

WHEN PROTEST MAKES POLICY

How Social Movements Represent Disadvantaged Groups

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CHAPTER 2

Social Movements, Representation, and Family Policy

In the last chapter, we saw that women's movements were important for explaining policy outcomes on violence against women and that numbers or proportion of women in government did not seem to explain the very different degree of government responsiveness to this important issue across countries. I used this finding to buttress the theoretical argument that social movements, even more than political parties or legislators, provide critical avenues of substantive representation for marginalized groups such as women, ethnic and racial minorities, and working-class people. Although violence against women is an important issue, it is not the only issue of importance to women or the only area of law and policy in which we might hope to see women's perspectives, interests, and concerns reflected. Indeed, scholars of gender and public policy are increasingly emphasizing that the politics of women's rights vary by issue (Sanbonmatsu 2003; Htun 2003; Mazur 2002).

Another important area of public policy, leave policies related to bearing and caring for children, shows quite a different cross-national pattern. Indeed, some of the most exciting and progressive policies for such leave, policies that seem to greatly facilitate women's work, have been adopted in precisely those countries in which women have a sizable presence in government (e.g., Norway, Denmark, and Sweden). Moreover, scholars of the politics behind these policies report little influence on the part of organized feminist movements in determining these policy outcomes. They argue instead that the critical determinants of policy outcomes are the general configuration of social policies, struggles over secularism, or the presence of women in government (Mazur 2002; Morgan 2006; Kittilson 2008). If this finding is true, how can we reconcile it with the idea that social movements are better representatives for women than are women in government?

There has been little systematic cross-national analysis of the politics of policy in this area¹ and no quantitative cross-national analysis that takes into account women's organization in civil society. In this chapter, I use an analysis

of maternity and parental leaves and antidiscrimination policy to argue that women's interests as women are best represented by women's movements but that women's class interests may be better articulated by labor movements. Social movements, or third-sector representatives such as unions, are still the most effective avenue of policy change—more effective than left parties, for example. Women's movements are still critical for advancing policies that challenge *gender* hierarchies, while labor mobilization is more critical for challenging *class* divisions. I find that the number of women in government does seem to produce more generous policies on maternity and parental leave but does not make policies challenging gender hierarchies more likely. These findings, I contend, support the general argument that extralegislative avenues of representation (e.g., social movements) are more effective avenues of representation than those intralegislative avenues traditionally considered to be the primary avenues of democratic representation for movements seeking to advance transformative agendas, agendas of social change.

Leave Policies

Examining leave policies advances the discussion of social movements and representation for at least two reasons. First, leave policies are important for advancing women's interests. Second, the extant scholarship on leave policies suggests that women in government influence policy development in this area (Kittilson 2008; Schwindt-Bayer and Mishler 2005) and that women's movements have little impact (Mazur 2002; Morgan 2006). So, as already noted, this area presents a "hard case" for the theory that movements best represent women.

Although rates of labor force participation by women vary cross-nationally (from 40 to 91 women active for every 100 men), a majority of women in most countries work in the paid labor force at some point in their lives, and a majority become mothers. Worldwide, more than 1.1 billion women work in the paid labor force. Although rates of labor force participation vary across countries, differences between women and men in active labor force participation have been decreasing, with 80 women active for every 100 men in most regions (ILO 2004). Thus, most women work, most women become mothers, and opportunities to combine work and family roles are significantly affected by measures such as leave policies. Perhaps this is why all stable democratic countries have adopted some sort of leave policy to accommodate workers' childbearing and child care responsibilities (Mazur 2002; ILO 2004).

There has been much analysis of the impact of leave policies on women and men, and scholars have devoted a great deal of attention to categorizing leave policies and social policies more generally in various countries. Perhaps the best-known typology of social policies as they relate to gender roles is Lewis's (1993) categorization of welfare states according to how strongly they reinforce a "male breadwinner" model of the labor market (see also O'Connor et al. 1999; Gauthier 1996).² But few scholars have examined the comparative politics of reconciliation policies, that is, the determinants of better or worse work-family policies for women cross-nationally (Mazur 2002, 109). Even fewer analyses actually focus specifically on leave policies (Kittilson 2008) or the needed antidiscrimination policies that too seldom accompany them (Zipfel 2007). Thus, such policies constitute an important and widespread but understudied type of policy.

DIMENSIONS OF A MODEL LEAVE POLICY

While leave policies are clearly critical for women's equality, even some of the more generous leave policies reinforce sexual inequality in some important ways. Indeed, although generous family policies do seem to narrow wage inequality to some degree, probably by facilitating women's access to work, they also widen inequality between women and men indirectly, by increasing occupational segregation (Mandel and Semyonov 2005; Gornick and Meyers 2007). This increased gender segregation of the labor market likely occurs because 95 percent of family leaves are taken by women and because women miss out on promotions and lose seniority when they are absent from the workplace for long periods (Lewis 1993; Mandel and Semyonov 2005; Gornick and Meyers 2007). When social norms are such that women are expected to take long leaves (but men are not), employers are less likely to invest in women, and women are less likely to pursue occupations that involve competition with men (Gornick and Meyers 2007). In addition, many generous leave policies do not distinguish between medical leave needed for pregnancy and the two to three years of leave or part-time work that is often needed for care of young children (parental leave). Sometimes, such leave is explicitly restricted to biological or adoptive mothers, reinforcing the norm that women have primary responsibility for child care, especially of young children, even when they are already working. Leave provided to fathers of newborn or adopted babies and young children, if it is provided at all, is often unpaid, only a few days, and/or contingent on the mother being dead or incapacitated. Such leave policies reinforce the norm that women must take responsibility for child care (and not

just childbearing). Are such policies feminist? From a feminist perspective, because such leaves provide women with some benefits but reinforce regressive gender stereotypes and roles, they are at best a mixed bag (Gornick and Meyers 2007; Zippel 2007).

