrimination) and most of the contributions of their supporters are framed this way, although less comprehensively: diagnoses are thinner and the language is more moderate. Fragments of this frame also can be found in the speeches of MPs in the debate before the adoption of the Equal Treatment and Equal Opportunities Act. Interestingly enough, there are speeches both for and against the law using this frame. As mentioned in the introduction, the only document that represents this frame in its integrity is an NGO opinion on the Equal Treatment and Equal Opportunities Bill. The MP contributors and the NGO all strongly identify with their standpoint as women: they frame their arguments with statements like “the law is important for us, women”<sup>4</sup> or “my honorable male fellow MPs.”<sup>5</sup>

### *Full-time Motherhood*

This frame considers the problem of discrimination as secondary to the “catastrophic demographic situation, which means that the state is losing its subjects.”<sup>6</sup> The main argument of the frame is that anti-discrimination legislation provides a one-sided incentive to work, thus it contributes to the aggravation of the demographic problem. Instead of (or at least besides) these policies, the state should promote full-time motherhood (state subsidies given to mothers as long as they stay at

4. Speech by Erika Németh (socialist MP) as above.

5. Speech by Ildikó Bernáth (right-wing MP in opposition) as above.

6. Speech by Lóránt Hegedűs (radical right-wing MP in opposition) at the meeting of the Parliamentary Committee for Human Rights, Minorities, and Religious Affairs concerning the decision whether the independent motion about the Bill on Equal Opportunities for Women and Men should be put on the agenda. February 12, 2001.

home with their children) as a means to reverse the demographic decline by allowing women to have as many children as they can. The frame regards anti-discrimination policy as relevant only for those women who are incapable of giving birth. The proposed policy measure—full-time motherhood—would shape social reality in two ways: first, by giving monetary incentives for women to stay at home, and second, by establishing desirable lifestyles, norms, and behaviors. The frame refuses the liberal approach of state-neutrality with respect to family models. It describes an ideal state of affairs in which women “choose the most productive vocation: childrearing.”<sup>7</sup>

This frame is very much gendered. Women appear only as mothers or potential childbearers in a biological sense: “the womb of most women, who are really capable of giving birth, does not close after delivering one or two children.”<sup>8</sup> Besides, women also are conceived as the stronger sex, capable of coping with the double burden, and yet live longer than men. Thus, the frame combines traditional, patriarchal perspectives of relegating women to the private sphere of family with seeing them as powerful actors within those boundaries. The frame does not address women outside the sphere of intimacy.

In a comprehensive form, the frame can only be found in a speech of a radical right-wing MP during the debate of the Bill on Equal Opportunities for Women and Men. Fragments can be found in contributions to the debate on the Equal Treatment and Equal Opportunities Bill.

### **3. Degendering, Reframing, and Externalization: Main Findings of the Research**

The frames described above are not distributed evenly in time within the analyzed period: frames appear and disappear; they gain or lose their significance. One difference among frames is whether they appear predominantly in governmental documents and contributions of politicians backed by the parliamentary majority (“governmental” frame), or in proposals and contributions of politicians in opposition (“oppositional” frame). As the previous sections of the paper showed, government and opposition frames shifted considerably during the examined period depending on the color of the government, and also with the approaching accession to the

7. As above.

8. As above.

EU in May 2004. Nevertheless, there always was an observable dichotomy between governmental frames and opposition frames throughout the period, irrespective of the frame shifts.

The cornerstones of the debates usually were set by “governmental” frames. The most important governmental frame in the period before 2002 was the *legalistic* frame. The main motivation for regulatory change in this period was a perceived inconsistency with externally imposed EU requirements and not a substantive diagnosis of problems related to discrimination. Arguments about the “appropriateness” of existing legislation generally prevailed, with a short interlude for the opposite (“inappropriateness”) position that gained momentum at the time of the amendment of the Labor Code in 2001.

The main opposition frame prevalent throughout this period was the *equal opportunity as a human right* frame. Both of its sub-frames occurred, depending on the actors articulating the frame and on the context for the debate. The debate on the Bill on Equal Opportunities for Women and Men generated a relatively gendered discussion, including the only comprehensive articulation of the *full-time motherhood* frame. However, a thorough definition of the gender equality problem, as well as a structurally-minded response to the problem of gender discrimination, was absent even from this debate. Beyond the recognition of the symbolic weight of having a specific gender equality law, the debate remained confined to the field of employment.

After 2002, the *equal opportunity as a human right* frame became the main governmental frame. This frame was contested continuously by the *equal opportunity as a key to the rise of the nation* frame, which became the main “oppositional” frame, a clear break from the legalistic frame characterizing the earlier conservative view. Finally, it is interesting to notice that the two frames that had strong gender components, the *gender equality* frame and the *full-time motherhood* frame remained “oppositional” and minor frames throughout the entire period of our analysis. A summary of the frames can be found in Table 1.

Besides these general remarks, three specific observations can be made. The first is about the trend of the decreasing importance of the gender dimension in the anti-discrimination debate. The second focuses on the relatively recent emergence of a specific conservative version of the equal opportunities frame. The last one concerns the perception and framing of EU requirements.

Table 1.  
A Summary of Frames Identified

	<i>Human rights</i>	<i>Rise of the nation</i>	<i>Legalistic frame</i>	<i>Gender equality</i>	<i>Full-time motherhood</i>
Problem	unequal opportunities, discrimination	unequal opportunities, “community-based” inequalities	inappropriateness of legal rules or none	gender inequality	demographic decline
Proposed law	comprehensive	comprehensive	comprehensive or none	specific	no need
Policy tools	anti-discrimination, equal opportunity policies	mainstreamed equal opportunity policies	—	positive action, mainstreaming	full-time motherhood
Mechanism	norms	resources	—	norms and resources	norms and resources
Normativity	modernization, social progress, democratization, equal rights, Europe	nation’s future, well-being of families, Christianity	—	equal rights, equality of women and men	traditional gender roles
Gender of voice	—	—	—	female	male
Realm	labor, citizenship	citizenship, intimacy	—	labor, citizenship, intimacy	intimacy
Important reference documents	EU Directives, Hungarian Constitution	Hungarian Constitution	EU Directives, Hungarian Constitution	CEDAW, EU Directives	—

*From Gender Equality to Comprehensive Equal Opportunities*

One of the most interesting questions in our research project is how policy debates frame the issue of gender equality and what place gender equality has in the analyzed political debates and legal documents. The developments in the case of anti-discrimination policy in Hungary can be evaluated on two levels: that of official documents (bills and laws) and that of policy debates. The framing of official documents shows a clear “development” path. The first bill analyzed here—the Bill on Equal Opportunities for Women and Men—was clearly gender specific. It is entirely framed in *gender equality* terms, proposing only gender-specific regulation. It was followed by a comprehensive proposal, the Bill on Equal Treatment and the Prohibition of Discrimination, which included a section on gender inequalities. Due to the inclusion of this specific section, it also can be regarded as a “building block” of the *gender equality* frame, despite proposing comprehensive regulation. Both of these bills were rejected.

The next important document is the first draft of the Bill on Equal Treatment and Equal Opportunities. This draft built heavily on the previous two proposals. It was a comprehensive law without a gender-specific section, but one that used examples primarily from the realm of gender inequality as background and illustration, giving the impression that even though worded to cover all forms of discrimination, one of its primary functions is to deal with gender discrimination. It framed the problem of unequal opportunities in human rights terms (*equal opportunity as a human right* frame), maintaining an *accent on the rights of women*. However, following lengthy governmental negotiations and parliamentary debates, the version adopted as the Equal Treatment and Equal Opportunities Law dropped all specific references to gender inequality and fits clearly into the degendered version of the *equal opportunity as a human right* frame. Thus, every new bill or draft was a move away from gender equality legislation towards the legal framework of comprehensive equal opportunities, which does include gender as one of several grounds covered but does not recognize and pay attention to any specific elements of gender inequality, neither in its problem definition nor in the proposed paths of action.

This policy development is less clearly present in policy debates, as fragmented versions of the *gender equality* frame surface even during the debates before the adoption of the Equal Treatment and Equal Opportunities Law. However, none of the debates in the analyzed period were framed dominantly in *gender equality* terms; not even those about the adoption of the Bill on Equal Opportunities for Women and Men. Moreover, none of the contributions framed gender equality problems in terms of a comprehensive *gender equality* frame. It is worth mentioning that the frame with the most explicit vision about gender relations besides the *gender equality* frame is

the *full-time motherhood* frame. This frame shares with the *gender equality* frame the extensive focus on norms, symbols, and institutions, though with diametrically opposing views on the role of women in society.

The *gender equality* frame can be identified first at the beginning of the analyzed period, in parliamentary debates about the Bill on Equal Opportunities for Women and Men, at a time when the dominant governmental frame was *legalistic*. Elements of the *gender equality* frame appeared again in debates surrounding the Equal Treatment and Equal Opportunities Bill. Arguments of some MPs both from governing and opposition parties contain gender-specific diagnoses and mention gender-related problems. However, these are not coupled with proposals that would respond to the specific problems identified. The only exception is the speech of the Minister for Equal Opportunities who argued that comprehensive regulation is only a first step and should be followed by ground-specific legislation in the future.

The *gender equality* frame in its comprehensive form is only present in an NGO document from 2003 criticizing the Equal Treatment and Equal Opportunities Bill. This document of the Hungarian Women's Lobby is especially interesting because it emphasizes and criticizes the *absence* of a comprehensive *gender equality* frame from the Hungarian policy debates on anti-discrimination. In addition, it stands as a master document for the gender equality frame both at the diagnostic and at the prognostic level.

To summarize, by 2004 the agenda-setting frame in Hungary became the *equal opportunity as a human right* frame, and more specifically its degendered version. This shift is in line with a similar shift towards technocratization and degendering in the realm of domestic violence policy (see the chapter on domestic violence in this volume). It could be caused by a general technocratization and generalization of policy issues once they are elevated to the official policy level or by a strategic framing approach in search of wider policy coalitions to support the issue. However, this latter explanation seems to be undermined by the absence of wider strategically-built coalitions in the process. The trend of degendering a very much gender equality relevant policy field occurs in the specific Hungarian context in which the importance of gender equality policy in the public agenda seems to be marginalized more and more (Krizsán and Zentai 2006).

### *'Strategic' Conservative Reframing*

While the process of degendering happened gradually and unevenly, a sudden and clear shift can be observed in the speeches of conservative/right-wing policy actors. In the early stages of policy development, conservatives—then in government—refused

the necessity for action most of the time. They framed their arguments exclusively in a *legalistic* way, with reference to externally imposed requirements in line with the EU *acquis*. With the exception of the debate during the amendment of the Labor Code, governmental and other conservative policy actors claimed that the current Hungarian regulation was appropriate to tackle problems and the European Union did not require change. Later, when the socialist-liberal government brought the problem of discrimination and unequal opportunities on the official governmental agenda and proposed the Equal Treatment and Equal Opportunities Bill, right-wing speakers shifted towards a more positive approach that recognized the need for action. However, rather than joining the governmental side, they reframed the concept of equal opportunities and tried to give a different direction to the debate. The *equal opportunity as a key to the rise of the nation* frame, as presented above, focuses on collective forms of equal opportunity, rather than on equal opportunity as an individual human right: it emphasizes equal opportunities in relation to families, disadvantaged settlements, or regions; it is tied to poverty and redistribution; and lacks references to traditionally accepted grounds of discrimination.

This move by conservative/right-wing politicians can be interpreted as strategic reframing. The shift from their previous position and the attempt to reframe the debate can be attributed to two main factors. First, concepts and notions so deeply embedded in the political language of the European Union could no longer be disregarded or played down. The second factor is related to the fact that this time it was the socialist-liberal government that thematized the problem; thus, conservatives were in the position to react, rather than to initiate. Under these circumstances it was not viable either to completely refuse the position of or to fully join forces with the government. The reframing could offer a solution to respond to both expectations. Frame analysis helped us discover this shift, and opened up new questions for investigation. Further research would explore the motivations of actors, the relative importance of the above-mentioned factors, and the relationship between such a framing of equal opportunity and the conservative policy agenda.

### *EU Requirements: A Mere Formality?*

Reference to EU directives is very frequent throughout the anti-discrimination policy process. The EU sets benchmarks in this process more than in any other field examined in the framework of the MAGEEQ project. This can be explained by the fact that, among the policy fields analyzed, anti-discrimination policy is the only one where the EU has clear competence, and which is regulated in the EU by hard law rather than just by soft policy instruments.

However, “Europe” or the “European Union” is not an entity with a fixed set of meanings attached to it: it is framed in two quite distinctive ways in the Hungarian debates. First, the European Union appears as a source of formal requirements imposed and defined externally, an external authority that has the power to impose sanctions in case of failure to accommodate its requirements. Fulfilling these requirements is purely instrumental to achieve a higher goal, integration in the European Union. Second, “Europe” or “Europeanness” appears as a proxy for a set of normative standards, the manifestation of a desired social reality. The aim according to this second approach is the betterment of Hungarian society. The desired end-state of this betterment coincides with the norms and values of the EU, which are thus aims in themselves. The EU and Europe is the source of moral authority that can be evoked by local actors in the political debates. While within this second approach actors seem to “internalize” the values and practices they identify as “Europe,” within the first approach the same values and practices are “externalized” and represented as a requirement from the outside.

