

6 From women's interests to special interests

Reframing equality claims

*Marian Sawer*¹

The year 1975 was International Women's Year (IWY), designated as such by the United Nations three years before. IWY was an international consciousness-raising exercise, extending to the international sphere the kind of gender mobilisation that had been taking place in many western countries from the late 1960s. A World Conference on Women held in Mexico City was its focal point and out of it came both a UN Decade for Women and a World Plan of Action agreed to by UN member states. The Plan of Action aimed to eliminate discrimination and promote the status of women, to integrate women in development and to increase the involvement of women in political life and international peace-making. For these things to happen, it was agreed, there needed to be national machinery to advance the equality of women. As we shall see, by the end of the UN Decade for Women more than two-thirds of UN member states had adopted such machinery. The early initiatives by countries such as Australia and Canada were being emulated in most parts of the world.

This chapter will examine the current fortunes of the idea that women need mandated machinery of government to advance their interests. As Jill Vickers points out in Chapter 2, the idea that women have shared interests is not a currently fashionable one within feminist scholarship. In 1975, however, the disputes tended to be less about whether the subordination of women was a shared problem and more about whether the solution lay in reform or revolution. This chapter is about the reform side of this story, and the attempts to make the state more responsive to its female citizens. It will begin by outlining some of the current applied discourse about government machinery for women. It will then argue that shifting discourses in the English-speaking democracies, in particular, have reshaped attitudes to using the state to promote equal opportunity and the status of women. The state itself has been undergoing changes that make such mandates more problematic. In addition, the retreat of many parts of the women's movement from policy engagement and the rise of vocal men's rights movements have meant increased contestation over even statistical indicators of inequality.

Resources provided by the state to enable women from diverse

backgrounds to have a voice in the policy process are now depicted as part of the cosy conspiracy between bureaucrats (or femocrats) and rent-seeking 'special interests' who seek a better return through the state than they can obtain through the market or through marriage. Thirty years ago the idea of equal opportunity meant making claims on the state to ensure that all women, as well as men, had the opportunity to develop their full potential and to participate equally in the life of the community. Today such claims are decried as an elite agenda pursued at the expense of ordinary citizens and taxpayers. How did we get from there to here?

Machinery of government for women

IWY was a milestone in disseminating new kinds of thinking about how government could be made to operate for the benefit of women as well as men. The Australian Elizabeth Reid, who chaired the drafting group working on the World Plan of Action at the preparatory meeting in New York, had firm ideas on the need for presence in the heart of government, to ensure all policy proposals were analysed for impact on women. It could not be assumed that any proposals, whether to do with tax, tariffs or transport, would be gender-neutral, given the different location of women and men in the social division of labour or the false supposition of income-pooling within families. Previously, public servants had assumed that policies that would benefit men would also benefit women – a presumption most blatantly displayed in overseas aid policies where development policies targeted at men notoriously increased the workloads of women left behind in the subsistence farming sector.

The sharing of these ideas at IWY meetings and at three subsequent UN World Conferences on Women resulted in a global diffusion of policy innovation that was unprecedented in its rapidity (True and Mintrom 2001). Government machinery to advance the status of women had been adopted by 127 countries by 1985, and by 165 countries by 2004. The institutionalising of feminist ideas in international discourses and bureaucratic innovation was barely reflected in theorising at the time on the subject of feminism and the state. Much of this theorising was produced in the United Kingdom and the United State of America, the two countries where feminist impact on state structures had been least (see also Vickers, this volume). There was a corresponding tendency to theorise the state as driven by some unitary logic, whether serving the interests of capitalism or of patriarchy (Wilson 1977; Ferguson 1984; MacKinnon 1989). Even in countries like Australia, Canada, and New Zealand, feminist writing about the state was often refracted through imported theoretical lenses that were of little assistance in resolving issues confronting feminists working through the state. So the applied discussion concerning machinery of government tended to be conducted in a parallel universe to that of feminist theory, a universe peopled by feminist bureaucrats (femocrats),

1 women's advocacy organisations and feminists working through multilat-
2 eral organisations such as the UN.²

3 In this applied discourse about how gender equality may best be
4 advanced within government there has been much emphasis on the *loca-*
5 *tion* of gender units. Because it is economic policy that tends to have the
6 most direct impact on women's lives, it is argued that mechanisms to
7 promote gender equality should be centrally located in government,
8 where they will be able to monitor all policy for gender impact, including
9 economic policy. Such a key location might be in a co-ordinating agency
10 such as a prime minister's office or department, a cabinet office, or a plan-
11 ning commission.