Even leave policies that are facially gender neutral (e.g., the leave policy in the United States) tend to reinforce the traditional sexual division of labor in the family because of social norms and the structure of incentives created by gender inequality in the paid labor market. Because men tend to have higher salaries, it is often more economically rational in the short run for the woman to take leave. In addition, social norms create strong social pressures for women to take leave and simultaneously reinforce expectations that the father stays on the job or even increases his efforts at work (to be sure to solidify the economic well-being of the family). Even where policies are gender neutral, women take the vast majority of leaves. Taking lengthy maternity and parental leaves seriously weakens women's position in the labor market, often undermining their access to seniority, promotions, pensions, or even employment itself (Gornick and Meyers 2007; Mandel and Semyonov 2005).

Some governments have adopted policies that specifically seek to challenge this gender division of labor in child care. For example, Norway was the first country in the world to introduce "daddy leave," a parental leave allocation (in this case, four weeks) that is specifically targeted to fathers and cannot be transferred to mothers if it is not used. This leave policy has increased the number of men taking parental leave (ILO 1994, 40; Bergman 2004). There are also provisions prohibiting discrimination on the basis of sex or pregnancy or because an employee avails himself or herself of any kind of family leave. In addition to being very generous, then, Norwegian reconciliation policy involves measures to challenge established gender roles in caring for young children. This is in stark contrast to leave provisions in Switzerland, which include only maternity leave and are available only to women workers. Although Swiss law mandates paid maternity leave, it is paid by the employer, creating a financial disincentive to hire women. Making matters worse, there is no protection against sex or pregnancy discrimination in hiring (although there is some provision to eliminate firing for reasons of pregnancy). Turning to a different configuration of these policies, federal policy in the United States offers quite strong protections against pregnancy discrimination and offers a gender-neutral, family leave policy that is very limited in terms of the time allowed away from work (12 weeks, or about three months, under the Family and Medical Leave Act [FMLA]). Since the leave is unpaid, this policy has been criticized for

mainly benefiting middle-class women, who can best afford to avail themselves of leave without state support (ILO 1994; Gelb and Palley 1996; Gelb 2003). In fact, the unpaid nature of the leave means that even middle-class women have strong incentives to return to work right away, and few families can afford to make use of the unpaid leaves guaranteed by the FMLA. Although the leave is gender neutral, it does nothing to alter the status quo, where women take primary responsibility for child care. Unlike the daddy leaves offered in Norway and Sweden, there are few incentives to encourage fathers to take on care of babies and young children.

There are at least two distinct aspects of leave policies, then, that are relevant for thinking about whether such policies further sexual equality. First, we can ask whether these policies seek to change gender roles with respect to paid work and child care (or at least to support those who seek to change such roles) (Gelb and Palley 1987). To answer this question, we will want to know about the provisions for maternity leave, paternity (or supporting parent) leave, and parental leave. Are these issues addressed separately, or are they all assumed to be subsumed under maternity leave? In addition, we want to know whether any paternity leave is provided for, whether it is paid leave, and whether this leave can be transferred to the mother or is specifically reserved for the second parent (if there is one). Last, we want to know whether workers who become pregnant, have parental responsibilities, and take leaves to accommodate these conditions are protected from discrimination. If workers can be fired for taking maternity leave or for being pregnant, the generosity of the policy on the books does not count for much. These aspects of parental leaves are critical for gender equality (Zippel 2007).³

A second aspect of these leaves focuses more on the class basis for these leaves. Public responsibility for paying for these leaves is especially relevant from the perspective of working-class women and families. Families that have higher incomes are better able to take advantage of unpaid leaves (although this can still be a struggle, especially for single mothers). Moreover, publicly paid leaves are more easily adopted where the principle of government support for the indigent is already well established, and this can be as much a matter of class politics as of gender politics. Thus, we would expect that class politics and the structure of the welfare state would play a much greater role in the area of the generosity and public funding of leaves than in determining whether or not they challenge gender roles. We would expect that women's movements matter more for the latter. So the finding that women's movements play a relatively small role in the development of leave policies and that

these policies are often cast as pro-labor or pro-family policies likely stems from a focus on the generosity of these leaves and the public funding of these leaves. If these policies are importantly based in class, as I have argued, then one would expect the structure of class politics, including the degree of the mobilization of labor, to play a role in determining some aspects (the most class-relevant ones) of these policies. If we are looking at whether social movements influence public policy, then, we may need to consider labor movements as well as women's movements in order to understand the dynamics of policies in these sorts of hybrid policy issues.

Maternity, Paternity, and Work in the United States and Norway

A brief examination of the dynamics of policy developments in the United States and Norway suggests the plausibility of the approach I have recommended. I start with this comparison because Norway has been an important innovator in the area of feminist leave policy, while the United States has been a notorious laggard using traditional measures focused on generosity, providing a clear contrast on the dependent variable (family leave policy) that should help to illuminate differences in the national contexts that produced these outcomes.⁴ In both the qualitative and quantitative analysis in this section, I focus on national-level policies.⁵ I show that examining different aspects of leave policy reveals that there are different political dynamics for leaves of different types. For aspects of leave related to gender discrimination and challenging patriarchy, women's movement mobilization is key. For policies aimed at changing state-market relations, class-related mobilization is pivotal.

THE UNITED STATES

In the United States, the Pregnancy Discrimination Act (1978) is often thought of as a model of feminist policy influence (Gelb and Palley 1987; Stetson 1997; Mazur 2002). In the early 1970s, the Supreme Court issued somewhat contradictory decisions on the legal status of pregnant workers,⁶ prompting feminist groups' efforts to clarify matters by proposing a statute to protect workers from pregnancy discrimination. Working in a coalition of more than 300 groups, including unions and civil rights groups and even pro-life antiabortion groups, feminist organizations formed the Campaign to End Discrimination Against Pregnant Workers (Stetson 1997; Gelb and Palley 1987). The proposal became law in less than two years, resulting in the Pregnancy Discrimination Act (PDA). Business interests were not unified against the pro-

posal, perhaps because some large and influential companies already offered benefits to pregnant workers. Those corporate interests who had testified against protections for pregnant workers in the Supreme Court were unwilling to do so in the more public venue of Congress. The main threat to the bill was opposition from pro-life activists concerned that the bill would mandate payment for abortions. However, a compromise bill passed both chambers with wide margins of support (Gelb and Palley 1987; see also Stetson 1997).⁷

The PDA is the first national policy for pregnant workers in the United States. It amends Title VII of the Civil Rights Act to add language prohibiting discrimination against pregnant women in all aspects of employment (hiring, firing, job security, seniority, and fringe benefits). The PDA also explicitly requires that employers with programs for disability or health benefits include pregnancy in these plans. At the time the PDA was adopted, women comprised about 4 percent of Congress (IPU 1995).