Framing Europe as a set of formal requirements is present in its strongest form in the *legalistic* frame. In fact, it is partly this focus on EU requirements that defines the *legalistic* frame as such. The second approach that perceives Europe as a set of normative standards can be most clearly found in the *equal opportunity as a human right* frame, regardless of whether it appears as a governmental or an oppositional frame. When juxtaposing the perceived role of the EU with the depth and elaborateness of arguments in the respective frames, it can be claimed that the more policy actors emphasize EU requirements, the less substantive their analysis of problems and solutions are.

#### 4. Conclusions

In this chapter we analyzed how gender issues have been framed in Hungarian policy debates on anti-discrimination. Based on the frame analysis of several documents, we made three main observations. First, the gender-specificity of the debate decreased over the years. The framing of discrimination has moved away from an initial grounds-focused agenda, which strongly emphasized gender, to a general equal opportunity agenda, which refers to several grounds of discrimination without paying attention to specific forms of discrimination characteristic for the different grounds.

Second, while liberal and left-wing politicians framed anti-discrimination issues relatively consistently throughout the whole period, conservative actors shifted from framing the issue in a *legalistic* way towards the *equal opportunity as a key to the rise of the nation* frame, bringing in the debate a new, collectivist equal opportunity

concept. This can be interpreted as a strategic reaction to the governmental frame of *equal opportunity as a human right* that dominated the debate at the time.

Finally, we observed that the more often “EU requirements” are mentioned, the less substantive arguments are used about the problem of discrimination itself. This suggests that the more the “European Union” is seen and constructed as a set of external requirements the country has to fulfill, the less likely it is that European frames resonate in the domestic discourse, and that local policy actors internalize them.

In light of the above, the occurrence of a gender-neutral framing in the context of the EU accession process and with references to EU trends can be seen in a different light. There is an important difference between references to externally imposed requirements and normative standards. Framing Europe either way can serve to legitimize policy action; however, it is only the second type of construction that goes together with European frames of the actual policy field. Meanwhile, it is important to see that the shift toward a gender-neutral framing occurred with direct reference to EU trends. Whereas this partly could be explained by a strategic reconstruction of EU standards in order to fit national policy priorities, part of the explanation is that even within the EU, gender equality priorities often are pushed to the background with reference to a more inclusive human rights agenda.

Within the Hungarian context, gender discrimination, though covered in principle by the general equal opportunity language of the anti-discrimination debate, remains largely unaddressed in its specific terms. Even where gender discrimination is covered specifically it remains confined to identifying discriminatory behavior. This dismisses important aspects of norms, symbols, and institutions, which ultimately stand at the roots of reproducing the problem, and which remain issues only for women’s NGOs. Paradoxically, conservative speakers from the far right have more to say on this than their socialist and liberal counterparts, a development that does not look very promising for gender equality in Hungary.

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## Annex 1.

### *List of Texts Analyzed*

1. Amendment of the Labor Code, No. T/3468.  
Protocols of the Parliamentary Committee for Human Rights, Minorities, and Religious Affairs and Protocols of the Plenary Session of the Parliament November and December 2000.<sup>9</sup>  
Speeches analyzed:
  - Dudás, Katalin (government representative, Ministry of Economy) and Ivanics, István (right-wing MP of governing party, FIDESZ)
  - Kósáné-Kovács, Magda (socialist MP in opposition, MSZP)
  - Glattfelder, Béla (government representative, Ministry of Economy)
  
2. Bill on Equal Opportunities for Women and Men, No. T/3804. Proposers of the bill: Hack, Péter and Márai Kóródi (liberal MPs in opposition) February 12, 2001.
  
3. Protocol of the Parliamentary Committee for Human Rights, Minorities, and Religious Affairs. Debate about the decision whether the independent motion about the Bill on Equal Opportunities for Women and Men should be put on the agenda. February 12, 2001.  
Speeches analyzed:
  - Kóródi, Mária (liberal MP in opposition, SZDSZ, proposer of the bill)
  - Hack, Péter (liberal MP in opposition, SZDSZ, proposer of the bill)
  - Csóka, Gabriella (government representative, Ministry of Social and Family Affairs)
  - Fodor, Gábor (liberal MP in opposition, SZDSZ)
  - Kristyánné Aknai, Erzsébet (socialist MP in opposition, MSZP)
  - Hargitai, János (right-wing MP of governing party, FIDESZ)
  - Hegedüs, Lóránt (radical right-wing MP in opposition, MIEP)

9. In case of all debates we only coded the speeches of the government representatives and beyond that those that were relevant from a gender equality perspective. Some parts of some relevant speeches were left uncoded as well, because of discussing issues that were not important from our project's point of view.

4. Protocol of the Plenary Session of the Parliament. Debate about the decision whether the independent motion about the Bill on Equal Opportunities for Women and Men, No. T/3804, should be put on the agenda. June 12, 2001.

Speeches analyzed:

- Kóródi, Mária (liberal MP in opposition, SZDSZ, proposer of the bill)
- Koltai, Ildikó and Boda, Ilona (right-wing MPs of governing parties)

5. Bill on Equal Treatment and the Prohibition of Discrimination, No. T/4244. April 20, 2001.

Proposers of the bill: Magda Kósáné-Kovács, and Katalin Szili (socialist MPs in opposition).

6. Protocol of the Parliamentary Committee for Human Rights, Minorities, and Religious Affairs. Debate on the decision whether the independent motion about the Bill on Equal Treatment and the Prohibition of Discrimination, No. T/4244, should be put on the agenda. May 23, 2001.

Speeches analyzed:

- Kósáné-Kovács, Magda (socialist MP in opposition, proposer of the bill)
- Kovács, Ferenc (government representative, Ministry of Justice)

7. Concept paper of the Act on Equal Treatment and the Promotion of Equal Opportunities, November 2002.

8. Protocols of the Plenary Session of the Parliament from October to December 2003. Debate on the Bill on Equal Treatment and the Promotion of Equal Opportunities, No. T/5585.

Speeches analyzed:

- Hankó-Faragó, Miklós (under-secretary of the Ministry of Justice)
- Lévai, Katalin (Minister for Equal Opportunities)
- Németh, Erika (governing socialist party, MSZP)
- Kósáné-Kovács, Magda (governing socialist party, MSZP)
- Béki, Gabriella (governing liberal party, SZDSZ)
- Szabó, Erika (right-wing MP in opposition, FIDESZ)
- Bernáth, Ildikó (right-wing party in opposition, FIDESZ)
- Herényi, Károly (conservative MP in opposition, MDF)
- Szászfalvi, László (conservative party in opposition, MDF)

9. Act on Equal Treatment and the Promotion of Equal Opportunities, 2003.
10. Position of the Hungarian Women's Lobby on the Bill on Equal Treatment and the Promotion of Equal Opportunities.



# A Closer Look at the Intersection of Gender Equality and Migration in the Netherlands (1995–2005)

*Conny Roggeband and Mieke Verloo*

## 1. Introduction

As a concept, intersectionality is used and discussed increasingly in gender studies, sociology, and economics (Belkhir 2005). A recent overview of scholarly debates on gender mainstreaming identifies the relationship of gender equality with other complex inequalities, especially those associated with ethnicity and class, but also disability, faith, sexual orientation, and age, as one of the major issues in the analysis of gender equality policies at the moment (Walby 2005). A main theoretical divide seems to be whether to treat gender as always embedded within other social forms, and to see intersectionality as always relevant, or to retain the concept of gender as a separate category. Several problems also have been identified with the re-positioning of gender equality projects within “diversity” framings. Apart from competition over resources and policy priorities, studies stress the danger of overlooking specificities connected to gender inequality and the loss of attention for power relations in diversity framings (Woodward 2005). The major theoretical challenge concerns the understanding of the interconnectedness of various inequalities, what also is called the phenomenon of intersectionality.

The concept of intersectionality was introduced by Crenshaw as an escape to the problems of identity politics, to “denote the various ways in which race and gender interact to shape the multiple dimensions of Black women’s employment experiences” (Crenshaw 1989: 139). She distinguishes between structural intersectionality and political intersectionality (Crenshaw 1994). What she calls structural intersectionality is when inequalities and their intersections are relevant at the level of experiences of people in society. She refers to political intersectionality to point at how inequalities and their intersections are relevant at the level of political strategies. Political intersectionality refers to the phenomenon that policies targeting one axis of inequality are mostly not neutral towards other inequalities. Crucial questions to analyze political intersectionality are: how and where is feminism marginalizing ethnic minorities or disabled women? How and where are measures on sexual equality or racism marginalizing women?

Throughout the 1990s gender equality and multiculturalism were seen as compatible policy goals. In the logic of both policies, diversity was proclaimed as an important value (Young 1990). Multiculturalism as a policy goal and project, however, has increasingly come under attack (Joppke 2004 and Kofman 2005). It has been contested as essentialist and reifying cultural groups (Fraser 2000). Others have pointed to the danger of cultural separatism and segregation. Philosopher Brian Barry points out the risks of granting cultural groups special rights and suggests that “[t]he spectre that now haunts Europe is one of strident nationalism, ethnic self-assertion and the exaltation of what divides people at the expense of what unites them” (2002: 3). From a feminist perspective it has been argued that there is a tension between multiculturalism and gender equality (Okin 1999). According to feminist political theorist Susan Moller Okin, the multicultural exhortation to respect all cultures often conflicts with the liberal values of freedom and gender equality, because some practices and values of cultural minorities are reinforcing inequality and violating the rights of women (1999: 14). According to Okin, granting multicultural rights to these minorities will perpetuate patriarchal cultures that subjugate women. Okin’s position has triggered many reactions opposing the idea of an intrinsic opposition between multiculturalism and feminism (Cohen et al. 1999 and Sachar 2001).

The growing critique voiced by actors with very different political positions has resulted in a retreat from multiculturalism as a policy goal in many European countries in the late 1990s (Modood 2003; Joppke 2004; Kofman 2005). September 11 and subsequent events (Bali, Casablanca, Istanbul, Madrid, London) have given an impetus to this shift. The attacks on civilians led to a widespread questioning about a presumed clash of civilizations, culminating in suspicions about the possibilities and willingness of Muslims to be integrated in “western” societies (Modood 2003: 101). One reaction in different parts of Europe and the United States has been a re-assertion of national identity (Kofman 2005: 455 and Modood 2003: 114) and stricter integration demands (Doomernik 2005 and Joppke 2004).

The Netherlands is frequently mentioned as a clear example of this policy shift (Entzinger 2003; Modood 2003; Joppke 2004; Kofman 2005). In recent Dutch integration measures, it is stipulated that people must integrate and understand the norms and values of the Dutch society. One of the central values defended as “Dutch” is gender equality. Remarkable in this process is how some political actors, who never have been strong advocates of gender equality before, now use the argument of gender equality to re-assert national identity and place more restrictive demands upon immigrants and resident minorities.

As we will argue, migrant women have become an “emblematic” policy problem (Hajer 1995) in the Netherlands. Unequal gender relations in minority groups (particularly among Muslims) are now seen as a core problem, demonstrating the

“backward” character of Islam and the gap between “modern” Dutch culture and the imported culture of immigrants. This problem is seen principally to be located in men and in a negative masculine culture. Contradictions prevail when it comes to women. Migrant women are not only represented as victims of this misogynous culture, but—surprisingly—also as the principal key to solving problems of integration and emancipation. This is because the emancipation of migrant women is viewed as a crucial step towards the emancipation of the “migrant community” in general.

In this chapter we analyze how and why gender has become the key issue in policy frames on the integration of ethnic minorities. We examine how a parallel shift has occurred in Dutch gender equality policy to an almost exclusive focus on migrant women or women from ethnic minorities. In focusing on this double shift, we ask questions such as: what gendered cultural practices are seen as a problem? What is the gender model that immigrants need to adapt to, and what is defined and promoted as national gender regime? To answer these questions, we reconstruct the policy frames on gender and migration over the last decade, and seek what actors have been involved (which coalitions) in shifts in framing, what arguments are used, and what possible counterarguments/frames can be traced.

