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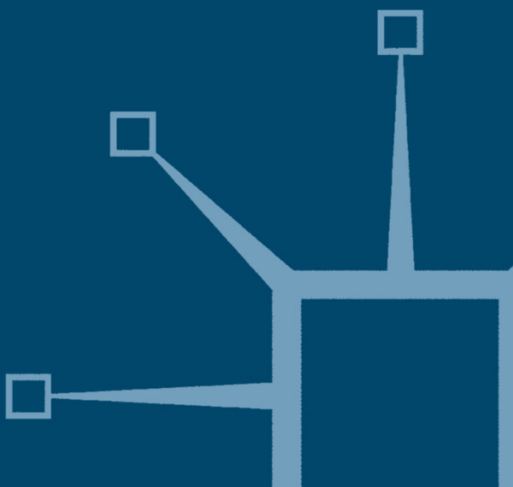

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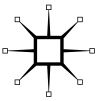

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To my grandma, mummo, *Toini Haapakoski*

Contents

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List of Abbreviations

DHSS	Department of Health and Social Security
EOC	Equal Opportunities Commission
EU	European Union
EWL	European Women's Lobby
HE	*Hallituksen esitys* – government proposal
LEA	Local Education Authority
LTOL	*Lastentarhan opettajien liitto* – the Association of Kindergarten Teachers
MEP	Member of the European Parliament
MP	Member of Parliament
MSP	Member of the Scottish Parliament
NCC	National Childcare Campaign
NCCL	National Council for Civil Liberties
NGO	Non-governmental organisation
NWFA	National Women's Aid Federation
OAJ	*Opettajien ammattijärjestö* – Trade Union of Education
PRCU	Policing and Reducing Crime Unit
SDP	*Suomen sosiaalidemokraattinen puolue* – Social Democratic Party of Finland
SKDL	*Suomen kansan demokraattinen liitto* – Finnish People's Democratic League
SMP	*Suomen maaseudun puolue* – Finnish Agrarian Party
SNDL	*Suomen naisten demokraattinen liitto* – Finnish Women's Democratic League
SNP	Scottish National Party
TANE	*Tasa-arvoasiain neuvottelukunta* – The Council for Equality between Women and Men
UK	United Kingdom
UN	United Nations
WAFE	Women's Aid Federation England
WAS	Women's Aid Federation Scotland
WAVE	Women Against Violence Europe
WHO	World Health Organization
WNC	Women's National Commission

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Gender and the State: Theories and Debates

As an undergraduate at the University of Birmingham I studied state theory: pluralism, elitism and Marxism. We learnt that pluralism was 'deeply problematic' (Marsh 2002) because it simplistically claimed that the state was a neutral arbiter of different interests. Elitism focused on the ways in which the state was dominated by different elites, but problematically the theory did not always condemn this domination. We spent a lot of time on different Marxist positions, which ranged from seeing the state as the instrument of the ruling class to exploring its political autonomy.

Having lived most of my life in Finland, 'a social democratic welfare state', none of these state theories resonated with me. What were these states? Where were they? The theories did not really explain my experience of the Finnish state, which had provided me with free school meals until I was nineteen, gave me a student grant to study at a university and was to supply childcare for my children so that I could go on working full-time outside the home. For me, the state was not a distant, elitist capitalist entity, it was everywhere in my life, and my experience of it was positive. Was I being naïve?

We also studied feminist perspectives about the state: liberal, radical, socialist and Marxist feminisms. Feminism resonated with me. I had a lot of experience of the ways in which gender shaped my life. I had seen it at work at school when our teacher predicted that I would become a fashion model and the boy sitting next to me an engineer. I had experienced it when I worked in a hospital and delivered mail to the maintenance engineers' rooms where the walls were covered with pornographic images. But when I read the books that feminists had written about the patriarchal state in Britain I became concerned. Was it not too pessimistic to argue that the state was essentially patriarchal? It would surely not be

helpful when striving for social change. Maybe it was even dangerous to argue that way. Should we not keep all our options open? Nordic feminist analysis of the women-friendly welfare state as a benign instrument for social change described my experience of the state better. But I was puzzled. The two approaches seemed completely opposite. Did one apply in one context and not in the other?

Later, I learnt a lot more about this 'inside' and 'outside' of the state dichotomy which feminists had been caught up with. My puzzle was captured by this dichotomy and its consequences. The dichotomy presented feminist activists with a choice: either engage with the state or stay outside of it. If feminists go 'in' to the state, they risk compromising their feminist agenda: they become co-opted to the state institutions that will shape the ways that they think about problems and fight for change. Their struggles are defined by the state's patriarchal structures. If feminists stay 'out' of the state, they remain in the margins. They are left without important resources and are not listened to, which in turn diminishes the opportunities to change the power structures. Feminists in Finland seemed to have opted for the first option and feminists in Britain for the second.

It was only when I read poststructural feminists writings about the state that I really understood something. Poststructural feminist theories suggested that I could treat these state theories as discourses with specific and palpable effects. The important thing was not to find out what the state was or what the best form of the state was. Instead, the interesting challenge was to study how we construct the state, and how these constructions – discourses – shape the ways we engage with the state. For example, one could analyse the construction of the 'inside' and 'outside' of the state dichotomy and its impact on feminist engagements. The state, in turn, was shaped by these discourses, which were shot through with power. Poststructural feminist theorizing helped me to pin down the idea that power relations were involved in feminists arguing that the state was essentially patriarchal and in this becoming a dominant view in state theory. There were costs, silences and exclusions. Furthermore, the context mattered. The discourses stemmed from different places and were in intimate relationship to this context. I had not necessarily been naïve or ignorant; rather, I had come from a different context, from a different state.

At first, I concentrated on the problems relating to liberal, Marxist, socialist and radical feminists. But soon I turned the focus on myself: what was my discourse about the state? What were the problems with it? Had I not been praising Finland as a women-friendly welfare state to students, teachers and colleagues in England? Was I not trying to promote my Finnish discourse and replace the other ones with it? Did I not secretly think that it was better to be in the state than outside of it?

The poststructural feminist insight that discourses constitute the subject was again helpful. We cannot step outside of the discourses, although we aim critically to analyse them. This also is a point about the power of discourses. But where there is power, there is resistance and possibilities to undermine dominant discourses. This book is a story about the ways in which I challenged my views about the British and Finnish feminist discourses about the state. In the end, I had to admit that I had been naïve. It was only through studying British feminist debates about violence against women that I was able to see the ways in which I had not recognized the problem in Finland, although the country has one of the highest rates of domestic violence in Europe. The women-friendly welfare state discourse had powerfully shaped the ways that I had thought (and perhaps continue to think) about the Finnish state.

This book is an outcome of these journeys. The two key research questions that the book addresses are: How do feminist discourses construct the state? And, what meaning do these constructions have for feminist engagements with the state? It is thus underpinned by the idea that feminist discourses about the state matter because they impact on the ways in which feminists struggle for social change. These questions are examined by exploring constructions of the state within specific feminist discourses. The book is therefore situated in two contexts, Finland and Britain, and focuses on two debates in these contexts, namely violence against women and childcare. By focusing on two countries that seem to represent the 'inside' and 'outside' of the state positions, the book aims to deconstruct this dichotomy and to point to the ways in which it masks the multifaceted complexity within these states. The book argues that feminist approaches to the state need to account for these complexities.

This introductory chapter will look, first, at the feminist debates referred to above to examine how feminists have theorized the state. These are the theoretical debates on which this book builds. However, there are some current developments that need to be addressed, too. The impetus for the book is provided not only by the feminist debates about the state but also by the contemporary context, where the states are situated. Globalization and multi-level governance are challenging the states and the need to study them. Accordingly, the second section of the chapter looks into some of the current debates that motivate this book. The final section outlines the arguments and the structure of the book.

Feminist theories of the state

How have feminists theorized the state? What are the critiques of these theories? What are the useful elements that this book draws on? These

are some of the questions that this section aims to answer. Feminism was long dominated by a deep uneasiness about the state, which was seen as patriarchal and therefore beyond reform politics. This discomfort culminated in arguments that feminists did not have a theory of the state (Mackinnon 1989) and that it was not a feminist concern to theorize it (Allen 1990). Despite this, a variety of feminist perspectives on the state exists (Kantola 2006).

Feminist approaches to the state include liberal, radical, socialist, Nordic and poststructural feminisms. A discussion of these approaches is central to the book for two reasons. First, at the empirical level, they are the key to understanding the discourses that feminists articulated about the state in the case studies presented in the book. Feminist theory is thus helpful in analysing feminist discourses about the state. Furthermore, feminist theory and activists' discourses are at times intimately intertwined and impact on one another. Second, at the theoretical level, the arguments made in this book about feminist state theory build on these earlier debates but also address some of their weaknesses. The argument is that none of these approaches is sufficient on its own to account for complex constructions of state–gender relations, but needs to be combined with elements from the other approaches and beyond.

The aim is not to cover the whole field of feminist theories about the state. Rather, I focus on the ones that are essential for understanding the feminist discourses about the state in the two countries under scrutiny. Chapter 4 will, for example, analyse black feminist discourses about the state in Britain. It will show that these drew on black feminism rather than theories about the postcolonial state. Whilst I believe that postcolonial feminism is extremely important in analysing Finnish and British states, postcolonial feminism did not figure in the debates covered in this book and thus is not discussed here in detail. This is one of the limitations of the book: because it is situated in specific contexts, it looks at the existing discourses about the state in these contexts and does not venture beyond them. A further issue to note is that while the approaches are presented in a certain order here, it is by no means hierarchical or chronological. Rather, feminist debates about the state continue. Moreover, any categorization masks the complex reality of feminists operating across categories that this book also promotes.

The neutral state

Liberal feminist theories of the state have been influential in offering feminists some powerful policy instruments. They see the state as a neutral arbiter between different interest groups. Whilst liberal feminists

recognize that state institutions are dominated by men and that policies reflect masculine interests, they argue that the state is to be 're-captured' from the interest group of men. In other words, the state is a reflection of the interest groups that control its institutions. To many liberal feminists, more women in the state would entail more women's policy. They seek initiatives, legislation and policies that promote equality and address women's concerns (Watson 1990, Waylen 1998). Liberal feminists stress the principle of formal equal treatment before the law (see Friedan 1962). Differences between women and men ought not to be pertinent in the public sphere; both are to be treated as equal citizens.

Susan Moller Okin (1989) argues that the liberal models of justice are to be extended from the sphere of the benign state to the sphere of family, and she criticizes the state's indirect role in the reproduction of inequalities in families. For Okin, the solution to these problems lies within the liberal state: in its public policies and reforms of family law. The arguments about the benign liberal state have surfaced in recent debates about feminism and multiculturalism. Okin (1999) argues that the liberal state should set boundaries to multicultural group rights when these rights harm women.

While a number of the liberal feminist arguments have been powerful, there are problems that caution against the uncritical use of the liberal feminist notion of the state. The concept of the state is very narrow and understands it mainly in terms of institutions, which is rejected by critics. They argue that liberal feminists fail to understand the structural relations of women's lives – the family, the sexual division of labour, sex-class oppression – as part of the political life of society (Eisenstein 1986: 181). As it does not challenge the deep structures of male dominance, it could be argued that it creates space for a new form of patriarchy, one which is subtler and may be more stable and powerful than earlier forms (Pringle and Watson 1990: 231). Legislation provides formal equality but, at the same time, diverts attention away from powerful economic, social and psychological bases for inequality. For Kathy Ferguson (1984), liberal feminism has become a voice subservient to dominant patriarchal discourses. An exclusive focus on integrating women into state institutions produces a situation that perpetuates dominant patriarchal discourses and norms rather than challenges them. Important questions are not asked, critical arguments are not formulated and alternatives are not envisaged (1984: 29, 193).

The patriarchal state

Radical feminists, in turn, offer important tools for feminist theories of the state by stressing its patriarchal nature. Their critical analyses help to

reveal the role of the state in perpetuating gender inequalities. Radical feminist focus on women's concerns, such as reproduction and sexuality, opens feminist debates to crucial issues that are often regarded as lying outside state politics and analyses of states. This insight has influenced the choice of the debates in this book as well.

With Kate Millett (1970), the concept of patriarchy acquired a new meaning. Until her *Sexual Politics,* patriarchy had signified the rule of the father or the rule of the head of the household. Millett argued that what patriarchy actually is about is the rule of men – male supremacy. The concept of patriarchy captures the insight that the oppression of women is not haphazard or piecemeal but, rather, that the diverse forms of oppression are interconnected and mutually sustained.[1] The radical nature of this feminist analysis stems from the claim that the state is not only contingently patriarchal, but essentially so. Furthermore, patriarchy is global. The particular forms that states take are not particularly significant as all are patriarchal states.

While liberal feminists understand the state in terms of its political institutions, radical feminists extend their focus to the wider structures of the state and society. This is one of the key contributions of radical feminism and extremely useful for any analysis of the state. Radical feminist work shows the patriarchal nature of the formal and informal practices followed in decision-making. The concept of patriarchy informs feminist strategies and political goals: the whole structure of male domination must be dismantled if women's liberation is to be achieved (Acker 1989: 235). Civil society, rather than the state, is the sphere in which women should concentrate their energies in order to challenge patriarchy.

Catharine MacKinnon (1987, 1989) articulates a radical feminist stance on the state. She argues that:

> The state is male in the feminist sense: the law sees and treats women the way men see and treat women. The liberal state coercively and authoritatively constitutes the social order in the interest of men as a gender – through its legitimating norms, forms, relations to society, and substantive policies.
>
> (1989: 161–2)

Feminists cannot expect the state to liberate women because it is impossible to separate state power from male power. MacKinnon directs her critique at the liberal state in particular and criticizes its laws and policies. Even if the laws on rape, abortion and pornography are formally there, they are never fully enforced.

Radical feminism employs the concepts of gender and sexuality. MacKinnon asserts: 'Sexuality is to feminism what work is to marxism: that which is most one's own, yet most taken away' (quoted in Smart 1989: 76). States enforce the equation of women with sexuality. However, via consciousness-raising it becomes possible to rediscover what is truly female and to struggle to speak with women's own voice. Whereas liberal feminists understand differences between the sexes as non-pertinent, radical feminists celebrate and value them. At best, this creates new visions, for example, about alternative, anti-hierarchical ways of working (Ferguson 1984: 5).

Despite these useful insights into gender and the state, there are a number of problems with radical feminist theorizing. Particularly, radical feminists tend to essentialize the state as patriarchal. They seek to specify a single cause of women's oppression, namely the exploitative structure of patriarchy. In the model, the state becomes a key source of patriarchal power and power becomes men's power, authority or dominance over women. For critics, neither the state nor masculinity has a single source or terrain of power (Barrett and Phillips 1992: 3, Brown 1995: 179).

Radical feminism is insensitive to differences between women and risks claiming that states oppress women everywhere in the same way (Acker 1989: 235). The universalizing tendencies are strongly rejected by black feminists, who point out that their solidarity is often with black men rather than with white women. Black feminist criticism is directed at both radical and liberal feminists. They fail to understand the different meanings that concepts such as work and family have for black women (Amos and Parmar 1984, Mirza 1997). Western feminist state theory largely ignores the experience of Third World women under the postcolonial state. The assumptions made are West-centred but the theorizing takes on a universalizing language (Rai 1996: 5).

Polarized portrayals of liberal feminism versus radical feminism give rise to the 'in' and 'out' of the state dichotomy discussed above. In feminist state theories, liberal feminists represent the 'in' the state position, and critics of liberal feminism argue that they risk co-optation to the state's patriarchal structures. Radical feminists, by contrast, represent the 'out' of the state position. They steer away from the state and search for alternative ways of working, which makes them the object of the kinds of criticisms outlined above. This categorization reduces feminist strategies in dealing with the state to two: either integration (inside the state) or autonomy (outside the state) (Kreisky 1995: 210, Kreisky and Sauer 1999: 8, Waylen 1998: 3).

The capitalist state

Whereas for radical feminists the state is patriarchal, for Marxist feminists the state is essentially capitalist (McIntosh 1978: 259). The state is not just an institution but also a form of social relations. Women's subordination plays a role in sustaining capitalism through the reproduction of the labour force within the family. Women are oppressed in work and in exclusion from it, and Marxist feminists argue that the familial ideology is to blame. When criticizing welfare states, Marxist feminists argue that the state helps to reproduce and maintain the familial ideology primarily through welfare state policies. In contrast to radical feminism, Marxist feminists argue that women are important in the struggle against capitalism as workers, not as women (McIntosh 1978) and the category of women is employed in reproductive terms (Sargent 1981: xxi).

Socialist feminism attempt to combine the insights of both Marxist and radical feminism. From radical feminists, socialist feminists derive an understanding of the system of oppression called patriarchy, and from Marxist feminists the importance of the class oppression defining the situation of all workers. The two approaches are combined in analyses of this 'dual system' of capitalism and patriarchy. For Zillah Eisenstein, the notion of capitalist patriarchy captures the 'mutually reinforcing dialectical relationship between capitalist class structure and hierarchal sexual structuring' (1979: 17). Michèle Barrett, in turn, identifies a number of ways in which the state promotes women's oppression: women are excluded from certain sorts of work by protective legislation, the state exercises control over the ways sexuality is represented through pornography laws, and the state's housing policy is resistant to the needs of non-nuclear families (1980: 231–7).

The socialist feminist debates revolve around the relative autonomy of the two systems. Some theorists argue that patriarchy has causal priority over capitalism (Harding 1981, Hartmann 1981) and others that capitalism is more autonomous (Young 1981). For Eisenstein (1984), the capitalist class does not rule the state or government directly but instead exercises hegemony. A large part of the mystificatory role of the state is in this seeming identification of male and bourgeois interests.

Like liberal and radical feminist, socialist feminist arguments are not redundant, although they were first formulated in the 1970s. Many feminists are increasingly concerned about capitalist structures in their most neoliberal forms, their linkages to the state and their impact on gender relations, and argue for the need to theorize these. Nevertheless, these approaches have some significant shortcomings. Sophie Watson argues that despite the Marxist and socialist feminist emphasis on the state as a

form of social relations, the state still appears to be an 'entity which limits and determines our lives, which acts in the interests of capital, which defines who we are and what we need, which deflects class conflict and which obscures class divisions' (1990: 4). More specifically, Marxist feminist accounts employ reductionist and functionalist arguments to explain the persistence of sexual divisions and the patriarchal family form, which ends up subsuming gender relations within the all-powerful system of something called the 'needs of capital' (Watson 1990: 6).

