

THEORETICAL DEBATES ON THE CONCEPT OF „GENDER EQUALITY”¹

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Abstract: *This paper analyses the three types of gender equality and the political strategies adopted by the European Union. The paper presents the theoretical debates on the concept of gender equality and the efficiency of the strategies designed for each individual type of equality. The European Union preferred to substitute the use of the initially adopted strategies (equal opportunities and positive action), with the strategy of gender mainstreaming. However, this article brings arguments that all three types of strategies must be adopted simultaneously, as prerequisite for reaching a proper level of gender equality in all fields (economic, social, political).*

Keywords: *gender, gender equality, equal opportunities, affirmative action, gender mainstreaming.*

1. Introduction

This paper describes the approaches of the concept of gender equality and the EU policies for each individual type. As support for explaining this concept the article uses the perspective of the approach identified by Teresa Rees (1998) and Mike Verloo (2005), as well as the political perspective identified by the European Union, trying thus to show the way in which the theoretical and practical approaches interacted and their effects on this concept.

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2. Definition of the concept of „gender equality“

Gender equality is a concept which explains and evaluates the patriarchal domination and oppression of the society. The concept of gender equality was defined historically both from the perspective of the feminist theories, and from the political perspective. The contested character of this concept relies on its harmonious, yet conflicting form (Verloo M., Lombardo E., 2007, p. 22). Mieke Verloo shows that the duality of this concept consists, on the one side, in the trend to incorporate the diversity within a dominant form or, on the other side, to include it within a paradigm so that this single form will determine its acceptance as a common purpose and will enter it into the agenda (Verloo M., 2005).

As Mieke Verloo, Emanuela Lombardo and Petra Meier notice, gender equality is a concept debated a lot from the perspectives of the different political actors and exponents of the broad range of the feminism, at the institutional and non-institutional level, within the framework of different national and international organisations. Briefly, the concept has been approached from different angles which showed the specificity of the national policies of implementation. The authors claim that the discursive dynamics determined, by its definition, a specific form for a particular period, by decreasing or expanding its area of action and by adopting various political and theoretical approaches (Lombardo E., Meier P. and Verloo M., 2010, pp. 107 - 111).

Regarding the development of this concept, there are three theoretical approaches identified by Teresa Rees in *Mainstreaming Equality in the European Union Education, Training and Labour Market Policies* (1998). Each of these feminist approaches is correlated with specific political strategies. The first identified approach is that of the „adjustment“¹, relying on the assumption that the fight against gender discrimination requires a legal framework which to allow the access of women to the fields from which they have been previously excluded, while not contesting the existing masculine norm (Walby S. 2005a, Verloo M., 2007). The second identified approach is that of the „difference from the masculine norm“ (Verloo M., Lombardo E., 2007, p. 23) which presumes the proper evaluation of the „differentiated contribution of the men and women in a segregated society“ (Walby S., 2005b, p. 455). The last theoretical approach of the gender equality is that of the „transformation of all norms and standards of what should be feminine or masculine“ (Verloo M., 2007, p. 23), implicitly, as Walby defines this type of approach, „transformation of the gender relations“ (Walby S., 2005b, p. 455).

¹The translation of this term is taken from the *Manual for the integrated approach of the gender equality in the employment, social inclusion and social protection policies*, developed by the European Commission in 2008, Luxembourg: Office for Official Publications of the European Communities,

Discrimination is a difficult concept to expose in all its possibilities of manifestation (Tufă L., 2011, p. 22). According with other authors, there are theoretical perspectives regarding gender discrimination - the biological perspective and the cultural perspective which could be treated along with the occupational segregation (Banu O., Casapu A., IONESCU I., PANAIT A., 2011, p. 26). In terms of financial allocation funds allocated in fighting discrimination, it highlights the importance of assessing social purpose and sustainable development in socially isolated communities - as priority targets in support of social inclusion policies (Neamtu G, 2009, p. 125). Another example is the social economy that offers solutions to reduce social exclusion by increasing employment for vulnerable and creating mechanisms to help these people (Arpinte D., Cace S., Cojocaru ed., 2010 , p 66).