12 The *authority* behind gender units is also crucial. Only the imprimatur
13 of the head of government is likely to be sufficient to overturn entrenched
14 norms and enable new cross-government approaches. The backing of the
15 head of government and location in their office or portfolio is often the
16 only way to ensure access to top-level decision-making. However, because
17 of the role of the head of government in chairing cabinet, it has been
18 found useful to have another cabinet minister assisting the prime minister
19 on the status of women, who can be less constrained in their advocacy.
20 Such considerations of the importance of location and authority lie
21 behind the relevant part of the Beijing Platform for Action (para. 201)
22 recommending location of national machineries at the highest possible
23 level in government.

24 In federal systems the central location of gender units is also important
25 for the purpose of having access to and input into the process of intergovern-
26 mental decision-making. The devolution of areas of responsibility to another
27 level of government, without stipulations of gender outcomes, may result in
28 hard-fought gains being lost in areas such as women's services. Access to
29 forums where the federal division of powers is being renegotiated is there-
30 fore important, as is a co-ordinating role in relation to intergovernmental
31 meetings of ministers and officials responsible for the status of women.

32 A self-standing ministry within government may have advantages in
33 terms of greater visibility and 'ownership' by women in the community to
34 whom it delivers programmes. Its policy clout will, however, be very
35 dependent on the status of its minister. Another alternative, often pre-
36 ferred by governments, is to hive off gender units to social welfare or
37 similar areas of government. Location in a programme delivery depart-
38 ment might mean access to budgetary resources for services. But it is diffi-
39 cult to undertake from such a location the role of supporting and acting
40 as a catalyst in gender mainstreaming across government. This is the role
41 for national machinery envisaged by the Beijing Platform for Action and
42 other international documents:

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44 Mainstreaming a gender perspective is the process of assessing the
45 implications for women and men of any planned action, including

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legislation, policy or programs, in all areas and at all levels. It is a strategy of making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programs in all political, economic and societal spheres, so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.

(UN 1997: 1)

There is no one answer to the optimal design of gender mechanisms within government. While central location can ensure access to cabinet submissions from across government, there can also be disadvantages in terms of links to women in the community. Central location means placing a heavy premium on policy expertise and confidentiality, rather than the kind of outreach and budgetary resources associated with programme delivery. Often women in the community will not feel any 'ownership' of processes of gender monitoring and gender audit conducted by gender specialists in the recesses of government.

In Australia there was more 'ownership' of the insider model of women's policy machinery than in many countries. It was an influential women's non-government organisation, Women's Electoral Lobby, that promoted the advantages of central location in the early 1970s and drew up the wheel model subsequently adopted at national and sub-national levels of government. The wheel was constituted by a hub at the centre of government and spokes in line departments. Gough Whitlam, the prime minister of the day, spoke in 1975 of how his women's adviser had always had the right to see any Cabinet documents to advise on gender implications and of how it was 'proper that there should be in the Department of Prime Minister and Cabinet appropriate machinery for doing these things on a continuing and official basis' (Whitlam 1975: 1926).

At the height of influence of feminist thinking on government, in the 1980s and early 1990s, such policy wheels existed in all of Australia's governments, at Commonwealth, State and Territory levels. However, the central location of women's policy machinery depended heavily on political will and the perception that political pain would be inflicted if it were downgraded. Even at this time, analysis of the detrimental impact of policy proposals did not necessarily change the outcome. One example is the fate of universal family allowances paid to mothers of dependent children. The Commonwealth Office of the Status of Women commissioned survey research on such mothers in 1985 and found that for 90 per cent of them family allowances were very important and for 40 per cent they were their only independent source of income (OSW 1985). Despite these findings, as well as data querying assumptions about 'pooling' of family income, family allowances fell victim to the Labor government's determination to cut 'middle-class' welfare. Means-testing of family allowances on 'family income' was introduced in 1987.

1 With the discursive changes of the 1990s (discussed below), the political
2 will to allow disaggregated gender analysis of major government policy
3 directions, particularly economic directions, tended to disappear. Gender
4 units were moved out of their central locations into programme delivery
5 departments while whole-of-government co-ordinating functions, such as
6 the preparation of women's budget statements, were lost. This process was
7 completed at the national level in Australia in 2004 with the relegation of
8 the Office of the Status of Women from the Department of Prime Minister
9 and Cabinet to the Department of Family and Community Services. The
10 renamed Office for Women has now been placed where it can have no
11 routine access to Cabinet submissions from across government and
12 women are once again submerged in the family.

13 The usual excuse for the relegation and/or dismantling of gender
14 analysis units is that the responsibility for gender analysis is being main-
15 streamered (discussed further below). Although responsibility allegedly
16 inheres in all policy officers, in fact it is nobody's job and no capacity
17 building or training has been provided for the purpose of fostering
18 gender expertise (Donaghy forthcoming). The femocrat who headed the
19 Australian Office of the Status of Women at the height of its power and
20 influence has recently published a book with an eloquent title. *The End of*
21 *Equality* charts the dismantling of feminist initiatives within government
22 (Summers 2003).