A very different process produced the Family and Medical Leave Act in the United States, a process characterized by delay, opposition from business, and little participation by organized feminism. Feminists working on the issue of maternity leave in the United States initially tried to craft a gender-neutral solution to it by framing the problem as medically needed leave or family leave. The proposal was quickly taken up by labor unions and conservative groups who saw it as either a pro-labor or pro-family idea. The FMLA was first introduced by representatives Patricia Schroeder (D-CO) and William Clay (D-MO) in 1985 but finally passed both houses only in spring of 1990. By this time, the feminist content of the proposal was watered down (Gelb 2003; Stetson 1997). Indeed, the bill that ultimately became the Family and Medical Leave Act of 1993 was seen mainly as a labor- or "family"-related bill (Stetson 1997, 270–71). Opponents also saw it (or were happy to have it seen) as labor legislation. Business interests and states rights groups effectively and publicly opposed the legislation. Apart from helping to propose the original idea, then, it seems that women's organizations did not play a major role in the development or passage of the FMLA (Mazur 2002, 114).

As with many labor issues, the FMLA was supported by Democrats and opposed by Republicans. Some Republican legislators broke ranks and sponsored the act, arguing it was a family measure that would help workers, especially women, to cope with demands of work and family. But President George H. W. Bush vetoed the bill anyway in 1990. This happened again in 1991–92: both houses passed the FMLA, and the president vetoed it again. The Senate overrode the veto (but the House did not), and the FMLA became an election

issue. In the election campaign, Bill Clinton pledged to sign the law. The Congress once more passed the bill, and it was signed into law in 1993 by President Clinton (Stetson 1997).

Although the original act was strongly supported by a woman legislator, there were not many women in the legislature over this period. From 1985 to 1987, the number of women in Congress increased from 22 to 29, from about 5 to almost 7 percent. The number of women in Congress increased even more in 1992 (the year the bill was passed), to 48 (11 percent of Congress).

The FMLA applies to private employers with more than 50 employees and to public agencies, requiring that they provide up to 12 weeks of leave (which can be unpaid) in a 12-month period for medical leave or for purposes of childbirth or adoption, caring for a sick parent, and the like. The act likely covers about 60 percent of all workers and probably even fewer women workers. Only 4 percent of those eligible actually take leave (Mazur 2002, 115).

NORWAY

In Norway, we also see different processes producing antidiscrimination laws and generous maternity leaves, with women's movements more important to policies advancing the status of women (but not challenging state-market relations) and with labor movements more important for policies expanding the role of the state vis-à-vis the market. As background, it is worth noting that Norway is distinctive among the Nordic welfare states for its strong emphasis on gender difference. There, feminists and the political culture more generally strongly emphasize a sort of maternalist difference in matters relating to gender (Skeije 1991; Sainsbury 2001).

The 1978 Equal Status Act was passed in the context of a series of important feminist policy and political successes achieved in the 1970s in Norway, including the legalization of abortion on demand and the election of large numbers of women to political office (Leira 2005). These issues came to the forefront at that time because of the "interaction of women's groups and movements outside the formal political power bases and women in the political parties" (Leira 2005, 68). The Labor Party formed a committee on the equal status issue and invited feminist groups to formulate a proposal. The feminist proposal was watered down by the union representatives (from the Norwegian Confederation of Trade Unions) on the committee who were concerned about the feminist proposals for comparable worth legislation. These measures were stripped from the final version of the bill. Since the labor government was in a minority, even this bill was subjected to more compromises in order to ensure

the support of the Socialist Left, Labor, and Conservative parties, all of whom ultimately voted for the bill. Nevertheless, the final bill did include protections against discrimination for women workers and ensured a measure of implementation, creating an ombuds as an enforcement agency. Women's organizations were very active in ensuring the enforcement and implementation of the act (Mazur 2002).

In Norway as in the United States, the political struggle for maternity leave took quite a different form from that characterizing antidiscrimination policy. In Norway, maternity leave developed much earlier, in the late nineteenth century, in the context of the class struggle over social reform and the nationalist struggle to be free of Swedish domination (Leira 1993; Sainsbury 2001). In 1885, a commission was appointed to make proposals for social reforms to prevent social unrest and to reduce class conflict. At the same time, feminist activists were contesting traditional gender hierarchies or roles as they mobilized in pursuit of suffrage. As part of the social policies that emerged from this process, which constituted the beginnings of the Norwegian welfare state, a maternity leave policy was adopted as part of a more general health insurance act (Sainsbury 2001). Thus, Norwegian working women have had access to paid maternity leave since 1909, well before women won the right to vote and stand for parliamentary elections in 1913 (Leira 1993).⁸

Feminists tried to expand maternity leave in the late 1970s, in the aftermath of both the 1971 "women's coup" that brought many more women into government and the successful subsequent campaigns in 1977 and 1979.⁹ The women elected as a result of these feminist campaigns report immediately getting to work changing policies on child care and equal pay and setting up shelters for battered women (Leira 1993). By 1978, there were 37 women in the Storting (national parliament), constituting about 24 percent of the seats. This was the biggest change in women's representation across the Nordic world at that time (Raaum 2005). Nevertheless, efforts to pass expansions of maternity leave were unsuccessful. It is worth noting, though, that Norwegian men and women first obtained the right to shared maternity and paternity leave for childbirth in that process, a significant change in the role-changing dimension of Norwegian leave policy.