In other words, Marxist feminists are criticized for privileging Marxist categories of analysis at the expense of feminist ones. Heidi Hartmann argues:

> The 'marriage' of marxism and feminism has been like the marriage of husband and wife depicted in English common law: marxism and feminism are one, and that one is marxism. Recent attempts to integrate marxism and feminism are unsatisfactory to us as feminists because they subsume the feminist struggle into the larger struggle against capital. To continue our simile further, either we need a healthier marriage or we need a divorce.
>
> (1981: 2)

Privileging Marxist categories means that Marxist feminists continue to suffer from the problems faced by Marxists: structuralism, determinism and an overemphasis on economics. Socialist feminists provide more nuanced analyses of the two systems. However, at times the capitalist and patriarchal structures of the society remain so dominant in their analyses that there is hardly any room for positive social change.

The women-friendly welfare state

Liberal, radical, Marxist and socialist feminist theories are challenged from a number of different perspectives within feminist theory. Nordic feminists, femocrats in Australia, and gender and development scholars highlight the differences between states.[2] These scholars are united in arguing that there is a need to move beyond narrow understandings of the state as outlined above. For example, development scholars reveal the fundamentally different meaning of the state in non-Western countries.[3] Like Western debates, this literature is concerned to examine the processes and functions of state institutions in exercises of power in various areas of the public and private lives of women and women's resistance to these intrusions (Rai and Lievesley 1996: 1). However, there are important differences. Postcolonialism, nationalism, economic modernization and

state capacity emerge as key issues in the Third World literature, whereas Western feminists often take these issues for granted, focusing instead on how best to engage with the state (Chappell 2000: 246).

Many feminist texts tend to employ the notion 'Scandinavian feminism'. However, the notion is somewhat problematic. One can question whether 'Scandinavian feminism' exists, and if so, what it is. A number of authors in Finland, Sweden, Denmark, Norway and Iceland prefer the term Nordic to Scandinavian, because the latter term has restrictive geographical roots and connotations referring only to Sweden, Denmark and Norway. Feminist scholars from within the Nordic countries question the existence of one Nordic model and concentrate on differences between the Nordic countries (Bergqvist et al. 1999).

Nordic feminist analyses of the state are markedly different from radical and Marxist feminist perspectives. They have less resonance in the Nordic context of social democratic welfare states than, for example, in the British top-down, elitist democracy dominated by a hierarchical class structure (Raaum 1995: 25). Nordic feminist experience is not one of pervasive patriarchy, and the analyses highlighted that different states meant different things for women.

Helga Maria Hernes (1987) defines Nordic states as potentially women-friendly societies, which signifies that women's political and social empowerment happens through the state and with the support of state social policy. The social democratic citizenship tradition results in a more optimistic acceptance of the state as an instrument for social change than radical, Marxist or socialist feminism. For Hernes, Nordic women act in accordance with their own culture in turning to the state, even in those instances where they wish to build alternative institutions (1988: 210).

Studies of the Nordic women-friendly welfare states are concerned with the roles of women as political actors. It is argued that women become empowered as political subjects through the institutionalization of gender equality. An exclusive focus on patriarchy, in contrast, risks reducing women to victims of patriarchal structures, which means that their contribution to maintain or change gender relations becomes invisible (Siim 1988).

Nordic feminism is more pessimistic in its analysis of gender and the state than liberal feminism. The private dependency of women on individual men is transformed in to public dependency on the state in the women-friendly welfare states (Dahlerup 1987). The expansion of the public sector, even if it benefits women, is planned and executed by a male-dominated establishment. The parameters for distribution and redistribution policies are increasingly determined within the framework of

the corporate system, where women have an even more marginal role to play than in the parliamentary system. Thus, women are the objects of policies. The tendency is exacerbated by the observation that women's lives are more dependent and determined by state policies than men's (Hernes 1988a: 77).

These analyses contribute to feminist debates by demonstrating that context matters in feminist state theory and that knowledge is situated. In other words, they theoretically contribute to the problem that I have identified above: mainstream state theory did not resonate with my experience of the state. The approaches recognize the historical and spatial varieties of states. The analyses tend to be context-specific and avoid making *a priori* claims about gendered states. A further contribution is sensitivity to the importance of women's agency when theorizing gender and the state (Bergqvist et al. 1999, Siim 2000). Recognition of the structural constraints on women's interaction with the state does not blind the analyses of the possibilities of women's action.

However, it could be argued that the Nordic feminist focus on actors and empowerment underestimates continuous patters of gender hierarchies and segregation in both the state and the society (Borchorst and Siim 2002: 92). Problematically, the values of the women-friendly welfare state are promoted normatively outside the Nordic context, for example in other European countries (Borchorst and Siim 2002, Towns 2002).

Whilst radical feminists assume that all women are oppressed by the state in the same way, Nordic feminists have the opposite problem: they seem to claim that all women are liberated through the state in the same way. Indeed, because the term 'women-friendly welfare state' is premised on the idea of the common and collective interests of women, the category of women is very homogeneous. Hernes herself notes that egalitarian values have their limitations when it comes to introducing pluralism of any form (1987: 17). The concerns of, for example, lesbians and ethnic minorities have yet to enter the agenda of women-friendly welfare states. Gender equality signifies, first and foremost, equality for white, heterosexual, working mothers in the Nordic context. Diversity and fluidity within the category of women and women's identity are missing from Nordic feminist analyses of women-friendly welfare states.

Furthermore, like liberal feminists, Nordic feminists tend to opt for the sameness route to equality, which signifies the idea of gender equality as a condition where men's and women's lives are uniform (Lindvert 2002: 100). The normative foundation of the women-friendly welfare state rests on a dual-breadwinner model where both women and men are waged workers. In other words, the feminist discourse about women-friendliness

is based on the premise that women's labour market participation is a key to gender equality (Borchorst and Siim 2002: 92). Measures associated with civil rights, rather than social rights, and their importance are neglected in the women-friendly welfare state literature. Liberal countries – the United States, Canada, Australia and Britain – offer a somewhat different set of gender-equality measures from the social democratic states (O'Connor, Orloff and Shaver 1999). These include reproductive or body rights, anti-discriminatory regulations and workplace policies. The measures are associated with civil rights rather than with social rights.

Nancy Fraser argues that neither a politics of redistribution – remedying social inequalities – nor a politics of recognition – revaluing disrespected identities – is sufficient on its own (1995, 1997). Nordic feminists problematically show partiality towards the politics of redistribution and gender equality is separated from cultural politics (Siim 2000: 126). Such fundamental civil right issues as the right to bodily integrity (violence against women) have been notoriously slow to arrive on the Nordic agenda.

The differentiated state

The final feminist approach to the state relevant to this book is the poststructural feminist one. It seems to provide some answers to the problems identified with Nordic feminist theories of the state. Poststructural feminist approaches highlight differences within states. Rosemary Pringle and Sophie Watson challenge the unity of the state and argue that the state consists of a set of arenas that lack coherence (1990, 1992). In poststructural analyses, the state is a differentiated set of institutions, agencies and discourses and has to be studied as such. The approaches shift the emphasis to state practices and discourses rather than to state institutions. The state is depicted as a discursive process, and politics and the state are conceptualized in broad terms. The state is not inherently patriarchal but was historically constructed as patriarchal in a political process whose outcome is open. The patriarchal state can be seen, then, not as the manifestation of patriarchal essence, but as the centre of a reverberating set of power relations and political processes in which patriarchy is both constructed and contested (Connell 1987, 1994). Particular discourses and histories construct state boundaries, identities and agency.

In comparison to the approaches discussed above, the poststructural contribution is to highlight the differentiated nature of the state and to question the unity of state responses (Franzway, Court and Connell 1989). An important question for poststructural feminists is what the most effective strategies are for empowering women in their engagements with the

state (Randall 1998: 200). In other words, the feminist aim becomes to make sense not only of the state's impact on gender, but also of the ways in which the state can be made use of and changed through feminist struggles. The analyses allow the complex, multidimensional and differentiated relations between the state and gender to be taken into account. They recognize that the state can be a positive as well as a negative resource for feminists, thus deconstructing the dichotomy between 'in' and 'out' of the state.

While emphasizing the gendered nature of concepts such as the welfare state or citizenship, poststructural feminists also take into account national variations. Helpfully, the approaches turn away from the theorization of relations between gender and the state in general terms and focus instead on the construction of gender within specific state discourses and practices (Mottier 2004: 81). Within a framework of diverse discourses and power relations, gender diversity and differences in women's experiences come to the fore (Kantola and Dahl 2005).

Poststructural feminist theorizing of the state thus signifies important developments for feminist debates. Nevertheless, it would be problematic to opt for it uncritically. Poststructural feminist understandings of the state are criticized for an overemphasis on discursive processes, which shift attention away from institutions and policies. Foucauldians, in particular, concentrate on relations and techniques of governance, treating institutions as an effect of processes and practices rather than as their origin (Cooper 1998: 10). One critique that this book aims to address is the poststructural feminist lack of focus on institutions and its consequences. It is often argued that due to the poststructural feminist lack of focus on institutions and institutional mechanisms, the approaches underestimate the difficulty of achieving change compared with the relative ease of reproducing status quo power relations (Cooper 1994: 7). A further implication of the oversight of state institutions is the neglect of the linkages between state bodies, for example, the influence the central government exerts over the local government (Cooper 1994: 7, O'Connor, Orloff and Shaver 1999: 11). Poststructural feminism can also be argued to lack specificity. The state is treated as a terrain of struggle, without much thought being given to how the state differs from other such terrains (Cooper 1994: 7).

The most persistent counter-argument is directed against poststructuralism's deconstruction of women's subjectivity and identity. It is argued that as soon as women gained the strength and power to fight oppression from the subject position of women, postmodern theorists came along and deconstructed the notion of the subject (Benhabib 1995: 29, Walby

1992: 48). Foucault's attack on subjectivity is argued to be so total that it forecloses any alternative theoretical space in which to conceive non-hegemonic forms of subjectivity (McNay 1992: 12). The notions of 'women' and 'men' are dissolved into shifting, variable social constructs that lack coherence and stability over time (Walby 1992: 34). This is claimed to prevent women's struggle against oppression. Just as women seemed to be gaining a voice in the Western world, postmodernism deconstructed the basis for their action, their common identity. In sum, the poststructural feminist notion of agency is problematic. This critique is discussed at some length in the next chapter.

Differences between and within states

Feminist theories of the state are important to this book at both the empirical and the theoretical level. At the empirical level, the case studies illustrate how these theories underpin British and Finnish feminist discourses about the state. Liberal feminist concern with justice and socialist feminist emphasis on economic justice figure in the feminist arguments about childcare and the state. The radical feminist theory of the state as patriarchal is important in the British feminist discourses in both violence against women and childcare debates. Finnish feminist discourses, in turn, are intertwined with the Nordic feminist analyses about the state. This book treats these theories of the state as discourses that have important effects on feminist engagements with the state.

At the theoretical level, the book is most influenced by radical, Nordic and poststructural feminisms. The radical feminist focus on women's concerns, such as reproduction and sexuality, opens feminist debates to issues that are often regarded as lying outside state politics and analyses of states. This book analyses feminist discourses about the state in debates about violence against women, which stems from radical feminist concerns. The radical feminist theory of the state as patriarchal is useful, too. It shows the need to examine deep power structures and the ways in which masculine dominance is entrenched in these.

The value of context-specific knowledge and sensitivity to differences between states as well as the importance of understanding women's agency are emphasized in the Nordic feminist perspectives. Poststructural feminists, in turn, contribute to this book the notion of a differentiated state: the differentiated power and gender relations that the state is based on. Poststructural feminist insights point to the need to study constructions of the state within specific feminist discourses, which is indeed done in this book. Poststructural feminism highlights the diversity of discourses about the state in any one context.

A central theoretical argument of this book is that none of the feminist approaches is sufficient on its own. Bearing these respective contributions and weaknesses in mind, the book argues that it is useful systematically to combine the insights of Nordic and poststructural feminisms. The aim of this book is to analyse what happens when one negotiates the Nordic feminist emphasis on *differences between states* and the poststructural feminist focus on *differences within states*.[4] When emphasizing the importance of context-specific knowledge, Nordic feminists open up spaces for comparisons between states. While not always comparative itself, Nordic feminist research highlights the need for comparative studies. Comparisons often fail to account for differences within states, which are central to poststructural feminist analyses of the state. I argue that there are real strengths in the two, and that feminist understandings of the state could draw on these two more coherently.

Current debates about gender and the state

It is not only the context of feminist state theory that motivates this book. This book is based on an understanding that the feminist state theory needs to account for some contemporary developments. This section focuses on a number of questions. These include: Where is feminist state theory today? What challenges do feminist theories about the state face? How have feminists tackled these challenges?

While it is relatively easy to map out where feminist theories of the state have been, it is far more difficult to discern what feminists have to say about the state today. In part, this is due to the diversification of feminist theory, which now comes from various locations and from different theoretical perspectives. Also, the state is relevant to a number of different fields and disciplines. Therefore, one could argue that feminist theories about the state are 'everywhere'. Implicit notions of the state underpin feminist work from citizenship studies and women's political representation, to social policy and welfare state studies, and the globalization debates.

Alternatively, it is possible to argue that feminist state theory is 'nowhere'. There seem to be no recent, explicit, feminist theories about the state. Feminist debates about the state seem to have closed with the influential work of Pringle and Watson (1990, 1992), discussed above. Their key points about the need to study the state as a differentiated entity with multiple identities and meanings for gender relations have been widely adopted in feminist work. As a consequence, however, analytical debates about the state appear to have come to an end.

Nevertheless, feminist scholars do make some explicit arguments about the state even if these do not amount to a theory of the state. The impetus for this book is, indeed, provided by two contradictory tendencies that currently inform feminist political and social inquiries. On the one hand, an increasing number of scholars argue that the powers of the state have been transformed, and, more specifically, that they have declined. On the other hand, sceptics argue that the state remains important, and that feminists are increasingly engaging with it. The puzzle is: if feminists have not paid detailed attention to the state before, why should they do so now? Or, are they engaging with the state exactly when it is losing its powers?

The first position, which calls for the recognition of the transformation of the state, frequently surfaces in feminist literatures on globalization, multi-level governance and transnational networks. It also gains support from the analyses of changing world politics: transnational prostitution, migration, global policing, international human rights and globalized service economy all take place across, beyond and regardless of state borders.

The arguments are underpinned by an implicit understanding that state powers have declined – a proposition articulated most clearly in the early analyses of globalization. Susan Strange, for instance, argues: 'Where states were once the masters of markets, now it is the markets, which, on many crucial issues, are the masters over the governments of states' (1996: 4). Others suggest that state structures are transformed into more market-oriented and even market-based organizations themselves. This gives rise to a set of questions: Has the balance of power between states and capital shifted to the benefit of capital? How significant is the nation state as a sphere of social activity? Is the state hollowed out, withering away, or 'in retreat'? (Yeates 1999: 374). As a result, globalization debates require scholars to rethink the status of the state as a key concept in political science. Some theorists argue that there are concepts that are more relevant to social and political inquiries, such as the market, governance and transnational corporations, than the state. Globalization thus challenges the state as the 'natural' unit of comparison in political science. Instead, attention needs to be directed at sub- and supra-state processes.

Feminists, in turn, are often critical of globalization and point to its gender-specific consequences. Women in their domestic or reproductive roles have to compensate for state failure to provide social infrastructure and support. State retreat is pushing women back into the private sphere and to traditional women's jobs, such as those related to caring for others. In relation to feminist discourses about the state, feminist activism and women's movements, there is a concern that women's organizing needs to shift direction away from both its focus and its reliance on the

state (Briskin 1999: 29). This tendency is addressed in feminist literature by arguing that the state is indeed transformed. It has reshaped, relocated and rearticulated its formal powers and policy responsibilities throughout the 1980s and 1990s. Therefore, women's movements face a reconfigured state that offers them opportunities for advancing feminist agendas but also threatens feminist successes (Banaszak, Beckwith and Rucht 2003: 3). As governments increasingly rely on other and partly non-elected state bodies, women's movements are presented with a depoliticized and remoter set of state policy-making agencies at the national level (Banaszak, Beckwith and Rucht 2003: 6). As a result of the transformation or reconfiguration, the state is qualitatively different from before and needs to be engaged in different ways.

While this focus on the transformation of the state is a concern for a number of feminists, the rise in feminist engagements with the state, both scholarly and activist, also motivates this book. A number of feminist scholars argue that the state has not lost its centrality in institutionally fixing and resourcing particular discursive categories (O'Connor, Orloff and Shaver 1999: 11). The state remains important for these feminist analyses. The state has played an integral role in the restructuring of social provision throughout the 1990s. If feminist scholars abandon the state analytically, they cannot capture the gendered changes that have taken place, for example, in welfare state provisions.

Recent years have also witnessed an increase in state feminism – state structures that are formally charged with furthering women's status and rights – and in the interest of studying this.[5] Here the interest is in the ways in which women's movements challenge states to deal with women's status and make states incorporate women as political actors. A number of studies show that 'state feminism' exists: many state agencies are important in realizing women's movements' demands in policy-making and in gaining access for women to decision-making arenas. State feminism can be studied only by operating with a notion of the state, which remains a key concept in these debates.

In sum, as Gillian Youngs has argued, the state needs to be reclaimed as a political space (1999, 2000). Socially and spatially constructed boundaries within and across states, affecting race, class and gender, are depoliticized if they are not identified as aspects of the dynamics of power relations and struggle (Youngs 2000: 47). Therefore, there is a need to think of the state as a political space within which power struggles continue to take place.

The two trends identified – transformation of the state and increasing feminist engagements with the state – may seem antithetical. However, they share some important features. Scholars focusing on state

transformation, state feminism and welfare state regimes attempt to capture the recent developments through large-scale systematic comparisons of Western states. In line with Nordic and poststructural feminisms, they seek to be sensitive to national differences (differences between states) and reference the poststructural feminist work on the state as having influenced their approaches (differences within states).[6] None the less, their emphasis is on generalizations – attempts to define, if not all states, at least the state and feminism in the 'West' or the 'North'.[7] This is actually in contradiction to poststructural feminist perspectives. *Contra* these studies, I suggest that taking the poststructural feminist arguments seriously requires a focus on context-specific discourses, institutions and agency rather than abstract theorizing. Contextualizing analyses of the state in this way challenges the hegemonic constructions of the states, including feminist notions and research (Siim 2000: 9).