## 2. Reconstructing Policy Frames

To explore how the debate on migrant women has evolved and what representations of migrant women as a “policy problem” have gained dominance over time, we reconstruct the framing of this issue within the political arena. We seek to discover dominant and/or competing frames in the discourse of political actors that make sense of different situations and events, contribute blame or causality, and suggest lines of action (Rein and Schön 1996). Frame analysis can help identify how discursive strategies—be they intentional or not—modify the process itself by excluding certain frames or actors and promoting others. As well as other chapters in this volume, we use a Critical Frame Analysis approach (Verloo 2005) to reconstruct policy frames on migration and gender, focusing especially on elements of voice, diagnosis, prognosis, roles, causality, and normativity. The first element is about voice or standing, and asks what actor speaks, on which occasion, to what audience or forum, and in what form (interview, policy document, letter, or essay). This element is important to identify who is involved in the construction of a new frame and who supports this frame (frame-coalition). The second element of diagnosis asks what is represented as the problem, why it is seen as a problem, and what is mentioned as causes of the problem. It also analyzes the attribution of roles in the diagnosis, such as who is seen to have made the problem, who is the problem holder, and who are possible victims

and perpetrators. The third element concerns the prognosis that contains what is represented as the solution to the problem, what goals are formulated, and how these goals should be achieved. It also analyzes the relationship between ends and means. The fourth element is the call for action (or non-action), who is given a voice in suggesting the course of actions, who should act, and who is acted upon. Critical Frame Analysis is used to code different positions on the above-mentioned dimensions for each analyzed text, starting from the assumption that different frames may be presented within one policy document. The analytic tool helps to group ideas into policy frames that typically differ in what is presented as the central problem or as solution to this problem.

We take Snow and Benford's concept of strategic framing (1992), or frame alignment strategies, to analyze the evolution of the frames over time. Although the state acts as one actor towards its citizens, it is by no means a monolithic actor. The pluralism of the state becomes visible in the policymaking process when different, sometimes inconsistent, or even excluding frames, may be articulated within one policy document. The state is also a changing actor over time as different coalitions may take office to govern the state. Snow and Benford's concept of frame alignment strategies, although originally developed to analyze the dynamics between movements, audience, and adversaries, can be usefully applied to analyze the dynamic nature of framing by the state. Frame alignment strategies like frame bridging, frame amplification, frame extension, and frame transformation may be used by ruling governments either to stress a certain continuity in state policies, while looking for policy change, or to suggest change, even while doing business as usual.

A reconstruction of policy frames on gender and migration in the Netherlands is complicated by the almost continuous shifts in policy labels and categories. In the Netherlands, gender equality policies are called "emancipation" policies (*emancipatiebeleid*), but in the 1990s this policy was called increasingly "diversity" policy (*diversiteitsbeleid*), so as to stress intersections with ethnicity, class, and sexuality. Policies directed at migrants also have been labelled differently over time. In the 1980s, these policies were called policies on ethnic minorities (*ethnische minderheden*); in the 1990s the new label became integration policies (*integratiebeleid*). Also, the label of foreigners' policy or aliens' policy is used in relation to regulations on entrance and permits. Subsequently, migrant women have been labelled differently over time. In the period under study, the group has been referred to as "allochthonous" women (*allochtone vrouwen*); black, migrant, and refugee women (*zwarte, migranten en vluchtelingvrouwen*); women from ethnic minorities (*vrouwen uit etnische minderheden*); and non-western migrant women (*niet-westerse migranten*). These different labels are meaningful as they each give a specific representation of the group and its characteristics.

The term most often used in policy texts and debates is that of “allochthonous” women. Allochthonous literally means “different in relation to” and is used to distinguish migrants from the “autochthonous” population. The label “allochthonous” in the Dutch context means “of foreign descent” and implicitly refers to mainly Moroccan and Turkish migrants and their offspring. According to the official definition, someone is allochthonous when one of her parents is born outside of the Netherlands. In the public debate, however, second- and third-generation migrants, although often naturalized Dutch citizens, are still labelled “allochthonous.” In this chapter we alternately use the policy label “allochthonous” women and the more common, international label of “migrant” women, although we believe that neither of these labels is accurate to describe the specific position nor the rootedness of many of these women in Dutch society.

### 3. Political Context and Data

The data studied are policy documents and transcripts of parliamentary debates on the integration of minorities and the emancipation of women between 1995 and 2005. In this period, four different coalitions governed. From 1995 until 1998 the first “Purple” cabinet took office consisting of the Social Democrats (PvdA), the Conservative Liberal Party (VVD), and the Progressive Liberal Party (D66). This was the first Dutch cabinet after the Second World War that did not include the Christian Democrats (CDA). The Purple coalition continued for a second period from 1998 to 2002. In 2002, a new right-wing populist party (Lijst Pim Fortuyn [LPF], named after its murdered charismatic leader) entered the Dutch electoral arena after a major victory in the elections. This party formed a coalition with the Christian Democrats and the Liberal Party, headed by Prime Minister Balkenende, which only lasted for 87 days. In the following elections, the LPF lost votes and a new center-right coalition of CDA, VVD, and D66 took office in May 2003.

The texts were selected to include all relevant policy shifts addressing migrant women. *Gender equality policies*, as developed in the Netherlands from 1976 onwards, have only marginally addressed the issue of migration and ethnicity until 2003. One important exception to this was the so-called VEM (women and minorities) projects that ran between 1984 and 1992. These projects aimed to improve the labor market participation of women from ethnic minorities. In the period under study, 1995 to 2005, most gender equality programs did not include separate chapters, paragraphs, or references to ethnicity, migration, or integration. The 1996 policy plan “Emancipation in Progress” marginally addresses migrant women. In the 1997 policy report there is a paragraph on ethnicity and gender. The gender equality policy

documents issued in 1998, 1999, and 2000 do not contain a separate chapter or paragraph on ethnicity, migration, or integration and were therefore not selected for our analysis. The policy programs of 2001, 2002, and 2003, on the other hand, do include separate paragraphs on migrant women. The programs discuss the opportunities and obstacles that these women face when participating in labor and politics. A special action plan concerning migrant women, requested by the Parliament, was presented in 2003. Both this plan and the parliamentary debate on this plan are included in our analysis.

Parallel to this, the older *policy programs and yearly reports on ethnic minorities*, only occasionally addressed women. The minority reports of 1997, 1998, and 1999 include separate chapters on the emancipation of black, migrant, and refugee women. The 2000, 2001, 2002, and 2003 reports do not address women from ethnic minorities separately. In March 2003, the Directorate responsible for integration and minorities moved from the Ministry of Internal Affairs to the Ministry of Justice. In the same year, a special action plan concerning migrant women, in cooperation with the Minister for Equality Policies, was developed, and a high profile commission was created to stimulate the participation of migrant women (Commission *Rosenmøller* or PaVEM).

In this chapter we first examine what frames have dominated in the policy documents on migration and emancipation of the different governments that governed between 1995 and 2005. We also look at alternative frames presented by other actors involved in the political debate on these issues. Then we take a closer look at the changes over time in the different elements of policy frames: diagnosis, prognosis, and call for action. Finally, we analyze how the dominant problem representations affect migrant women as the central subject of these policies, and present some ideas to understand the changes that have been found.

#### 4. The Evolution of Dutch Policy Frames on Gender and Migration

##### *Stressing the Value of Diversity, 1995–1998*

Policy frames on integration and emancipation presented by the two Purple coalitions echo a rhetoric of *multiculturalism*. In the proposed policies cultural diversity is presented as a source of richness for society: “In the conviction that optimal use of the existent social diversity will enhance the quality of society, social diversity as a source of quality is taken as taken as the point of departure for emancipation policy” (TK 25601, No. 2: 95).

This accent on diversity as a quality is introduced as a new orientation of emancipation policy: “the emphasis has shifted from the backward position of (groups of) women to the recognition of the value of diversity for society as a whole” (TK 26815, Nos. 1 and 2: 95). Multiculturalism is also formulated as a goal in migration policy. The “integration policy plan 1999–2002” states:

There is nothing wrong with expressing the hope and expectation that our society is becoming a multicultural society. [...] The government does not have the right to deprive minorities from expressing their cultures. In integration policy it should be recognized that our society has become multicultural and that this bears its consequence, also and more fundamentally for our democratic state (TK 1998–1999, 26333, No. 2: 7).

The emphasis on diversity and multiculturalism appears to be ambivalent. While the authorities want to recognize the value of cultural difference, they see the “diverse” population groups mainly in terms of a range of social problems (poverty, unemployment, and low education). Migrant women are presented as not being as emancipated and “advanced” as “Dutch” women and therefore should change in order to be more similar to the “autochthonous” population. In contrast to the multicultural rhetoric, “different backgrounds,” “different perspectives” and “diverse cultures” are mentioned by the government not as sources of advantage or wealth, but rather as sources of disadvantage.

During this period there is little political contestation between the different political parties over the dominant multicultural frame. Typically, the Minister responsible for Minority Policies, Dijkstal (VVD), notes that “we all agree that minorities should be given the perspective of full participation in society and that pluriformity, mutual respect, and maintenance of cultural identity, solidarity, tolerance and integration should be the core concepts of our policy” (HTK 1995–1996, 24401, No. 15: 7). The parliamentary committee for minority policy focuses strongly on labor market participation, education, and delinquency as policy issues and pays little attention to migrant women as a specific target group. Left-wing parliamentarians within the gender equality committee instead emphasize the difficult access of migrant women to the labor market.

Overall, migrant women are not yet an important policy subject in this period; various measures are proposed to stimulate their participation in labor and decision-making, but no structural policies are developed to improve their position. The dominant government frame is a *participation* frame, with the (left) opposition stressing problems of *access*.

At the end of the 1990s, two other frames emerge in the policy documents presented by the Purple II cabinet. These can be characterized respectively as a *restriction* frame that focuses on how a wave of new immigrants through marriages can be prevented, and a *vulnerability* frame that seeks to legally protect migrant women who have dependent residence permits but seek to leave their violent partner. These framings emerge when discussing a proposal for a new law on the integration of migrants. This law, which came into force on the September 30, 1998, obliges immigrants to undergo an assessment when applying for a residence permit. This assessment determines which program the migrant should follow to get a permit. The settling program consists of three parts: Dutch language, orientation on Dutch society (including gender relations), and orientation on the labor market. In the parliamentary debates on this bill, it becomes clear that immigration issue causes considerable tension within the Purple coalition. This is particularly visible when the legal position of women is discussed. While the Left (PvdA) emphasizes the vulnerability of women who legally depend on their partner and advocates for a less restrictive law that gives women an independent permit after three years of marriage, in case of the decease of the partner, or in case of violence, the Right (VVD) wants to discourage the entrance of new migrant women as marriage partners. They fear that a more permissive law will result in more abuse of the law. This position is shared by the Christian Democrats (CDA), in opposition and who even argue that the period of dependence should be prolonged from three to five years, as it was in the old law (TK 89, June 21, 2000).

A contrasting frame, in which the emphasis is on the emancipation of migrants, appears to be present in the constitution of Commission AVEM in 2001 (AVEM being another commission operating before PaVEM). The focus of this committee is to study the issue of labor market participation of women from ethnic minority groups and to develop policy initiatives to stimulate their participation. In line with this participation frame, there is a growing criticism of mainly left-wing MPs within the gender equality committee (and partly also within the committee on integration policy) of the lack of structural policies to improve the position of migrant women, resonating with the earlier *access* frame. PvdA MP Bussemaker urges the state secretary to develop specific policies to stimulate the participation of migrant women (HTK 27 061, No. 7); she fears this group will be ignored by both gender equality and integration policy. The state secretary responds to this petition by sending an inventory of cabinet policy for allochthonous women to Parliament in March 2003 (SZW03–194), which according to her demonstrates that sufficient measures are taken.<sup>1</sup>

1. Available online: [http://docs.szw.nl/pdf/34/2003/34\\_2003\\_3\\_3547.pdf](http://docs.szw.nl/pdf/34/2003/34_2003_3_3547.pdf).

Another remarkable shift is how the Liberal party VVD starts to draw the attention to cultural obstacles of integration, more specifically obstacles in Islamic culture: “Traditional roles predominate within allochthonous families. In certain Islamic cultures boys are placed on a pedestal. In these cases we need an extra change of culture” (VVD MP Weekers, HTK 1999–2000, 26 814, No. 5: 4).

In the late 1990s there is a growing political divide between left- and right-wing parties in relation to the issues of immigration and integration, with the center party CDA siding with the Right. During this period migrant women become politicized, both as vulnerable subjects in migration law, and as a group that needs more specific measures to increase its participation in society. The emphasis is no longer on the added value of migrant women to increase social diversity, but instead migrant women become a social problem, framed as *having a problematic culture* by the Right and Center parties, and as having an *access* problem by the Left.

#### *A Neoliberal Approach to Migration, 2002–2005*

The coalitions Balkenende I and II mark an important change in the Dutch political landscape. During the parliamentary elections of 2002, populist politician Pim Fortuyn and his party Lijst Pim Fortuyn (LPF) won much support with their critique of Dutch integration policies (Doomernik 2005: 35). The LPF joined the Balkenende I government (with liberal and Christian-democratic coalition partners), focusing on the explicit policy goal of changing existing immigration and integration policies. This government soon ended with new elections and the LPF did not join the Balkenende II cabinet that was built on the basis of a liberal/Christian-democrat coalition. The new government continued the former coalition’s effort to reform integration policies.

The Balkenende I and II governments emphasize the *individual responsibility* of migrants to emancipate and criticize earlier integration policies that define multiculturalism as a central value.

For a long time integration policies have put too much emphasis on the acceptance of differences between minorities and the autochthonous population. Nothing is wrong with that, but often this was understood as if the presence of foreign ethnic groups represented an inherent value, an enrichment *tout court* [emphasis in original text]. This means that one loses sight that not everything that is different therefore is valuable (TK 29203, No. 1).