23 24 *Arm's-length statutory bodies and commissions*

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26 The advantages of statutory bodies such as human rights agencies is their
27 relative independence from government and their public voice, creating
28 the potential to bring pressure on government from outside. A recent
29 example of this in Australia has been the high-profile campaign for paid
30 maternity leave by the Commonwealth Sex Discrimination Commissioner
31 in the context of an extremely conservative Commonwealth government.
32 While mechanisms within government were unable to promote this issue,
33 the statutory independence of the sex discrimination commissioner (and
34 her media skills) and the creation of alliances with bodies such as the Aus-
35 tralian Council of Trade Unions helped build momentum. The outcome
36 was not paid maternity leave in a form meeting International Labour
37 Organization (ILO) Convention 183 standards but a compromise in the
38 form of a universal maternity payment. Thanks to the rise of populist dis-
39 course, paid maternity leave for women in the workforce was framed by
40 government as discriminating against women who were full-time home-
41 makers.

42 National human rights institutions are one step removed from majori-
43 tarian or populist influences on government, but they also have outreach
44 in the community arising from their community education and complaint-
45 handling functions. The downside also derives from their status as bodies

outside government – their lack of access to confidential government processes and inability to provide advice before governments have invested political capital in new proposals.

One source of leverage for human rights and equal opportunity commissions is their linkages to international bodies and responsibilities under international human rights instruments to which governments have acceded. In terms of promoting gender equality the leverage of human rights agencies would be significantly enhanced if they had de facto independent status as meetings of the UN Commission on the Status of Women (CSW) rather than having to function as part of government delegations. This would reflect both their significant role in advancing gender equality and their arm's-length relationship with government.

Advisory and consultative bodies

A third type of national mechanisms are advisory and consultative bodies, which frequently prepare the way for the establishment of agencies inside and outside government to advance gender equality. These bodies are often able to commission and promote research on issues of concern to women in the community, which might be too politically sensitive to be commissioned directly from within government.

Advisory and consultative bodies can also act as a 'parachute' for women's policy machinery inside government by including representatives from a broad political spectrum that will leap to its defence when government changes. They can promote broader understanding of the functions of women's policy units among women's organisations, although they can also become too much the captive of government agendas.

An *alternative* to advisory or consultative bodies, given their resource-intensive nature, is the provision of operational funding to support community-based peak bodies and the networking of non-governmental organisations (NGOs) in the women's sector. Such resourcing enables the participation of NGOs in national policy processes in addition to their activities at the local level. It requires government commitment to the idea of 'critical partnership', whereby the provision of government resources is not contingent on NGOs refraining from criticism of government policies. There needs to be acceptance of the functions of NGOs in representing to government the perspectives and experiences of groups whose lives are significantly affected by government policy, including sole parents, refugee women, lesbians, and women with disabilities. In countries such as Australia and Canada it is the provision of operational funding that has enabled advocacy bodies representing disadvantaged and often unpopular groups of women to achieve voice and presence in policy processes (Sawer 2002).

One topical issue is the more effective use of information technology to facilitate the interface between gender units and women in the commun-

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1 ity. While NGO websites include links to government gender units, this is
2 rarely reciprocated by government websites. The latter are also notable for
3 the absence of interactive components whereby women in the community
4 can convey their views to government – apart from ‘customer’ surveys on
5 the actual design of the website.

6 Unfortunately over the past decade in Australia there has been
7 increased government distrust of the representational functions of NGOs
8 and the defunding of those seen to be representing constituencies outside
9 the mainstream and/or those critical of government (Maddison *et al.*
10 2004). At the international level the Australian government has reacted
11 sharply to criticisms by UN human rights committees based on NGO
12 reports. In September 2000 the Australian foreign minister told the UN
13 General Assembly that treaty committees were losing credibility because
14 they were too accepting of NGO submissions and did not pay sufficient
15 attention to the views of democratically elected governments. This state-
16 ment confirmed the views expressed in a joint ministerial media release
17 announcing a review of Australia's participation in the UN human rights
18 system and stating the need to ensure the primary role of governments
19 and the subordinate role of NGOs (Joint Media Release FA 97 2000).
20 These views gave little recognition to the vital role played by NGOs in the
21 UN human rights monitoring system or to the lack of interest on the part
22 of democratically elected governments in exposing their own human
23 rights breaches.

24 25 **Parliamentary bodies**

26 Sometimes overlooked in the past has been the role of parliamentary
27 bodies in the promotion of gender equality and the empowerment of
28 women. Standing committees on women's rights or equal opportunities,
29 such as found in European and many other parliaments, have played a
30 significant part in agenda setting on equality issues or in ‘equality proof-
31 ing’ of legislative proposals (Sawer 2000). Australia has lacked such stand-
32 ing committees on equal opportunity but has had enquiry references
33 given to other standing committees. For example, at the federal level, a
34 1992 report by a Legal and Constitutional Affairs Committee, *Half Way to*
35 *Equal*, was a milestone in the strengthening of sex discrimination and
36 equal opportunity legislation. In Sweden all parliamentary enquiries have
37 a mandate to examine gender implications of proposals.