The arguments and structure of the book

In the context of feminist debates about the state and the current developments discussed above, the book has both broader theoretical aims and more specific empirical objectives. The theoretical aim is to analyse what happens when one negotiates the Nordic feminist emphasis on *differences between states* and the poststructural feminist focus on *differences within states*. The aim is not to provide a theory of *what* the state is or what the best form of the state is for feminists (cf. Elman 1996: 116). Rather, the goal is to provide tools for analysing the state, which in turn help us to understand feminist engagements with the state. I suggest that this project requires systematically combining comparative and discursive elements of feminist state theories.

My emphasis on the comparative method stems from Nordic feminist understanding of the state, while the discursive method is drawn from poststructural feminist theorizing of the state. Thus, Nordic feminism calls for recognizing *differences between states* and poststructural feminism invites sensitivity to *differences within states*. A focus on differences between states signals that context matters, while a stress on differences within states points to the diversity of state discourses, institutions and actors within each state. Both are important in the process of challenging hegemonic constructions of the state. The approaches have not yet been worked on together as a comparative discourse analysis, which is the methodological goal of this book.

The discursive and comparative framework developed in the book is applied to childcare and domestic violence debates in Finland and Britain.

In relation to these, the book considers two interrelated questions, as stated above. These were, first: How do feminist discourses construct the state? Second: What meaning do these constructions have for feminist engagements with the state? The book asks what feminist state theory can learn from the similarities and the differences between the two debates in the two countries. What can feminists articulate in relation to the state and what not in these contexts? What effects does this have? For example, the comparison challenges the women-friendliness of the Finnish welfare state and exposes the ways in which the discourse is constructed and maintained. Therefore, I am interested in deconstructing *feminist* discourses about the state, and exploring the power, silences and exclusions that these discourses entail.

The two countries were chosen because they seem to represent the classical 'feminists in' (Finland) and 'feminists out' (Britain) of the state positions. This is an intriguing starting point for deconstructing the dominant discourses that produce these views and understandings. Notably, from a comparative discourse analysis perspective, neither Britain nor Finland forms a fixed reference point, where one represents a liberal democracy and the other social democracy, or one a pluralist state and the other a corporatist state, or one a patriarchal and the other a women-friendly state. Rather, the aim is to illustrate that in each country the multiplicity of competing discourses and practices coexist: hegemonic practices are constantly being challenged not only from the margins, but from internal contradictions within dominant discourses and institutions (Briskin 1999: 4–5). Furthermore, each society is in flux resulting from such institutional changes as devolution in Scotland or the impact of the European Union.

These theoretical questions are explored through detailed empirical case studies. The debates on childcare and domestic violence were chosen because of their importance to feminist activists in the two countries respectively. In the 1960s in Finland, the feminist movement argued that childcare was a key to gender equality. At the same time as these feminists articulated discourses about childcare and gender equality, they discursively constructed the state. In particular, they campaigned for institutional, state-led childcare. In Britain, in contrast, the feminist movement perceived violence against women to be the result of gender inequality and to contribute to it. Violence against women became one of the core campaigning issues. Again, feminists articulated discourses about the state as they were tackling domestic violence. They endorsed the importance of being autonomous from the patriarchal state.

Because of the importance of the two debates for feminists in the two countries, solutions to the issues were sought from a number of different

levels. One of these levels involved the state and reforming state institutions. Therefore, it is possible to study feminist discourses about the state in these debates even if the domestic violence and childcare debates were not debates about the state. The choice of the debates is also informed by an understanding that it is not sufficient, necessary or even possible to look for a 'debate about the state'. Rather, I have been interested in the ways in which the state is present implicitly in feminist struggles for political change that are not explicitly about the state. Such an approach enables me to focus on the ways in which feminist discourses about the state become dominant while remaining inconsistent.

In this book, I am interested in the existence of strong national discourses about the state, feminism, domestic violence and childcare. It is intriguing to study what happens when these discourses interact with supra- and sub-state ones. This demands that one recognizes the importance of studying the state beyond the national context. Therefore, one of the objectives is to explore these states in a more complex, multi-level governance framework.

While not following the arguments about total state transformation outlined above, my starting point is that the polarization of international relations and domestic political analysis is artificial and unhelpful. Rather, the once rigid demarcation of the domestic and the international has become blurred and the significance of processes of multilevel governance has to be recognised (Hay 2002: 11). In other words, there is a need to recognize the international conditions of existence of domestic political dynamics and the domestic conditions of existence of international/global political dynamics (Hay 2002: 2). Recognizing this involves dealing with complexity and looking at the mobility of discourses and discursive frames. I do this by examining the meaning of Scottish devolution and EU federalism for feminist perspectives on the state.

The book is structured as follows. Chapter 2 develops a methodology of feminist comparative discourse analysis, which allows for systematically combining the Nordic and poststructural feminist perspectives on the state. Discourse analysis is introduced to address some of the problems identified with Nordic feminism and it takes the concepts discourse, power and gender as critical tools. Comparative and institutional analyses are introduced to address problems with poststructural feminism and discourse theory. Here agency, institutions and comparisons as critical tools for comparative discourse analysis are discussed.

The following chapters reflect the book's aim to study constructions of the state within specific feminist discourses. Chapter 3 scrutinizes childcare debates in Finland and focuses on feminist constructions of the

state in these debates. It maps out the emergence of the women-friendly welfare state discourse in Finland as well as indicating the existence of alternative and competing discourses. Chapter 4 analyses domestic violence debates in Britain and, again, discerns feminist constructions of the patriarchal state in these debates. The analysis shows the existence of an autonomy discourse in relation to feminist debates about the state in Britain as well as pointing to contradictions within this discourse.

Chapter 5 compares feminist discourses about the state in domestic violence debates in Finland with childcare debates in Britain. While domestic violence was not a key concern for Finnish feminists, British feminists did not consider institutional childcare as pivotal for gender equality. The analysis illustrates the dominance of the discourses about the state discerned in the previous chapters. It also demonstrates the need to focus on the differentiated state and shows the benefits of comparative discourse analysis.

Chapter 6 addresses the need to situate the state in the supra- and sub-state contexts. The chapter takes one of the cases – domestic violence – and explores it in the context of Scotland (sub-state level) and the European Union (supra-state level), focusing on institutional change. Finally, Chapter 7 draws attention to the key contributions of the book and considers the significance of the findings to the current feminist debates.

2
Feminist Comparative Discourse Analysis

This chapter argues that a focus on differences between and within states requires systematically combining comparative and discursive elements of the theories into comparative discourse analysis. The chapter is an exploration of the tensions and productive engagements that such analysis generates. It speaks to the limitations of the comparative method, which represents a hostile field to qualitative approaches and to the limitations of discourse analysis, which rarely favours comparative or institutional research.

The method of comparative discourse analysis is central to the book's discussion about feminist state theory. The method builds on some key concepts that address the problems identified with feminist state theory. The concepts of discourse, power and gender speak to the problems identified with Nordic feminism, such as the neglect of gender diversity and blindness to and power of the dominant discourse of women-friendly welfare state. The concepts agency, institutions and comparisons, by contrast, help to develop poststructural feminist approaches to the state. For example, institutional analysis compels (poststructuralist) feminist discourse analysis to focus on institutional constraints and opportunities. With the help of comparative method, feminist discourse analysis can ask new questions and focus on situated and context-specific knowledge.

Bridging the gaps between institutional analysis, comparative analysis and feminist discourse analysis allows for an in-depth scrutiny of social structures and agency, and of change and continuity. Notably, discourse analysis and feminism make important contributions to comparative method and institutional analysis. They question the epistemological and ontological bases of institutional analysis and comparative method by gendering the otherwise gender-blind accounts.

The first section discusses discourse and power as critical tools of *discourse analysis*. The second section shifts the focus to *feminist discourse analysis* and brings in the concepts of gender and agency. The third section develops *political discourse analysis* and focuses upon institutions and comparisons. The final section looks at feminist comparative discourses analysis and its meaning for this book.

Discourse analysis

It is now common to differentiate between different discourse analysis-inspired methods. One collection introduces conversation analysis, critical linguistics, Foucauldian research, discursive psychology, interactional sociolinguistics and Bakhtinian research as variants of discourse analysis (Wetherell, Taylor and Yates 2001). Alternatively, one can draw on deconstructivist analysis, rhetorical argumentation analysis, a qualitative content analysis or frame analysis (Holli 2003: 35, Torfing 2005: 6–9). It is poststructuralist discourse theory, however, that has been the dominant version within political science (Torfing 2005: 3). This book also draws on this body of work and applies deconstructivist and Foucauldian approaches to the case studies.

I begin with a brief exploration of the case of Jennifer Saunders, the treatment of which reflects my broader methodological aim to do political analysis through particular discourses and readings.[1] The case of Jennifer Saunders demonstrates the ways in which hegemonic discourse regulates subjectivity by preparing a table of legitimate subject positions in advance. Saunders was a young, white, working-class woman from the North of England who was tried and convicted for indecent assault, namely two lesbian relationships in 1991. The court prosecution successfully argued that she secured consent from her partners under false pretences in that she had pretended to be a man throughout the relationships. Where British official discourse on sexuality tends to demonize the gay male as sexually excessive, it tends to dismiss the lesbian as an impossible subject (Smith 1997: 182). Saunders, as a white lesbian, did not fit into any of the categories of the official discourse on sexuality: the heterosexual male, the dangerous gay man, the black lesbian and the heterosexual female prostitute. She could not speak in court as a sexually active lesbian because that subject position had been already hegemonically erased (Smith 1997: 189–90). She was constructed to pass as a heterosexual man and convicted of a rape charge for her two lesbian relationships (with a sentence much longer than that for most male rapists).

The erasure of lesbianism in official criminal discourse is the product of two representational strategies. First, lesbianism is defined with reference to hegemonic conceptions of women's 'feminine' nature, and, second, femininity is equated with sexual passivity (Smith 1997: 187). With recognition of Saunders' sexual subjectivity, the judge in effect ruled out her lesbianism, for, as an active sexual subject, she had clearly violated the conditions that governed the representation of the lesbian in official discourse (Smith 1997: 189).

The case of Saunders is a good illustration of the ways in which discourse analysis can shed new light on complex social processes. Discourses set the parameters for what is politically possible and what is not. Discourse analysis also exposes the frame of the debate: how debates are gendered, racialized and sexualized, and how these different frames work together to reproduce hegemonic outcomes.

Discourse and power

Discourses can be defined as historically variable ways of specifying knowledge and truth (Foucault 1980). They are the structured ways of knowing which are both produced in, and shapers of, culture. In *The Archaeology of Knowledge*, Foucault suggests that one of the most productive ways to think about discourse is not as a group of signs but as practices that systematically form the objects of which they speak (1972: 49). Howarth and Stavrakakis build on this and argue that discourse refers to systems of meaningful practices that form the identities of subjects and objects (2000: 3–4). Within such a framework, there is a concern with the way that discourses inform the extent to which people think and act only within certain parameters at each historical conjuncture. If discourses define the possibility of statements, they necessarily structure and limit the 'truth' available to us. Each society, in turn, produces its own truths, its general 'politics of truth', that is, the types of discourses that it causes to function as true (Foucault 1980: 131).

Significantly, discourses are not merely linguistic phenomena, but are always shot through with power and are institutionalized as practices. Discourses have the capacity to produce and sustain hegemonic power. Therefore, the task of feminism can be understood as one of challenging hegemonic masculine discourses and of creating space for more marginal and unrecognized discourses (Diamond and Quinby 1988). However, the issue is more complicated than that between 'accepted' and 'excluded' discourses, and there is a need not to construct a world of discourse divided between the dominant discourse and the dominated one. At the same time as discourse transmits and produces power, it also undermines and exposes it and makes it possible to thwart it. The

production of knowledge is always bound up with historically specific regimes of power. It is important to assess how these discourses of truth operate in relation to the dominant power structures of a given society (Foucault 1980: 133). Thus, the point is not where discourses come from or what interests they represent, but what effect of power and knowledge they ensure and what makes their use necessary.

Power and discourse are thus deeply intertwined in Foucauldian discourse theory (Foucault 1980: 187). It is indeed the focus on power and politics that distinguishes this type of discourse analysis from other types (Torfing 2005: 6). In the model, first, power is exercised rather than possessed. Power operates by structuring the field of choices, decisions and practices. Second, instead of being repressive, power is productive. Power relations constitute subjects. Control and dominance work more successfully by creating certain possibilities rather than simply by denying others (Sawicki 1991). The productive nature of power is captured by the metaphor of the panopticon – for example, for women, it captures their internalization of the view of the 'Other' (the man) to produce self-monitoring subjects. The question of how power operates becomes more important than the question 'Who has power?' Thus, the identity of those exerting power is often marginalized. Depersonalizing power is important if we are to understand power at its most effective, where the disciplinarian is everyone yet no one in particular (Cooper 1994a: 438). A good example is women's fear of being out on the streets at night.

Third, power is capillary: it is dispersed and everywhere. People's experiences of domination and subordination are 'effects' of power rather than proceeding from a specific source of power. Power is analysed as coming from the bottom up. By utilizing an ascending analysis Foucault shows how mechanisms of power at the micro-level of society have become part of the dominant networks of power relations. The effects of power may entail inequality and oppression, but they do not entail solely inequality and oppression. Thus, discourses of power's ubiquity lose their inherent pessimism. Outcomes remain open for change. Whether power operates in a progressive or reactionary way depends on its form, the terrain on which it operates, and on the nature of those exercising and subject to power within a given social and historical moment (Cooper 1994: 452, Sawicki 1991). The analysis surpasses the dichotomy between 'power over' and 'power to'. Empowerment and domination become central elements in any exercise of power (Torfing 1999: 164).

Discourse theory encounters persistent critique. Materialist feminists criticize discourse theory for focusing exclusively on micro-practices at the expense socio-economic and political macro-structures. They have a

problem with what they perceive as an overemphasis on a symbolic or cultural politics of recognition. This is argued to disregard the underlying issues of economic disadvantage (Hartsock 1990: 167). Rosemary Hennessy calls for an emphasis on the social totalities such as capitalism and patriarchy and for grounding discourses more firmly in materiality (Hennessy 1993: 6).

Nancy Fraser (1989), in turn, argues that the biggest problem with Foucault is his bracketing of the normative. For Foucault, practices are more fundamental than belief systems when it comes to understanding the hold that power has on us. Thus, analysis and critique of such practices take priority over the analysis and critique of ideology (Fraser 1989: 25). Ramazanoglu sums up these positions:

> Feminists need to go beyond Foucault's analysis of power, by hanging on to radical feminism's sense of moral outrage, while modifying this with recognition of the diversity of women's condition of life.
>
> (1993: 12)

According to these authors, Foucault is not only useless for feminists, but, more seriously, his theories are dangerous for feminist struggles for change.

The relationship between the ideational and material spheres has caused confusion and controversy among theorists applying Foucault's work. None the less, it is important and merits some discussion. First, a focus on the relationship helps to conceptualize the limits of discourses and discursive constructions. It can be argued that the material and in some sense real world sets limits to the discursive constructions possible in a certain context.[2] Second, gender, class and race are all strategic fictions in the sense that they are not given pre-discursively. However, this does not mean that sexism, racism and capitalism do not exercise actual material effects (Smith 1998: 159). To say that sex and gender are discursively constructed is not to say that they have no material impact on our lives. Sex and gender maybe strategic fictions, but these fictions are key elements in the operation of many powerful institutions (Smith 1998: 156). Third, a focus on the distinction highlights the importance of the context. Discourses are in constant interaction with the context in which they are articulated. Thus, for example, the concepts of the state, gender and feminism are likely to be constructed in different ways in Britain and Finland and within them.

To sum up, discourse analysis has the potential to transform our thinking about theory and action. One significant consequence of employing

discourse analysis is the recognition of the way in which feminists have actively contributed to the creation of certain realities. Theorizing the state as neutral, patriarchal, capitalist or women-friendly limits our understanding of problems or courses of action. The aim of this book is to expose and deconstruct these feminist discourses about the state. The feminist position might be marginal in more mainstream political science and the struggle for the feminist voice to be heard continues. However, feminism does produce its own hegemonic discourses.

Here it is interesting to refer back to the case of Jennifer Saunders and to tell the rest of the story. After being charged with rape, Saunders was jailed for six years. However, because of the publicity the gay community managed to attract to the case, Saunders received a flow of supportive letters while in prison. These possibly had a positive effect on her gay identity. In an interview Saunders said: 'The prison's full of dykes … I've had a girlfriend there for nine months. It's like Paradise City in Styal [Prison]' (quoted in Smith 1997: 182). The effect of the imprisonment was not merely repressive but also empowering for Saunders. After spending almost nine months in prison, Saunders won her High Court appeal and had her sentence reduced to two years' probation and was immediately released (Smith 1997: 182). However, the Court of Appeal did not question the basic logic of the original sentence. They merely took into account Saunders' age (16 and 17 at the time of the alleged offences). The initial interpretation of Saunders' actions was thus preserved in the official record (Smith 1997: 185). In conclusion, hegemonic discourses do set powerful parameters. Nevertheless, there are also possibilities to undermine and to challenge these hegemonic discourses.

Feminist discourse analysis

Feminists apply discourse analysis to challenge and deconstruct the concept of gender and the sex/gender distinction. If micro-cosmic power relations rather than top-down patriarchal power construct women, as argued above, it follows that the constructions are likely to differ greatly. Here I discuss how deconstruction of gender sensitizes feminist state theories to gender diversity and problematizes women as subjects. Poststructuralists are accused of denying the possibilities for meaningful agency and lapsing into some sort of discursive structuralism. I argue that the deconstruction of gender and an emphasis on gender diversity do not render agency impossible but rather draw attention to the ways in which it is constructed.