According to the Balkenende II cabinet, former minority policies have failed to integrate minorities into the Dutch society. This conclusion is drawn before the spe-

cial Parliamentary Research Commission<sup>2</sup> that was appointed to evaluate minority policies had published its findings. It is remarkable how the blame for this failure is attributed to former governments—neglecting the participation of two of the coalition partners (VVD and D66) in these governments. The proposed solution is not to reorganize the principal agent, the state, but to withdraw the state as an active player in integration policy.

Integration policies run the risk of treating minorities as a category that needs care. The accent then is too much on providing facilities, provision and arrangements. The cabinet is determined to change this course. [...] The cabinet wants to stress that citizens, civil organisations and institutions themselves should be held responsible for their integration (TK 29203, No. 1).

The citizens referred to as primarily responsible for solving the problems of integration are migrant citizens. The government seeks to stimulate integration no longer through specific policies or stimulating measures, but through demands and obligations on migrants.

In this period a joint plan of the Minister of Social Affairs and Employment and the Minister of Foreigners' Affairs and Integration is launched to address the emancipation of women and girls from ethnic minorities. This plan links emancipation to integration and puts increasing emphasis on socio-cultural obstacles for integration and participation. The cultural heritage and religion (Islam) of migrants are mentioned increasingly as an essential part of the problem. The imported culture of migrants is associated with unequal gender relations, and with violence as a means to reinforce this inequality, notably with honor killings, domestic violence, and forced marriages (Minister Verdonk, HTK 2004–2005, 29203, No. 1: 9).

Accentuated by a similar move in integration policy, where migrant women are seen as the key to the integration of minorities, migrant women become the central subject of gender equality policy. As a result, minority policies become gendered, whereas emancipation policies become “ethnicized.”

The dominant framing that focuses strongly on issues of culture and religion is backed by the right-wing parties VVD and LPF, and to a lesser extent CDA. VVD Parliamentarian Hirsi Ali states that: “the largest obstacle that women from ethnic minorities find on their way to emancipation and integration is so-called culturally

2. This Commission was charged with answering a question that had been raised in a parliamentary debate in 2002 by the Socialist Party (SP), namely, why immigrant integration in the Netherlands had failed. Its main conclusion was that minority policies have not failed completely and that younger generations are far more integrated into Dutch society than first generation migrants.

legitimized violence” (TK 58, March 16, 2004: 58–3840). Minister Verdonk acts as an important coalition partner in Hirsi Ali’s struggle to put the issue of “culturally legitimized violence” on the political agenda. Interestingly, Hirsi Ali’s framing, which largely coincides with the dominant government framing, is increasingly contested by other female “allochthonous” parliamentarians of more leftist parties. MPs Azough (Groen Links) and Koser-Kaya (D66) criticize the almost exclusive focus on culture and urge the government to change its focus again to socio-economic participation of migrant women and discrimination as a central obstacle for participation (TK 71, April 12, 2005).

From 2003 onwards, migrant women are on top of the political agenda. Interestingly, it has been mainly left-wing parties that have urged for more attention to the position of allochthonous women and specific policies directed at them, but it is right-wing parties that have determined the direction of these policies. Rather than the leftist emphasis on labor market participation, cultural change is now the key issue. As we argue below, rather than a radical shift in framings the changes could be labelled as frame-extension. Migrant women already were defined as a policy problem, with an emphasis on their socio-economic position, but this problem is amplified by adding a cultural dimension. This amplification of the diagnosis is accompanied by a new neoliberal master frame that, as we will see, has important implications for the proposed solution or prognosis.

## 5. A Closer Look at the Changing Debate

### *Amplification of Diagnosis*

The central problem as defined between 1995 and 2005 is changing from mainly a social structural problem—that focuses on the “backward” position of migrant women in education, labour market participation, social security and child care—towards a more and more strictly cultural problem—where Muslim culture is defined as an obstacle for the emancipation of migrants, and hence, as a problem in Dutch society. Discrimination hardly is mentioned as a problem, nor are Dutch society and culture presented as problematic for migrants. In 1998, the Purple II coalition states that “in general, Dutch society has well incorporated new populations from different cultural circles. Social tensions have not occurred” (TK 26333, No. 2: 12). In 2003, the Balkenende II cabinet is far more pessimistic about this incorporation: “there is a social and cultural gap between minorities and the autochthonous population that is difficult to bridge” (TK 29203, No. 1: 6). However, it is mainly the migrant population that is held responsible for bridging the gap. Autochthonous Dutch are

only marginally seen as a target group, in that they should get more acquainted with minorities and learn more about their culture in order to reduce prejudices that may hinder integration of migrants. The Balkenende II cabinet aims to stimulate cross-cultural dialogue. However, only the minority population is expected to reduce cultural differences and assimilate to Dutch standards and values.

In policy documents issued between 1995 and 2005 migrant women become a “growing problem.” Until 1999, the central problem is defined as the lagging behind of migrant women in labor market participation, which results in limited access to decision-making, economic and social resources, and dependence on the social security system. In a later phase, principally from 2003 onwards, new problems are added. Minister Verdonk mentions traditionalism and the lack of social participation which makes migrant women invisible in society, as barriers to emancipation (Speech on September 1, 2003). The policy plan for the integration and emancipation of migrant women and girls highlights (domestic) violence, forced marriages, honor killings, trafficking, and isolation as problems affecting the position of migrant women.

In sum, rather than a shift in the definition of the problem, there is an extension of the problem: a cultural dimension has been added to a preexisting socio-economic problem definition. As the problem of migrant women is amplified, the definition of the origin of the problem shifts from individual causes such as knowledge/education and language skills and socio-economic causes like mechanisms in the labor market, to cultural causes—mainly a traditional culture that privileges men and subordinates women and legitimates violence. By increasingly defining religious and cultural practices, but also intimate relationships and sexuality of ethnic minorities as problematic, the government suggests that it is not primarily structural conditions of Dutch society that hinders the participation of migrants, but rather the organization of the sphere of intimacy within the migrant community. This suggests a reversal of the causal logic in the problem definition. Whereas until 2003 social and economic integration is defined as the precondition for cultural integration, a new causal mechanism is proposed in which cultural integration is a necessary precondition for full social and economic integration.

As the problem of “migrant women” grows, the problem of the emancipation of “Dutch” women dissolves. Whereas in early emancipation policies, Dutch men were the implicit norm for the emancipation and participation of Dutch women, migrant women have become the new group of reference. In earlier emancipation frames “Dutch” women were lagging behind men (in labor market participation and decision-making); the new frame instead stresses the advanced position of “Dutch” women compared to “migrant” women. This change in focus even makes the government (Balkenende II) conclude that emancipation of “Dutch” women has been accomplished. The “liberated” Dutch woman becomes the norm and role model for the

“traditional” migrant woman. Simultaneously, non-participation or low participation of autochthonous women is neglected or not seen as a problem as their dependence is on their partner and not on the state.

The emancipation of “Dutch” men (attention for a stronger role of men in family care responsibilities) also, implicitly, seems to have disappeared from the policy agenda. Instead, migrant men surface as a new target group, although absolutely no concrete measures are formulated to stimulate their emancipation at all. Migrant women are seen as the primary responsible persons for the emancipation of allochthonous men (and children): “If you educate a woman, you educate a family” (PaVEM Commission 2003).

### *Shrinking Prognosis*

While the diagnosis is extended, the prognosis or proposed solution shrinks. In the multicultural frame, and in the restriction and victimization frames, the state figures as the principal change agent during the period 1995–2002, but in the individual responsibility frame, promoted by the Balkenende II government, migrants are held primarily responsible for their own integration. In line with neo-liberal thinking, the government no longer opts for welfare state measures and anti-discrimination policies to promote integration. Instead, stricter demands are placed on immigrants to learn the language, accept a common political culture, and respect values labelled “Dutch,” such as tolerance, gender equality, and freedom of expression.

In the policy frame of the right-wing Balkenende II coalition the special emphasis is on (Muslim) women who are put forward both as principal policy targets and principal agents of change. This change of perspective is voiced most clearly by the Minister for Integration, Verdonk, who argues that “migrant women must reproduce the steps taken by autochthonous women to emancipate.” This representation of Dutch autochthonous women having emancipated themselves, neglects the extensive state support for this group since the 1970s. Implicitly, the achievement of autochthonous women is attributed to individual efforts rather than to any active intervention of the state. This allows allocating a duty to allochthonous women to also emancipate themselves without any duty on the state to support them. The state thereby withdraws its responsibility to solve the problem.

The range of goals also shifts. Whereas in earlier policy documents goals mainly were formulated in the realms of labor market participation, decision-making, and education, in the 2003 “Action Plan on women and girls from ethnic minorities” only two of the seven goals address labor market participation and education. The other aims focus on cultural obstacles such as forced marriages, genital mutilation,

honor killings, sexual relationships, and the emancipation of migrant men, instead of socio-structural barriers for participation, and do not involve substantial resources.

In the evolution of framings there is a convergence of individualization and “culturalization” of the central problem, resulting in inconsistent policy. The individual is responsible for the problem, but culture also is responsible. In this tension, it remains unclear how the individual should or could change a dominant culture. The means are increasingly symbolic measures like consciousness raising and stimulating dialogue. There is an inconsistency between the goals formulated, on the one hand, and how the problems are constructed, on the other hand. For example, while the government aims to fight negative stereotypes, it simultaneously reproduces and actively constructs stereotypes like that of the subordinate migrant woman. While stimulating dialogue between migrant and “Dutch” women, the government actively (re)produces dichotomies between women. Another example of such inconsistency is the emphasis on the individual responsibility of migrants for their emancipation, while at the same time prescribing the norms of emancipation.

### *Migrant Women: The Creation of a Homogenous Category*

At the end of the 1990s, the definition of migrant women in emancipation policy texts not only includes Turkish and Moroccan women, but also Surinamese, Antillean, and refugee women, and differences in cultural background, age, socio-economic positions, and in available resources are acknowledged (see, for instance, “Emancipation in progress” [HTK 24406, No. 5]). Implicitly, however, the policy almost exclusively focuses on women of Turkish and Moroccan descent. In later frames these women are equated with Muslim women. Moroccan and Turkish women, and later Muslim women, are labelled as having the most “backward” position compared to “Dutch” or autochthonous women, who represent the reference group. Other migrant women from Surinamese or Antillean descent are seen increasingly as “more advanced” in their participation. In this sense the category of migrant women is shrinking. The category of “Dutch” women apparently can not include “allochthonous” women, even if they are born in the Netherlands or have Dutch nationality, installing a dichotomy where none of the two opposing groups are clearly defined, but where the Dutchness of women from Turkish and Moroccan descent is denied.

Special attention is paid to new migrants who marry someone from Turkish or Moroccan descent living in the Netherlands. Although both women and men from Moroccan and Turkish descent marry partners from Morocco or Turkey, far more attention is paid to new female migrants who enter the Netherlands as a consequence of their marriage. Apparently, the problem is gendered. “Imported brides” are perceived

as a problem, whereas “imported grooms” receive only scant attention. “Imported brides” are labelled as even more “backward” than allochthonous women who have lived in the Netherlands for some time already, referring to their low educational level, their difficult access to the labor market, their poor language skills, and poor knowledge of Dutch cultural norms. Their marginal participation on the labor market may result in economic dependence on the Dutch state, which implicitly appears to be one of the central problems concerning migration.

Within the category of “Dutch” or autochthonous women few distinctions are made; mainly, their labor participation and independence from the welfare system are brought forward as norm for the participation of migrant women. Paradoxically, in the debate on migration and integration, equal gender relations are represented as a key characteristic of Dutch identity and culture, whereas in reality traditional gender arrangements (breadwinner/caretaker roles) still hold strong in the Netherlands. Only 40 percent of Dutch women between 15 and 65 are economically independent, predominantly as a result of part-time work.

In sum, the category of migrant or “allochthonous” women is gradually reduced to Muslim women, mainly Moroccan and Turkish women. Within these categories remarkably few distinctions are made. Migrant women are generally presented as rather traditional, poorly educated, and passive. Some exceptions to this rule are mentioned and put forward as role models, but overall there is very little attention to the heterogeneity of the group. Differences in age, class, education, cultural and religious orientations, ambitions, lifestyle, or choices are not made visible.

## 6. Explaining the Politicization of Migrant Women

How can we understand that migrant women have become such an emblematic policy “problem” (Hajer 1995) in the Netherlands? We suggest that the institutional context, more specifically the prevalent citizenship and migration regime and gender regime, may provide an explanation.

At the end of the twentieth century, the Dutch citizenship regime was a civic territorial regime where migrants had a fairly easy access to citizenship and a culturally pluralist regime where the cultural and religious institutions of migrants were publicly recognized and supported (Koopmans et al. 2005). To an important extent, the institutional framework for integration and multicultural rights in the Netherlands is based on the heritage of pillarization, the segmentation of Dutch society along confessional lines originally intended to accommodate conflicts between different native religious groups, and was extended to Muslims. Immigrants were targeted as a group and the government facilitated the self-organization of immigrants along

ethnic and religious lines, with access to the state in a corporatist system of advisory bodies (Koopmans et al. 2005: 71 and Doomernik 2005).