In the 1980s, the discussion of expanded maternity leave again rose to the forefront, and a series of expansions making maternity leave more generous was adopted in the late 1980s.¹⁰ In 1986, a government commission was struck to examine the male gender role and aspects of maleness and masculinity, including fatherhood. This commission was chaired by a dynamic young Social

Democratic man (who later became prime minister). In 1989, the committee recommended extending parental leave to 12 months, with three months reserved for the father. In this discussion, the division of unpaid care was framed as an issue of gender equality.

In Norway, family values and the father-child relationship were widely discussed, although this discussion focused on child well-being and family values rather than on advancing employment equality for women. The commission's proposal was scaled back in the process leading to enactment. The three months reserved for the father was cut to four weeks, and the father's right to care was made conditional on the mother's employment. The Labour government introduced the *fedrekvote* (daddy quota) that came into effect in 1993 (Leira 2002, 95). Norway was the first country in the world to introduce this kind of a leave.

There was little opposition to the final version of the measure, probably because it was seen as a modest expansion of existing leave provisions and did not take any time from the mother. It is also likely that general discussion about the importance of a father's involvement for a child's well-being paved the way for the measure. Fathers were granted an independent right to parental leave in June 2000. The measure has proven very popular, with 70 to 80 percent of eligible fathers taking it up.

Comparative Conclusions

Examining the previously described cases in terms of the number and proportion of women in government, the political strength of labor, and the strength and involvement of the women's movement allows us to draw some conclusions about what makes policy processes more substantively reflective of women's interests and concerns in relation to child-related leaves and antidiscrimination policy (table 3).

CLASS POLITICS

The political power and support of labor seems to be very important for success in expanding maternity leave policy but not especially important for successfully passing initiatives that solely address women's status. In Norway in the 1970s, the women's movement was ascendant and was able to pressure the government to pass some measures fairly narrowly tailored to focus on gender status, such as the Equal Status Act and abortion rights bill. Neither measure took aim at state-market relations, so the relative power of labor and business did not matter. Those elements opposed by organized labor (e.g., comparable

worth measures) were removed, and all parties voted for the Equal Status Act. Efforts to significantly expand maternity leave, however, failed. The minority labor government was too weak to force it through, even with a supportive women's movement and with women comprising 24 percent of government. In the 1980s, labor was strong enough to push through the changes to maternity leave. None of the expansions of maternity or parental leave took place under a Conservative-led government. In contrast, the Conservatives did support the Equal Status Act.

Similarly, the FMLA passed both houses of the U.S. Congress three times between 1990 and 1992 but failed the first two times because of a veto by a Republican president. The act was picked up and supported by the unions, but labor is politically weak in the United States. The women's movement in the United States was strong and autonomous (though largely extraneous to this particular debate) all through the period. The main change between the failed and successful passage was the change in party, from Republican to Democratic. While the Democratic Party is not a European-style left or labor party, it is certainly more pro-labor and has closer relations to unions. Thus, partisan changes along the left-right continuum seem critical for explaining the passage of maternity leave policies. Antidiscrimination measures, however, which challenge gender roles but leave state-market relations basically unchanged, sometimes do draw conservative support and can sometimes be passed when labor is weak. Such measures pertain more to gender status in general than to class status.

Over the longer term, one can see a broad pattern in which cross-gender coalitions based on class support those programs requiring more direct spending on social services and programs, while gender-specific cross-party (and cross-class) coalitions support measures focused on gender status. In Norway, unions opposed some measures to promote gender equality that they viewed as being inimical to the interests of "labor," such as comparable worth. But unions strongly supported family leaves as measures reducing inequality between families, and Conservatives have more strongly supported measures providing cash for stay-at-home parents (mostly mothers). Both measures maintain gender roles to some degree.

WOMEN IN GOVERNMENT

It is indisputable that women within the political parties in Norway have advanced proposals to improve policies on child care, flexible hours, part-time work, and the like for women (Bystydzienski 1995; interviews with Norwegian politicians, 1995). Indeed, in the cases considered here, both women in the leg-

TABLE 3. Comparison of Outcomes of Policy Debates on Family Leave and Sex Discrimination Policies, United States and Norway, 1978–93

Measure Passed/Type (country, year)	Women in Government (%/role)	Women's Movement Mobilization	Policy Party in Power	Outcome
PDA: Gender role change, state-market relations unchanged (United States, 1978)	4%	Strong, supportive	Democratic president (Carter)	Passage
FMLA: Gender role maintaining, state-market relations slightly changed; framed as pro-family, pro-labor measure (United States, 1990, 1991–92)	5–6%/Measure is initially proposed by a woman (Schroeder).	Women's movement is strong and initially supportive; some opposition.	Congress passes measure with Democratic support and some Republican votes. Republican president vetoes measure twice.	Failure
FMLA: Gender role maintaining; state-market relations slightly changed (United States, 1993)	10%	Women's movement is strong but divided and marginalized on this issue.	Democrats control all three branches of government (center-left).	Passage
Equal Status Act: Gender role change; state-market relations unchanged (Norway, 1978)	24%/Women in political parties supported measure. Norway passes 20% threshold for first time in 1977.	Strong, autonomous women's movement support	Minority Labor government; all three parties (Socialist Left, Labor, and Conservative) support final measure. Unions oppose comparable worth elements. They are stripped from final bill.	Passage
Maternity leave expansions: Gender role maintenance, expanded role of state in market (Norway, 1970s)	24%/Norway passes 20% threshold for first time in 1977.	Strong women's movement support	Labor minority supportive but weak. Conservatives oppose expansion of spending. Conservatives grow stronger and win in 1981 election.	Failure to expand maternity leave generosity. Men and women share access to leave for first time (gender role change).