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39 Women's caucuses within parliament or within parliamentary parties
40 may also have a significant role in gender mainstreaming and in identify-
41 ing the gender implications of policy. While in some parts of the world
42 such caucuses bring together women from different parties, in Australia,
43 New Zealand, and Canada they occur within particular parliamentary
44 parties. For example, in Australia, the Labor Party's Status of Women
45 Committee (which can be attended both by parliamentarians and staffers)

has been meeting weekly during parliamentary sitting weeks since 1981. By contrast, the conservative parties lack such a body and their women MPs are less likely to act collectively to raise gender issues.

Standing committees on equal opportunity and women's caucuses provide a mandate for gender-focused work and legitimate the introduction of feminist discourses. They have an important role to play in raising awareness of gender issues at the parliamentary level and in ensuring gender perspectives are represented in public debate. These bodies can provide significant forums for NGOs and academic experts to give evidence on the gender impact of policy and may enhance the work of gender equality mechanisms within government. Women's caucuses may perform a capacity-building role for women parliamentarians as well providing them with a collective voice.

International parliamentary bodies like the Inter-Parliamentary Union (IPU) and the Commonwealth Parliamentary Association have also played a supportive role in gender mainstreaming, as has the International Institute for Democracy and Electoral Assistance (IDEA) in Stockholm. Beyond promoting and monitoring strategies to increase the presence of women in parliament, such bodies look at how women parliamentarians may become more effective in representing the views of women in the community. They also promote partnerships over CEDAW implementation and reporting. The handbook on CEDAW for parliamentarians, prepared by the UN and the IPU, highlights good practices in relation to parliamentary involvement. In the Netherlands, for example, the government is legally obliged to report to parliament every four years on CEDAW implementation before the periodic report is submitted. The government is also required to present the concluding comments of the CEDAW Committee to parliament (UN 2003: 66).

The different roles played in gender mainstreaming by national mechanisms within government, national human rights institutions, advisory and consultative bodies, NGOs, parliamentary and regional bodies relate in part to the changing nature of governance and the changing role of the state. Where once the state may have played a central role in provision of social infrastructure, its role in direct service provision may now be reduced, raising new issues of gender accountability. Bodies outside executive government may become more important and so may partnerships and synergies between bodies inside and outside government. These partnerships must not be at the expense of qualities such as independence and separation of powers, which make such partnerships fruitful in the first place.

New constraints on state action on women's interests

Constraints over the decade since the Beijing Conference may be summarised as: importation of private sector models of governance into the public

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1 sector; decreased visibility of the women's movement; 'backlash' against
2 perceived gains by women; and discursive shifts resulting in the displace-
3 ment of gender equality issues. Because of the overarching importance of
4 the shifts in discourse, which have made issues of gender inequality
5 harder to see, this will be the constraint given most attention but the
6 changing configuration of the state is also relevant.
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8 *The new public management*

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10 A significant structural constraint for mechanisms to advance gender
11 equality arises in many countries from the nature of the new public man-
12 agement (NPM) – the introduction into the public sector of techniques of
13 private sector corporate governance. NPM has been disseminated through
14 the Organization for Economic Cooperation and Development (OECD)
15 and has affected even the relatively women-friendly Nordic welfare states
16 (Kantola and Dahl 2005). The new philosophy that services should be
17 delivered through markets or market-like arrangements has had a signific-
18 ant impact on the 'public caring' required if women are to have equal
19 opportunity.

20 Other consequences of NPM have included the devaluation of 'in-
21 house' policy expertise of all kinds, including gender expertise, in favour
22 of management skills and contracting out government services. Without
23 gender expertise it is difficult to evaluate policy for gender impact or to
24 audit the gender outcomes of government activity, while contracting out
25 famously makes all forms of accountability more difficult. It is sometimes
26 argued that accountability for gender equity can be written into perform-
27 ance agreements between chief executive officers and ministers – but
28 without independent and expert scrutiny this is unlikely to be effective
29 and more likely to be an empty formality.

30 Along with contracting out has come increased volatility of bureau-
31 cratic structures and a continuously changing environment. Within this
32 environment it is difficult to sustain the structures needed for long-term
33 projects like advancing gender equality and there is an ongoing loss of
34 corporate memory. Moreover, within the commercial product format and
35 outcomes focus associated with NPM there is a devaluing of process,
36 including the kind of consultative policy processes and democratic forms
37 of service delivery required for the empowerment of women.