In 2002, Romania was enacted Law 202/2002 on equal opportunities and treatment between women and men. Also, the National Agency for Equal Opportunities between women and men who work in April 2005, when in the second half of 2004, was adopted Ordinance nr.84/2004 for amending Law 202/2002 on equal opportunities between women and men (thus was fully implemented Directive 2002/73 / EC, amending Directive76/207/EEC on the equal treatment between men and women as regards access to employment, training and working conditions) (Gheonea A., Ilie S, Lambru M., Mihailescu A., Negut A., Stanciu M., Tomescu C., 2010, p.125; Câmpeanu C, 2011). Also, the Labour Code stipulates the principle of employment and flexiblework contracts creates a general framework for equal opportunities and equaltreatment for women and men in the work place and the premises for implementing flexicurity and flexible working time (Elena Zamfir (2010, pg. 52).

3. Approach of the gender equality as similarity / adjustment – Equal opportunity

The first type of gender equality mentioned above, that of the “adjustment” originates in the ideas promoted by the liberal feminism. According to Miroiu M. (2004), Rees considers that the first feminist activist who promoted this type of gender equality was Mary Wollstonecraft (1792) bringing to attention the problem of granting the same educational and legislative rights to women. The liberal feminism, on the other hand, starts from the assumption that by education women may reach the same performance as men do, refusing thus the fructification of the feminine values on the ground that such association is not in favour of the credibility of women’s capacity to perform similar activities with the men (Miroiu M., 2004, pp. 120-121).

The approach of the equal treatment promoted the development of a legal framework which allows the women to accede to various areas of activity, while not assuming a

change of the patriarchal norms existing in all the public institutions and organisations. At the same time, by the lack of a consistent proposal of changing the gender relations, the liberalism (except for the current feminist liberalism, see Okin S.M., 1989), avoided to analyse the gender relations existing within a family. Thus, one of the criticisms of this approach expressed by Teresa Rees as cause of the lack of unequal opportunity within the society is the unequal distribution of the assignments within a family, implicitly the differential value given to the work performed by each partner. The inefficiency of this type of approach is the lack of an analysis on the correlation between the private and political spheres. Under these circumstances, even if this type of approach focuses on the concept of distributive justice, in a “narrow” meaning, in the opinion of the author, there is no distinction made between the women having a material situation comparable with that of the men, and the women who have no access to such resources and therefore, the administrative and household assignments are additional tasks which they will have to perform (Rees T., 1998, pp. 21-23).

The purpose of using the policies of distributive justice was to correct the inequalities existing in the society in terms of positions, by the development of a legal framework favouring the equal opportunity. The theory of the distributive justice was largely debated in time, with the valuable contribution of John Rawls, in *A theory of Justice* (2003). He considers that the construction of an equitable society demands the adoption of specific principles of justice which will have to be mutually accepted by all the members of the society. To accomplish this, it is important that these principles are adopted starting from the original position, being under the veil of ignorance. Because of the two concepts used by Rawls: “original position” and “veil of ignorance”, the citizens have restricted access to basic information that might influence their status and decisions in terms of the principles of justice. Under these circumstances, Rawls proposed two principles. The first principle presumes that “each person has equal rights to the broadest range of basic liberties, compatible with similar liberties for all” (Rawls J., 2003, p. 53). The statement of the second principle refers to the conditions which the social and economic inequalities must meet. Thus, they have to lead to the highest benefit expected by the least advantaged, and it has to be assigned to the functions and positions open to all under conditions of equal opportunity” (Rawls J., 2003, p. 53).