TABLE 3.—Continued

Measure Passed/Type (country, year)	Women in Government (%/role)	Women's Movement Mobilization	Policy Party in Power	Outcome
Maternity leave expansions: Gender role maintenance, expanded role of state in market (Norway, 1986–88)	34%/Norway passes 30% threshold for first time in 1985.	Women's movement support	Labor minority takes power in 1986. Labor supports the policy.	Passage (except that gender role change policy [daddy leave] is omitted from final package)
Daddy leave: Gender role change, slightly expanded role of state in market (Norway, 1993)	39%	Strong women's movement support	Labor minority elected in 1990 and 1993. Labor supports daddy leave measure.	Passage

Source: Brandth and Kvande 2009; Bystydziński 1992; Gelb 1989, 2003; Gelb and Palley 1996; Leira 1993, 2002; Mazur 2002; Morgan 2006; Raaum 2005; Sainsbury 2001; Skjeie and Teigen 2005; Stetson 1997.

islature and autonomous social movements of women supported expanded maternity leave and role-changing policies like the daddy leave. In the United States, similarly, a feminist woman legislator from the Democratic party (Patricia Schroeder) was an initiator and one of the cosponsors of the first version of the FMLA in 1985. But in neither case did increased numbers of women in the legislature determine the passage of these policies or even make it more likely that they were proposed. In Norway, whether the Storting was comprised of 11 percent or more than 30 percent women, support from a strong labor party and from the unions was the deciding factor. Women's mobilization and increasing numbers of women in government (which appear to be closely related in Norway, particularly in the 1970s and 1980s) were likely catalysts for starting the discussion of maternity leave, but these discussions fizzled, and efforts to pass measures were unsuccessful when political support from labor was lacking or when labor itself was in a weaker political position (table 3). Similarly, in the United States, the additional political influence acquired when an opponent (President George H. W. Bush) was replaced by a more supportive ally (Democrat President Clinton) made the difference. The FMLA passed both houses in 1990, when the proportion of women in Congress was less than 6 percent. Despite the fact that this proportion has more than tripled over the

past two decades (the proportion of women in Congress now stands at 17 percent), no further improvements to maternity leave have been made at the federal level (Center for American Women and Politics 2009).¹¹

These cases support the idea that while having some women in government (rather than none) enhances women's effective substantive representation, it is not the number or proportion or even the attainment of a critical mass that matters. Maternity leave provisions in Norway were adopted before women even had suffrage. One Norwegian feminist activist argues that although there were fewer women in the Storting in the 1970s, they were more vocal advocates for women than the large numbers of women elected later through national party lists (Torild Skard in Bystydzienski 1995, 45–67). Moreover, women legislators themselves report that the requirement to vote along party lines often trumps their own predilection to vote for or against a particular policy. Only about a third of the women in government are actually vocal, active supporters of feminist policy proposals (Bystydzienski 1995).

WOMEN'S MOVEMENTS

In both cases discussed in this chapter, supportive, autonomous women's movements were critical for the passage of antidiscrimination measures and for role-changing elements of family leaves (e.g., shared access to leave for men and women or the introduction of daddy leave), but they proved less important for expanding such leave to make it more generous (table 3). Feminist activists were successful at creating broad political coalitions in favor of antidiscrimination measures and pushed hard for role-changing elements of maternity policies. Where labor is weak, even strong women's movements and large numbers of women in government were unable to overcome business opposition, and sometimes unions opposed measures more squarely focused on sex equality. In Norway, this opposition effectively killed some comparable worth measures.

SOCIAL CHANGE AND WOMEN'S STATUS

For the working-class women for whom they are most important, paid maternity leaves enable women to continue to take primary responsibility for child care and domestic work while maintaining their attachment to the labor market. They do not challenge the traditional association of women with "care" work. In some ways, they reaffirm the idea that women's roles as mothers are more important than their roles as workers (which is why some U.S. feminists have opposed such policies). Indeed, this debate about whether government

policies should challenge the burden of women as they bear the bulk of domestic labor or should ease that burden (thereby maintaining the gender division of labor by making it easier) has been an important debate among Nordic feminists as well (Bergman 2004; Gornick and Meyers 2007).

Policies like the Pregnancy Discrimination Act or equal opportunities acts challenge the primacy of the male worker in the labor market, requiring that women's biology be accommodated within the workplace. Such policies have encountered the objections that pregnant women do not belong in the workplace. Before the PDA, pregnant women were traditionally confined to the private sphere and even fired from their jobs as teachers lest their pregnant forms suggest inappropriate ideas to their students (Gelb and Palley 1987). Thus, demanding that pregnant workers be permitted to continue in the workplace and that they be entitled to the benefits that male workers enjoy directly challenges gender hierarchy in the workplace and traditional attitudes about gender roles. So these antidiscrimination policies are role-changing policies. Similarly, policies allocating to men parental leave that cannot be transferred to women is a direct attempt to involve more men in child rearing, a direct attempt to change gender roles. One might expect to see autonomous women's organizations play a greater role in determining these types of policies.

The Politics of Leave Policies: A Cross-national Analysis

The preceding discussion suggests that labor movements are more important for class-based dimensions of policy and that women's movements are more important for dimensions that challenge gender roles. I expect the role of women in government to be less important relative to these civil society phenomena. In addition, overall generosity of social policy here will be mostly determined by class politics. For the role-changing dimension of these policies, however, I would expect that women's movements are the most important actors. If such an approach is vindicated, this analysis suggests new ways to interpret extant research on how women in government affect policy outcomes in the area of maternity leave (Kittilson 2008; Schwindt-Bayer and Mishler 2005; Swers 2002), as well as new questions to investigate in this area.

MEASURES AND DATA SOURCES

In the next sections, I explore this argument by examining policies toward pregnant workers and parents in 34 stable, democratic countries—specifically leave policies for pregnancy and parenthood and antidiscrimination policies.