38 A related problem is the introduction of compulsory competitive ten-
39 dering processes in all areas of service provision. The tendering process
40 makes little room for policy advocacy and community education functions
41 associated with second-wave women's services, let alone the kind of demo-
42 cratic structures and collective decision-making intended to achieve
43 women's empowerment. NPM is also at odds with the organisational
44 philosophy of services provided from within government, such as the
45 women's information services that exist in all Australian jurisdictions. The

women's information services have let women talk until they reach the real question that is of concern to them, rather than trying to reach preset quantitative targets (which is a feature of NPM processes).

Decreased visibility of the women's movement

In many western countries the women's movement is much less visible as an oppositional force than it was 20 years ago. There has been a marked decline in the number of 'collective action events' in support of women's rights (Staggenborg and Taylor 2005: 45). There are many debates over why this is so – including the natural cycles of social movements, shifts in the political opportunity structure, the 'institutionalisation' of the women's movement or its diversification and fragmentation. In both waves, the women's movement successfully mobilized gender identity as a basis for political action. This required a discursive strategy that played down differences between women, and played up common experiences of subordination, in order to activate a constituency for change and create a political base for claims for gender equality. In recent years, as pointed out by Vickers in this book, such essentialism has been much contested by post-modernist theorists who perceive the category 'women' as privileging a white, middle-class and heterosexual identity and imposing a rigid construct on fluid and intersecting identities. An even more important source of the demobilising of gender identity has been the increased dominance of neo-liberal discourse. The latter replaces collective identities with the construct of the individual who is author of their own choices, unconstrained by inequalities of power or expectations. The constraints posed by the dominance of neo-liberal discourse are discussed further below.

Some believe the women's movement is in abeyance – hibernating in 'abeyance structures' that preserve the collective identity and values of the social movement, while giving up on broader policy engagement until the arrival of the next wave (Bagguley 2002). Others suggest that the women's movement has forsaken public protest for less visible forms of contention or 'unobtrusive mobilisation' within the whole spectrum of government, non-government and civil society institutions (Katzenstein 1998). The latter can in turn be interpreted as a sign of social movement 'success' or, on the other hand, of incorporation and co-option (see Roth, Chapter 8, this volume, on this point). Either way, International Women's Day and Reclaim the Night marches no longer attract big crowds of women, although women can still be mobilised to protect the right to abortion. Women's studies programmes and research centres with links to women's NGOs have often been replaced by 'gender studies' that tend to lack a comparable community base. Curriculum has shifted from political economy and concerns with labour market segmentation to cultural critique and concerns with the body. Feminist 'women's pages' in the mainstream press have largely been scrapped and feminist broadcasting

1 has lost its high profile vehicles.³ The 'narrow-casting' provided by femi-
2 nist e-lists means that feminist perspectives are still shared on policy devel-
3 opments of the day, and often on a more global basis than in the past, but
4 this is no substitute for more publicly visible forms of oppositional dis-
5 course.

6 For whatever reason, the men's rights movement has been much more
7 successful in mobilising letter-writing campaigns and lobbying on issues
8 like child support than today's women's movement and, in Australia, has
9 been able generate almost two-thirds of submissions to parliamentary
10 enquiries on such issues. In general, governments are less afraid of stirring
11 up feminists than previously and have blithely introduced policy changes
12 that, for example, have increased effective marginal tax rates for second
13 earners.

14 ***Backlash politics***

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17 The so-called backlash against the women's movement has also been iden-
18 tified in many countries, both East and West. It is associated with the
19 men's rights movement that seeks to roll back changes in gender relations
20 that followed from second-wave feminism. Men's rights groups prolifer-
21 ated in the 1990s with names such as 'Dads Against Discrimination' (Aus-
22 tralia, Canada and the USA), the Men's Rights Agency (Australia) or
23 Men's Equalization Inc. (Canada). They believe that feminists have cap-
24 tured state power and are responsible for policies and legislation that vic-
25 timise men (Kaye and Tolmie 1998). Particular sources of resentment
26 include child support formulae applied to non-custodial parents, equal
27 opportunity legislation and domestic violence programmes that focus on
28 men as perpetrators. Starting in the USA, men's rights groups seized on
29 unreliable statistics to 'prove' that women were just as violent as men and
30 refused to accept the legitimacy of any domestic violence programmes
31 that did not start from this premise. In Australia, the Men's Rights Agency
32 claimed a victory when an expensive government anti-domestic violence
33 advertising campaign aimed at teenagers and young adults, 'No respect,
34 no relationship', was cancelled just before Christmas 2003, when screen-
35 ing was to begin.

36 In general men's rights groups view policies that have made it easier for
37 women to leave unhappy or violent relationships and/or to compete on a
38 more equal basis in the paid work force as undermining the authority of
39 men inside and outside the family. Small steps towards greater gender
40 equity in public policy are vastly exaggerated in the eyes of those who
41 believe they are the new victims of feminist elites and gender bias in the
42 state. In some western countries the rise in political influence of funda-
43 mentalist Christian churches has reinforced the anti-feminist backlash.