Susan Moller Okin (1996) makes a criticism of Rawls’s theory of justice based on the feminist – liberal assumptions. Although she considers that Rawls’s theory is a “source of inspiration for much of the contemporary moral and political theory” (Okin S.M., 1996, p. 1), it is blind to the gender structure and to the implications of the gender roles. Even though Rawls values the family, considering it the first school for socialisation for the development of a just citizen, the principles of justice cannot be fully transposed if the sphere of their action includes only the private sphere (Miroiu, M., 2004) Thus, even

if Rawls starts from the premises that under the veil of ignorance the gender structure fails to exist and that the family is the right place to develop a moral structure favouring the equal opportunity, it omits that men are the “head of family” and that chores distribution within the household is unequal. Therefore, family is the first institutions in which the principles of justice are not applied; the inequalities and discriminations are perpetuated within the family and the child develops its notions of justice and morality learning from the patterns existing in his/her family. Okin proposed to „expand the principles of justice both to the private sphere of the family by ensuring the individual rights both at this level (protection to abuses), and in the public sphere, by ensuring the equal opportunity” (see Miroiu M., 2004, p. 44).

This type of gender equality even if it tries to determine a change of positions, actually “reproduces the existing inequalities in a wider context”, because it doesn’t take into consideration the underlying inequalities of the “system which perpetuates the unequal power relations between men and women” (Rees T., 1998, p. 21). Rees considers that this type of approach targets only “those women who have a specific cultural capital, experiences, family circumstances and who have the possibility to share the domestic responsibilities like men do” (Rees T., 1998, p. 21). Such approach doesn’t remove all the obstacles hindering the admission and promotion of women in specific types of professions; furthermore, it was noticed that the mere provision of a legal framework promoting the equal opportunity for women is not enough for women to get to decision-making positions from where they might change the agenda according to their values and interests, as well as the conditions that might favour their enhanced promotion.

Rees considers that such approach is necessary and useful, but its transposition into actual policies for equal opportunity concerns the mere elaboration of procedures and doesn’t target the real benefits that such policy should yield. Briefly, she criticises the policy for equal opportunity promoted by the European Union considering that it focuses just on improving the situation of the citizens in their quality of workers, leaving aside the structural inequalities which underlie the gender relations within the society. The inefficiency of this policy is that it “focuses in the symptoms, not on the causes of inequalities” (Rees T., 1998, p. 23). Therefore, the horizontal and vertical segregation in terms of access to education and opportunities on the labour market remains constant (Dragolea A., 2007, p. 35).

Verloo approves the view of Teresa Rees on the inefficiency of the equal opportunity policy promoted by the European Union, considering that it fails to take into consideration the “actual material conditions” determined by the patriarchal social context in which men and women coexist”. The author enumerates the obstacles: the role of women as care-takers, sexist education, gender-related criteria of selection (Verloo M., 2007, p. 53).

The equal opportunity policy didn't accomplish its purpose to remove the structural inequalities existing within the society or to correct the different payment of men and women for the same work. Even if the European Union adopted in time directives which adopted measures aimed to enforce the principle of equal payment of men and women for equal work (also see Dragolea A., 2007, p. 33), no mechanism has been created which to monitor their implementation (Rees T., 1998, p. 24). The objectives of EU documents on the equal opportunity on the labour market concerned mainly the "increaser participation of women on the labour market and the improvement of the working conditions for women"; however, the "labour market still is largely compartmented" because a trend was noticed for employment of women in fields of activity which are preponderantly feminised (Dragolea A., 2007, pp. 34-35).

The equal opportunity strategy favours the access of women to the feminised domains such as health care, education, voluntary organisations rather than supporting their access to fields which are preponderantly masculinized. The omission of a component of the affirmative policies within this strategy doesn't allow the transformation of the traditional gender roles, which makes the access of women to areas such as policy or military institutions much more difficult than to professions which are generally accepted as feminine. (Inghlehart R. and Noris P., 2003, pp. 31). Briefly, the lack of analysis of the roots of these inequalities cannot yield the expected effect. As long as a detailed analysis of the causes of gender, race and class segregation, the patriarchal structures or the domination or oppression structures will find a proper environment for self-perpetuation. If every person, irrespective of its gender, should have access to the same range of rights, liberties and opportunities, that particular society should be neutral in terms of gender. Under the conditions in which the society, in every aspect, is not gender-neutral and it prescribes gender roles adequate to each specific situation, the equal opportunity approach doesn't contest its patriarchal values (Verloo M., 2007, p. 23).