I examine a number of dimensions for each of these policy areas. For leave policies, I ask whether policies distinguish between or explicitly provide for maternity, paternity (or second parent), and parental leave. I also examine the generosity of these leaves, asking both how much time is available for each type of leave (as well as how much total time is permitted) and how much paid leave is available. I also ask about the source of pay (public or private). For antidiscrimination policies, I ask whether there are policies that prohibit discrimination on the basis of pregnancy or parenthood (especially taking family leaves) and whether these policies apply to both hiring and dismissal or to just one of these areas. I take data on these leave policies from the 1994 *Conditions of Work Digest* of the International Labour Organization (ILO) (see table A2 in the appendix for a list of countries and a summary of these provisions cross-nationally). As in chapter 1, I use OLS regression analysis to examine the relationships between these dependent variables (policies) and various independent variables representing different modes of representation: women's movements, labor mobilization, women in government, women's policy machineries, and relevant control variables (I explain the operationalization of each variable in the text that follows). Summary tables showing values for the dependent variables and key independent variables are provided in the appendix.

DEPENDENT VARIABLES: POLICY OUTCOMES

The Generosity of Leave Policy. The generosity of leave policy is measured as the total time, in months, available for three types of leaves (maternity leave, paternity leave, and parental leave), plus a measure of the generosity of any income support provided (leave time multiplied by a measure of how many paid leaves there are and by the rate of wage replacement for maternity leave, ranging from 0 to 1). In other words, it is $time + (time \times number\ of\ leaves \times percent\ wages\ covered)$. The family leave index ranges from 12 to 184 and has a median of 37.

Paid Leaves. Focusing just on the dimension of leaves that is most salient for class politics, I examined the determinants of publicly paid leaves. The focus on public provision is important because mandating private provision of paid leaves (leaves provided by employers) can make it more expensive to hire women or those who take family leave. This can result in difficult-to-prove discrimination against women. Public provision of funding, moreover, reflects a commitment to collective, as opposed to individual, responsibility for paying

for reproduction. Feminist analysts have emphasized the importance of these aspects of paid leaves. This index ranges from 0 to 3 and is constructed by adding one point for each type of leave that is publicly paid: one for paid maternity leave, one for paid paternity leave, and one for paid parental leave. Denmark and Norway score the highest on this measure, while the United States and Australia score the lowest.

Changing Gender Roles. I constructed an indicator of the degree to which the policy challenged gender roles, looking at two key aspects of the policy, each weighted to account for half the indicator (1 point out of 2 total points). First, I asked whether the policy took into account that the primary caregiver for the child might not be the biological mother. In other words, if the policy challenged the assumption that being a biological female made one the logical caregiver for the child, that counted for something. If the policy recognized that the parent who is not the biological parent might also have some interest in the birth or parenting of the child, this also counted as challenging gender roles. For example, if a government only recognized one sort of need (usually just maternity leave), the policies would receive only one of the three points possible for this aspect of policy. A government that recognized these distinct areas of need would get a full score for this aspect of role-changing policies ($3/3 = 1$). I also examined antidiscrimination policies. If a government protected pregnant women and parents from discrimination in hiring and firing, the government received full points on this score. If the government protected workers in only one aspect of employment, it received only half marks. Each type of role-challenging policy counted for a whole point, so that the highest possible score was 2 and the lowest possible score was 0.

INDEPENDENT VARIABLES: EXTRALEGISLATIVE REPRESENTATION

Labor Movements. I have argued that labor movements should be critical for determining the generosity and public character of leave policies and that women's movements should be most important for predicting the role-changing aspects of policies. Defining and measuring the strength of labor movements is a notoriously tricky business. Some have measured the political mobilization of labor by examining the proportion of legislative seats held by labor parties (e.g., Esping-Andersen 1990). Since I want to separate intralegislative representation from extralegislative representation conceptually, however, that will not do here. I do examine the importance of left (and right) parties by way of comparison, but I measure the strength of the labor movement

here by using as an indicator the proportion of paid workers belonging to unions. This data is taken from the ILO's *World Labor Report*. Not all countries are covered by this data set. For those few (four) that are missing, I used data from the *CIA World Factbook*. Data from the *Factbook* and the ILO was very highly correlated (.85), but the use of a different source likely introduces some error. In some places and under some conditions, labor unions are more or less militant, elite-dominated, or co-opted. For this reason, I also include a measure of labor movement strength that focuses more on protest and conflict in industrial relations. I sum the number of strikes and lockouts over five years (1990–94). This data is taken from the ILO's *World Labor Report*.

Women's Movements. As in chapter 1, movements are coded as strong if they are described by expert observers as strong, influential, or powerful; as mobilizing widespread public support; and so on. Where the women's movement is both strong and autonomous according to these criteria, the country is coded 1, and where either strength or autonomy is absent, the country is coded 0 (see chapter 1 for more details).

INDEPENDENT VARIABLES: INTRALEGISLATIVE REPRESENTATION

Left Parties. Some have measured labor movement strength by examining labor's presence inside the legislature in the form of political parties. But I have argued that extralegislative activity can be as important, if not more important, than such intralegislative avenues of representation. In order to compare the extralegislative strength of labor to intralegislative strength, we need to measure both and compare their importance in determining policy outcomes. For a measure of intralegislative strength of labor, I use Swank's measure of left party strength (Swank 2006). Few data sets on left parties offer data on all 36 countries examined here, and Swank is no exception. Still, Swank offers data on the largest number of countries in the data set, so I used this indicator. The incomplete nature of the measure means, however, that analyses of left party importance can only use 21 countries, not all 34 countries in the complete data set. Thus, I evaluate most models with and without the variable of left parties, to make the best use of the available data.

Representation by Women Legislators. I have argued that extralegislative avenues of representation are more important than descriptive representation in improving policy outcomes for women. What measure of descriptive representation should be used in making this case? As discussed in the previous

chapter, the literature suggests that we would expect a greater proportion of women legislators, especially a proportion of 35 or 40 percent, to be associated with better pregnancy/family leave and antidiscrimination policies. In contrast, I have argued that, in itself, a greater number or proportion of women (even the presence of a critical mass) in the legislature should not matter for the role-changing aspects of leave policies as much as the presence of a strong, autonomous women's movement.