44 While the men's rights movement depicts equal opportunity policies as
45 a form of discrimination against men, there are also anti-feminist women's

groups that depict equal opportunity as discrimination against women who choose to be economically dependent on men. The discourse of anti-feminist women's groups ties in nicely with the market populist discourse discussed in the next section because it frames equal opportunity measures and paid community services as wasteful as well as discriminatory. Paid maternity leave, subsidized childcare or re-entry allowances and training programmes are all framed as wasteful as well as a form of discrimination against women who have chosen to be homemakers. Tax systems based on the individual are also depicted as discriminating against two-parent single-income families: instead, family unit taxation is favoured that would impose high rates of tax on second earners. Anti-discrimination legislation is opposed on the ground that private employers, with the incentive of the profit motive, will make wiser choices than 'equal opportunity bureaucrats whose salaries are paid by taxpayers' (Francis 1994).

Discursive shifts

One of the greatest constraints on government machinery for women in the English-speaking countries over the last decade has been the rise of market populism and the framing of gender equality initiatives as part of an elite agenda and/or 'special interest pleading'. I shall use the term market populism here rather than 'neo-liberalism' in order to focus on the semantic structure of this new public discourse (for more detail see Sawer and Hindess 2004).

The market populism that now constrains the terms and structures of public policy in English-speaking countries has at least two clearly identifiable elements. First, neo-conservative discourse discrediting the welfare state as the domain of 'new class elites'; and second, public choice discourse unmasking all public interest or social justice advocacy as motivated by rent-seeking and self-interest.

The neo-conservative discourse of 'new-class elites' was an adaptation of a Trotskyist idea originally applied to cognitive elites in the Soviet bloc. In the USA neo-conservative writers applied it to university graduates, radicalized by the social movements of the 1960s. They form a 'class' by virtue of their cultural capital, which fits them for employment in public sector agencies and means they have a class interest in maximising redistribution. They speak a language of public interest and equal opportunity that masks a class interest in expanding the public sector and regulating business.

The new class is associated with values such as feminism, environmentalism, multiculturalism and minority rights more generally but these are depicted as 'fashions', or a form of moral vanity, rather than having any authentic ethical content. They serve to distinguish the elite from ordinary people and are given the label of 'political correctness'. This construc-

1 tion was reinforced by the familiar populist strategy of depicting new class
2 elites as having contempt for the values of ordinary people.

3 The new class is said to sneer at, despise, have contempt for, look down
4 on, or wince at the values of ordinary people – although no empirical
5 evidence is ever provided of such behaviour. Feminists, particularly those
6 in government, are depicted as having contempt for ordinary women. The
7 idea of contempt is necessary to discredit the values being upheld by the
8 new class – who would want someone contemptuous of them spending
9 their taxes? It should be observed that, unlike the business and financial
10 elites of yesteryear, the new class elite is characteristically made up of
11 teachers, social workers, librarians, and public servants. In other words,
12 they don't have to be well-paid to be labelled as members of the elite – just
13 well-educated and with a set of environmental and human rights values
14 perceived to be at odds with business interests. It may seem odd that
15 groups such as social workers or teachers, also derided as 'bleeding
16 hearts', should despise ordinary people but such contempt is required by
17 the semantic grammar of populism.

18 Another major source of the language of contemporary market popu-
19 lism is public choice theory, developed in the United States from the
20 1960s. Public choice theory did not appropriate, as had the neo-conserva-
21 tives, the quasi-Marxist idea of a class defined by ownership of cultural
22 capital. The public choice school is neo-liberal rather than neo-conservat-
23 ive. It takes over the idea of the utility maximising individual from neoclas-
24 sical economics and applies it systematically to all collective and
25 institutional behaviour.

26 Public choice analyses set out to demonstrate that all those purporting
27 to pursue the public interest, such as women's advocacy groups and other
28 NGOs, are really 'special interests' seeking to maximise their returns. The
29 term 'welfare state' is replaced by the concept of the 'over-loaded state',
30 the outcome of a cosy conspiracy between special interests and budget-
31 maximising bureaucrats. This frame was popularised worldwide by a disci-
32 ple of Milton Friedman in the brilliant television series 'Yes, Minister'. It
33 has also been heavily promoted by free-market think tanks in the English-
34 speaking democracies, with their ready access to the mass media owned by
35 Rupert Murdoch in particular.⁴

36 One of the most dramatic impacts of public choice discourse in coun-
37 tries such as Australia and Canada has been to delegitimise the advocacy
38 work of NGOs. Public choice has justified changed citizenship regimes
39 and the bypassing of bodies 'representing' the interests of particularly
40 needy sections of the community, whether stigmatised groups such as sex
41 workers or poverty-stricken groups such as sole parents or public housing
42 tenants. Whereas operational funding was previously made available to
43 strengthen 'weak voices' in policy debate and to balance the influence of
44 powerful business and professional interests, this is now framed as privileg-
45 ing various 'industries' that had a vested interest in expanding the welfare

state – whether the poverty industry, the multicultural industry, the Aboriginal industry or the feminist industry. Operational funding for NGOs representing disadvantaged sections of the community was replaced by project-funding, tied to competitive tendering for service provision with no scope for representational or advocacy work.