4. Gender equality approach in terms of difference – ██████████ *Positive discrimination or affirmative action*

The second approach of the gender equality, „tackling the difference“¹ was proposed just with the purpose to solve the problems with the application of the equal opportunity principle. This type of approach raises the issue of the generally accepted male norm. Verloo considers that this type of approach is associated to the theory developed by the radical feminist and by Catherine Mackinnon (1987), who reject the imperative by which the women are compelled to follow the male norm. The radical feminists refuse

¹ Although the European Commission (2008) uses the term of personalization, we decided for the term of „difference“ because it explains better the correlation between the theorisation of the type of approach and the adopted policies of action.

to operate with the paradigms of the other feminist currents which focused on „strategies of equality and conciliation with the men“. Thus, the radical feminism considers the „patriarchate as an endemic form of power“, while the only efficient strategy to eradicate the patriarchate is to change the gender subordination relations without requiring the acceptance and contributions of the men (Miroiu M., 2004, pp. 151-152). Mackinnon rejects femininity as it is built because it signifies the acceptance of the male dominance. The male dominance is maybe the most persuasive and tenacious system of power in history, system whose force is perceived as agreement, and the authority as participation (Mackinnon C., 1989, pp. 116-117). Therefore, taking into consideration the gender dimension in terms of the criteria of employment, promotion and participation in institutions with decision power, this approach undertakes to “reconstruct the politic by acknowledging the non-hegemonic gender identities (of the women) who have been treated differently in comparison with the normative identities and the male cultures” (Verloo M., 2007, p. 23).

For Rees, this type of approach is a transposition of the affirmative policies regarding the gender dimension, and the implemented strategy of action consists in the affirmative policies. This type of approach aims to obtain equality of the benefits regarding the start position. Thus, the affirmative policies aim to create conditions facilitating the efficient competition of women within the given meritocratic system (Rees T., 1998, p. 25). Therefore, we may consider that one of the weaknesses of this type of approach is the fact that it relates to the same meritocratic reference framework¹ which also exist in the „policy of similarity“².

Rees considers that the strength of this approach is that, using the affiliation to a group, it allows obtaining real benefits. This makes the difference between affirmative policies and policies of positive discrimination: the first term gives the theoretical definition of this type of approach, while the second is the actual action taken to correct the problems identified by the theoretical analysis. Therefore, the affirmative policies identify the obstacles which the women come across on the way of the professional acknowledgement and try to propose mechanisms which may generate competition from a position of equality.

Consolidating the criticism assigned to this type of approach, she claims that the identification of the existing relations of domination and oppression between groups is not enough to correct the gender inequalities affecting the society. The optimal solution to accomplish this objective should imply restructuring the status-quo (Rees

¹ This meritocratic framework of reference is a transposition of the male norms and values.

² The meritocratic criterion specific to the „policy of similarity“ originates in the tradition of the liberal principles.

T., 1998, p. 25). Where Rees notices a weakness of the „policy of difference”¹, Verloo sees consistency and capacity of transformation because this type of approach „builds, however, solutions by which the existing male norm is deconstructed by the incorporation of the women’s perspective in the definition of policies” (Verloo M., 2007, p. 33).

The affirmative policies propose mechanisms which to facilitate the increased participation of the underrepresented group. Thus, examples of good practices are the creation of special jobs for women or for the members of groups which are disfavoured in terms of access to education, health services or profession. In countries such as Sweden, Norway or Spain, models of representation by quotas have been proposed, which presumes that none of the two genders is represented in a proportion of less than 40% in decision-making structures².

Another criticism of Rees to this type of approach is that the activities performed by the women and men are difficult to valorise because the patriarchal system assigns different values depending on the activities considered as being specific to each gender. First, for example, even if the women have formal access to all areas of activity, the present gender roles lead them toward feminised professions which are less valorised and less paid (for instance education and health care). On the other hand, although this type of approach raises the issue of the obstacles to the proper representation of women, such as the reconciliation of the professional life with the family life, it is less successful regarding the situation of the house wives whose work also is to the benefit of the society, but who are not paid. It is imperative to have governmental policies in support of such conciliation policies; otherwise, the effect is “leaving the labour market or having high costs” (Băluță O., 2007, p. 90).

