The Logics of Gender Justice

When and why do governments promote women's rights? Through comparative analysis of state action in 70 countries from 1975 to 2005, this book shows how different women's rights issues involve different histories, trigger different conflicts, and activate different sets of protagonists. Change on violence against women and workplace equality involves a logic of status politics: feminist movements leverage international norms to contest women's subordination. Family law, abortion, and contraception, which challenge the historical claim of religious groups to regulate kinship and reproduction, conform to a logic of doctrinal politics, which turns on relations between religious groups and the state. Publicly-paid parental leave and child care follow a logic of class politics, in which the strength of Left parties and overall economic conditions are more salient. The book reveals the multiple and complex pathways to gender justice, illuminating the opportunities and obstacles to social change for policymakers, advocates, and others seeking to advance women's rights.

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The Logics of Gender Justice

State Action on Women's Rights around the World

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To our families, and to the memories of our grandmothers

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Preface and Acknowledgments

When and why do governments promote women's rights? When we began to talk about this question in 2005, each of us brought to the table different theoretical perspectives and regional expertise. Laurel, whose work had focused mainly on policies regarding violence against women in the established democracies, emphasized the role of feminist movements, and saw religion mainly as a footnote. Laurel's scholarship showed how the autonomous mobilization of feminist activists outside of political parties and state agencies created the conditions for women to articulate, develop, and promote violence against women as a priority policy issue. Autonomous women's movements constituted a more effective channel for policy influence on violence than mixed-gender organizations – many of which had historically marginalized women's concerns – or women in elected office or other governmental positions.

As a result of her work on gender quotas, Mala shared Laurel's skepticism about whether getting women into power would produce policy changes on women's rights. Mala's earlier study of family law and reproductive rights in Latin America focused instead on religious claims to govern kinship, as well as the broader context of state–society relations in transitional polities. The links between Church and state and the power of religious organizations shaped the context in which feminist movements, modernizing lawyers, and liberal politicians advanced demands for policy change. Yet religious groups did not object to change on all issues; ecclesiastical leaders supported some advances in women's rights. To understand the chances for change, we needed to disaggregate gender issues.

Both of us had an intuition that policies promoting greater class equality among women, such as publicly paid parental leave and subsidized child care, followed a different logic altogether. The prospect of expanding the state's responsibility for care work seemed to animate different political conflicts, invoke different political philosophies and policy legacies, and call to arms different sets of actors than combatting violence against women, liberalizing family law, or expanding reproductive freedom. But neither one of us had explored these issues systematically in a global context.

We had extensive experience studying gender and feminist theory, state theory, and critical social theory more generally under the influence and teaching of Iris Marion Young, Jane Mansbridge, Kimberlé Crenshaw, Uma Narayan, Susan Moller Okin, Seyla Benhabib, Lisa Brush, and Nancy Fraser. Due to this background, we were aware of the variety of feminist approaches to state and society, the complexity of gender, the differences among women, and the importance of adopting a critical approach to the deep structure of society.

Serendipity, and the network centrality of Pippa Norris, helped to spark our collaboration. In the spring of 2005, Laurel ran into Pippa at the annual meeting of the Midwest Political Science Association in Chicago, and asked her for advice about expanding the study in her 2002 book on social movements, institutions, and policies on violence against women to a wider group of countries, as well as taking on some other issue-areas beyond violence to explore the impact of social movements on gender politics. Pippa suggested talking to Mala, whom she knew was similarly interested in applying the approach of her 2003 book to a broader group of countries and women's rights issues. We had already been acquainted, thanks to the 1998 Frontiers in Women and Politics workshop at Harvard's Kennedy School, so it was not difficult to connect.

Over the late spring and summer of 2005, we worked over phone and email to develop a theoretical approach that took account of what we knew about our own issues and regions, as well as our best hunches about other world regions and issue-areas. We also worked out a methodology to test our approach by building a dataset of laws and policies from around seventy countries across four decades. Our plan was to create an index for each issue-area, enabling us to compare state action on women's rights across issues, across countries, and over time. We submitted a collaborative research proposal to the Political Science Division at the National Science Foundation (NSF) and were fortunate to receive funding and then an additional supplemental award.