Market populist discourse with its simple ‘us and them’ frame has been a powerful means of displacing attention from increasing economic inequalities and the injuries of class, gender, and race. To draw attention to such injuries is seen as special pleading that will perpetuate privileged welfare state jobs on the one hand and dependency on the other, all at the expense of ordinary taxpayers. Sole parents, for example, are seeking better rents through the state than they can achieve either through marriage or the market. Feminists in general are guilty of expanding the public provision of community services in order to provide equal opportunity for women, services that could be provided more efficiently by ‘families’ on an unpaid basis.

Public choice theory also places its own twist on the concept of ‘gender mainstreaming’, as has been analysed in the New Zealand and British Columbia contexts by Kathy Teghtsoonian. While gender mainstreaming generally involves improved consultation with women over policy and programmes, the New Zealand State Service Commission was warning policy managers against ‘capture’ of policy by the community: ‘Ministers . . . will not thank policy analysts for advocating sectoral interests’ (quoted in Teghtsoonian 2004: 274, and Teghtsoonian, Chapter 7, this volume).

The ‘undemocratic’ nature of gender equality norms

One of the characteristic features of the market populist discourse is its distrust of ‘non-elected’ courts and tribunals and the way they frustrate the will of the people expressed through elected governments. This distrust of the liberal elites said to infest judicial benches is associated with an even greater distrust of international courts and tribunals and the international human rights norms established through UN conventions.

In many western democracies populists have hotly contested the development of international normative regimes upholding women’s human rights as well as those of children and minorities. Even in Norway some of these tensions were exposed in a recent report to parliament entitled the *Study of Power and Democracy*. The majority report described the new international framework of human rights law as partially responsible for a diminishing of democracy. A dissenting report by Hege Skjeie contested the notion that improving the rights of minorities and of women through applying international human rights norms could be regarded as a loss of democracy. While signing up to international human rights instruments did bind the hands of legislators and transferred some power to international tribunals, it also increased the power of citizens. Strengthening

1 the rights of individual citizens could not, in her review, be regarded as
2 lessening democracy (Ringen 2004).

3 Domestic and international courts and tribunals do still recognise the
4 concepts of indirect and systemic discrimination and the injustice of pol-
5 icies or requirements that have disparate impact on particular groups,
6 where this impact is disproportional to demonstrated benefit from the
7 policies. But the market populist framing of such recourse to the courts or
8 international tribunals is that new class elites are unable to accept the
9 verdict of democratic majorities. This reframing of rights protection as
10 undemocratic has reverberations across the policy board and is reflected
11 in attitudes towards asylum seekers, towards the rights of Indigenous
12 minorities, or policies and programmes promoting equal opportunity for
13 other groups.

14 **Market populism meets gender mainstreaming**

15
16 Since 1995 Australians have heard much about the need to 'govern for the
17 mainstream' and to ignore the new class and their associated special inter-
18 ests. In part this language has meant pushing back the jurisprudence
19 developed during the 1970s, which acknowledged the need to accommo-
20 date difference in order to promote equality. The concept of *indirect* dis-
21 crimination introduced in anti-discrimination legislation at this time made
22 it clear that to treat in the same way those who were different in significant
23 ways might simply compound disadvantage. In this new understanding
24 equal treatment meant something more than same treatment. A common
25 example was the old requirement of full-time work and unbroken careers
26 in order to be considered for promotion – in organizations designed for a
27 normative male employee without caring responsibilities.

28
29 In the 1990s policies to accommodate difference were relabelled by
30 market populists as 'special treatment of special interests' – equality was
31 once again to mean treating everybody the same, regardless of the impact
32 of such treatment on groups who differed in significant respects from the
33 norm. In Australia even the auditing of policies and programmes for dis-
34 parate impact became viewed as a form of 'special treatment'. A very
35 similar discursive shift was taking place in Canada, where the Reform Party
36 argued for a return to identical treatment, regardless of difference, rather
37 than the 'sophisticated jurisprudential theories of disparate impact and
38 systemic discrimination that invite judicial revision of legislative decision-
39 making' (Morton and Knopff 2000).