The case of Jennifer Saunders effectively illustrates the sex/gender distinction and the heterosexual matrix at work. When Saunders was sentenced for 'indecent assault', Judge Crabtree in Doncaster Crown Court claimed that her alleged assaults constituted an offence that was far more serious than heterosexual rape because Saunders had violated not only the sanctity of her alleged victims' bodies but their heterosexual identities as well (Smith 1997: 182–3). The judge argued: 'You have called into question their whole sexual identity and I suspect both those girls would rather have been actually raped by some young man than have happened to them what you did' (quoted in Smith 1997: 182–3). The judge worked on the assumption that one's gender identity and sexuality follow from one's sex, which, in turn, is an anatomical fact. Everything else is a dangerous deviation and constitutes a threat to the prevalent heterosexual and patriarchal norms. Saunders' and her partners' sex was crucial. Her crime was gender-specific and framed within a heterosexist value system: 'the crime of realizing the subversive potential of lesbian masquerade: the displacement of the male heterosexual' (Smith 1997: 184).

Gender

My argument is that feminist theories of the state lack an understanding of the developments in recent gender theory (with the exception of poststructural feminism). Their analyses are informed by a problematic sex/gender distinction that was constructed in the 1960s to counter biological determinism. While one's 'sex' was still understood to be biologically determined, one's 'gender' was analysed as socially constructed. The concepts of male and female came to refer to one's sex, while femininity and masculinity indicated one's gender. Crucially, the distinction seemed to promise that if gender is about social relationships, women could choose their social identity – their identity was no longer to be determined by 'natural' sex (Prokhovnik 1999: 112).

Central to the sex/gender distinction is an understanding of sex as an anatomical, biological fact and gender as socially constructed. Judith Butler challenges this and argues:

> Gender ought not to be conceived merely as the cultural inscription of meaning on a pregiven sex (a juridical conception): gender must also designate the very apparatus of production whereby the sexes themselves are established.
>
> (Butler 1990: 7)

Sex is an effect of discourses on gender. Therefore, the theoretical distinctiveness of gender from sex, established by earlier feminist accounts, is untenable (Prokhovnik 1999: 106). Gender and sex share a basis that is, in crucial respects, constructed.

The 'unity' of gender is the effect of regulatory practices that seek to render gender identity uniform through compulsory heterosexuality (Butler 1993: 2). The cultural matrix through which gender identity has become intelligible requires that certain kinds of identities cannot exist – that is, those in which gender does not follow from sex and those in which the practices of desire do not 'follow' from either sex or gender (Butler 1990: 17). In terms of the identity of women, there is no gender identity behind the expressions of gender. That identity is performatively constituted by the very 'expressions' that are said to be its results (Butler 1990: 33).

The importance of this lies in problematizing women as subjects. The juridical formation of language and politics that represents women as 'the subject' of feminism is itself discursive and an effect of a given version of representational politics. Thus, it is not enough to enquire into how women might become more fully represented in language and politics. Feminist critique ought also to understand how the category of 'women' is produced and restrained by the very structures of power through which emancipation is sought (Butler 1990: 2). 'Real' women are as much an effect of women's discourses as men's. The dividing line between feminist discourses and patriarchal ones cannot be drawn with any *a priori* certainty (Grosz 1995: 64).

Radical feminist state theory, in contrast, would argue that it is possible and desirable to discover true feminine identity outside of power relations. Radical feminism is a form of identity politics. It gains its political strength by rallying around the feminine identity, valuing it and creating space for it. Feminine identity is to be discovered and it is thought to be empowering (Ferguson 1993: 14). In the light of my analysis, the danger of identity politics lies in the fact that certain identities are always marginalized and deprived of voice, as demonstrated by Black feminist theorizing (Hill Collins 1991, Mirza 1997, Andersen and Hill Collins 2004). When identity politics attempts to speak in a unified, cohesive voice, it actually risks recreating the meta-narratives that have historically excluded voices that do not neatly fit into the unified category of identity (Brooker and Miller 2001: 144). Therefore, to speak for women and to use the category of women, may, in fact, assist rather than resist male dominance. Rather, possibilities for change and resistance

lie in the fluidity of the category of women. 'Woman' itself is a term in process, a becoming, a constructing that cannot rightfully be said to originate or end. As an ongoing discursive practice it is open to intervention and resignification (Butler 1990: 33).

Challenging such basic concepts as foundational sex and true identity encounters strong critique from feminist theory. Benhabib stresses that since Butler finds all aspects of the subject to be socially constructed, the only resources for the variation of identity performances must stem from the same chain of signification that forms the subject. By collapsing the separation between the subject and social discourses that form her, Butler eliminates the resources necessary for human agency (Benhabib 1992: 218).

Like Benhabib, Fraser finds Butler's position problematic and partial. She argues that:

> In its present form, Butler's framework privileges the local, the discrete, and the specific. It is not well suited to the crucial work of articulation, contextualisation and provisional totalization. Butler's approach is good for theorising the micro level, the intrasubjective, and the historicity of gender relations. It is not useful, in contrast for the macro level, the intersubjective and the normative.
>
> (1995: 163–4)

Thus, Butler's work is argued to hamper feminist attempts to transform the deep economic, social and political structures of domination. Martha Nussbaum argues that Butler's position leads to 'the virtually complete turning from the material side of life, toward a type of verbal symbolic politics that makes only the flimsiest of connections with the real situation of real women' (quoted in Brooker and Miller 2001: 141, Nussbaum 1999).

Butler explicitly refuses to take part in the search for true gender identity and, instead, points to its dangers. As discussed above, Butler denies the possibility of discovering a reality that exists prior to or outside language. Rather, she argues that systems of power produce the very subjects they subsequently come to present (Butler 1990: 2). Critics often point to the negative implications of deconstruction. However, Butler argues that to deconstruct is not to negate or to dismiss but to call into question and to open up a term to a re-usage that previously has not been authorized (Butler 1995: 49).

> To deconstruct terms means to continue to use them, to repeat them, to repeat them subversively, and to displace them from the contexts

> in which they have been deployed as instruments of oppressive power.
>
> (Butler 1995: 51)

It follows that to deconstruct gender identities or the category of women is not to paralyse women from action: the socially constructed subject is not socially determined and hence without agency (Barvosa-Carter 2001: 125).

Agency

This deconstruction of sex, gender, women and gender identity thus leads many to ask: Is the postmodern agent impossible because it is so determined by power relations (determinism) and is it incapable of any valid normative statements (relativism) (Benhabib 1992)? In feminist perspectives on the state, liberal feminists represent an intentionalist position and overemphasize the possibilities of human agency. They stress women's agency and play down the patriarchal context. Marxist and radical feminists, by contrast, risk the danger of being overly structuralist in their analyses. The capitalist and patriarchal structures of society are so dominant that there is hardly any room for women's agency. Poststructuralism, in turn, is accused of determinism on the one hand and relativism on the other (Pulkkinen 1998), as suggested above. Our definitions of agency, therefore, are of crucial importance.

I argue that it is necessary to understand structure and agency first, as relational, and, second, as relative concepts. They exist only in relation to one another. The distinction between structure and agency is a purely analytical one (Hay 1995, 2002, cf. Giddens 1984). Structure and agency do not exist in their own right but through their relational interaction. Structures can be said to exist only by virtue of their mediation of human conduct. Neither agents nor structures are real, since neither have an existence in isolation from the other (Hay 1995, 2002). Actors, in turn, need to be conceptualized as conscious, reflexive and strategic. Their access to context (for example, the state) is discursively mediated. How actors behave reflects their understanding of the context in which they find themselves (Hay 1995, 2002).

For feminists, the issue is two-fold. On the one hand, feminists are concerned with individual women's agency to act in a (patriarchal) society. On the other hand, women's collective agency, for example in women's movements, has been pivotal for feminist analyses. McNay argues that a rounded conception of agency is crucial to explaining both how women have acted autonomously in the past despite constricting social sanctions and how

they might act now in the context of processes of gender restructuring (1999, 2000). The discursive sphere is composed of conflicting values and resources that may be actively and creatively appropriated by actors to institute new value systems and new forms of collective identity (McNay 1999: 187). Subjection consists precisely of this fundamental dependence on a discourse we never chose but that, paradoxically, initiates and sustains our agency (Butler 1997: 2).

Women's agency does not depend on a shared identity as some critics assume. To claim that the subject is constituted is not to claim that it is determined. In contrast, the constituted character of the subject is the very precondition of its agency (Butler 1995: 46). The subject is constituted and produced time and again. As Foucault's remark, that the autonomous subject emerges from constraint, is expanded, there emerges a non-intentionalist conception of agency that also breaks out of dualisms of domination and resistance, which sometimes hamper feminist thought (McNay 1999: 190). This responds to the concern of feminist theory to understand gender formations as durable but not immutable, to understand how women have been discriminated against, but yet to recognize that they are not victims without any agency.

Again, the case of Saunders is useful in illustrating that she was not merely a victim but also an active agent. As Smith argues:

> The woman we encounter in these texts is a confident lesbian with a healthy sex drive and an admirable sense of humor. In her account of her relationship with her lover, Saunders constructs herself as a courageous street-smart and unselfish lover who willingly passed as a man in order to shield her girlfriend from her family's bigotry.
>
> (Smith 1997: 182)

We need to recognize the discursive and structural limits to her agency, but also to be sensitive for her agency and resistance strategies.

In conclusion, when theorizing agency, genealogy places the focus on discursive constructions and power relations. Subject formation is a political process because subject and agent are produced by and act within certain power structures. However, the agent is not only an object of power, but also power enables and produces the agent. Agency is thus neither determined nor intentional, but is in constant interaction with the structures in which she finds herself. This focus on structures, in turn, speaks to the worry articulated by Fraser that Butler's deconstruction of gender diverts attention away from structures of domination (Fraser 1995: 163–4).

Political discourse analysis

Two key debates emerge when discourse theory and political analysis are thought of together: a debate on institutions and on comparisons. Institutions were long sidelined within the governmentality literature inspired by discourse theories. Lately, however, a new approach to institutions, new institutionalism, broadens the concept of institutions and makes it possible to argue that institutions matter. My aim is to focus on institutional and comparative analyses and to argue that they offer tools for feminist political analyses that discourse theory alone would not do. Bridging the gaps between institutional analysis, comparative analysis and feminist discourse analysis allows for an in-depth scrutiny of social structures and agency, and of change and continuity.[3]

The debates are underpinned by a broader political science debate on what politics is. As discussed above, feminist discourse analysis provokes a concern about the loss of an emphasis on gender – a key category in feminism. Similarly, political discourse analysis triggers an anxiety about the loss of an emphasis on the political (see Heywood 1994: 25–6). Both discourse analysis and feminism have been influential in exploring and expanding the boundaries of the political beyond the narrow conventional definitions of politics as an arena. The approaches point to the problems of restricting political inquiry to the state, the public sphere or government. To define politics more broadly as a process captures the idea that the political is ubiquitous, occurring in all social contexts in all societies at all points in their history (Hay 2002: 72–3).

Institutions

My interest in institutions stems from the need to understand institutional limitations and opportunities to the types of questions that can be asked and discourses that can be formulated. In line with new institutionalists, I suggest that institutions can be defined broadly as a 'stable, recurring pattern of behaviour' and that institution is a social phenomenon (Goodin 1996: 21). In addition to formal political structures and organizations, institutions comprise rules, informal structures, norms, beliefs and values, routines and conventions, and ideas about institutions (Peters 1999). Unlike formal institutions, informal institutions are not consciously designed or neatly specified, but are part of habitual action (Lowndes 1996: 182).

Institutions matter because they have a legitimacy that reaches beyond the preferences of individual actors. They are valued in themselves and not simply for their immediate purposes and outputs. Institutions may gain

their legitimacy because of their relative stability over time, or because their link with a 'sense of place' (Lowndes 1996: 182). A focus on institutions is useful when trying to grasp continuity. When purposive institutional change is attempted, old and new rules may exist in tandem, governing interactions in different parts or at different levels within political systems (Lowndes 2002: 101). As discussed above, poststructural feminists are criticized for underestimating the difficulty of change. Institutional studies, in turn, often leave too little room for agency and represent institutional structures as overpowering (Hay and Wincott 1998). For studies like mine, capacity of discourses and actors to influence and change institutions is an empirical question and cannot be established *a priori*. Discourses and institutions are mutually constitutive and reinforce each other (Chappell 2003: 6). The key research question becomes: What kind of resistance and possibilities do institutions provide for feminist struggles in particular contexts at particular times?

Institutions develop in the context of asymmetries of power. They embody power relations by privileging certain courses of action over others and by including certain actors and excluding others (Hall and Taylor 1996: 940–1). Institutions mean different things for different groups and actors. Different institutions express disparate and, at times, contradictory interests, values and identities within states (Cooper 1998). Institutions do not necessarily fit together to form a whole or represent functionally desirable solutions (Lowndes 2002: 100). Understanding this requires sensitivity to conflicts between and within institutions.

The case of Jennifer Saunders offers insights into the role of institutions in influencing political outcomes. The case was shaped by a broad range of institutions, such as the Crown Court, Court of Appeal, marriage, class structure and prison, and the interrelationships and values embedded in them. The harsh sentence – Saunders was sentenced to six years' imprisonment for her two lesbian relationships – was possible in a particular institutional context. The institutions were shaped by both an erasure of lesbian sexuality and hostility towards homosexuality, both hallmarks of the heterosexual matrix. As the initial interpretation of Saunders' actions was preserved in the official record (Smith 1997: 185), it set a legal precedent for cases to follow. Discourse analysis alone does not capture the ways in which rulings are institutionalized and shape future outcomes.

Two institutions, heterosexual marriage and the hierarchical class structure, which influenced the outcome of the case illustrate the need to understand institutions in a broad sense. Heterosexual marriage occupied the space of a basic social institution that was not to be challenged by

illegitimate political forces (Smith 1997: 191). If this happened, it was up to the courts to restore order. Furthermore, the rape charge against Saunders was intended to rescue the social value of her middle-class partner, to restore not only her honour but that of her parents as well (Smith 1997: 191).

I suggest that feminists conduct new institutionalist analysis without necessarily labelling themselves new institutionalists.[4] In other words, feminists have implicitly occupied this space without really theorizing it. Feminists have examined institutions at local, national and international levels. Examples include local government (Edwards 1995), the military (Enloe 2000), bureaucracy (Ferguson 1984, Witz and Savage 1992), political parties (Lovenduski 1986, Randall 1987, Perrigo 1996), policing (Brown and Heidensohn 2000), social policies (Skocpol 1992), welfare states (O'Connor, Orloff and Shaver 1999, Sainsbury 1994), international institutions (Whitworth 1994), and the EU (Hoskyns 1996). Recent rapid institutional change – for example, the enlargement of the EU and devolution in the UK – has attracted feminist attention. To understand its gendered implications feminists study gender and devolution (Brown 1998, 2001, Breitenbach and Mackay 2001, Dobrowolsky and Hart 2003), institutional mechanisms for the advancement of women (Stetson and Mazur 1995, Rai 2003), and gender mainstreaming (Rees 1998).

These diverse studies helpfully expose the ways in which institutions are gendered. Joan Acker defines gendered institutions in the following way:

> Advantage and disadvantage, exploitation and control, action and emotion, meaning and identity, are patterned through and in terms of a distinction between male and female, masculine and feminine. Gender is not an addition to ongoing processes, conceived as gender neutral. Rather it is an integral part of those processes.
>
> (quoted in Randall 2002: 125)

In other words, feminist literature spells out that gender is a crucial dimension in the study of institutions and processes. Understanding political and social institutions as gendered is central to understanding the practices, ideas, goals and outcomes of politics, the dynamics of change and continuity, and also reveals the ways in which institutions reflect, reinforce and structure unequal gendered power relations (Mackay and Meier 2003: 2).

Evidently, institutions are important and widely studied by feminists. However, few feminist texts actually engage with broader theoretical debates on new institutionalism. The two literatures remain largely separate to date. The few feminist definitions of institutions given often

understand institutions in a narrow sense: 'Institutions are the organizations, including government institutions, in which political decisions are made' (Lovenduski 1996: 5). Also, Davina Cooper now treats institutions 'from an external perspective as relatively coherent entities' (1998) rather than focusing on the internal divisions and contradictions as in her earlier work (Cooper 1994). Therefore, new institutionalism would have a contribution to make to feminist analyses. Also new institutionalism would benefit from feminist insights. While usefully theorizing institutions in the broad sense, the new institutionalist literature either fails to mention gender or reduces gender equality to the measure of women's political participation (Mackay and Meier 2003: 3).

The concerns of feminism and traditional institutionalism seemed incompatible due to epistemological differences, and institutionalism had little to offer feminists. Currently, however, it is possible to identify a number of different strands of new institutionalism.[5] The diversity of approaches broadens the epistemological and ontological underpinnings of new institutionalism. Many of these perspectives are not concerned with rigid theory development (Peters 1996: 206), but rather wish to provide scholars with an organizing perspective, to provoke questions that might not otherwise occur and to produce new insights that other frameworks might not yield (Lowndes 2002: 107).

The 'newness' of new institutionalism relates to six shifts: (1) from a focus on organizations to a focus on rules, (2) from a formal to an informal conception of institutions, (3) from a static to a dynamic conception of institutions, (4) from submerged values to a value-critical stance, (5) from a holistic to a disaggregated conception of institutions, and (6) from independence to embeddedness of institutions (Lowndes 2002: 97). Arguably, in its new form, institutionalism has the potential to contribute to feminist political analyses.

Focusing on rules, in contrast to organizations, points to the new institutionalist understanding of institutions as a stable, recurring pattern of behaviour and as a social phenomenon (Goodin 1996: 21). As suggested above, institutions are understood in a broader sense than in traditional institutionalism. Despite their focus on continuity and stability, new institutionalists emphasize the dynamic character of institutions. They explore how institutional stability is accomplished through human action (Chappell 2000: 248, Lowndes 2002: 99). Also, institutions are no longer seen to be neutral. New institutionalists (particularly historical institutionalists and normative institutionalists) take a 'value-critical' stance. They attempt to make explicit the submerged values embedded in seemingly neutral institutions and mechanisms (Mackay and Meier 2003: 9).

The move from a holistic to a disaggregated conception of institutions, in turn, indicates that institutions are now studied as differentiated components of political life rather than as whole systems of government (March and Olsen 1989: 16, Chappell 2000; Lowndes 2002: 100).