Sitting down to do the research that would explore the validity of our approach in a global study of seventy countries over thirty years was daunting at times. The sheer complexity and scale of this project sometimes scared the heck out of us. Were we crazy to take on a project of this scale? Perhaps we were! Could we say anything meaningful about such a set of phenomena, issues, and contexts?

More than a dozen years later, we think the answer is yes. We have renewed appreciation for the slow political science required to take on big questions. Making sense out of large, complex phenomena involves thousands of hours of reading, talking, considering the views of others, and arguing. Some of our biggest insights arose during periods of occupation or distraction with other tasks, such as caring for children or serving as Vice-Provost of Purdue.

We have received help from generous colleagues who are country and region experts, and we have had the good fortune to try these ideas out in presentations on nearly every continent and with practitioners and theoretical folks alike. We have had flashes of understanding gleaned both from field visits and from looking at scatterplots. We have written and rewritten these chapters and argued about nuance and terminology. What we offer here, though flawed, is our best effort at distilling what we learned from these investigations.

This book also reflects personal as well as professional struggles and triumphs. We jointly produced four babies during the course of this project: Laurel's second child and all three of Mala's. Once, while we were both in Washington, DC for APSA, we jumped in a cab with a new baby and a graduate student to go to the World Bank to discuss how our research might inform data they were collecting on women's rights. Mala participated in the meeting from a blanket on the floor, sometimes breastfeeding, sometimes playing with the baby (who was very quiet!).

We had many discussions while feeding babies, and many phone calls and meetings were rescheduled or adjusted for sick kids or other family issues. Whether missing them or taking them with us on trips to Tokyo, Kuala Lumpur, Buenos Aires, Beijing, Delhi, Jerusalem, or Oslo, our children are part of the fabric of this book. We both took on administrative, research, and teaching roles during this project that both informed our work and made it more challenging. There were certainly times when the finished product and final goal – the book – seemed like a distant possibility – and maybe an impossibility – but it always seemed important.

Many people, agencies, and institutions have contributed to this project over the past dozen years. We have benefited from the diligent work

of research assistants hailing from nearly every region of the world, including Maura Bahu, Amanda Burke, Eric Cleven, Paul Danyi, Holly Gastineau Grimes, Vagisha Gunesekera, José Kaire, Meng Lu, Cheryl O'Brien, Crystal Shelton, and Sara Wiest from Purdue; Eddie Gonzales, Nami Ishihara, Lauren Paremoer, and Natasha van der Zwan from the New School; and Anna Calasanti, David Nunnally, Melina Juárez, and Kimberly Proctor at the University of New Mexico. Chris Erwin and Vanessa Cornwall provided a ton of help at the end. Olga Avdeyeva, who was a newly minted Ph.D. at the time (but now has tenure!), assisted with the research on Russia and Eastern Europe and has offered considerable help at several stages.

We are grateful for support from Brian Humes and the National Science Foundation, Shahra Razavi at UN Women, and Aline Coudouel and Tazeen Hasan at the World Bank. Laurel received support from the O'Brien Fellowship Program at the Center for Human Rights and Legal Pluralism as well as the Research Group on Constitutional Studies at McGill University, and Mala's work on this project was supported by the Council on Foreign Relations International Affairs Fellowship in Japan, sponsored by Hitachi Ltd., and got a boost at the end from the Andrew Carnegie Fellowship and the Norwegian Research Council (project 250753). Though this material is based upon work supported by the National Science Foundation under Grant No. SES-0550284, any opinions, findings, and conclusions or recommendations expressed in this material are those of the authors and do not necessarily reflect the views of the National Science Foundation.