At the start of the new millennium some important regime changes were made. In April 2001, a new Aliens Law restricted the admission of new immigrants and asylum seekers (Doomernik 2005). Since 2003, a new law on Dutch citizenship introduced stricter criteria of integration. Whereas previously integration was first and foremost related to employment and education, presently it is more about loyalties and making an unequivocal choice for Dutch society by giving up dual nationality (Doomernik 2005: 35). Measures like a compulsory integration course for immigrants are thought to help integration and to ensure loyalty to the central values of Dutch society. The focus on cultural integration as a prerequisite for social and economic integration has facilitated the attention to gender relations within ethnic groups. Some gendered cultural and religious practices of ethnic minorities, e.g., arranged marriages, sex-segregated education, and veiling, are seen as conflicting with liberal “Western” values. Gender relations are at the center of this apparent value conflict. Since women are often represented as symbols of racial and ethnic boundaries and as guardians of specific cultural and ethnic traditions (Yuval-Davis and Anthias 1989), this may explain the policy shift to women as a central problem and as important agents of cultural change in minority policies.

The Dutch gender regime can be characterized as a male breadwinner, female caregiver model that has gradually moved to a “1.5 model” in which one partner combines care giving with a part-time job. Recent policy measures take the family income as a point of departure, while diminishing the individual social security rights of those who depend on this family income. Women who lose their breadwinner have an economically very weak position. Since migrant women even have a higher rate of economic dependence and lower levels of labor market participation, gender equality policies have also targeted this group since the 1980s. Since 2003, the implicit frame of the government is that autochthonous women have accomplished gender equality, but that allochthonous women still do not fit into the Dutch gender model. This frame has put migrant women center stage in gender equality policies. In accordance with the Dutch “1.5 model,” both their role as earners and caregivers (and educators of their families) are central in these new policies.

The shifts that put migrant women at the center of both integration and gender equality policies can also be explained in a classic way as the result of a shift from a government including the Left to a Center-Right government. The position of the Right (VVD) fits strategically both with neoliberal frames of “restricting” state intervention and (nationalist) positions opposing immigration. For the Christian Democrats their position on gender equality has always been ambivalent, as they are the party mostly stressing “family values.” The shift to ethnicizing gender equality

policies eliminated the need for them to give attention to gender equality among their own constituency.

However, as our analysis shows, party dominance in government only provides a partial explanation, because even when the Left was a coalition partner, the restriction frames were already present, and the alternative access and vulnerability frames were weak. Moreover, the Left parties have been inconsistent advocates of gender equality since the 1990s, when they abolished their own women's organization. On migration issues, the Left also hosts a wide set of opinions, ranging from a shrinking group of adherents of multiculturalism to a growing group in favor of restriction. In the dynamics between the parties, the few voices from the Left advocating more attention for migrant women were successful in getting this attention, but while lacking a strongly articulated party position, were unable to decide on the direction of the policies that resulted from this. Rather, the unexpected result was that gender equality policies were emptied out in terms of content, target groups, and resources, and that migrant women became the emblematic group responsible not only for their own emancipation but for the integration of a whole category of migrants.

## 7. Conclusions

As our reconstruction of Dutch minority and gender equality policies demonstrates, there are principally two major shifts in these policies. Minority and integration policies change from degendered to gendered policies, where unequal gender relations become a core focus of attention. Emancipation policies in the same period have become "ethnicized," focusing almost primarily on the emancipation of allochthonous women. In these policies, Muslim women are singled out as a group in particular need of emancipation. While migrant women long remained invisible as the wives and daughters of immigrant workers, Dutch society and politics have recently discovered them as the other "other" and placed new demands upon them. Policymakers argue that since women are principally responsible for taking care of and educating their children, it is mainly women that can and should educate their family towards (cultural) change. This gives migrant women a special place in governmental policies and suggests that the practices of Muslim women might create an important bridge between liberal citizenship and Muslim identity.

The dominant frames of modernization and individual responsibility are reinforcing a dichotomy between the autochthonous "us" and the allochthonous "them." As the problem is more and more defined as a cultural problem, it is implicitly stated that there is no problem with the dominant culture and society. The attention has shifted from structural to cultural barriers to participate, and these cultural barriers

are exclusively located in the migrant (Muslim) culture. This means that Muslim migrants should first change their culture before they can fully integrate and participate in Dutch society.

Moreover, the dominant framing also reinforces existing power relations. The specific framing in Dutch policies creates and reproduces social dichotomies and oppositions between Dutch and “others,” between men and women, and between traditional (Muslim) and modern (“western”) cultures. These categories are clearly asymmetric in power and status. Also, presenting migrant women as a problem allows the government to take the role of a good-intentioned helper of these women. The government, however, limits itself to formulating policy goals and expressing demands towards migrant women, without granting them necessary resources or access, or removing obstacles for participation. As a result, the state becomes a paternalistic but powerless player that limits itself to a restrictive but no longer proactive role. Simultaneously, the negative representations of migrant women as traditional, backwards, and (potential) victims may limit the discursive opportunities for identification and participation of migrant women, and thus may have the opposite effect of what government aims to accomplish.

While the parallel shift in minority and gender equality policies may be unique to the Dutch case, the targeting and co-opting of migrant women, in particular Muslim women, is now a phenomenon across multicultural Europe. Migrant women are portrayed as mainly victims of their culture of origin. In most European countries, measures have been taken (or at least advocated) to protect women and girls from the harmful practices of “their” culture such as forced marriages, veiling, domestic violence, and female genital mutilation.<sup>3</sup> There is a strong tendency to understand these practices as originating entirely in culture, obscuring other “mainstream” factors that give rise to and sustain violence against women. This emphasis on culture obscures the vulnerable socio-economic position of migrant women, the discrimination against them, and the socio-political obstacles they encounter. One of these obstacles might be the stigmatization of Muslim communities as a result of these policies, leading to a further worsening rather than an improvement of the condition of migrant women.

Our analysis is a clear illustration of the phenomenon of political intersectionality, in that it shows how relevant ethnicity, religion, and gender are at the level of equality policies. Unfortunately, the Dutch policy practices rather illustrate how

3. This was the issue of the Conference on Gender Equality, Cultural Diversity: European Comparisons and Lessons, held in Amsterdam (June 8–9, 2006). The conference papers make clear that in a number of countries (Austria, Belgium, Denmark, France, Germany, Norway, and the UK) measures have been taken to protect minority women against so-called harmful cultural practices.

difficult it is to avoid gender bias in migration and integration policies, and how equally difficult it is to avoid an ethnocentric bias in gender equality policies. While at first sight the gendering of minority and integration policies and the ethnicizing of emancipation policies seem to point at attention for intersectionality, our analysis shows that Dutch policy framings also reinforce existing power relations, especially between the originally Dutch and the migrant population (and their descendants). Migrant women are the group that suffers most from this bias and from the failure to pay attention to political intersectionality.

### Note

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## Annex 1.

### *List of Texts Analyzed*

1. Emancipation Policy 1996: Emancipation under construction. 24406, No. 5.
2. Act on integration newcomers, April 9, 1998. 25114, No. 1.
3. Minority Policy 1998. Annual report. [Chapter 8. “Black, Migrant- and Refugee Women in Emancipation Policy.”] 25601, No. 2.
4. Integration policy 1999–2002. 26333, No. 2.
5. Report on integration policy for ethnic minorities 1999. [Chapter 7. “Black, Migrant- and Refugee Women in Emancipation Policy.”] 26815, No. 2.
6. The legal position of women in immigration policy. Letter of the State Secretary of Justice, April 2000. 27111, No. 1.
7. The legal position of women in immigration policy. Report of a general parliamentary meeting, meeting year 1999–2000, June 2000. 27111, No. 8.
8. Speech minister Verdonk at the starting conference of the Commission *Rosenmøller*, September 1, 2003.
9. Report on the Integration Policy of Ethnic Minorities 2003. Integration policy new style. 29203, No. 1.
10. Plan for the emancipation and integration of women and girls from ethnic minorities. Letter of the Ministers of Social Affairs and Employment and of Immigration and Integration, October 28, 2003. 29203, No. 3.
11. Speech of Minister de Geus: “Migrants central in new phase emancipation policy,” November 15, 2003.
12. Parliamentary debate on the emancipation of ethnic minorities, March 16, 2004. 29203. No. 9 and No.18 and 22.
13. Parliamentary debate on religious manifestations of civil servants, March 17, 2004.
14. Law on prevention of marriages of convenience. 26276, 26862, No. 3.
15. Emancipation monitor 2004. 26862, No. 32.
16. Parliamentary debate on assistance for women at risk (honor killings), February 10, 2005. TK 49, 49-3170-3180.
17. Plan on domestic violence. Report on ethnic minorities. 29203, 28345, No. 38.



PART FOUR  
Looking Forward



## Conclusions on Framing Gender Inequality as a Policy Problem in Europe

*Mieke Verloo, Maria Bustelo, and Emanuela Lombardo*

The analysis carried out in this book shows how policy discourses construct the meanings of gender equality in different debates and developments that take place in different geographical contexts across Europe. The meaning of gender equality is shaped through a variety of discursive processes. In these, the concept of gender equality is fit into existing policy frames, being broadened, narrowed down, watered down, or even submitted to other goals than that of gender equality. As particularly discussions of the issues of domestic violence and family policies show, the issue of gender equality can undergo processes of “degendering,” where a gender equality focus that was previously present in the framing of an issue gets lost during the policy process by shifting the emphasis on other actors (e.g., children or families, rather than the relation between men and women) or other goals (e.g., shifting the meaning of family policies from the goal of sharing to that of reconciling work and family life, where the goal becomes an efficient and competitive labor market rather than challenging traditional gender roles).

Processes that shape the meaning of gender equality can be both intentional and unintentional. In the MAGEEQ analysis we have been especially interested in the analysis of the implicit framing of issues, as actors can be driven to shape an issue in a particular way due to unintentional biases of which they often are unaware. We also found evidence that actors intentionally frame issues for strategic reasons (e.g., the democracy frame in gender inequality in politics). However, we did not explore further the relation between unintentional and intentional framing, an aspect that deserves to be explored in future research (Bacchi 2005). The unintentional dimension of frames is also connected to the fact that the actors’ agency is enabled and, at the same time, is constrained by the existence of existing broader hegemonic discourses in a Foucauldian sense, or “master frames,” that may steer the actors’ conscious shaping of an issue in unintended directions (Bacchi 2005). Hegemonic discourses or master frames can be identified as the background where specific policy frames are articulated, by setting the borders within which frames can move. This is, for instance, the case of the labor market, which creates a horizon in which discourses

on reconciliation and family policies are inserted, opening but, at the same time, limiting the possibilities of framing the issue in other directions.

In the first chapter of this book we introduced three levels of analysis: the existence of different visions of gender equality; the way different political and theoretical debates crosscut these issues; and the geographical contexts in which these visions and debates take place. We now wish to come back to these three levels of analysis by bringing into the discussion elements that emerged in the different chapters. In particular, we will reflect on what our analysis told us with respect to the following: what is the relation of gender with other inequalities, who has voice in the definition of the issues, and how do policy discourses re-define the political. We then analyze the extent to which the geographical context mattered in the framing of the issues. Finally, we reflect on what lessons can be learnt for policy practice and on what our findings tell us about the theories or visions of equality that inform policy debates and practices.

### Relation of Gender and Other Inequalities

We have argued in the first chapter that attention to other inequalities is still at an embryonic stage as far as theory is concerned. After having detailed the analysis for all issues studied, what can be our conclusion for the attention to intersectionality in the policy texts we analyzed? The analysis of policy texts and policy debates shows that gender equality policies, as well as policies that set out to address a wider range of equalities, equally fail to seriously address intersectionality. Moreover, in the few cases in which intersectionality is addressed, we found evidence of bias in the way in which equality policies treat intersections of gender and other inequalities.

We have analyzed three issues where attention to other inequalities is most often not center stage in political debates: gender inequality in politics, family policy, and domestic violence. Policy documents in these issues make some reference to other inequalities in the framing of both the diagnosis and prognosis. However, not only this reference is minimal in the texts, but also it is not always the kind of attention that furthers a wider sense of equality, as we will argue below.

For four issues, the attention for other inequalities is upfront. This is the case for migration and integration issues in the Netherlands, where a mix of ethnicity, country of origin, and religion marks the cleavage between autochthonous and allochthonous citizens. It is also the case for policies and policy debates on homosexual rights in Spain, where sexual orientation and sexual identity is at the core. Prostitution is another issue that is understood in Austria and Slovenia as being as much about ethnicity, class, or country of origin as about gender. Finally, in the policies and policy debates on anti-discrimination in Hungary, a whole range of inequalities is at stake,

even if the focus is on the prevention and sanctioning of discrimination, and not on equality policies as such. The location of these issues at the intersection of gender and other inequalities, however, does not always involve attention for wider equality either, and even reveals traces of stereotypes against different categories of people. Let us consider more carefully the two cases we have just mentioned: issues that are less and issues that are more directly related to at least one other axis of inequality.