Others have argued that women's identity as women is more salient when there are fewer of them, and so we would expect that individual women might be more effective as spokespersons and that women might have more symbolic power when there are fewer of them. Perhaps this accounts for the seemingly counterintuitive finding that more women are sometimes less effective, "less feminist," than fewer numbers of women, as some accounts of policy change in Norway suggest (Skard in Bystydzienski 1995). In addition, descriptive representatives are more important in the absence of a strong social movement that articulates and promotes women's perspectives, that is, when women's issues are relatively "uncrystallized" (Mansbridge 1999). Last, the impact of women representatives also depends on whether they are members of a governing or opposition party, their ideology, and other contextual variables (Swers 2002). So any impact of women representatives is likely contingent on a series of contextual factors.

Focusing specifically on maternity leave, Kittilson (2008) finds that the percentage of women in the legislature is associated with longer leaves and more paid leave. This operationalization suggests that, controlling for other factors, as the proportion of women increases, more generous policies will result. Schwindt Bayer and Mishler (2005) try a number of measures and conclude that the square of the percentage of women in the legislature best captures the relationship between women in office and policy outcomes. This operationalization suggests that there is effectively a ceiling on the proportion of women in the legislature, above which increases have little effect on policy outcomes. Even after the number of women reaches some ceiling and levels off, we would expect to see continuous improvements in laws on women's status. In addition, it also suggests that rather than increasing with proportion of women in a smooth, linear fashion, policy responsiveness increases quite dramatically and exponentially as the proportion of women grows larger. It also suggests that where there are no women in the legislature, there will be no policy responsiveness. I employ both measures in my models but report only the last measure. The reader should note that employing different measures of women's representation did not change the main findings reported in this chapter.

Bureaucratic Representation. In the previous chapter, I argued that women's bureaus can provide a form of political representation for women. As in chapter 1, we would expect women's policy machineries to improve the political representation of women when they have (1) formalized channels of access for women's organizations and (2) the independence and resources needed to formulate and implement aspects of a women's agenda. If the women's policy agencies in the 33 stable democracies in this study are categorized according to these criteria, only eight of the agencies actually meet these criteria (the agencies in Australia, Canada, Costa Rica, Netherlands, Belgium, Venezuela, Portugal, and Germany). Countries are coded 1 on this variable if they meet both conditions, 0 if they do not.

SOCIAL MOVEMENTS AND REPRESENTATION: HYPOTHESES

In general, then, I would expect that labor movements would be most important in determining the generosity of and especially the public provision for paid leaves, since this aspect of leave policy is most clearly reflective of class interests. Labor unions should be more important than left parties or women in government in determining these policies. Women's movements should be more important in determining the adoption of policies aimed at changing gender roles. Labor movements should be less important here, and left parties and women in government should be of even less importance.

Level of development and culture are thought to be fundamental factors influencing politics and policy. I control for these factors using dummy variables for region and dominant religion (as proxies for culture) and GNP per capita as a measure of level of development. Only level of development is employed in the models that follow, since the dummy variables did not seem to improve the models or change the main findings.

Results

The results of the analysis, discussed in the text that follows, are summarized in table 4.

OVERALL GENEROSITY OF FAMILY LEAVE

Using OLS regression to examine the predictors of the generosity of family leave (DV = family leave index), we see that, as expected, labor protest is the most significant determinant of family leave policies—more important than women's movements, which is not significant (table 4, model 1). In model 1,

TABLE 4. Regression Analysis of Work-Family Policy Outcomes

Model/Dependent Variable	Independent Variables	B	S.E.	Beta
Dependent variable = family leave index				
Model 1 (<i>n</i> = 32; <i>R</i> ² = 0.66)	Women's policy machinery	13.92	15.87	0.10
	Women in legislature (% squared)**	0.04	0.02	0.44
	Union strength	0.58	0.42	0.27
	Strong and autonomous women's movement	-9.67	13.13	-0.01
	Strikes and lockouts***	0.01	0.00	0.41
	GNP per capita	0.00	0.02	0.17
... controlling for left party strength				
Model 2 (<i>n</i> = 21; <i>R</i> ² = 0.71)	Women's policy machinery	10.35	21.25	0.08
	Women in legislature (% squared)	0.03	0.02	0.31
	Union strength*	1.04	0.58	0.48
	Strong and autonomous women's movement	-12.62	19.46	-0.11
	Strikes and lockouts***	0.01	0.00	0.47
	Left parties (government seats)	0.39	0.45	0.14
	GNP per capita	0.00	0.00	0.18
Dependent variable = paid leaves				
Model 3 (<i>n</i> = 32; <i>R</i> ² = 0.71)	Women's policy machinery	0.27	0.25	0.12
	Women in legislature (% squared)	0.00	0.00	0.29
	Union strength***	0.02	0.01	0.56
	Strong and autonomous women's movement	-0.23	0.21	-0.14
	Strikes and lockouts	0.00	0.00	0.13
	GNP per capita	0.00	0.00	0.04
... controlling for left party strength				
Model 4 (<i>n</i> = 21; <i>R</i> ² = 0.73)	Women's policy machinery	0.37	0.38	0.16
	Women in legislature (% squared)	0.00	0.00	0.27
	Union strength**	0.02	0.01	0.58
	Strong and autonomous women's movement	-0.32	0.35	-0.16
	Strikes and lockouts	0.00	0.00	0.14
	Left parties (government seats)	0.00	0.01	0.01
	GNP per capita	0.00	0.00	0.15
Dependent variable = gender role change policy				
Model 5 (<i>n</i> = 32; <i>R</i> ² = 0.47)	Women's policy machinery	0.06	0.20	0.05
	Women in government (% squared)	0.00	0.00	0.34
	Union strength	0.00	0.01	-0.01
	Strong and autonomous women's movement**	0.36	0.17	0.35
	Strikes and lockouts	0.00	0.00	0.34
	GNP per capita**	0.00	0.00	0.42

TABLE 4.—*Continued*

Model/Dependent Variable	Independent Variables	B	S.E.	Beta
... controlling for left party strength				
Model 6 (<i>n</i> = 21; <i>R</i> ² = 0.40)	Women's policy machinery	-0.07	0.26	-0.06
	Women in government (% squared)	0.00	0.00	0.29
	Union strength	0.00	0.01	0.19
	Strong and autonomous women's movement**	0.53	0.24	0.57
	Strikes and lockouts	0.00	0.00	0.31
	Left parties (government seats)	-0.01	0.01	-0.31
	GNP per capita	0.00	0.00	0.17