40 The new international language of gender mainstreaming has been
41 used to legitimate the dismantling of units with expertise in promoting
42 equal opportunity for women and designated groups (see Bacchi and
43 Eveline 2003: 100). This was not the intent of this language. As we have
44 seen, 'gender mainstreaming' was intended to encourage central location
45 of machinery so that economic as well as non-economic areas of policy

could be monitored and disaggregated in terms of impact on both men and women. It was a reaction to the propensity of governments to focus only on their 'special initiatives' for women and to locate women's machinery in welfare or community services well away from the central planning or macro-economic policy areas of government, where the decisions of most importance to women's lives were made. 'Gender mainstreaming' was meant to foster a structural approach comparable to the wheel model and gender budgeting exercises pioneered in Australia. Instead it became a pretext for eliminating such structures and processes in the name of 'mainstreaming'.

At the federal level in Australia 'governing for the mainstream' meant abolishing longstanding gender analysis units such as the Women's Bureau in the employment portfolio, dating from 1963 but disappearing in 1997. More recent gender analysis units also disappeared, ranging from the Office of Indigenous Women through the Migrant Women's Advisor, Gender and Curriculum Unit, the Equal Pay Unit, the Work and Family Unit, the Rural and Regional Women's Unit, to say nothing of the women's policy units once found in all portfolios.

Governing for the mainstream has also meant abolishing the Aboriginal and Torres Strait Islander Commission and removing the Office of Multicultural Affairs from the Department of Prime Minister and Cabinet. There is to be no more 'special treatment for special interests'. As already mentioned, the Office of the Status of Women followed suit in 2004. Gender disaggregated data on government performance is much more difficult to obtain and gender expertise is increasingly rare in government. Statistics on issues such as the distribution of unpaid work and the prevalence of family-friendly provisions in industrial agreements is increasingly out of date. Changes have been made to child support formulae without any prior modelling of the effects on sole parent poverty. More and more contradictions emerge in the realm of social policy. 'Dependency', as in the dependency of sole parents, is seen as a major social problem, yet the dependency of married women is actively encouraged through tax and transfer policies and can lead overnight to the wrong kind of dependency. Increased dependency on the whims of employers is encouraged through labour market deregulation and removal of unfair dismissal protections but is never named as such.

A similar trajectory in Canada, accelerating during the 1990s, has been labelled by Janine Brodie as the 'disappearance of the gendered subject'. Brodie writes:

This process of invisibilization began with the *delegitimization* of women's groups, indeed of virtually all equality-seeking groups as relevant voices in public policy. This phase was followed by the *dismantling* of much of the gender-based policy capacity within the federal government.

(Brodie forthcoming)

Conclusion

What are the implications of this analysis for future strategies? First, it is essential to acknowledge the significance of shifts in public discourse and their implications for gender policy. Here it is crucial to acknowledge the power of language in shaping the world and determining what problems can actually be seen and what is rendered invisible. In 1999 Status of Women Canada did exactly this, funding a round of research grants on shifts in public policy discourse to anticipate their effects on gender issues.

The discourse of market populism creates a world in which gender equality is depicted as an elite project serving special interests. Equality seekers are discredited as part of a rent-seeking elite wanting to live off other people's taxes. The denunciation of 'liberal' elites distracts attention from the actual rise in economic and social inequalities associated with deregulation and globalisation. There is a truncation of 'public caring' in the interests of lower taxes and greater economic competitiveness, despite the effects of this on women's equality.

But while public discourse has shifted in one direction in the English-speaking countries, it did not do so unaided. The shift involved a great deal of concerted effort on the part of think tanks that packaged and sold this new way of looking at the world, and the broadcast and print media that disseminated it on a daily basis.

Alternative ways of looking at the world still thrive on the internet and in multilateral institutions but they need packaging and popularising in the ways that have brought market populism to the fore. We need to ensure that gender equality discourses are not only institutionalised at the international level but that new vectors are found for them at national and sub-national levels. A new way has to be found to contest dominant discourses that sideline equity issues. The strength of regional and international networks is one part of this equation. Finding the right language to contest the seemingly irresistible tug of populism is another. It is a key challenge for the next decade.

Notes

- 1 My thanks to Megan Kimber for her assistance.
- 2 This chapter is itself a contribution to such applied discourse and was originally presented at a UN Expert Group Meeting on 'The Role of National Mechanisms in Promoting Gender Equality and Women's Empowerment' (UN 2005).
- 3 For example, the 'Accent' Page in the *Melbourne Age* and 'Corporate Woman' in the *Australian Financial Review*. The 'Coming Out Show' on Radio National had a devoted following for 25 years before its demise.
- 4 In the 24 months January 2003 to December 2004, the Murdoch flagship paper *The Australian* carried 126 articles on its Opinion Page sourced from free-market think tanks or authors associated with them and only seven from what might loosely be termed 'progressive' think tanks, including three from a Jesuit social

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justice agency. This analysis is exclusive of foreign policy articles, where once again the Murdoch media have a particular bent.

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