What we have found for the issues that were not marked so clearly by intersectionality (i.e., family policies, gender inequality in politics, and domestic violence), is that there is an almost total absence of reference to gender intersecting other inequalities. This applies to all policy documents on gender equality that were analyzed in the six selected countries and in the European Union (Verloo and Lombardo 2006). Most policy documents on gender inequality in politics, family policy, and domestic violence present women (and, far more rarely, men) as a homogeneous group, and if there is differentiation of their socio-economic or family situation, there is hardly any articulation of what their differentiated problems and needs are, which in turn implies that measures proposed to solve the problem address all women in an undifferentiated way. The only presence of intersectionality we find is at best linked to an understanding of the problem of gender inequality as a problem of women lagging behind: either a problem of them being excluded from certain parts of society, or a problem of their vulnerability. For instance, references to intersectionality appear stronger in domestic violence than in gender inequality in politics, due to the particular attention that this issue devotes to victims, who are in some cases vulnerable groups of women. The vulnerability of certain groups is recognized in some cases, but there is a lack of prognosis that goes beyond the individual level. Similarly, in the few cases in which intersectionality is addressed in the issue of family policies, the reference is to economically poorer and needy families, and vulnerable groups such as single-parent families, large families, children, parents of handicapped children, Roma, or foreign families. However, when in these two issues other inequalities are mentioned in relation to particularly vulnerable groups, this is done at a descriptive level by simply mentioning specific social groups rather than at a deeper structural level of incorporating the analysis of intersectionality in the diagnosis of the problem and in the solutions proposed to the latter. While attention to the impact of class or ethnicity, even when only in a very superficial way, could potentially benefit certain groups of women, we have hardly found evidence of measures doing so, exactly because of the purely descriptive, almost purely symbolic way specific social groups are mentioned.

For the four other issues that are directly located at the intersection of gender and other axes of inequality, the results are alarming. In some cases we found evidence of ethnocentric or gender bias against specific subjects, and in one case we found evidence that attention for inequalities other than gender has led to the disappearance

of gender tout court. The latter occurs with anti-discrimination policy in Hungary, which tells the story of a move in which both the EU and the national agenda converged and that went from a more focused agenda where gender was specifically addressed to a general equal opportunity agenda that tackled different inequalities, but in which gender inequality was blurred. A similar process also takes place in an issue less explicitly related to other inequalities, such as family policies, where in some texts the introduction of intersectionality, in the form of reference to class inequalities, translates into the disappearance of reference to gender inequalities.

For the issues of migration and integration, homosexual rights and prostitution, rather than an absence of intersectionality, in our analysis we have found evidence of an ethnocentric bias in texts that deal with the emancipation of ethnic minority groups (the Netherlands), of gender bias in texts on homosexual rights (Spain), and of ethnocentric/nationalistic bias in texts on prostitution (Austria and Slovenia). For instance, the Dutch policy texts on migration and integration offer negative representations of migrant women as traditional, backwards, and potential victims, thus blaming women for their problematic position and essentializing that part of their identity. The Slovenian, and, though less explicitly, the Austrian policy texts on prostitution normatively differentiate between the “national” type of prostitution, positively presented as “high-rank,” “unproblematic,” “legal,” and “voluntary,” and the “foreign” type of prostitution, that is negatively described as one that is exercised by women who are “involuntarily trafficked” from South Eastern European countries, and that is “low-rank,” “criminalized,” and “problematic” as compared to the national form of prostitution. Finally, Spanish equality policies do not tend to acknowledge a common or intersecting source of discrimination against women and homosexuals, and, in this way, they contribute to make lesbian’s sexuality invisible.

What does this treatment of intersectionality in equality policies tell us? What is the problem with political intersectionality? Why does policymakers’ attention to one axis of inequality lead to blindness or bias to other inequalities? The search for these reasons opens a whole set of questions concerning the material or discursive causes that hinder political attention to the intersection of different inequalities (Verloo and Lombardo 2006). As concerns material reasons, when policymakers dealing with gender or women’s NGOs are asked to pay attention to multiple inequalities in the articulation of their policies and demands, they can be de-motivated in carrying out the task by the limitation of economic and political resources. If resources are still the same but they have to be shared among different groups, existing gender equality organizations worry that they might deprive women from the funds they need to combat existing gender inequalities. This is especially the case if resources are insufficient for completing the complex task of addressing multiple inequalities. Material reasons hence are connected to competition.

Political resistance to change is often rooted in competition too, and linked to the different power positions that actors hold in the access to and influence on policy-making. When existing groups or institutions have understood the interests of “women” to be mainly the interests of middle-class heterosexual women with children, and have a parallel constituency, they will be reluctant to change and represent other particular axes of inequality as it could shift the power balance within these groups and institutions. In this sense, demands for attention to other axes of inequality can trigger territorial reflexes. In relation to both the material and political causes, institutional mechanisms that deal with the issue of inequality have a key role in promoting solidarity or competition between groups representing different axes of inequality.

Finally, there could be a limitation due to the lack of complexity of thinking about the point at which the various inequalities of race, gender, class, etc., intersect with each other (Crenshaw 1989), rather than employing a simple bipolar logic of analysis that treats one type of inequality as compared to another, taking what appears as dominant as the norm for comparison. Here is where it is detrimental to the quality of gender equality policies that theories on intersectionality are still in full development, and that, as our analysis shows, there is a severe lack of political articulation of intersectionality as well. In the absence of operational forms of intersectional analysis, policymakers apparently choose the easier road of dealing with a few homogenous and largely salient target groups instead of considering all the intersectional sub-groups, the relevance of which is not always well developed and understood.

### **Who Has Voice, And What Does That Mean?**

The debate on voice in gender equality policies deals with the risk that gender equality policies lose their political focus and sharpness. The participation and standing of civil society in policymaking are seen as important contributions to more encompassing deliberation and political debate. In this, a stronger engagement by either feminist civil society or feminist experts are seen as channels through which more radical frames are introduced and defended in the policymaking process, to the benefit of the potential contribution of policies to a transformation of unequal gender relations. Also, using consultation in policymaking formats that allow for the expression of diverse feminist ideas is seen as having a higher chance of contributing to empowerment, and to the ability of gender equality policies to address the different problematic life experiences that different categories of women face.

While there are different positions taken as to the degree that experts are seen to be part of the “democratic community,” the opposition between “technocratic” and “democratic” approaches can be deconstructed (Walby 2005) not only because of

the strong overlap between political positions taken by gender experts and feminist activists, but also in cases where civil society groups and experts engage in coalitions, as is the case in the “velvet triangles.” Next to this issue of the relationship between experts and civil society groups, there is a second concern. The debate is centered not only on the overall opportunities for women’s and feminist voices to be present in gender equality policymaking, but especially the chances for “excluded,” “subaltern,” and “non-hegemonic” voices to make themselves heard.

As the debates are predominantly normative, the gender equality policy texts analyzed in this book offer a chance for some empirical analysis contributing to the debate. While this section will use our analysis to provide inputs for the debate on voice, it is clear that our contribution is modest. What we could analyze is mainly whether we found texts clarifying the position taken in a debate by gender experts or feminist organizations, and whether there is evidence in governmental texts that civil society voices or expert voices have been incorporated in policy documents. It could be that the suggestions that come from these voices are used but they are not referred to in the texts; it can also be that they are referred to but that this is largely cosmetic. Yet giving direct reference to civil society actors in a text also gives them “standing” in the Marx Ferree sense (Marx Ferree et al. 2002), and we think it is significant to the inclusiveness/exclusiveness of policies.

Our analysis of the extent to which there is reference to either civil society voices or feminist experts enables us to answer the question if policymaking does refer to them or not. If we find no trace of reference to them, then we do not know what the reasons are for this is or whether these actors have been consulted but the texts do not reflect this consultation process. We can check, however, whether texts originating from feminist actors or texts that refer to feminist voices from civil society present more radical frames. The greater or lesser presence of some voices in the debates also depends on methodological limitations that are due to the definition of issues and, strictly related to it, to the selection of texts, both of which can affect the type of actors and voices found in the analysis. This consideration is simply a reminder that helps us to put in perspective our conclusions on the voices who are speaking in the debates, knowing that some expert or civil society texts that exist were not taken into account due to the criteria we employed for sampling texts and defining issues. For instance, a number of expert texts that exist on the issue of gender and employment in the EU (such as the reports of the European Commission’s Expert Group on Gender and Employment—EGGE) were not included in the selection of texts due to the definition of the issue as family policies/reconciliation, thus limiting the presence in the analysis of a number of expert texts.

What then did we find? Our analysis of policymaking at the EU level on gender inequality in politics, on family policy, and on domestic violence shows a clear pat-

tern: in spite of the limited presence of the voice of civil society actors in the analyzed texts, when they do appear, these actors have a crucial role in tipping the balance in the content and meaning of policies. On family-related matters, it is the social partners that have been most important (even bringing forward a process where there was a stalemate in the regular actors), while femocrats had a more marginal role in introducing a feminist reading of family related matters (This volume: 61–62). This difference between the role of the social partners and feminist actors suggests a difference in the influence of both civil society actors that resonates with other research (Mosesdottir, Remery, and Serrano Pascual 2006). When it comes to addressing gender inequality in politics or domestic violence, the role of both feminist experts and feminist civil society is stronger. Both cases illustrate how velvet triangles of expert networks, politicians active in the Committee on Women’s Rights in the European Parliament and feminist organizations such as EWL or WAVE have been successful in the introduction of new gender equality frames in the European agenda. While they gave a strong imprint to the framing of policies, however, changing the character of policies from soft law to hard law was beyond their capacities, as it would have involved a necessary change to the competences of the EU.

Our analysis of policies addressing gender inequality in politics shows first that, in debates on this issue, there is a predominance of female politicians and policymakers speaking, which in itself seems to support the argument for increasing the number of women in politics, otherwise the issue of gender inequality in politics might never be raised. Our analysis also shows that there is less reference to gender experts and civil society actors in texts that contain the most widespread “quantitative representation of women” frame, whereas the much smaller group of frames that pay a greater attention to power structures or the majority electoral system, or that focus on the need to build velvet triangles between state feminists, party women, and women’s movements in order to empower women’s political action, are expressed through the voice of gender experts, activists, and left-wing politicians (This volume: 88). While we can see an effect here that supports the thesis that a stronger presence of feminist voices leads to more radical frames, this effect is only found in a very limited number of texts. The chapter that analyzes how family policy addresses gender issues reveals the same patterns: attention for social construction of gender inequality in families is quite rare and weakly articulated, and seems to depend strongly on feminist actors or on actors affiliated with the feminist movement. This is illustrated by the finding that only feminist voices pay attention to the role of men in the unequal gender relations in the private sphere.

It is no surprise then that the analysis of domestic violence texts also concludes that “gender inequality is rarely seen as a cause, especially by mainstream policy voices” (This volume: 164). Additionally, this chapter shows that there is also a prognosis that

can be more radical. This is connected to those texts that do refer to feminist NGOs. The “gender equality” prognostic frame in the field of domestic violence includes some empowerment of women, which is sadly lacking in all other issues.

In policies on prostitution in Slovenia and Austria, it is remarkable that prostitutes have no voice at all, and that this lack of voice is not seen as a problem that needs to be solved. “In this sense, prostitutes definitely are not at the center of prostitution policies,” and “they seem to have to rely on other actors to ‘take voice on their behalf’ in order to be heard in the policymaking process” (This volume: 198–199). It also is not unexpected that the voices of clients of prostitution are absent. In both countries frames that put prostitutes’ problems and needs at the center of attention are found mostly in texts from NGOs working with prostitutes.

A lesson to be learned from the analysis of the homosexual rights debates in Spain is that the most radical and transformative frames originate in civil society groups, but that the more successful civil society groups active in these debates are not the most radical ones. This analysis also suggests that the regional and local levels in Spain have been more accessible for civil society groups active in promoting LGBT rights than the national level, and that it is through breakthroughs at the regional level that LGBT rights as a political problem have been put on the national agenda.

Also in anti-discrimination laws and debates in Hungary, the phenomenon that gender equality frames in their most comprehensive form are found mainly in NGO documents is present, although fragments of this frame can be found in various legal texts and debates. Discrimination in the “gender equality frame” is seen to be “deeply rooted in social, economic, and legal inequalities reproduced not only by traditional institutions and social-economic customs, but also by discriminatory laws and discriminatory practices of the judiciary” (This volume: 242). The frame pays special attention to doubly disadvantaged women: Roma women, lesbians, and women living in small settlements. The frame is only found in a comprehensive form in an NGO document, and fragments are present in some MP interventions in a parliamentary debate. Interestingly, these actors all explicitly identify themselves as women, in that they frame their arguments as “the law is important for us, women” (This volume: 243). It is remarkable that the frame with the most explicit vision about gender relations that is placed outside the “gender equality frame” is the “full-time motherhood frame,” stressing that full-time motherhood is the most desirable behavior for women. This frame is advocated by a male politician.