Note: *significant at the .1 level; **significant at the .05 level; ***significant at the .01 level; ****significant at the .001 level; S.E. = standard error.

however, the number of women in government appears to be at least as important as labor protest: the squared number of representatives has the largest (by a hair) standardized coefficient (beta) of any of the independent variables and, with labor militancy (strikes and lockouts), is one of two most significant variables (although labor militancy appears to be a stronger predictor). Controlling for the impact of left parties seems to mitigate the impact of women in government, however. When the strength of left parties is included in the model, union strength and labor militancy (strikes and lockouts) become more important than women in government, with larger standardized betas, and become the only significant predictors of leave generosity (model 2). This suggests that social movements, or extralegislativ representation, are very important for policy change—more important than some intralegislativ avenues (in this case, political parties and women in government).

The number of women in government may make a difference to overall leave generosity, or the number of women may partly reflect the impact of left parties. Recall that I argued that leave policies are generally perceived as importantly (or even primarily) class issues; they are not always perceived as feminist issues. Extant research suggests that left parties are more likely to promote women as candidates. It is possible that some of the seeming impact of women in office is actually an indirect effect of left parties. Indeed, controlling for the impact of left parties appears to diminish the direct effects of women in government on policy outcomes. Moreover, to the extent that there are such direct effects of women in government, it appears that extralegislativ avenues of representation for working-class people (unions, labor protest) are more im-

portant in prompting generous family leaves than are women in government. The point is not that women in government do not affect policies of importance to women. Rather, the point is that extralegislativ avenues of representation appear to be more effective in this case.

PAID LEAVES

The class politics model performs even better for this aspect of leave policy than for the overall generosity measure (table 4, models 3 and 4). For paid leaves, the strength of unions is by far the single most important determinant of government action, providing income support for maternity, paternity, and parental leave. Unions are more important than left parties, women in government, and the strength and autonomy of women's movements.

CHANGING GENDER ROLES

The examination of policies that challenge gender roles supports the theory advanced here. The most important thing to notice is that the model that explains overall generosity of family leave policies and that is especially good at accounting for the adoption of paid leave policies performs relatively poorly at capturing the dynamics behind role-changing policies (table 4, models 5 and 6). The most important determinant of these policies appears to be the presence of a strong, autonomous women's movement. This variable is more important than labor movements, left parties, or women in government. For the full data set (not including left parties), the presence of strong and autonomous women's movements is the only significant variable (albeit only significant at the .1 level) (table 4, model 4). Their presence makes the adoption of role-changing policies more likely, being associated with an increase in the role-changing score of about .27 (nearly a third). This could mean that where such movements are present, governments are more likely to recognize a distinction between maternity and parental leave, to recognize the specific need of fathers for leave for childbirth, or to adopt nondiscrimination policies in an additional area (hiring or firing).

The dynamics of policies related to role changes, then, are very different from those related to social spending and public provision of support for families. The class-based models and analyses of welfare states do a much better job of predicting the generosity and public provision of leaves than they do in predicting the adoption of antidiscrimination laws for women workers or in predicting whether policies will support feminist or traditional family forms. Although better models of this dimension of policy are needed, it seems, from

the explanations considered here, that strong, autonomous women's movements are most important for facilitating the adoption of role-changing policies and that the numbers of women in government are not central to the policy dynamics behind such policies (although individual women officeholders often play an important role).

Conclusion

The extant literature suggests, then, that women in government are important determinants of women-friendly policies, such as family policies, and that women's movements (and feminist activists) do not seem to play a central role in policy adoption. But this analysis suggests that different aspects of social policies affecting the reconciliation of work and family may have different catalysts. Policies that aim to expand public provision for families tend to follow the pattern of class politics, more than do issues where gender is more obviously salient (e.g., violence against women or antidiscrimination legislation). The strength of labor unions is more important than women's movements in determining this aspect of public policy. Unions are also more important than left parties, supporting my general argument about the importance of extralegislative mobilization in social movements as an avenue of policy influence. For policies that aim to change gender roles, women's movements are the most important catalysts, more important than numbers of women in government, labor unions, or left parties.

Even if women in government matter less than these extralegislative avenues of representation for both types of policy issue, it does seem that women in government have more of an impact on family policies than on violence against women. Why would numbers of women in government matter for aspects of the policy that are more labor related and not for aspects of policy that are exclusively gender related? This finding is puzzling. One possibility is that since we know that left parties tend to elect more women, the effect of women in government is primarily an indirect effect of left parties. Indeed, in Norway, the election of larger numbers of women coincides with the period in which the Labor Party dominated. Thus, perhaps counterintuitively, the number of women in government may be a better indicator of the strength of left parties than it is of political mobilization along lines of gender. Another possibility is that women in government might be more willing to take on vocal leadership roles and thus might be more effective advocates when the women's interests at issue do not challenge gender roles. Indeed, many women politicians in Norway, even

in the 1990s, worried about appearing to be too feminist (Bystydzienski 1995), but they did not need to worry about appearing pro-labor if they were in the Labor Party. For policies that do challenge gender roles, women's independent organizing is critically necessary to provide an independent source of support for officeholders who aim to challenge party hierarchies and entrenched gender roles. I develop this argument—that social movements are most important for policies advancing social transformation—in later chapters.

Again, this argument is not about whether women in the legislature provide descriptive representation. Nor do I contest that there is a link between descriptive and substantive representation. Indeed, women's movements are a place where women interactively articulate their unique perspective, making women's movements an alternate site for examining the link between presence and social group perspective. At issue are the mechanisms by which descriptive representation becomes substantive representation and how best to achieve substantive representation. Extralegislative avenues are critical for effective substantive representation of women because they provide the best opportunity for women to organize as women, to develop an oppositional consciousness that identifies the problems that public policy must address to advance the social transformation required to bring about equality.