New institutionalists are criticized on the grounds that an expanded definition of institution runs the risk of conceptual stretching (Peters 1996: 216). The impact of the concept of institutions is diluted as it comes to include everything that guides individual behaviour (Lowndes 2002: 103). If the concept of institution means everything, it means nothing – how can political institutions be distinguished from other social facts? (Rothstein 1996: 145).[6] This argument resembles the debates that took place around feminist redefinitions and extensions of the sphere of politics (see Randall 2002: 118–20). Yet again, we can argue that the broadened notion of institutions does not represent the danger of losing sight of institutions, but actually provides the basis for productive engagements between feminists and new institutionalists. In my analysis, questions, such as what the state or what an institution is, though important, are not the main analytical dilemma. Rather, I am interested in the contributions that institutional analysis can make to feminist debates and in questions regarding the most effective ways to analyse institutions.

A different criticism comes from Mark Blyth (1997) who explores the new institutionalist use of the concept of ideas. He criticizes the ontological priority given to institutions and argues that ideas have to be taken as more than an addendum to institutions (Blyth 1997: 246). When one enters new institutionalist debates via discourse theory, as I am doing here, the debate on the role of ideas is less pertinent as ideas are given a central role in discourse theory. For Foucault, the key to understanding an institution is not its formal legal character, its class composition or the patterns of behaviour associated with it; rather, all of these things, like the institution itself, are understood in terms of the ideas or concepts that give them their character (Bevir 1999: 352).

Fiona Mackay and Petra Meier (2003), in turn, argue that a major problem is the role of power in new institutionalism. Although institutions are seen as the products of past conflict and contestation of social forces, power is a rather slippery concept in the literature. Power and the dynamics of power are underplayed and, although in some accounts social stratification is conceptualized as an institution, little serious attention is paid to major social divisions such as gender, class and race (Mackay and Meier 2003: 13–14). These are the grounds on which feminism and discourse analysis can make very specific and useful contributions to the new institutionalist literature. Again, rather than giving up on new

institutionalism, I find it productive, like Mackay and Meier, to engage with the approaches, to use their methodological insights and, at the same time, to possibly contribute to the new institutionalist debates.

In conclusion, I have indicated that the shift to new institutionalism is a positive development. However, the literature has paid insufficient attention to feminist debates that offer in practice a good example of analysing gender and institutions. A focus on institutions might paradoxically signify a return to liberal feminist concerns and problems, outlined in the previous chapter. Here, however, I advocate the use of a broader notion of institutions that extends beyond the liberal feminist use of the concept. Such a focus has a contribution to make to feminist debates about the state by pushing some of the poststructural feminist arguments, which fail to engage with institutions, in new and important directions.

I suggest that institutionalism in its new form helps to overcome the epistemological divisions between discourse analysis and traditional institutional analysis. A broad notion of institutions and an emphasis on institutionalized power relations are compatible with concerns of discourse analysis. In the process of drawing on the two analytical strategies, it remains crucial not to collapse discourses and ideas into institutions.

Comparisons

Here the role of comparisons becomes central. I suggest that implicit in the 'newness' of new institutionalism is a need to do comparative work. The dynamic conception of institutions points to the need to do comparisons over time and space. Comparisons are helpful in understanding the embedded nature of institutions and in taking a value-critical stance (as defined above) towards them. In other words, comparisons are useful in conceptualizing variation in institutions. Again, feminists have conducted innovative comparative research on institutions, which has not yet been recognized by political science debates on institutional analysis and comparative method. My aim in this section is to bring together feminist discourse analysis, institutional analysis and the comparative method to pave the way for comparative feminist discourse analysis.

On the one hand, few political scientists would dispute the importance of comparative research. In mainstream political science, comparative research is argued to generate a better understanding of different societies, their structures and institutions, and to help scholars to avoid ethnocentrism (Ragin 1987, Mackie and Marsh 1995, Hantrais 1996). Studies concentrating on one country, in contrast, risk resulting in false universalism as a theory developed in one country is thought to be applicable universally. Conversely, Richard Rose criticizes British political

science for asserting 'uniqueness through false particularisation' (1991: 450). Comparative feminist research in particular has challenged Anglo-American dominance in feminist and political theory and raised important questions about which concepts travel well across national and cultural boundaries and of the different meanings of key concepts (Siim 2000: 9).

On the other hand, the field of comparative research presents an unreceptive territory for qualitative and discourse theory methods. While the field has witnessed a decline in over-quantitative studies (Mackie and Marsh 1995), it continues to suffer from self-imposed limitations (Hopkin 2002: 267). Research continues to favour a restrictive – quantitative and positivist – understanding of comparative methodology over alternatives that might be equally valid (Hopkin 2002: 267). It is virtually impossible to find theoretical discussions on the problems, challenges and contributions of comparative discourse analysis (see, however, Howarth 2005: 332–5). In particular, comparative studies are often challenged for drawing comparisons when concepts have different meanings in different countries. A further difficulty is thought to arise from the fact that different years and time-intervals have different meanings for the countries and activities being compared (Bergman 2002: 62).

According to the comparative methodology literature, countries compared need to differ and contain common features for the comparison to be meaningful. A certain degree of similarity is probably necessary for the comparison to be meaningful. However, there are other relevant, and perhaps more pressing, concerns when doing comparative discourse analysis. First, detailed discourse analysis is time- and space-consuming. Therefore, it is possible and desirable to concentrate on only a few cases or countries – a large-scale project would be almost impossible (Howarth 2005: 332). Second, comparative discourse analysis requires a deep understanding of the language and culture of the countries under study. Language is not simply a medium for conveying concepts; it is part of the conceptual system, reflecting institutions, thought processes, values and ideology (Hantrais and Mangen 1996: 7).

The dilemma of differing concepts and language highlights the possible contributions of comparative research. Comparisons give rise to new, perhaps surprising, questions that would not be asked otherwise. On the institutional level, comparisons allow the mechanisms at work in each society to emerge more clearly, challenging what is often taken for granted (Briskin 1999: 4). On the discursive level, comparisons reveal silences. They force the researcher to consider discourses that are dominant in one context, but perhaps cannot be articulated in another. This, in turn, has

the potential to expose the limits of the discursive. At best comparative research is a process, a dialogue, where new questions are posed throughout the research (Briskin and Eliasson 1999, Rönnblom 2002a: 8).

The concept of mapping exposes the differences between more traditional comparisons and more discourse analytic ones. The purpose of mapping is not to provide a complete or coherent picture of each society, represent a found world or produce a map in the traditional sense (Briskin 1999: 8). Rather, it resists the somewhat inevitable tendency, especially in a comparative text, to produce 'ideal types' in order to contrast, for example, Finland and Britain, and to set up a binary between the two. Instead of a seamless picture of each country, what emerges is a 'map' of contradictions, tensions and interrelationships (Briskin 1999: 8).

Some feminist research has applied the premises of mainstream political science, where comparisons are used to predict, categorize, systematize and generalize knowledge, to build models and to test theories. Dorothy Stetson and Amy Mazur, for example, use the comparative method to yield and test hypotheses about cross-national variations in state feminism (Stetson and Mazur 1995: 12, Mazur 2001, Stetson 2001). The literature on women's political representation in national parliaments, which has proliferated in recent years, also draws on these methods (Inglehart and Norris 2003).

Overall, comparative feminist research has been effective in applying the comparative method on the institutional rather than discursive level (see, for example, Ruggie 1984, Gelb 1989, Elman 1996). Jessica Lindvert argues in her comparative study of Sweden and Australia that the achievements and weaknesses of the Swedish gender equality policy are best understood from an institutional perspective (Lindvert 2002). The comparative gender and welfare state research, in turn, is underpinned by notions of the different welfare state types (liberal, conservative and social democratic), and it concentrates on comparing the welfare policies of these different regimes.[7] Other feminist researchers, in contrast, emphasize the need to compare presumably similar countries, which have been categorized together as 'Nordic' (Bergqvist et al. 1999) or 'liberal' (O'Connor, Orloff and Shaver 1999), to foreground differences among them.

The comparative and institutional focus of the feminist research outlined above is helpful. However, the literature has several limitations. First, problematically, there is minimal reflection on the comparative method itself in these feminist texts. The comparative method is often taken as so self-evident that it does not have to be discussed (Rönnblom 2002a: 7). Second, and closely related, feminist comparative research tends to focus on institutions and policies rather than discourses. There are very few signposts for how to go about doing comparative discourse analysis.

Third, not only the method but also the policies that are compared are not well explained. Comparative studies have often focused on progressive policies related to women and have avoided gender-specific policies, such as sexual abuse policies (Elman 1996: vii). This might be particularly true in relation to studies on gender and welfare states that have been influential in Finland. Finally, the authors tend to concentrate on differences between countries. On the one hand, such comparative studies often disguise regional and local varieties, which would point to diversity within countries (Bergman 2002: 67). On the other, they also conceal the differences and discontinuities within state's policies in different fields (see, for example, Elman 1996).

In conclusion, comparative discourse analysis moves beyond comparing institutions. Rather than treating the different meanings of concepts over time and space as a problem, it takes this as an interesting starting point. I argue that comparative discourse analysis needs to remain sensitive to the differences within state policies in different fields. This is crucial if one is to avoid the production of ideal types and mapping out the contradictions within and between states.

Feminist comparative discourse analysis

This final section explicates the use of the methodological framework outlined above in this book. It begins with the comparative element of the methodology and then discusses uses of discourse analysis and institutional analysis.

Rather than worrying about the dangers of 'concept stretching' (Mackie and Marsh 1995), the fact that apparently similar concepts, such as feminism and the state, have different meanings in different contexts serves as an interesting starting point for this book (see also Raevaara 2005). In arguing this, I draw on the insights of discourse analysis discussed above and feminist arguments about situated knowledge (Haraway 1984). Knowledge is not only partial and constructed, but thinking and theory are always embedded in national contexts and configurations that influence norms, frames of reference and interpretations (Siim 2000: 9). The interesting thing is not just that the meaning of concepts differs, but also that certain concepts appear and become important in different contexts at different times. In doing this, I combine spatial and temporal approaches to comparison (Bergman 2002: 62) and highlight the ways in which discourses are tied to specific historical and cultural contexts.

The situatedness of knowledge can be seen not only in the ways in which concepts differ, but also in the ways in which research questions

differ. What is an important question in one context might make no sense in another (Keränen 2001). This is particularly important for comparative research, which asks the same question in different settings. A further issue to note for comparative discourse analysis is that of language. In this book, I have translated all of the Finnish material in to English. On the one hand, this forced me to contemplate carefully the meanings of what was said but, on the other hand, it is simply impossible always to capture the rich language and its meanings in translations. As knowledge is always context-specific and embedded, its meaning always shifts in the process of translation (Benjamin 1989).

In this project, I draw on my knowledge and understanding of Finland and Britain. While Finnish is my native language and I have lived in Finland most of my life, I have spent seven years in England. Solveig Bergman argues that the distance to the country one is studying facilitates detecting general lines, not merely the details. But as the distance to one's own context grows, one also learns about one's own country in a new way (Briskin and Eliasson 1999: ix, Bergman 2002: 60, Keränen 2001). In the process of being abroad, I became an 'outsider' in Finland, which has perhaps enabled different kinds of questions, analysis and criticism from those that would have been possible otherwise.

I argued above that a problem with traditional comparisons is a failure to focus on differences within states. In order to expose the discontinuities in state policies and feminist discourses in Finland and Britain, I have chosen to focus on two debates in both countries: childcare and violence against women. In contrast to some research on gender and welfare systems, the aim is not to give a comprehensive picture of the gendered impact of states. Rather, my concern is to indicate the benefits for feminist analyses of turning away from the theorization of relations between gender and state in general terms and focusing instead on constructions within specific discourses and practices (Mottier 2004: 82).

The two debates stem from the two different contexts. While childcare has been a key concern for Finnish feminists since the 1960s, violence against women has been an important issue for feminists in Britain since the 1970s. Conversely, until the 1990s, domestic violence was a silenced problem among feminists in Finland, and institutional childcare was not regarded as a feminist concern in Britain. The choice of the debates shows that both feminist discourses and feminist issues are context-specific. Examining debates that were less important for feminists (domestic violence in Finland; childcare in Britain) reveals the power of the dominant feminist discourses about the state articulated more clearly in the debates that were important for feminists.

My aim is to avoid constructing a binary between the two countries and instead to emphasize diversity within them. A close examination shows that there were feminist discourses on both topics in both countries. At present feminist discourses on violence against women in Finland and on childcare in Britain are proliferating, which indicates the importance of temporal comparisons. Feminist discourses appear at different times in different contexts and are influenced by past discourses in complex ways. To highlight diversity within national contexts, I study devolution in Scotland and its meaning for feminist discourses about the state. In Finland, in turn, the EU plays an important role as a source of new ideas and discourses. Both levels of governance, sub- and supra-state, have implications for the notion of the state, which points to the importance of including these different temporal and spatial dimensions in comparative work.

The time-frame of the study ranges from the late 1960s to the 2000s. It was in the late 1960s that Association 9 started to argue for institutional childcare arrangements in Finland. In the 1970s, Women's Aid in England articulated feminist discourses about domestic violence. Furthermore, Chapter 1 has shown the ways in which feminist theories of the state emerged in the 1960s and 1970s (Friedan 1962, Millett 1970, Firestone 1971), which also motivates the start date of the study. The 1990s and 2000s, in turn, represent the most recent developments in the debates in the two countries. They are a time of rapid institutional change, of which I study devolution in Scotland and the role of the EU in domestic violence debates.

Mainstream political science is concerned with access to comparable data when conducting comparative research. From my theoretical position, it is more pertinent to note the relationship between the researcher and the object of research, where the researcher constructs the object under study (Bergman 2002: 69). What remains crucial is to be honest and reflective about the aims, material, results and limitations of the study.

The data for comparative discourse analysis in the following chapters stem from four sources: (1) feminist activists' texts, (2) feminist academics' texts, (3) non-feminist actors' texts, and (4) parliamentary debates. First, feminist activists' texts include leaflets, pamphlets, reports, periodicals, statements and consultations. Conventionally, this material is seen as a primary source. I am interested in what discourses feminist activists, who considered childcare and domestic violence crucial for gender equality, articulated in their texts. Notably, the nature of these feminist texts has changed over the decades under study. In the 1970s, Association 9 in Finland and Women's Aid in Britain published pamphlets and polemical statements about childcare and domestic violence respectively. By the

1990s, however, the pamphlets had been replaced by reports, statements and consultations. The genre of these texts, pamphlets and consultations is very different. Arguably, this is particularly interesting for discourse analysis and helps to discern dominant discourses. Similar discourses in different texts point to the power of these discourses.

Second, I focus on feminist academics' texts. Some feminist activism increasingly resides in the women's studies movement and university feminism (Bergman 2002: 70). These texts include published academic writings and research reports on domestic violence and childcare in Britain and in Finland. I treat these feminist academic texts as historical documents and interpretations rather than objective analytical accounts of past and present (Bergman 2002: 71). I seek to analyse how these texts draw on, develop, confirm and cement feminist activists' discourses. They provide academic research and concepts to back up some of the key claims made by activists.

Third, my aim is to focus on discourses and actors in the wider society who do not identify themselves as feminists but have articulated alternative discourses on childcare and domestic violence. An analysis of the discourses of these actors provides a sense of the wider context in which feminist discourses were situated. Actors articulating these discourses include academics, kindergarten teachers, voluntary organizations, such as Victim Support in England, the police and state bodies, such as the Law Commission and the Home Affairs Committee. Their texts include academic writings, government proposals, reports and consultations. I analyse their statements to distinguish the dominant discourses in the wider society, to relate these to feminist discourses and to consider the ways in which they impact on one another.

Finally, I scrutinize parliamentary debates in both countries on the two topics. The discourses articulated in the parliamentary debates help us to consider the extent to which feminist discourses have filtered down to the state level. I suggest that it is particularly interesting to focus on parliamentary debates (see also Raevaara 2005: 58–60). In addition to its formal role in political decision-making, parliament is a forum for debates where opinions, values and interests are expressed. The debates provide interesting material for discourse analysis and for evaluations of the dominance and power of certain discourses. Furthermore, they are privileged discursive sites (Prado 1995: 36), and the discourses stemming from these sites attain particular authority often related to scientific discourses. In a similar vein, it can be argued that discourses articulated in the parliament stem from one privileged site and contain particular authority.

One potential shortcoming of the approach is that it does not provide material or space for silenced discourses as these might be too marginal to be articulated in parliament. For example, in Finland, the voices of ethnic minorities, such as the Same and Roma people, and their potential distrust of the state do not figure in these debates. Therefore, it has to be noted that the discourse analysis of the parliamentary debates only fulfils the aim of showing the power of the dominant discourses, and of tracing whether feminist discourses have had an impact on the state-level debates. Here, however, I would like to point to the helpfulness of comparative discourse analysis. My analysis seeks to illustrate that some discourses are marginal in one context but not in another, and it is by comparing the discourses and debates that important spaces to critique hegemonic discourses emerge.

Tied to the discourses are the actors articulating them. I have outlined above a number of key actors in these debates: Association 9, Women's Aid, feminist academics, MPs the police. Notably, these actors act not only within a discursive context but also within an institutional context, which constitute them as both subjects and actors. Institutional change often gives a role to new actors. When combining discourse analysis with institutional analysis, I scrutinize a broad range of institutions that shape the debates in important ways. These include legislation, such as the Childcare Act and different Domestic Violence Acts, childcare institutions such as Home Care Allowance in Finland or domestic violence institutions such as refuges in Britain. I analyse the ways in which these institutions change, provide resistance to and are underpinned by discourses.

I use a basic narrative structure in the following chapters to organise my analysis. When scrutinizing childcare and domestic violence debates, I focus on the processes of (1) agenda-setting, (2) adoption, (3) implementation, and (4) evaluation.[8] This structure helps me to answer a number of key questions: Who sets the agenda in the debates and with what discourses? What is the discursive and institutional context – e.g. where is the agenda set? How are these discourses adopted by other actors? How do the discourses change in the process of adaptation? How are the discourses implemented and how do they underpin different institutions? And finally, how do the different actors evaluate institutional change?