Mieke Verloo criticises the way in which the European Union solves the gender inequalities because of the lack of concrete and consistent regulations addressing this issue, considering that the legal instruments of implementation and the efficient mechanisms for their monitoring are yet to be developed. Furthermore, she notices that the European Union continued this policy of adopting soft measures even regarding the policy of gender mainstreaming which, according to its definition,

¹ Verloo uses the term of „perspective of inversion” to approach the gender equality by difference.

² One of the objectives stipulated by the Law for the actual equality of the men and women, adopted in Spain in 2007, *Ley Orgánica 3/2007, de 22 de marzo, para la igualdad efectiva de mujeres y hombres*, was the mandatory representation of either gender by at least 40% in decision-making bodies. According to the study of Verge Mestre Tania in 2008, the effects of this law at the political level were indeed felt, but the measure which potentiated this effect was the introduction of this provision in the directives of the Spanish political parties.

should have had a much higher transforming potential than the two previous policies of equal opportunity (Verloo M., 2007, p. 54).

5. Gender equality approach as transformation – the integrating approach

The third type of approach of the gender equality, also called the “approach of transformation or replacement”, resembles rather with the theorisations of the postmodern feminists (Verloo M., 2007, p. 23). According to Mihaela Miroiu „the postmodern feminism criticises the excessive rationalism , the ignorance and inferiorisation of all that is corporal and sensitive experience and treating the reason as debodied and independent of the context” (Miroiu, 2004, 54)¹. Thus, this type of approach of the gender equality promotes the genderization of the entire society “proposing to deconstruct the political discourse which genderizes the subjects and the adoption of different policies” (Verloo M., 2007, p. 24).

The political strategy of implementation of this type of approach is that one which integrates the gender equality, gender mainstreaming, which means that the gender perspective is introduced in all public policies. The European commission considers that gender mainstreaming is a complement to the two previous political strategies which tries to introduce a gender perspective in all decisions affecting the life of men and women. According to the Council of Europe, gender mainstreaming can be described as „(re)organisation, improvement, development and evaluation of the political processes, so that the gender equality perspective is incorporated in all policies, at all levels and in all the stages by the actors normally involved in making political decisions” (European Commission, 2008, p. 10-11).

Walby considers that between the definitions of gender equality proposed by Rees and those proposed by the European Union and the Council of Europe there is a consistent difference because the political definition of this concept doesn't consider that the differences between men and women are an essential obstacle (Walby S., 2005a, p. 327).

Verloo considers that in order to make feasible this strategy of gender equality, it is necessary to create a connexion between this transforming potential, the diversity and the different aspects of the capacitation (Verloo M., 2007, p. 24). Walby

¹The postmodern feminism accepts thus the differences between men and women, rejecting the essentialisations specific to the radical feminism. At the same time, it takes into consideration the differences between women, rejecting a given type of femininity. Therefore, in order to accomplish the objective of gender equality it is important to value the diversity and to acknowledge the intersectionality of the types of discrimination that may occur in the life of women.

considers, on the other hand, that the optimal solution to implement this strategy requires taking into consideration the complex interaction existing between the type of gender regimen existing in the society and the adopted gender policies, in order to see how they can mutually influence one another (Walby S., 2005a, p. 328).

The gender mainstreaming, in the view of Verloo, is the integration of the gender perspective in all the policies and programs, taking the gender into consideration at all stages of adopting a policy, starting with the analysis of its effects on the women and men, implementation, evaluation and reviewing. However, the criticism which she has towards the strategies of curing the gender inequalities is that only soft measures are taken and that no efficient institutions and adequate mechanisms of implementation and monitoring are established (Verloo S., 2007, p. 54). Another problem identified by her is the trend of the European Union to transform the gender mainstreaming approach into the only policy aiming to gender equality although, according to EU documents, this type of approach is correlated with the equal treatment and with the affirmative policies. According to Maria Stratigaki (2005) „gender mainstreaming was used in the patriarchal environment of the EU policies to control the affirmative policies and to undermine the overall goal regarding gender equality” (apud Verloo, 2007, p. 55).