The analysis of gender equality and migration in the Netherlands highlights a different point that has to do with the discursive space that various frames offer to women. This analysis shows that a frame—in this case the “individual responsibility frame”—can be disempowering in that it puts the full responsibility for changing unequal gender relations on the shoulders of a group—in this case Muslim women—

who have an extremely disadvantaged position in both gender and ethnic relations. This analysis also shows the shortcomings of the older “multicultural diversity” frame, that could have created much more discursive empowerment for migrant women, were it not for its ambivalence and internal contradictions in which the undertones of seeing migrant backgrounds as a source of problems were quite strong.

Our findings allow for two comments on the debate on the tension between participatory and technocratic approaches to gender mainstreaming. As we have seen, this opposition is partly a problematic one, where feminist experts and feminist organizations end up in opposing sections. When interpreted as belonging to the feminist movement—as far as they are committed to similar goals and using their position to make it happen—there is indeed no opposition there, and consequently the opposition between technocratic approaches driven by feminist experts (and femocrats?) and participatory approaches involving feminist groups does not hold. They are not so much opposing approaches as approaches that differ in the sense that they give space and voice to different groups of actors of the wider feminist movement. One could distinguish between feminist-technocratic types of policymaking that, while not based upon the principle of participation, involve the (limited) participation of feminist experts in the design or evaluation of policies. An example here could be some policy developments at the EU level, especially on issues that are about or are connected to labor market issues, and that show the presence of specially created “groups of gender experts” (as in the case of the group on “Women and decision making,” or the EGGE group on gender and employment).

This does not mean that the distinction is redundant altogether. As our findings on family policy show, there is little reference to feminist NGOs and most policies are of a technocratic nature rather than giving voice to civil society. Feminist experts have a similar low presence in these policies and their voices are often not taken on board. We conclude therefore that the technocratic type of policies that is most frequent in all the analyzed policy texts and debates on gender equality is especially problematic, because it is not feminist-technocratic, but mainstream technocratic. In our opinion, it would be better to distinguish between policy texts and policy practices that are inclusive of feminist voices (be it experts, or grass-roots or institutionalized organizations) and policy texts and practices where feminist voices are absent. Many questions open up here that we did not investigate so far, and some of them will be hard to investigate given the low presence of feminist voices in these texts. Whose voice is it exactly, and what feminist position are they articulating? What are the reasons for the presence or absence, and what are the consequences of it? Why are their voices not heard?

Our findings also allow comments on the debate on participatory versus technocratic approaches in another way. In this debate the distinction between participatory

and technocratic approaches has been highlighted as especially relevant to gender mainstreaming practices. There are some implicit suggestions there that especially gender mainstreaming has a problematic relationship to participatory approaches. Our findings, however, show that—in the period 1995–2004—it is altogether rare to find participatory or inclusive practices in a wider set of gender equality policies. This does not seem to be specific to gender mainstreaming. We do see differences across issues, where texts on domestic violence are more “inclusive” than texts on family policies. While our findings show the high salience of the issue of domestic violence in feminism and in the feminist movement, in contrast to the very weak articulation of feminist frames in family policy, further research will be needed to explore the reasons of this variation across issues.

### The Definition of the Political

In the debate on the definition of the political that is strictly connected to the public/private division and the main structures of gender inequality, the organization of labor, intimacy, and citizenship, our analysis in the different chapters raises a number of questions. Do family policies promote the sharing of gender tasks in work and family, or do they perpetuate traditional gender roles in the public/private spheres? Is domestic violence framed as a private or public matter? To what extent do equality policies target men’s roles in the private sphere? To what extent do equality policies target women’s roles in the public sphere? To what extent do findings show that equality policies promote a more gender equal division of labor, intimacy, and citizenship? To what extent are policies on gender inequality in politics framed in such a way that it tackles the unequal gender organization of citizenship? And, more generally, to what extent are the borders of the political redefined as to challenge traditional gender roles in the private and public domains?

When we consider the issue of domestic violence, it is striking that policy frames almost always see violence as a public matter. In the case of texts that deal with domestic violence therefore, there seems to be a successful transfer of feminist frames to policymaking. Equality policies on violence have crossed the border of what was previously considered as a private issue to be solved within the household and in which the state was given neither responsibility nor legitimacy to interfere in the intimate sphere of relations between men and women. In this sense, the political has been redefined along the terms of the long-term feminist demand for making private issues public. This has contributed to break the silence protecting perpetrators from legal sanctions to their violent behavior and giving women rights and institutional backing.

For the other issues, the redefinition of the boundaries of the political has been a more partial success than in the case of domestic violence, and there are still substantial issues to be solved. Policies on gender inequality in politics are framed in such a way to encourage women's public role, but do not devote similar efforts to address men's role in the private sphere (see chapter 3). Here, current frames apparently disconnect the links between gender inequalities in politics and in the public sphere in general, and gender inequalities in private relationships. And even in the promotion of women's public presence, there is little focus on eliminating material obstacles to women's political equality such as the time needed for care and the pressure on women to be responsible for it, male political networks, and the sexism of institutions that rely on many traditional understandings of women and men's roles in social relationships. In fact, policies place greater emphasis on the promotion of women's political representation than on the targeting of male-dominant positions in politics, or on training directed to changing sexist attitudes of male politicians, or on the introduction of measures to enable women's political participation. A certain type of prognosis is almost absent, such as proposals on the reorganization of the sphere of intimacy by reducing working times for both sexes and making men more responsible for care, measures for the reorganization of institutional spaces to create services for children and dependent relatives, and for the restructuring of politics in general to make it more compatible with the times for care and personal life.

In family policy, we see many cases of a classic omission of addressing gender inequality in dealing with care labor within families (see chapter 4). Moreover, we have found evidence that some texts, under the name of gender equality and a model that comes closest to a reversal, namely equal valuation of different contributions, actively (re)organize care labor as women's labor, leaving men almost uninvolved in the task. This framing of family policies contributes to perpetuate traditional gender roles of primarily public men, who additionally may do some care work, but are neither obliged nor encouraged to do so, and primarily private women who, on top of dealing with care, must also have a role in the labor market. As the discussion on family policies has shown, policies seem more concerned with promoting women's incorporation in the labor market with the aim of satisfying productive needs rather than of transforming gender relations in a more equal way. As a result, women are thus the main subjects asked to solve the problem of both caring for children, household, and dependent family members, and being productive in the labor market. Paradoxically, while the gendered problem of caring is acknowledged to be a public problem, the attribution of responsibility to women for solving this functions as another way to make this problem a "private" one again.

Burdening women with the task of solving the problem is also the case of migration and integration policies in the Netherlands (see chapter 7). The shift towards

“culturalization” suggests that it is not the structural conditions of Dutch society that hinder participation of migrants in socio-political life, but rather a migrants’ backward culture that privileges men, subordinates women, and legitimates violence. In this, the migrant “culture” is less “public” and more a matter of private choices. Migrant women are then attributed primary responsibility for solving their “private” cultural problem of the gendered organization of the sphere of intimacy within migrant communities as a first step towards a more equal participation in the Dutch society. This framing of the issue reproduces a traditional conceptualization of the role of the state as not interfering in “private” issues of the sphere of intimacy, and at the same time, using women as problem solvers by charging them with the responsibility of educating migrant men and children and changing the whole of migrant (Muslim) culture before they can access public life on an equal basis with autochthonous women. The concept of the political here seems to reproduce Rousseau’s philosophical conceptions of women as moral educators with a role in the private sphere of the family. At the same time, though, a high value is attributed to an increase in women’s participation in the public sphere, that women themselves are supposed to bring about as a result of their changed “private” choices, while both the state and migrant men have little role in it.

As the discussion on migration shows, the state has a crucial role in redefining the borders of the political. European states are influenced by different international, supranational, national, and sub-national actors and pressures, one of the most important being the European Union itself through Europeanization processes. The way in which the EU frames policy issues is thus extremely relevant for the impact it has on member states’ policies. Since the EU has mainly the competence for public issues such as employment and the labor market, the definition of the political that can emerge within the limits of the EU competence is inevitably bounded to issues that are less related to the private and intimate sphere. When having an impact on the national level, the EU framing of the issue then affects the maintenance, within equality policies, of the focus on the public rather than on the private sphere. This lack of competence in the issues of the private sphere also means that, in spite of its attempts to stretch the limits of its competence to include equality issues beyond the labor market, the EU can hardly play a more innovative role as concerns the redefinition of the borders of the political, because it cannot challenge gender relations in the intimate sphere. This might explain why in policy texts from the EU level, families increasingly become the sphere of personal life, or why issues of family policies and domestic violence focus on children more than on gender.

In general, considering the roles that the analyzed equality policies have attributed to men and women in the diagnosis and prognosis of policy texts across all issues, we found that women emerge as the main subjects holding the problem of gender

inequality (women as victims of violence, as underrepresented in politics, as working mothers, etc.), while men are hardly ever mentioned as problem holders. Women appear again in the role of problem solvers (they must care and produce, they must achieve male's numbers in politics, they must denounce their perpetrators, they must educate their communities), while men are not targeted at all.

Our findings tell us that equality policies have only to some extent redefined the borders of the “political” in line with feminist demands both for a broader definition that would include issues considered “private” in the political and for taking into consideration the close interrelation between the public and private spheres. Equality policies do contribute to redefine the political in more gender equal ways, going one step further so as to acknowledge the public dimension of private issues such as domestic violence, and to promote the public role of women in politics. However, they do not go so far as to discharge women from being the main responsible group, not only for care but also for bringing about the political change needed for achieving a gender equal society. Besides, equality policies still place few demands on men so that they assume their responsibilities in the private sphere and in solving the problem of gender inequality.

### **The Geographical Contexts in Which These Visions and Debates Take Place**

To what extent does the geographical context matter in the framing of gender equality issues? Is it possible to identify North/South and East/West divides across Europe? What is the role of the EU in the framing of the issues across countries? Do patterns of similarities/variations change per issue?

Although we did not set out to explain differences across European countries, our sample of countries allows us to describe some remarkable patterns in the location of visions and debates that we have found and analyzed for the period studied. The most remarkable aspect of this is that we can hardly point to patterns that follow a classical East/West or North/South division. Nor did we find evidence of an ongoing vanguard position of countries such as the Netherlands that often are seen as pioneers in gender equality. The head start that the Netherlands might have had in the 1980s or 1990s, does not seem to be prolonged in the late 1990s and early 21<sup>st</sup> century. While the Netherlands showed patterns of degendering in domestic violence that endanger further progress in policies preventing this problem or addressing it, in the late 1990s Austria took the lead in innovative new legislation, and later Spain also added some new aspects to domestic violence policies.

The EU plays not a large but certainly a distinct role in the articulation of the issues in the different countries, not only by setting some trends in the framing of particular issues (sometimes by promoting a more gender equality approach, other

times by discouraging it) but also by acting as a symbol for progress. The analysis shows clearly that the EU has a role as a symbol of modernization, a frame that can be found in Greece and in eastern countries, which tells us something about the positive association of the EU with progress and modernization in the area of equality, and the way its frames can strengthen political goals and policy actors who want to move in the same direction. The fact that we can find the “Europeanization/modernization” frame in Slovenia, Hungary, and Greece, but not in Spain, at the same time deconstructs and reconstructs the East/West divide, and shows that date of entry into the EU is not the only explanatory factor (Spain became a member of the EU in 1986 and Greece in 1981). The trendsetting role of the European Union is visible in its strengthening of a trend across countries to frame the issue of family policies as reconciliation in relation to the labor market, which might influence the fact that the problem of gender inequality is not at the heart of family policy in the analyzed countries. At other times the EU acts as a forerunner in framing an issue within a more gender equality approach, as in the case of domestic violence, even if this frame can only be found in a few countries, Spain and Austria, which means that the national framing is less directly linked to the EU role.

The absence of obvious politico-geographical patterns should not be understood as a reduction in the relevance of political factors for the development or success of gender equality policies. For Spain, the relevance of the new social-democratic government led by Zapatero for the new *élan* in gender equality policies is clear. However, the Austrian case is harder to fit into the old “left is good for gender equality” paradigm, as the innovative legislation to send perpetrators of domestic violence away, with its surrounding set of policies to support victims and to train police and health professionals, was implemented in the same Schuessel-Haider regime that some other European states had wanted to isolate. This means that it is not necessarily the color of the party or coalition in government that matters but rather the present and previous political opportunities that have been seized by some political actors, and different reasons, among which are the influential role of civil society, pressure from some (women) party members, the national and international context, or political will. The analysis of the variety of existing frames competing among each other at the same time helped us to understand that changes in the framing of an issue in a particular national context are not as sudden as they might appear, because they in fact build on frames that were already preexisting and that became dominant at a particular moment, as the example of equality policies in Zapatero’s Spain and the case of gender and migration policies in the Netherlands shows.