Conclusion

I concluded Chapter 1 by suggesting that Nordic feminist and poststructural feminist perspectives on the state could usefully be combined, and

suggested that this could be done by bringing their comparative and discursive elements together. In this chapter, I have shown that (Foucauldian) discourse analysis could indeed be helpfully combined with comparative analysis. While doing so, I have argued for feminist comparative discourse analysis. The method is important for my discussion on feminist perspectives about the state. The concepts of discourse, power and gender speak to the problems identified with Nordic feminism and the concepts of agency, institutions and comparisons help to develop poststructural feminist approaches to the state.

3
Feminists 'in' the State? Childcare Debates in Finland

Introduction

Since the 1960s, Finnish feminists have argued for state responsibility in the provision of childcare. The aim of this chapter is to analyse the ways in which feminist discourses about childcare construct state practices in respect of childcare in Finland. State feminism – the idea of Finnish feminists acting from within established state structures – is reflected in the title of this chapter: 'Feminists "in" the State?' One of the objectives is to trace the emergence and consolidation of the women-friendly welfare state discourse, which embraces the idea that Finnish feminists are 'in' the state. The question mark in the chapter title indicates my desire not to take the understanding as a first premise for the study but as something that needs to be problematized. In the course of the analysis, I wish to point to the existence of contradictions and discontinuities as well as alternative discourses in Finnish childcare debates. In the chapters that follow, I analyse the power, limitations and costs of the women-friendly welfare state discourse.

The focus on feminist discourses in childcare debates relates to the overall research aim of the book, which is to explore constructions of the state within specific feminist discourses. This chapter identifies feminist discourses about childcare and discerns competing discourses. It then examines how these discourses underpin key institutions as well as the ways in which the discourses are filtered through to the parliamentary debates, that is to the state level. The chapter argues that both feminist and non-feminist discourses produce state-oriented strategies and policies in Finland.

The chapter proceeds as follows. The first section focuses on the processes of agenda-setting and adoption in the Finnish childcare debates.

It explores feminist discourses in the 1960s and 1970s and discusses the 1973 parliamentary debate on the Childcare Act. The second section analyses the processes of implementation and evaluation of the childcare discourses and policies. This section shows the emergence of new actors, who continued to endorse the earlier discourses. The third section explores the 1994 childcare debate on the statutory right of all children under the age of seven to public childcare.[1] Comparisons between the 1973 and 1994 parliamentary debates illustrate the ways in which feminist discourses slowly became institutionalized as well as the ways in which the feminist discourses themselves changed and developed.

Agenda-setting and adoption: early feminist discourses

Since the 1960s, childcare has been a key issue for Finnish feminists. Association 9, formed between 1965 and 1966, was the first feminist actor in Finland to lobby for institutional childcare. Internationally, in the late 1960s and early 1970s, many countries experienced an upsurge in second-wave feminism. In contrast to earlier feminist movements, the new movements used extra-parliamentary tactics: consciousness-raising groups, experiments in new ways of living, creating a counter-culture and creating alternative institutions (Dahlerup 1986: 2, 8). The second-wave feminist movements developed 'the strength of being outside' and 'wanted first and foremost to reach women, not the state' (Dahlerup 1986: 13, 14). In this sense, Association 9 can hardly be considered as an orthodox second-wave feminist movement. Its new feminism had its roots firmly in the Finnish social and political traditions, which did not support anti-statism (Holli 1990: 72).

Nevertheless, Association 9 offered new ideas about gender equality and gender roles, and it was the only feminist movement at the time to mobilize in any significant numbers in Finland (Rotkirch 1968, Jallinoja 1986, Holli 1990: 71). Earlier women's organizations had accepted the fact that women had to choose between work and child rearing, and typically, the activists in these movements were unmarried women (Korppi-Tommola 2001: 148–9). The activists in Association 9, in contrast, were university-educated and married with children. Men were not excluded from the movement but formed 28 per cent of the membership and 38 per cent of the leadership (Jallinoja 1983: 163). Association 9 considered it reactionary and harmful to narrow its membership to women only and to concentrate on the narrow 'woman question'. Its ideology was based on the principle of equality, and not on feminism and difference (Jallinoja 1986: 165).

Childcare was a key concern for Association 9. Finland was industrializing rapidly, people were moving from the countryside to the cities and married women were entering the labour market. There was a chronic lack of childcare places. In 1972, one year before the enactment of the Childcare Act, 11.7 per cent of children in need of childcare received a place (Alanen 1981: 21). In other words, almost 90 per cent of those in need were left without municipal childcare.

Association 9 was one of the first actors in Finnish society actively to formulate a *working mother discourse*:

> Women's participation in the labour market furthers gender equality and therefore, it also furthers mutual respect between the spouses and other family members.
>
> (Association 9 1967)

The discourse had three key elements. First, the place of the woman was in the labour market. Women's increased labour market participation was both a fact (women *were* working) and a normative statement (women had the right to work and *should* be working) in this discourse. Second, women's labour market participation was fundamental to gender equality. Work facilitated women's economic independence and liberation from dependence on husbands and fathers. Equality in the other spheres, such as politics, would follow equal participation in the labour market. The focus on husbands and fathers in turn points to the ways in which the discourse operated within the heterosexual matrix: partnership between women and men acted as the unchallenged norm.

Third, well-organised childcare was the only way to make women's labour market participation possible and a lack of childcare was holding women back from labour market participation. Overall, the discourse was underpinned by the idea of the new woman, who could successfully combine work outside home and family. In the past, women's work had been an indication of the existence of a social problem (lone mothers, alcoholic or disabled husbands); now it became a right and the basis for modern womanhood (Julkunen 1994: 190). Notably, Association 9 analysed gender relations as a problem of the division of labour rather than a question of power relations (Bergman 2002: 135).

The working mother discourse could be seen in Association 9's stance on the 'mother's wage'. It opposed a system where mothers who were not in paid work would be paid a so-called 'mother's wage'. The movement criticized the 'mother's wage' as an attempt to encourage women to stay at home. 'It feels like the mother's wage is an attempt to return to a former

way of living. This is naturally impossible' (Association 9 1967). Working mothers were a symbol of the modernity of the society:

> The society has not organised enough childcare to meet the need for it. Children are suffering from the consequences, but also women's participation in the labour market is being disrupted. When the society additionally pressurises women to dedicate themselves to the children, many women see mother's wage as the only solution to the problem.
> (Association 9 1969)

Association 9 supported a system of care allowance, where the allowance would be paid to all children of a certain age, regardless of whether the mother was working (Association 9 1969). It would then be up to the family to decide how to use the allowance.

The movement also articulated a *state responsibility discourse*, where the state was responsible for organizing childcare. It criticized the state for its lack of a coherent policy and coordination on the issue in the 1960s.

> The starting point for the new family policy is that in a modern industrialised society it is not for the benefit of the nation if parents alone are responsible for the education and upbringing of the children. Similarly, as the society has taken the responsibility for securing income and living for elderly and sick people, it has to participate in taking care of the generation which is growing up.
> (Association 9 1969)

This discourse was underpinned by a number of elements. First, it was not families alone, and certainly not women alone, who were responsible for childcare: the state too had to participate actively in the provision of childcare. Association 9 used the concepts of 'state' and 'society' almost interchangeably and made no clear distinction between the two. The state was a vehicle for achieving equality and women could turn to the state with their demands. The arguments resembled liberal feminist understanding of the state, and, indeed, the activists were influenced by the writings of Betty Friedan (Holli 1990). They considered the state to be in the wrong hands, but in the hands of radicals it would become an active defender of equal rights (Holli 1990: 74–80). When a distinction between the state and society was made, patriarchy was associated with society rather than with the state. The state became a benevolent instrument for rejecting patriarchy, both private patriarchy in the family and public patriarchy in society (Holli 1990: 83–5).

A second key element of the state responsibility discourse was that Association 9 had more confidence in the public sector in providing childcare than in the private sector:

> Family day care has so far been outside the regulation of social services. This is extremely unfortunate, especially when we know the problems that are associated with private childcare … Organised family day care has to be the responsibility of municipalities. The goal should be that all children are given a safe and monitored childcare place.
>
> (Association 9 1967a: 5)

Privately organized childcare was unreliable and had to be closely monitored by the state. The impartial state set the standards, rules and regulations for all childcare arrangements. Despite recognizing the need and usefulness of family daycare, the movement stressed that 'organised family day care must not thwart the establishment of new municipal kindergartens' (Association 9 1967a: 7). The status of those employed in family day care, mostly women, was to be made 'as professional as possible, for example, they could be employed by the municipality' (Association 9 1967a: 9). The report also stated:

> All children, who need day care, have to have a chance to receive it by qualified personnel in a monitored, safe and inspiring environment.
>
> (Association 9 1967a: 2)

Therefore, third, the state responsibility discourse was underpinned by the idea that municipal childcare was good for children. Association 9 argued that qualified and professional personnel created a safe and creative environment for children. This was still controversial in 1960s Finland where there were too few childcare places and their quality was often poor. Association 9 recognized the problems, such as the large group sizes in kindergartens, but argued that these could easily be solved by state intervention and close regulation (Association 9 1967a: 2). The movement emphasized that there was a need to educate more qualified personnel and highlighted that a significant number of these had to be male in order to achieve a gender balance (Association 9 1967a: 2). The movement appealed to 'some studies' and argued that these showed that the 'majority of parents after all see institutional childcare as the better option' in comparison to care in private families (Association 9 1967a: 8).

At this stage, the discourses articulated by the movement were supported by two groups of actors: state feminists in the women's policy agencies

that were being established at the time and women in left-wing parties. There were two state feminist bodies at the time (see Holli 2001, 2003). In 1966, the Social Democratic government established a temporary Committee on the Status of Women to investigate the position of women in society. It was the first official state institution in Finland to promote gender equality. Association 9 got a significant number of representatives on the committee and expert status as a commentator of the committee's reports. The movement's actions were quickly seen by its members as complementary to the state: it was a voice for those matters forgotten by the state committee, rather than its critic or alternative (Holli 1990: 79).

Association 9 was dissolved in 1970. It had promoted the idea of a permanent state body for gender equality and this was one of the recommendations of the committee's report on gender equality (Holli 1990: 70, Committee on the Status of Women 1970). This was achieved in 1972 with the establishment of the Council for Equality between Women and Men. The ideologies of the committee and the Council for Equality were strongly influenced by Association 9 (Holli 1990: 69), and they provided institutional support for its discourses.

Further support came from women in political parties. In the 1960s and early 1970s, the women's sections of the left-wing parties started to adopt the ideas of Association 9 (Katainen 1994). For example, the Finnish Women's Democratic League (SNDL), the women's section of the Finnish People's Democratic League (SKDL), approved in its 1968 conference an eight-point report which proposed a comprehensive system of childcare, in line with the proposals of Association 9 (Tyyskä 1995: 94).

The women's sections of the right-wing parties, by contrast, endorsed discourses that were in direct opposition to Association 9's views. The 'mother's wage', for example, was strongly promoted by women members of the Centre Party and National Coalition Party. For them, women were primarily mothers not workers. They also shared the idea that the family, and not the state, was responsible for care (Alanen 1981: 72). These discourses were most evident in right-wing party women's support for the 'mother's wage'. They argued that it would protect the emotional bond between mother and child and that child welfare was best achieved at home. The 'mother's wage' would also be a sign of the way society appreciates the work done by mothers. Finally, practically, it would be cheaper to support childcare at home than in municipal kindergartens (Alanen 1981: 28). These views started to change in the 1970s and municipal childcare became more accepted by the women's sections of the right-wing parties (Alanen 1981: 74).

In conclusion, there was an emerging consensus among some women about childcare and the state in Finland. Association 9, the Committee on the Status of Women, the Council for Equality and the women's sections of the left-wing parties promoted the working mother and state responsibility discourses. They argued that municipal childcare was of a good quality and had the potential to benefit children. However, the positions on childcare were polarized between women on the right and on the left. The 'mother's wage' in particular was contested, with women in the right-wing parties supporting it strongly. For them, childcare was still the responsibility of the family and the primary place for mothers was at home. This debate on the mother's wage was an important precedent for the choice discourse that emerged in the parliamentary debates.

Did the feminist discourses outlined above filter through to the debates at the state level? In order to map out the ways in which feminist discourses influence state policies and were represented in parliament, I analyse the 1973 parliamentary debate on the Childcare Act. The parliamentary debate followed a government proposal (HE 138/1972) which recognized the inadequacy and unfair regional distribution of childcare services in 1970s Finland. The proposal laid out the administrative, organizational and financial framework to meet the demand for childcare by 1990. The government proposed that the National Board of Social Welfare was to regulate and control the provision of childcare. The implementation of childcare on the local level was to be the responsibility of the municipalities. The proposal made specific regulations about municipal childcare, which were to ensure the quality of childcare arrangements.

The proposal also stated that childcare should be organized so as to contribute to the children's education. No single form of childcare – municipal daycare centres, supervised family daycare in the minder's home, group family daycare, playgrounds or open daycare centres – was to be prioritized by the state: parents could choose the option that suited them best. Childcare was to be offered when it was needed, so that parents working in the evening or at night could also benefit from municipal childcare. In this way, the proposal responded to feminist demands about state responsibility in organizing childcare.

During the parliamentary debate, none of the MPs opposed the Childcare Act or questioned its need. However, there were still deep divisions about why and what kind of childcare was needed. The female MPs in the left-wing parties promoted the working mother discourse

and demanded a rapid solution to the lack of municipal childcare places. They also endorsed the state responsibility discourse:

> There have been too many delays in organising childcare. Therefore, the lack of childcare has to be finally tackled and the problem that the whole society is facing has to be efficiently solved. The decision-making bodies have to now recognise their responsibility, because children cannot defend their rights and mothers are too laden with work and responsibilities that rest on their shoulders today to do it.
>
> (Anna-Liisa Jokinen, Finnish People's Democratic League SKDL, 14 March 1972)

In this discourse, the lack of childcare was a serious problem for the whole of society. However, despite this, it was still being discussed in terms of mothers and children. It was still a women's, not men's or parents', issue, and it was to be provided to facilitate women's labour market participation. Here we can also look at some statistics in relation to the debate. When the proposal was first sent to parliament, 25 of the speakers were women and only five were men. In the further three debates that followed, 65 of the speeches were given by women and 37 by men. The number of speeches given by women is considerable – in 1972 there were 38 women and 162 men in parliament. In other words, only 19 per cent of MPs were women and yet they gave 68 per cent of the speeches on childcare in parliament.

Some female and male MPs on the right gave their qualified support to the working mother and state responsibility discourses. However, women's work was not the norm but resulted from social problems:

> Today there are many single mothers, wives of disabled men or men with low incomes, who have to work out of economic necessity. And also wives of men with higher incomes have to work if the family wants to own, for example, its own home.
>
> (Anna-Kaarina Aalto, National Coalition Party, 1 December 1972)

> The piece of legislation that is under discussion here brings social justice to poor families, to families where mothers are forced to enter the labour market at the cost of taking care of their children at home.
>
> (Lauri Linna, Finnish Unity Party, 5 December 1972)

Women's participation in the labour market was a sign of marriages or men that did not conform to the norm of married, able-bodied, heterosexual couples: divorce, disability or poverty could explain the mother's entry in to the labour market. Economic motives, such as the desire to buy property for the family, could sometimes justify the mother's employment. Childcare was framed as a class issue: it would be particularly helpful for the lower social classes, where women were 'forced' to work outside home. Within these confines, there was some support for the working mother discourse from both the political left and right in parliament.

However, many female and male MPs in the right-wing parties still resisted the working mother discourse. The basic tenets of the *choice discourse* can be discerned from their arguments. First, the discourse emphasized mothers' right to choose to stay at home. It was her choice and the state should not try to direct or influence this choice and prioritize some forms of childcare:

> What is missing from the law is the most essential part that would guarantee a freedom of choice for the mother either to hire someone to take care of her child or children at home or to stay at home herself.
> (Sylvi Saimo, Centre Party, 14 March 1972)

> … during her first years, the child grows and develops best in the proximity of a loving and caring mother. Therefore, we here in Finland need to support those activities that encourage mothers to stay at home to look after their children.
> (Raino Westerholm, Christian League, 1 December 1972)

At this point, the discourse centred on mothers and there was little reference to parents' right to choose and no reference to fathers' right to stay at home. The choice did not mean a choice between different forms of childcare but a (mother's) choice to stay at home. The second key element of the choice discourse was that the right to choose had to be supported by the state in terms of legislation and funding. In other words, the freedom of mothers to choose was to be guaranteed by the state. This signals that MPs on the right also wanted the state to intervene in the private sphere of the family by supporting childcare at home. They thus went beyond the more liberal understandings of the public/private dichotomy where the state was not to intrude in family life (Pateman 1983, Okin 1989). In sum, the choice discourse was underpinned by a similar benign understanding of the state as the feminist state responsibility discourse.

In the 1970s parliamentary debate, a number of other ideas, loosely related to the choice discourse, were articulated. MPs on the right suggested that a mother's place was at home and that home was the best place for the child:

> … every mother would like to stay at home to look after her children, if she would have the financial possibilities for that.
>
> (Aune Mänttäri, Centre Party, 5 December 1972)

The discourse prioritized care done by mothers and played down the role of fathers (see Vuori 2001) and thus built on homogeneous constructions of women and men, and their identities and interests. It also drew on ideas of a gendered division of labour, where women's and men's jobs were clearly defined. Both female and male MPs in the right-wing parties idealized home and its meaning for the child:

> The warm arms of the mother are being exchanged for the cold words of the kindergarten director.
>
> (Veikko Vennamo, Agrarian Party, 1 December 1972)

> Now this wanted child is pushed away from the love and tenderness of home, and she is turned into a standard person, who is politically, socially and economically easier to direct into a certain direction.
>
> (Alli Vaittinen-Kuikka, National Coalition Party, 1 December 1972)

These arguments valorized the nuclear family and placed the family above individual choices (Jallinoja 1984: 39–57), thus challenging the working mother discourse which stressed women's right to work. The interests of the child were contrasted with achieving gender equality through women's labour market participation:

> When we talk about children, the best of the child should be the starting point in developing a childcare system, and not the woman achieving equality with men just by participating in the labour market, which in turn results in the mother being unable to look after her child.
>
> (Lea Sutinen, Centre Party, 1 December 1972)

For these MPs, women's participation in the labour market was only a secondary concern and not a good enough reason to send children to municipal kindergartens.