Many colleagues provided comments and suggestions, including Lisa Baldez, Jane Mansbridge, Christina Wolbrecht, Karen Beckwith, Amy Mazur, Mieke Verloo, Amy Elman, Aaron Hoffman, Leigh Raymond, Pat Boling, Rosalee Clawson, Louise Chappell, Georgina Waylen, Mary John, Jacob Levy, Catherine Lu, Joni Lovenduski, Jay McCann, Ann Clark, Olga Avdeyeva, Jorge Domínguez, Ann Shola Orloff, Kimberly Morgan, Jeffrey Isaac, Elisabeth Friedman, Sara Niedzwiecki, Kendra Koivu, Jami Nelson Nuñez, Richard Wood, Bill Stanley, Mark Peceny, Tamara Kay, Vicky Murillo, Kathy Thelen, Dawn Teele, John Carey, Francesca Jensenius, Jennifer Hochschild, Frances Rosenbluth, Jacqui True, Tamir Moustafa, Cyndi Daniels, Jonathon Fox, Bob Kulzick, Tong Fi, Scott Mainwaring, Bill Shaffer, Bert Rockman, Mark Jones, Irwin Weiser, Kira Sanbonmatsu, Aili Tripp, Claire Annesley, Susan Franceshet, Pratap Banu Mehta, Bina Agarwal, Tom Clark, Suzanne Mettler, Vivien Schmidt, Ruth Halperin-Kaddari, Galia Golen, Aryeh Neier, and several

anonymous reviewers. Anne Marie Goetz provided invaluable assistance in connecting with interviewees in Delhi. Several people provided data which we may not have used in the final version; however, we are grateful for those people's willingness to share, including Nita Rudra, who gave us her data on Potential Labor Power (PLP), and Michael Ross, who provided his data on oil rents. Special thanks goes to our many interviewees, including activists, policy makers, scholars, and others, whom we cannot thank by name, for sharing their thoughts and devoting their time to helping us understand their contexts and experiences.

We presented parts of this project at various workshops, public lectures, and colloquia, including at Cornell, Notre Dame, McGill, Carleton, Emory, Harvard, University of Illinois, University of Indiana, Yale, New School for Social Research, Columbia, Johns Hopkins, Purdue, Christian Michelsens Institute, Bergen Resource Center for International Development, Social Science Research Council, Albuquerque Council on Foreign Relations, Universiti Kebangsaan Malaysia, University of Chicago, University of Minnesota, Case Western Reserve University, University of New Mexico, National University of Singapore, Center for Women Development Studies (Delhi), Vancouver Rape Relief (Canada), Simon Fraser University, UC-Irvine, the United Nations Research Institute for Social Development (UNRISD), United Nations Office of the High Commissioner for Human Rights, Department for International Development (DFID-UK), United Nations Development Program (UNDP), UN Women, American Academy of Arts and Sciences, and on panels at the annual meetings of the American Political Science Association, Midwest Political Science Association, Latin American Studies Association, Social Science History Association, European Conference on Politics and Gender, European Consortium for Political Research, and the Law and Society Association. Participants in these spaces shared experiences and perspectives that helped to provoke and refine our thinking.

Earlier versions of some chapters were presented in *Perspectives on Politics*, *American Political Science Review*, *Politics & Gender*, a working paper for the World Bank's World Development Report, a working paper for UN Women's Progress of the World's Women, *Indiana Journal of Global Legal Studies*, and the coedited volume by Kimberly Morgan and Ann Shola Orloff entitled *Many Hands of the State* (Cambridge University Press, 2016).

We present our book with a great sense of accomplishment, for having completed the task we set ourselves so long ago to the best of our abilities. We think we have offered some insights that can be helpful to activists,

policy makers, and scholars who wrestle with change in different contexts in far-flung parts of the globe. We want to celebrate and express our gratitude to colleagues, mentors, students, sisters, and brothers in the struggle for gender justice, as well as the global and local communities that made this book possible. We know this book would not have been written without the support of our husbands, Aaron Hoffman and Doug Turner, and our children, Zed and Audrey Hoffman-Weldon and Zander, Livia, and Elinor Turner. We hope our research helps them see the way to new, more gender-equal worlds.