The significance of the political concept of “mainstreaming” was not always accepted, Schirch and Sewak criticising this definition and arguing that it is not enough just to add a gender perspective over the existing male perspective; rather, for a real correction of these inequalities, the full system of gender relations, which are essentially power relations, has to be reorganised, and norms and institutions have to be constructed, in which both the feminine and masculine values are prevalent (Schirch and Sewak, 2005, pp. 100 - 105).

Teresa Rees assigned special traits to the three approaches of the gender equality mentioned by her. Thus, the liberal approach of the equal treatment is called „*tinkering*”, because it presumes the adaptation of the legislation and procedures as means to accomplish this goal. The second approach of this concept is called „*tailoring*” because it presumes the “integration of women in the organisations and cultures structured according to men necessities”. The last type of approach, „*transforming*”, “acknowledges the differences between men and women, as well as the differences within the groups of women” and tries to provide an adequate definition which to represent the intersectionality between gender discrimination and other types of discrimination” (Rees T., 1998, pp. 20).

Even if, according to Teresa Rees, the gender mainstreaming policy¹ corresponds to the perspective of gender equality in terms of transformation, Sylvia Walby considers

¹Conception also supported by the EU documents on the definition of this concept.

that this is a new process developed by the feminist practice with the purpose to normalize the policies of gender equality. She considers that this is both a political instrument and a feminist strategy which stimulates the future feminist directions. Therefore, according to her, there is an obvious interaction, a mutual influence between these two, theoretical and practical approaches (Walby S., 2005b, p. 466). At the same time, she is not optimistic regarding the extent to which the lives of women have been fundamentally changed for the better by the existence of this technical instrument of approaching the gender inequalities.

Walby considers that this type of policy developed rather at the transnational level, the feminists using instruments promoted by the transnational bodies, using human rights concepts promoted by the United Nations to tackle the rights of women. In her opinion, the European Union had a significant role "in promoting the policy at the abstract level, but with poor results in terms of implementation" (Walby S., 2005b, p. 461).

Another criticism to this type of policy was that assuming that the gender represents only the feminine gender, not the male gender too, and that such assumption determines implicitly an essentialist conception regarding the women. Therefore, the women are considered more pacifist and more vulnerable than men. In time, this assumption caused disadvantages to the capacity of women and implicitly to the accomplishment of real gender equality (Valenius 2007, Charlesworth 2008).

The proper transposition of the gender equality concept presumes the corroborated application of the three types of European political strategies. Actually, the gender mainstreaming approach is the only policy aiming to accomplish gender equality although, according to its documents, this type of approach should be correlated with the equal treatment and with the affirmative policies.

6. Conclusions

Under the conditions in which the European Union replaced the equal opportunity policy and the discrimination policy by the gender mainstreaming policy, the structural inequalities have been perpetuated. It is not enough to develop a set of procedures determining the real benefits of women in terms of a broader access of the women to opportunities on the labour market, as long as the same given meritocratic framework is preserved. At the same time, the use of any single political strategy, of the three mentioned, doesn't remove the causes for the disparities in opportunity accessing by women: inequitable distribution of the household chores and implicitly the reconciliation of the professional life with the family life. As far as the opportunity of women for personal development is concerned, their chances are limited, as long as their work takes most of their time and it is not even valued. In conclusion, it is not enough to implement mere measures fitting the gender mainstreaming policy, without eliminating the structural causes which yield these

inequalities in our society, just like it is not enough to add a so-called “gender” perspective to the existing one, the end purpose being just to deconstruct the patriarchal concepts of power and to reorganise the gender relations so that they transform into a new perspective with both masculine and feminine dimensions.

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