The choice discourse has shaped the Finnish childcare debates since the 1970s. Its influence in this early childcare debate was illustrated by the fact that in the third round of the parliamentary debates, an amendment by Pirkko Aro (Liberal Party) was accepted in the parliamentary vote. Aro suggested that by enacting the Childcare Act parliament obliged the government to take immediate action to secure the financial position of families by making the different childcare options equal and by developing a system of childcare allowance. Only the most radical left-wing MPs from the Finnish People's Democratic League voted against the proposal.

The policy outcome of the debate was the Childcare Act 1973 which established childcare as a free-standing, autonomous, special programme outside of the educational system for children under seven years of age (Tyyskä 1995: 32). The numbers of children in daycare tripled between 1973 and 1983, from approximately 50,000 to around 150,000. In 1984, about 54 per cent of children in need of childcare received it, and, in 1986, this had risen to 70–75 per cent (Tyyskä 1995: 32)

In conclusion, it is evident that views on childcare were still deeply polarized. Even though no one opposed the Childcare Act as such, MPs had reservations about the ways in which it was being enacted. The working mother discourse was not universally accepted and many MPs on the right still considered the mother's place to be at home. Only some feminist discourse about the importance of childcare for women's labour market participation had filtered into the parliamentary debates. It was mainly represented by female MPs in the left-wing parties. Furthermore, even if the woman was accepted as a worker, she was still the primary caregiver and, therefore, childcare was a women's issue.

The right-wing parties emphasized the importance of choice. The state had to develop a system, such as a mother's wage or care allowance, which would make it possible for mothers to choose to stay at home. However, all sections in parliament agreed that not all of the responsibility for care should lie with the family. The parties on the left argued that it was the responsibility of the state to provide municipal childcare. The parties on the right emphasized choice: the responsibility of the state was to guarantee freedom of choice and a range of alternatives for the parents (Alanen 1981: 82). For all, the state was an important actor in solving the problem.

Implementation and evaluation: consolidation of childcare discourses

The Childcare Act was implemented throughout the 1970s and 1980s. It became the responsibility of the municipalities to ensure that there were

enough high-quality childcare places in the country. The Act was the embodiment of the feminist working mother and state responsibility discourses. The responsibility for financing was shared by the municipalities and the state, with a small share being financed by the parents (Haataja 2000: 11), which also reflects the power of the state responsibility discourse. The choice discourse was also institutionalized in a system of Home Care Allowance in 1985 (Tyyskä 1995, Välimäki 1999, Haataja 2004). Since 1990, all parents of children under the age of three can choose between a municipal childcare place and the Home Care Allowance, which makes it possible for one of the parents to stay at home or to employ a private childminder.

The change in childcare institutions gave a role to new actors. Notably, childcare was no longer solely a feminist concern and, for example, the Council for Equality ceased to prioritize childcare in the 1990s and did not actively participate in the debates (Aalto 2003: 41). Rather, childcare was being discussed heatedly by a number of other actors, most prominently by the municipalities. It also becomes clear that although the feminist input into the debates diminished, the feminist discourses were consolidated. The feminist contribution no longer came from the women's movement or the state feminists but from feminist academics who articulated a women-friendly welfare state discourse.

The municipalities saw childcare as a positive and necessary welfare service for parents and children (*Suomen Kunnat* 1983: 34). There were some similarities between the feminist discourses and those of the municipalities. Like the feminist movement and state feminists, the municipalities argued that public childcare was of a high quality and therefore good for the children: 'The Childcare Act has signified improving and securing the quality of childcare' (*Suomen Kunnat* 1983: 34). In contrast to the feminist discourses, however, the municipalities made no reference to gender and gender equality. Instead, childcare was a welfare service provided by the state to families. Previous research has indeed noted the difficult relationship between feminists and the municipalities. In many other countries, it has been easier for women to become involved at the local level of governance. In Finland, by contrast, the municipalities have provided resistance to gender equality reforms, such as the quota law (Holli, Luhtakallio and Raevaara 2003).

The Childcare Act obliged the municipalities to fulfil the demand for childcare by 1990 and to provide all children under the age of three with a childcare place. Towards the end of the 1980s, the municipalities were openly calling the goal unrealistic. The Association of the Finnish Local and Regional Authorities stated: 'The Childcare Act has to be postponed'

(*Suomen Kunnat* 1989: 17). The municipalities called the timetable unrealistic and played down the problem of the lack of childcare places (*Suomen Kunnat* 1989: 17). The municipalities stressed their other responsibilities for the care of the elderly and disabled people as more urgent than meeting the demand for childcare. For the families in need, for feminists and others engaged in these debates, the municipalities started to emerge as the villains, the ones holding back the provision of adequate and high-quality childcare.

The municipalities drew heavily on the choice discourse:

> Currently, we are confronted with continuous arguments about which form of childcare is best for the child and/or best and most economic for the society. It is not understood that all forms of childcare are needed: that they all have to be developed but that some forms of childcare cannot realistically be extended.
>
> (*Suomen Kunnallislehti* 1988: 10)

The forms of childcare that could not 'realistically be extended' included municipal child daycare. Therefore, many municipalities were resorting to family daycare arrangements, as they could not meet the demand for municipal childcare in kindergartens. They were also constructing municipality-specific childcare allowances to make it more attractive for some parents (mothers) to stay at home to look after their children. The municipalities employed the choice discourse to emphasize the importance of developing these cheaper alternatives to municipal childcare. The use of the discourse had two dimensions (Haataja 2004: 11). First, in practice the choice was a woman's choice between staying at home and participating in the labour market. Secondly, and alternatively, the choice involved choosing between different forms of private childcare as these were cheaper for the municipalities to provide than municipal childcare. Anita Haataja argues that the combined effect of this model is detrimental to gender equality as its implications include weakening the position of women in the labour market, an increase in short-term contract work and weakening the position of those doing care work in the private sector (2004: 11).

The Association of Kindergarten Teachers in Finland expressed their distrust in the municipalities and argued: 'There is not trust because we know what the decision-makers in the municipalities are ready to cut down. Schools and social welfare [childcare] are always targeted' (quoted in *Suomen Kunnat* 1989a: 24). The union also emphasized the importance of regulations set by the state to maintain the quality of municipal childcare

arrangements. It was held by many that the pedagogic goals of childcare were not well understood in the municipalities (*Sosiaaliturva* 1989). Politicians and lawyers took part in the debate and tried to make the municipalities responsible for their actions:

> *Minister Tarja Halonen*: Municipalities have to search for solutions to childcare together with the parents.
>
> (*Sosiaaliturva* 1989: 100)

> *Legal representatives agree*: Municipalities can be sued because of a failure to provide childcare.
>
> (*Suomen Kunnat* 1989: 25)

Towards the end of the 1980s, the municipalities were widely portrayed as the troublemakers in the childcare debates.

While gender did not figure explicitly in these actors' discourses, feminist scholars kept the gender-specific consequences of childcare on the agenda. They identified Finland as a women-friendly welfare state in line with the Nordic tradition (Rantalaiho 1994: 9) and universal welfare benefits and extensive services, such as childcare, as a key to the women-friendliness of the Finnish state (Julkunen 1994: 195).

Feminist scholars argued that the Finnish notion of care was different from, for example, the British notion of care. It was broader and covered both unpaid care at home and paid care in nurseries and hospitals (Anttonen 1997: 131). Anneli Anttonen summarized the Finnish notion of care that informed the debates:

> Care is professionalised and there is a strong resistance towards the housewife or maid culture. Care is understood as necessary work done for the society. It has to be paid for and is not to result in negative dependency relations between the carer and the one that is cared for. Therefore, socialising care has been important for the democratisation and for equality in the Nordic countries. The carer does not signify a wife or a mother or a poorly paid maid.
>
> (Anttonen 1997: 131)

Feminist scholars, therefore, linked public and institutional childcare, the 'socialization of care', to gender equality: 'Socialization of care acts as an indicator of the degree of modernity of the society and of how active the women have been politically' (Anttonen 1997: 138). It enabled the woman to be an active agent and a member of the society, first, by making her labour force participation possible and, second, by giving her work.

The book *Naisten hyvinvointivaltio* ['Women's Welfare State'] articulated the tenets and the tensions of the *women-friendly welfare state discourse* (Anttonen et al. 1994). In the prologue, Anttonen et al. argued that the Finnish welfare state was a *women's welfare state* for three reasons: (1) women participated in its activities as professionals, workers, customers, citizens and politicians, (2) women interpreted and analysed welfare state practices as researchers, and (3) the welfare state had contributed, and had the potential to contribute, to women's attempts to become more independent (Anttonen et al. 1994). The authors also pointed to the existing tensions. While institutional childcare was crucial to gender equality, it related closely to the strong gender segregation in the Finnish labour market (Rantalaiho 1994: 23). In other words, the Finnish welfare state was based on hierarchies, where there were men's and women's jobs. The women's welfare state consisted of services and jobs around care, while the men's welfare state was about money transfers and social security (Julkunen 1990, 1992, Rantalaiho 1994: 25).

A women-friendly welfare state discourse that emerged from the academic feminist texts had a number of key elements. First, characteristic of the discourse was an emphasis on women's active role in the construction of the women-friendly welfare states and a stress on women's agency. The working mother discourse was an important building block, which produced ideas of Finnish women as strong survivors.[2]

> The Finnish woman has been independent and autonomous in a very special way … In the mind of today's Finns, the Finnish woman continues to live as a strong and hard working mother.
>
> (Julkunen 1994: 182)

> The women had to create their own subjectivity on the fact that they were crucial for the survival of the family.
>
> (Nätkin 1994: 140)

Liisa Rantalaiho stressed that Finland was 'small, poor, and agrarian', which meant that everyone had to work together in order to survive. This created companionship between women and men, which in turn was one basis for gender equality (Rantalaiho 1994: 16). The quotations also point to the tendency to homogenize the category of women, who were represented as sharing experiences and hence interests.

The second element of the women-friendly welfare state discourse was a benign understanding of the state. Feminist academics argued that

women's journey from private to public, from daughters and wives to workers and full citizens went through the welfare state (Anttonen 1994a: 27). Scholars suggested that in Finland women's dependency on the state was seen as less problematic than dependence on husband, employer or charity (Julkunen and Rantalaiho 1989: 5):

> For Finnish women, state feminism has seemed on the one hand, as a necessary mode of action – because the state is the dominant channel for realising everything – and, on the other hand, as a natural bond between the public spheres of the civil society and the state.
>
> (Rantalaiho 1994: 19)

The Finnish state was not exclusively a men's state or a male state but was also a women's state (if not female or feminine). It was legitimate for women to turn to the state with demands, and state feminism was an important strategy to achieve societal change.

The benign notion of the state was in line with Hegelian notions of the state. While in the liberal tradition civil society was associated with freedom and the state with necessity, in the Hegelian tradition civil society related to necessity and the state to freedom (Pulkkinen 1989: 112, 1998: 20). In the Hegelian tradition, the individual could only be free – that is be a moral being – as part of a state. The state was not just a broker between competing interest groups, as in the liberal state theories, but had the positive function of promoting a way of life (Smith 1989: 233). While, for Hegel, the state was a moral subject itself, set against the civil society, for J. V. Snellman, an influential Finnish political philosopher, the state rather was a site where individuals act morally (Pulkkinen 1989: 103). Civil society, in turn, was a site where people were concerned with realizing their private interests. In civil society people followed and obeyed the laws and customs of the country. In the state, in contrast, individuals changed these laws and customs according to their understanding of what was best for the people as a whole (Pulkkinen 1989: 104).

Third, the question of the women-friendly welfare state became one of the identity of the Finnish state and the Finnish people. Finland was a women-friendly welfare state in comparison to other European countries. The women-friendly welfare state discourse was supported by comparing Finland to other countries, such as Britain:

> The model of welfare state that emerged in Finland was not based on the family unit and on the idea of the family wage to such a degree as

> in the British context. As a consequence, the marriage bond is less visible in the Finnish security system than in Britain.
>
> (Simonen 1991: 17)

> The meaning of the care network culminates to the position of single mothers. In Britain, single mothers often risk poverty. In Finland, in contrast, their position is 'normalised' – they are expected to work like any other citizens and they are not treated as victims.
>
> (Anttonen 1997: 201)

Comparative research highlighted Finland's difference from other European countries (the 'Other') and perhaps also demonstrated Finland's similarity to the neighbouring Nordic countries ('us'). Furthermore, in comparison to the other Nordic states, the project of constructing the nation-state was especially prominent in Finland. The state became 'our state' to protect 'us' from the outside forces (Rantalaiho 1994: 19).[3] Women and men were both confronted by the same 'outside' threats, and the state protected both equally.

The recession at the beginning of 1990s changed the state of childcare arrangements dramatically. The municipalities, which had to cut all costs, were justified in reducing the number of childcare places. As a result, the other parties in the debate depicted the municipalities as even greater villains and lawbreakers than before. The Association of Kindergarten Teachers in Finland argued: 'Municipalities are breaking the Childcare Act' (*Lapsen maailma* 1991: 4). Two years later the Association stated: 'The system of municipal childcare is about to collapse' (*Lapsen maailma* 1993: 23). Municipal childcare was being 'closed, brought down, privatized, centralized' (*Lastentarha* 1993: 18). The headlines in the journal of the Central Union for Child Welfare also exposed the gravity of the situation: the 'Recession is frowning at families with small children' (*Lapsen maailma* 1992: 10). 'The situation of the municipal childcare is distressing' (*Lapsen maailma* 1992a: 6).

The municipalities had to be forced to fulfil their duties in enacting the law. The tendency was revealed by journal headlines: 'Minister Huttu-Juntunen tells trouble-maker municipalities: The law places an obligation on them to provide childcare places' (*Opettaja* 1995: 6). Terttu Huttu-Juntunen (Left Alliance) argued in an interview that the municipalities could decide on the form of childcare service, but 'the state determines the bigger picture':

> Childcare is a municipal service which citizens have been highly satisfied with. This is surely a reflection of the highly qualified personnel

> that we've had from the start … We should not forget that if the quality of the public sector services goes down, then also the support for them diminishes. At the same time people's support for the system declines. In order to preserve the Nordic welfare society we have to take care of the quality of the public sector services.
>
> (*Opettaja* 1995: 7)

From this quotation an image of the state emerges that understands women's concerns and defends them against troublemaking municipalities. This construction made a strong distinction between the benign state and the problematic municipalities. The municipalities were implicitly excluded from the notion of the 'state', which in turn made it possible to continue to articulate the women-friendly welfare state discourse.

The recession unsettled the women-friendly welfare state orthodoxy and the welfare state cuts affected women disproportionately (Savola 2000: 75–7, Lehto and Blomster 2000: 176–82). Recent feminist evaluations point to the long-term impact of the recession which changed the patterns of women's labour market participation in Finland, which now involve more short-term contract work (Haataja 2004). Furthermore, new ideas about childcare began to emerge. Private childcare and other alternative arrangements were on the agenda. The Trade Union of Education in Finland ran a major article in its journal: 'Social Affairs and Health Minister Jorma Huhtanen Accepts Private Kindergartens' (*Opettaja* 1992: 7). Also the *Finnish Economist* expressed its opinion: 'Good childcare can even be private' or 'at least as good quality as public' (*Taloustaito* 1995). The choice discourse had thus gained more ground.

Feminist discourses in the 1994 parliamentary debate

In this final section, I focus on one parliamentary debate on childcare. The analysis illustrates the extent to which feminist discourses had filtered through to the state level and how established they were. It points to the constitutive effect of the discourses in relation to institutions and actors. This in turn represents a challenge to radical feminist theories of the essentially patriarchal state by showing a feminist impact at the state level.

The parliamentary debate took place when a government proposal (HE 211/1994) aimed to delay a law which, in 1991, placed a duty on the municipalities to ensure that all children under the age of seven were guaranteed a place in a kindergarten by 1995. The government also proposed delaying the extension of Home Care Allowance until 1997.

The feminist working mother discourse, which emerged at the beginning of 1970s, was the norm in Finland by 1994. Childcare was generally accepted as pivotal in enabling women's labour market participation. This was seen, for example, in the Social Affairs and Health Committee's report, which criticized the government proposal to delay the Childcare Act. The report argued that childcare had great significance, first, for the social development of the child and, second, for the parents' ability to work:

> Childcare, in addition to free meals at school, is perhaps the most important factor in influencing equality in the labour market because the responsibility for care still lies with the mother. Childcare gives both parents the opportunity to work. Municipal childcare is also a safe care method. The work is done by qualified personnel and care is guided and balanced.
>
> (STVHE211.M94)

The parliamentary cross-party Women's Network was very active in the debate.[4] The Network, which had members from all political parties, from both left and right, was able to agree on the importance of the issue and to formulate a common position on it. The Women's Network wrote an open letter to parliament (15 December 1994), which was read out in the parliamentary session by Outi Ojala (Left-Wing Alliance):

> The Finnish childcare system is unique in the world. The municipalities organize both municipal childcare and family daycare for children. In Finland, we have also promoted freedom of choice. The parents of children under the age of three may choose between a municipal childcare place and Home Care Allowance. These arrangements have improved the position of children … Our unique system is now at risk. … Inadequate childcare arrangements prevent the parents of small children from working. Above all, the entry of women into the labour market is made more difficult. Developing childcare services rapidly enhances women's employment. … On the basis of the reasons above, the Women's Network appeals to all MPs not to vote for the government's proposal No. 211.
>
> (17 December 1994)

The Women's Network was ready to accept a delay in the extension of the Home Care Allowance as long as there were no delays to the extension of the statutory right to municipal childcare for all children under the age

of seven. The breakdown of the consensus in the Network is discussed below.

This joint statement signalled that childcare was seen as a women's concern that united women across party lines. Childcare was an issue on which women had gender-specific expertise. Indeed, one male MP called on women to respond and articulate a 'women's perspective':

> Let us now see what is Finland's female-dominated parliament's women's perspective … and how women's will is realized in practice in relation to this issue, because undeniably here women have the expertise.
>
> (Jouko Skinnari, SDP, 17 December 1994)

In other words, women's difference from men (gender difference) was apparent on this particular issue. The childcare system was women's side of the welfare state.