If the geographical context is not so determinant in the understanding of similarities and differences across countries, the specificity of an issue can perhaps be another explanatory factor, together with the political, for helping in the understanding of

patterns of similarities and variations across countries. The issue that presents the highest degree of uniformity in the framing of the issue across countries is “gender inequality in politics,” with the predominance of the quantitative representation frame in all countries and the EU. Family policies presents a medium-level situation of frame variations across countries, with labor market orientation as a constant across all countries and a reconciliation framing present in all countries, except for the Eastern European ones. Domestic violence offers perhaps the greatest spectrum of variations across countries, with the EU and Spain taking a more clear position that represents domestic violence as a problem of gender inequality, Austria mixing a gender equality and a degendered approach, and the other countries taking a more distant position from the gender equality perspective. Our analysis did not give any further material to explain the different range of variations in different issues, but this definitely is something that would merit more research.

### Can Lessons from our Frame Analysis Be Drawn for Policy Practice?

This book has set out to show that gender inequality as a policy problem is a deeply political problem for which there are a multitude of existing diagnoses and prognoses to be found, all of which suggest, or in fact organize, different understandings of responsibility for its existence or disappearance. If gender inequality is a policy problem for which there are a multitude of problem representations and solutions, what then does this mean for policy practice? Can any lessons at all be drawn from our previous analysis of current gender equality policy texts in Europe? What then should be the criteria for judging the quality of gender equality policies on the basis of our analysis? How can policies that are understood as “constructions” be evaluated at all?

Even if gender equality policies already exist for decades, assessing its successes, dangers, potentials, or weaknesses, and drawing lessons for the future of gender equality policies and gender mainstreaming, is not an easy task. The most crucial problem is that it is quite difficult, in general, to assess the specific contribution of policies and the specific impact policies have on societies. Societies are in a never-ending flux of change and it is very hard to attribute changes to one particular policy. Nevertheless, policies matter. They have material consequences whenever they (re)distribute resources (being a key for who receives what), and they are a major factor in representing social problems, that is, in constituting truths about citizens, citizen behavior, and citizen interaction at the individual and collective level. In the framework of this book, most importantly, they constitute truths about the extent to which gender relations are problematic, and about how gendered identities, gendered life experiences,

gender norms, and gendered or gender-biased policies or institutions are part of this problem.

This book, because of its focus on framing, highlights mostly the discursive consequences of policies. What kind of gendered realities do they construct? What is the meaning of gender equality as a goal in those texts? Recent studies identifying the success and failure of strategies of gender equality policies prioritize the importance of the depth of the gender analysis (structural approach), and the significance of the inclusion of women's voices in the gender mainstreaming process (empowerment) (Verloo 2005). The first criterion means they should address the genderedness of systems and processes. Gender equality policies should go further than a strategy of inclusion, which seeks gender neutrality, and aim at the inclusion of women in the world as it is, in a political from which they are currently excluded. They should rather aim to be a strategy of "displacement" (Squires 1999), aspiring to move "beyond gender," seeking to displace patriarchal gender hierarchies and deconstructing discursive regimes that engender the subject. What needs to be problematized here is not (only) the exclusion of women, or men as a norm, but the gendered world in itself. Therefore gender equality policies should address the level of structures, be it in societal organizations or in behavior, and one criterion for their success can be whether or not it manages to address this level. They should also be aware of intersectionality, and take into account differences within the category of women (and men), displacing the unitary category of women (and men).

Even more, gender equality policies should also be strategies of empowerment by organizing space for (non-hegemonic) civil society. This is linked not only to the participation of women as decision-makers, as one way that women's voices are steering the transformation (Jahan 1995), but also to the space for different political positions taken by women and for "subaltern or non-hegemonic counterpublics" counterbalancing hegemonic dynamics within feminism (Fraser 1997).

Next to elements highlighted in the previous sections, such as the attention to intersectionality, the voice given to distinct actors, and the definition of the political, our analysis highlights three indicators of a structural approach. These are not the quintessential elements of a structural approach, but a result of a closer analysis of the most articulated "gender equality" frames. These indicators are: attention for the role of men in changing gender relations; attention for the interconnected character of the different structures of gender relations (citizenship, labor, intimacy); and comprehensiveness of the frame: addressing multiple actors, levels, and mechanisms both in diagnosis and prognosis.

A good example of the first indicator mentioned—attention to the role of men changing gender relations—is the "equal opportunity frame" in family policy, and in particular the "gender equality" focus within this frame that refers to men as problem

holders, as target groups, or as the ones who should do something about gender inequality in families. In doing this, it goes beyond considering women the main and almost exclusive problem holders and solvers. This sub-frame, which stems from the feminist movement, pays attention to socially constructed roles of men and women as part of the problem and solution to gender equality. This sub-frame, however, is not a strong or frequent one. Men as problem holders are found only in some texts in Spain (Basque Action Plans); in all other countries and the EU they are rarely referred to or are absent completely. All over, male interests are not often challenged and male privileges are not often threatened.

Regarding the second indicator—attention for the interconnected character of the different structures of citizenship, labor, and intimacy—we can mention the small set of frames which present a broader approach to gender inequality in politics. Departing from the causes of quantitative and qualitative underrepresentation of women in politics, these frames draw a representation of the problem that takes into account the three structures of gender relations. They mention the *women unfriendliness of the polity* and political structures; they include reference to the gender bias of existing electoral systems and to a *poor or weak policy of affirmative action* in politics; and they refer to unequal *social structures* as well, either describing them as male dominance in society or as patriarchy. The gendered division of labor and discrimination of women in the labor market are also seen as causes for political inequality, as are the gender unequal relations of power within the family that result in more difficulties for female politicians to reconcile political and family life. However, as we have seen in our analysis, these frames are rarely found in official policy documents, being only present through the voice of gender experts (in the case of EU, the European Parliament's Committee of Women's Rights), activists, and left-wing politicians.

As an example of the third indicator—comprehensiveness of the frame in terms of addressing multiple actors, levels, and mechanisms both in diagnosis and prognosis—we want to mention the gender equality frame in domestic violence, which was highly present in the analyzed texts from the EU and Spain (with this frame present in approximately two-thirds of the texts analyzed for these two cases). This frame is the most comprehensive one, and it defines domestic violence as a problem related to gender inequality and as a form of gender discrimination. It interprets the phenomenon as a reflection of unequal power relations within the family and more broadly within society, viewing it as a universal problem of all social classes and groups regardless of economic situation, education, or ethnicity. Also the solutions proposed by this frame in the prognosis are as complex as the problem is represented in the diagnosis. Complex coordinated action is needed and all stakeholders are given their role, including judicial actions to sanction and punish domestic violence considered as a crime. In the solutions proposed, not only support and care for victims might be

found, but also a focus on empowerment of women and on actions aimed at society at large by awareness raising and education, with an emphasis on gender equality norms.

In our analysis of gender equality policies across Europe, we have found that policy proposals articulated in policy texts are not always consistent. As it is reflected throughout the chapters of this book, several inconsistencies are identified. A major inconsistency is that the articulation of a problem in a policy document does not “fit” with the solutions or measures that are proposed. To recall an given example: while the diagnosis may identify electoral systems as the problem causing gender inequality in politics, the measures proposed are mentoring of women, and further training for them. At first sight, inconsistencies might be seen as “bad,” and one would expect consistency to be a good practice in all policies, including gender equality policies. Nevertheless, inconsistencies may also play a certain function in policymaking. Actually, it is perhaps not realistic to expect that “new” policies are consistent, especially when they also need to be transformative, inclusive of other inequalities, and empowering, and maybe this is why we frequently find fragments of frames in policy proposals (more than complete ones) and inconsistencies. As total consistency is rare and it can be stated that almost every text or policy proposal always shows some kind of inconsistency, the function of these inconsistencies might be to serve different constituencies of actors involved in the development of the policies and might give way to the expression of alternative and weak frames. For instance, we found that the weak diagnostic frame on the existence of male domination in politics has no prognostic frame challenging such dominance. Were this frame totally consistent with the prognosis, we would not see any sign of it. Inconsistency, in some cases, may allow for a progressive introduction of new policy frames (Meier and Lombardo 2006). In this, the fragments present are just as many opportunities for actors to grasp later chances when they can amplify or shrink diagnoses and prognoses to better fit their interests. In an interpretation that builds less on intentionality, inconsistencies might also show the inability of actors to control the outcome of policymaking completely. Either way, we can then recognize that a certain degree of inconsistency is part of the regular dynamics of the policymaking process. The existence of these discursive opportunities remind us of the dynamic and evolutionary nature of the policymaking process.

What then can be the lessons learned from this somehow inevitable inconsistency? What are the implications for policymakers? We contend that, in the interest of democracy and the efficiency of public services, consistency and coherence is and should be a legitimate goal to be aimed at in public policies. Policymakers should be aware of this and should pursue this consistency. Being aware of it and taking time for the careful analysis of those inconsistencies is one way of improving policy proposals. On the other hand, as inconsistencies can be also discursive opportunities for trans-

formation, we need to question which inconsistent policies work to open discursive spaces for further development and which ones not. The cases where the diagnosis is strongly framed as gender inequality in an inclusive and structural analysis but where the prognosis is individualistic or strengthening mainly a mainstream non-gender equality goal, then seem to be a very interesting category, in that they can offer opportunities for more consistent future policies that keep the diagnosis, and expand on the prognosis. If, on the contrary, the diagnosis is absent or does not address the structural character of gender inequality and intersectionality, but the prognosis is transformative in a structural sense, and comprehensive, giving attention to the role of men (as in the case of some frames in gender inequality in politics and domestic violence), this inconsistency is maybe less of a problem, because the results of the policy will most probably work towards more gender equality.

### Concluding Reflections

The analysis in this book points to a necessity to broaden and deepen not only gender equality policies, but also theoretical and academic debates. As our analysis of gender inequality in politics shows, the quantitative representation is not only the dominant overall frame on gender inequality in politics, but also a dominant frame in political sciences. While theory could contribute to new innovative frames, it can also look in the mirror of policy practice and learn from it.

Our analysis questions the theoretical three-fold typology of inclusion, reversal, and displacement in terms of its occurrence in policy practice. While inclusion is a dominant perspective in gender inequality in politics, in migration, and in family policies, reversal is merely present as a subtext, but never a strong frame. And if present, it is rather present as equal valuation of different contributions than in its stronger form as reversal. Displacement as a type of gender equality policy is radically absent altogether. The dominance of inclusion-type frames can be understood as an expression of neo-liberal values, and as a sign of the deep entrenchment of gender inequality in our societies. However, the lack of attention in more academic texts to the frequent absence of reversal and displacement frames in practice results in a lack of understanding about what exactly is blocking such perspectives from being translated into real policy frames.

The relative absence of conventional patterns between countries is difficult to understand without a specific gender equality policy regime typology. A first hypothesis could be that the current theories are so northwestern-based and oriented that they fail to see how similar the countries in south, central, and east Europe are. There are other lines of argument as well. In the case of domestic violence it could be argued

that classical typologies are so much focused on the labor market and welfare that they do not fit easily with issues that are about the different set of structures of gender inequality, that is, not so much about the gendered division of labor as about the gendered use of violence, and the gendered organization of intimacy. Understood in this way, the relative absence of conventional patterns between countries could be linked to the different definition of the political that gender equality policies entail.

The attention that we paid in this book to the different dimensions of a policy frame provided us with insights for better understanding how gender politics is discursively constructed in existing policy debates. Findings such as the relevance of civil society participation and standing in policymaking, the poor articulation of political intersectionality in equality policies, and the hesitant progress of the latter in challenging the private/public divide have important implications for both theory and policy practice. This does nothing but reinforce the need for mutual learning and fruitful collaboration between political theorists, activists, and practitioners in gender equality policies.

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This book aims to map the diversity of meanings of gender equality across Europe and reflects on the contested concept of gender equality. In its exploration of the diverse meanings of gender equality it not only takes into account the existence of different visions of gender equality, and the way in which different political and theoretical debates crosscut these visions, but also reflects upon the geographical contexts in which visions and debates over gender equality are located. The contextual locations where these visions and debates take place include the European Union and member states such as Austria, the Netherlands, Hungary, Slovenia, Greece, and Spain. In all of these settings, the different meanings of gender equality are explored comparatively in relation to the issues of family policies, domestic violence, and gender inequality in politics, while specific national contexts discuss the issues of prostitution (Austria, Slovenia), migration (the Netherlands), homosexual rights (Spain), and antidiscrimination (Hungary). The multiple meanings of gender equality are studied through Critical Frame Analysis, a methodology that builds on social movement theory and that was refined further with elements of gender and political theory within the context of the MAGEEQ research project (<http://www.mageeq.net>).

The policy frames analyzed express particular representations of what the problem of gender inequality is and what the solution could be. They also include traces about how gender and other inequalities are conceptualized; who has/should have a voice in the framing of gender equality problems and solutions; for whom is gender inequality seen to be a problem; who is represented as the normative group; and who are the target groups of the policy measures proposed. In the discussion of the different ways of framing gender equality in Europe, each chapter will provide insights on the ongoing theoretical and political debate about “what is gender equality?”, disclosing the visions, debates, and contexts that move around and contribute to shape such a complex and contested concept.