However, unlike in 1973, there were active attempts to broaden the focus to men as well. The talk about the issue being a core concern for female MPs offended Erkki Tuomioja (SDP):

> [In] the Social Democratic Parliamentary Group, we have all, regardless of our gender, held to the point that the Childcare Act and the services it requires are a fundamental service in any welfare society.
>
> (17 December 1994)

Childcare was a 'fundamental service' of any welfare state, and not just a 'narrow' women's issue. Satu Hassi (Green Party) argued:

> I wish that everyone would remember that the one group that this legislation concerns are young fathers who are unemployed and whose wives are working and whose ability to work might depend on whether the children get a childcare place. In today's Finland, this is not a women's problem. It is also a men's problem.
>
> (20 December 1994)

Both quotations demonstrate attempts to extend the focus beyond the working mother discourse and to emphasize that childcare had become a broader issue of the welfare society and could not be adequately understood by focusing on mothers alone. They also illustrate the power of ideas about joint parenting which had become dominant in Finland (see Vuori 2001).

The recession had the potential to challenge the state responsibility discourse – it was unclear whether the state could afford its welfare services. Yet, the discourse continued to be articulated in parliament:

> In the Nordic welfare state model, the main responsibility of bringing up children lies with parents supported by professional staff in the kindergartens.
>
> (Sinikka Hurskainen, SDP, 17 December 1994)

It was the state's responsibility to bring about equal access to care for all children. For example, Eva Biaudet (Swedish People's Party) argued:[5]

> In my opinion, if equality for children is not achieved, the responsibility lies with the state. The state enacts laws, so that we can protect equality. If the municipalities would fully accept their responsibility, we would not of course have this problem. But currently children are in an unequal position depending on where they live.
>
> (17 December 1994)

In this discourse, the state and institutional childcare had positive and necessary functions in realizing equality between children from different regions. The quotation shows that the municipalities emerged as troublemakers who were not meeting their obligations.

Finland was about to join the European Union (EU) when this debate took place. The MPs understood childcare issues as fundamental to Finnish identity as a women-friendly welfare state:

> To a great extent now, when within a few weeks we will become members of the European Union, the question is about equality, the question is about our basic pillars: childcare, free school meals, workplace meals, issues that we are proudly taking with the other Nordic countries to the EU, and even before we become members, we'd be slowing down and destroying these.
>
> (Virpa Puisto, SDP, 17 December 1994)

> The Nordic countries have let it be known that when they join the EU, they will bring a new model from their welfare society. We should now live as we teach.
>
> (Tarja Halonen, SDP, 20 December 1994)

In the women-friendly welfare state discourse, the Finnish model was based on welfare state services, such as childcare and free school meals, which enhanced gender equality. The quotations illustrate the Finnish belief in this system and the desire to export it to other EU countries. The Nordic model acted as a superior norm and the right way to promote gender equality (see Raevaara 2005: 181).

In the 1973 parliamentary debate, feminist 'working mother' and 'state responsibility' discourses were opposed by more conservative views on the mother's place in the home and family responsibility for childcare. In 1994, no one suggested that the mother's place would be in the home or that the family alone should take care of the children. Instead, the government appealed to economic realities to counter the demands for childcare. There was a right-wing government at the time: the Centre Party was in power in coalition with the National Coalition Party. The government was characterized by a constant need for all sectors to reduce spending in order to bring Finland out of recession. Another actor, which opposed the legislation, was the Central Association for the Local and Regional Authorities in Finland. The municipalities that had failed to provide enough municipal childcare places (for example, Espoo and Vantaa in South Finland) lodged complaints. The municipalities argued that the legislation was attacking their rights to self-government.

Female MPs adopted different strategies in the face of government resistance. Some resisted the government discourse on economic realities by pointing to the ways in which good childcare arrangements were a key to economic success for the national economy:

> Many modern businesses have seen that one of the most important advantages of Finnish know-how is the fact that we have good services. That is also how we can get international companies [to invest] here, so the issue has many implications and it is not so straightforward that it would simply increase state expenditure.
>
> (Arja Alho, SDP, 17 December 1994)

Here good childcare arrangements were argued to enhance Finland's economic competitiveness. Others disagreed and argued that it was regrettable that childcare had to be justified on economic terms rather than as a legitimate concern in its own right:

> One has to see the connection between functioning services and the business sector. Today also childcare has to be justified from this angle. Obviously it is not enough to justify it because of its importance as such, because it is precious and significant, because Finnish childcare

> is of a high quality and because, especially for the age group that we are talking about here, that is children over the age of three, childcare creates an inspiring and appropriate social environment.
>
> (Maija Perho-Santala, National Coalition Party, 20 December 1994)

While some female MPs used the language of business and economics to further their demands for childcare, others resisted it and attempted to redefine the issue on broader terms calling for recognition of the value of childcare as such.

The working mother and women-friendly welfare state discourses pointed to articulations of gender difference. The discussion showed that it was legitimate in this debate to emphasize differences between women and men. For example, women were thought to have a special interest in childcare and expertise in the topic. The understanding implied that women had shared interests and concerns and pointed to unity in the category of women. During the debate, these ideas were challenged. Above, I discussed attempts to frame childcare as a wider welfare state issue, and a men's concern – it was not a concern uniting women but men and women. Below I analyse how female MPs on the right endorsed the choice discourse and emphasized differences between women.

The choice discourse divided female MPs of the Women's Network in parliamentary debates and resulted in a breakdown of consensus between women from different political parties. The discourse stressed differences between women and resisted articulations of interests shared by all women. The Centre Party women argued that the Women's Network had made a wrong decision when agreeing to separate the Childcare Act from the Home Care Allowance. Maria Kaisa Aula (Centre Party) stated:

> I don't like the way in which women's opinions are monopolized as if there were right women's opinions and wrong women's opinions. One cannot deal with things in this way, but it has to be accepted that there are many opinions on these issues.
>
> (17 December 1994)

The women from the Centre Party and the parties affiliated to it (for example, the Agrarian Party SMP) appealed strongly to the choice discourse:

> In my opinion, equality means that the families should have the freedom to choose whether children are taken into municipal daycare or are given the choice of Home Care Allowance.
>
> (Lea Mäkipää, SMP, 17 December 1994)

The parliamentary debate illustrates the depth of the division between the municipal childcare and Home Care Allowance arrangements, which were constructed as two opposing strategies (see also Anttonen 1999). It also shows the kinds of differences between women that could be articulated in parliament. In this debate, the differences between women followed party lines, and a strong conflict emerged between women on the right and left. Region and class were the basis for difference and the MPs distinguished and discussed the differences and similarities between farmers' wives in the countryside and poor working-class women in the inner city. Other differences, such as ethnicity or sexuality, were not brought to the fore.

In the end, the coalition government of the Centre Party and the National Coalition Party compromised on the issue and proposed that both the Childcare Act and the Home Care Allowance come into force on 1 January 1996 (during the next government) instead of being delayed until the autumn of 1997. Centre Party women opted for this compromise because it did not separate the Home Care Allowance from municipal childcare arrangements. National Coalition Party women also voted for the new compromise. The outcome of the debate was that the municipal Childcare Act was to come into force one and half years before the government's original proposal. When the law came into force in 1996, there were 201,000 municipal childcare places in Finland, 22,000 more than in 1994 (*Lapsen maailma* 1996: 9).

In conclusion, the 1994 parliamentary debate illustrated how the 1970s feminist working mother discourse had become the dominant discourse in Finland. Female MPs on both the left and right appealed to this discourse. The male MPs from the governing parties, who opposed the extension of childcare rights, did not try to challenge this norm. Instead, they appealed to economic realities and argued that additional costs for the state and the municipalities were unsustainable during a recession.

The female MPs searched for consensus beyond ideological divisions on an issue which was thought to unite all women in the name of gender equality. Female MPs' discourses had come closer since the deep divisions of the 1970s. On the one hand, the women on the left, who had always been close to feminist discourses, acknowledged the importance of choice for parents and supported the Home Care Allowance. On the other, the women on the right accepted the necessity and significance of municipal childcare arrangements. Childcare was the backbone of the women-friendly welfare state. However, the breakdown of the consensus demonstrated the existence of differing concerns among the female MPs and the power of the choice discourse.

The women saw the state as a legitimate site to express concerns about childcare arrangements. Women of all parties shared the view that the responsibility for care did not lie with parents alone but also with the state. The state should both support childcare at home in the form of Home Care Allowance and provide municipal childcare places. The feminist discourses and ideas were integrated into the state structures.

In contrast to the earlier debates of the 1970s, childcare was not only a women's concern in 1994. Female MPs on both the left and right recognized the gendered nature of the issue – childcare was particularly important for the labour force participation of women. However, they made explicit attempts to highlight the meaning of childcare for fathers. Nevertheless, proportionally more women than men spoke in the parliamentary debates on childcare. This indicates that female MPs were needed to defend childcare rights and their presence was crucial in maintaining the power of the working mother and state responsibility discourses. Therefore, although feminist discourses were integrated into the state structures, women's high political representation was needed to assure the success of these discourses.

Conclusion

The analysis in this chapter illustrated the emergence and the power of the working mother discourse in Finnish debates on childcare. In this discourse, the place of all women was in the labour market and they could expect gender equality as working mothers. Not even the recession at the beginning of 1990s challenged the norm, and the discourse was institutionalized in an extensive municipal childcare system. The working mother discourse offered women agency as working mothers. However, it also restricted their subject position and demands for gender equality tended to be legitimate only from this position, as becomes evident in Chapter 5. The discourse was underpinned by a benign notion of the state.

The choice discourse had a strong position in Finnish childcare debates. In this discourse, it was the responsibility of the state to guarantee freedom of choice for the parents to choose the care arrangements that best suit their circumstances. The discourse was institutionalized in a system of Home Care Allowance, which gave parents of children under the age of three the opportunity to stay at home to care for their children. However, this discourse was also underpinned by the norm of the working mother – after the child turned three the mother was expected to enter the labour market. Recent feminist evaluations point to the impact of the choice discourse on women's labour market participation. The choice

discourse is constituting a housewife institution: pushing women back home from the labour market (Anttonen 2003: 178). Today more children are cared for at home than in the 1980s in Finland or 1990s in other Nordic countries (Haataja 2004: 18).

The final section of the chapter illustrated how the feminist discourses that were first formulated in the 1970s filtered through to the state level, which contradicts radical feminist analysis of the state as essentially patriarchal. All sectors employed the working mother and state responsibility discourses. The government, which opposed an extension to childcare rights, did not try to challenge these discourses overtly. Instead, it appealed to economic realities, according to which it was financially impossible for the state to extend the statutory right to childcare to all children under the age of seven. However, although the working mother discourse might have been the new norm, this does not signify that there was any strategic, long-term planning around gender equality and childcare policy in Finland.

The feminist movement's discourses in the 1960s constructed the state as benign and this was replicated in feminist researchers' analyses of the women-friendly welfare state. The discussion showed that when childcare arrangements did not proceed as women expected, the municipalities were constructed as the villains instead of the state. A more differentiated notion of the state, advocated in this book, shows that the municipalities are part of the state. Considering them as such challenges the women-friendly welfare state discourse.

In the introduction to this chapter, I suggested that Finnish feminism is often held up as an example of feminists 'in' the state. This chapter has traced the emergence of the women-friendly welfare state discourse which reflects the idea of feminists cooperating with the state. In the next chapter, I turn to an opposing example of feminists 'out' of the state and focus on violence against women debates in Britain. The next chapter therefore explores different feminist concerns and different feminist strategies and analyses how they construct the state. Chapter 5, in turn, aims to show the power of these constructions, of in and out of the state, and the problems related to them, both theoretically and on the level of actual policies directed at women.

4
Feminists 'out' of the State? Domestic Violence Debates in Britain

Introduction

Violence against women has been a key concern for a number of feminists in Britain since the 1970s. The aim of this chapter is to analyse the ways in which feminist discourses on domestic violence construct the state in Britain.[1] On the surface, it would seem that feminist discourses in Britain represent an 'out' of the state position, as implied in the title of this chapter. Again, as in the previous chapter, I do not wish to take this as a fact, but as something to be deconstructed. The objective of the chapter is to trace the establishment of an autonomy discourse, as an embodiment of the 'out' of the state position, and its contradictions. The picture that emerges is complex and the ways in which feminist discourses construct the state even on one topic, domestic violence, are diverse.

The chapter proceeds as follows. First, in order to explore the processes of agenda-setting and adoption, I focus on Women's Aid's discourses, which represent the first feminist attempts to define and understand the issue. I also look at an early parliamentary debate (1976) to analyse the emergence of some competing discourses and to discuss whether the early feminist discourses were adopted at the state level. Second, I focus on the implementation of the new legislation and its evaluations. Feminist activist discourses were consolidated by feminist academic literature and were also influenced by black feminist theorizing. Third, I analyse a parliamentary debate in 1994, which followed the publication of the Home Affairs Committee's report on domestic violence (1993). The committee report and the parliamentary debate reveal the discursive boundaries of the British domestic violence debates. Comparisons between the 1976 and 1993 parliamentary debates illustrate the ways in which feminist discourses had

filtered through to the state level as well as the ways in which the feminist discourses themselves had changed.

Agenda-setting and adoption: early feminist discourses

In the 1970s, a new wave of feminism gathered momentum in Britain. This so-called second wave of the women's liberation movement organized around four key demands, drawn up in 1971. The demands that united women at that point were for equal pay, equal education and job opportunities, free contraception and abortion on demand, and free 24-hour nurseries (Coote and Campbell 1982, Segal 1987: 57, Pugh 2000). During the decade of women's movement activism three subsequent demands were added: legal and financial independence, an end to discrimination against lesbians, and finally, in 1978, freedom from intimidation by threat, use of violence or sexual coercion, and an end to the laws, assumptions and institutions that perpetuate male dominance and men's aggression towards women (Segal 1987: 57).

By 1978, however, the initial unity of the women's movement had already been lost and the movement was fragmenting.[2] The first serious divide was between socialist and radical feminists. By 1973, a strong socialist feminist current had formed and it became the dominant tendency within the British women's movement. Socialist feminist themes were struggles for childcare, family allowance and other welfare campaigns, women organizing in paid work, and the demand for women's complete control over their own fertility and sexuality (Segal 1987: 46). Radical feminists, by contrast, saw violence against women as a priority. By the end of the decade, radical feminists were demanding scrapping of the initial feminist demands in favour of a sole demand against male violence (Randall 1987). The British refuge movement, Women's Aid, grew out of and drew on radical feminist ideas. It became the most prominent actor of the women's movement on the issue of domestic violence and started setting up a network of refuges for battered women in the 1970s.

The women's movement was also challenged by black feminists and lesbians, who argued that the movement's unity had been constructed on the norm of the white heterosexual woman. The movement was further split between those who continued to be active in civil society and those who turned to the political institutions by joining the Labour Party (Segal 1987) or by getting involved in the local government (Rowbotham 1989).

As a result of these developments, feminist discourses in Britain were diverse, fragmented and often in tension with one another. After the beginning of the 1970s, there was no set of dominant discourses that would be

shared by the majority of women. However, on the issue of domestic violence, the discourses of Women's Aid and radical feminists were crucial in setting the terms of the debate. By the end of the 1970s, Women's Aid was the most prominent feminist actor in tackling domestic violence. In what follows, I explore the early discourses of Women's Aid, which formed a backdrop to feminist discourses.

Until the end of the 1970s, domestic violence had been ignored by society and there were very few options available to women seeking alternatives to living with violent men (Hague and Wilson 2000). However, in the mid-1970s, a network of refuges started to be set up throughout Britain. The National Women's Aid Federation (NWFA) was established in 1975 and by 1977 there were nearly 200 refuges. Refuges, which belonged to the Federation, accepted five basic working principles (NWFA 1978). The discourses that underpinned the work of Women's Aid can be discerned from these five principles and other documents published by Women's Aid.

First, Women's Aid promoted a *universal domestic violence discourse*. In this discourse, any woman could experience domestic violence – it was not a problem of working-class families or alcoholic men only. The fifth principle stated that domestic violence 'is a result of the general position of women in our society' (NWFA 1978):

> Until men no longer see women as their possessions, but as people with equal status and rights, women will always be beaten. We are fighting not only to stop battering, but also to change the position of women in our violent society.
>
> (NWFA 1978: 2)

Women's Aid's feminist explanation saw domestic violence as a reflection of unequal power relations in both society and personal relationships, and as a symptom of more general male violence and domination over women (Dobash and Dobash 1979, 1998, L. Smith 1989).[3] In other words, for Women's Aid, domestic violence was a serious societal problem and its root causes could be tackled only by making the general position of women in society better.

This discourse was shared by other feminist activists in the 1970s. Two women's movement activists wrote: 'The problem of battered women is a social one, deeply rooted in the way men and women are brought up to regard themselves and each other, and the links our society fosters between marriage, property, sex and violence' (Coote and Gill 1977: 7). They continue: 'No matter what legal changes are made, men will continue to batter women until there have been profound changes in the structure of our society' (Coote and Gill 1977: 25). The discourse was informed by a concern

that domestic violence would be defined as 'yet another problem of a minority group' (Weir 1977: 117) and countered such claims by arguing that domestic violence was common and widespread.

Second, Women's Aid drew on a feminist discourse of empowerment. Its second principle was 'to encourage the women to determine their own futures and to help them effect their decisions' (NWFA 1978). In this *empowerment discourse*, women were empowered through self-help and through sharing experiences with other women in similar situations. Women's Aid was for women and run by women, and its feminism was inspired by a 'women-only' strategy. Women were treated not as victims but as survivors. Survivor was substituted for victim in order both to challenge victim-blame and to make visible women's resistance strategies (Kelly and Radford 1996: 20).

This discourse was reflected in Women's Aid's search for feminist ways of working. In its advice for refuges, Women's Aid stated:

> The self-help principle should be stressed and refuges run democratically with decisions being taken by women in conjunction with women in support groups.
>
> (NWFA 1977)

The organization was non-hierarchical and functioned on democratic principles. Conflict was resolved collectively and distinctions between helper and helped were overturned. Jalna Hanmer argued:

> The energy to try to develop an alliance with one's worst-off sisters, rather than settling for the traditional charitable relationship of helped and helper, comes from the women's liberation movement.
>
> (1977: 96)

Self-help and empowerment represented a fundamental reversal of women's previous situation, which was informed by feelings of powerlessness and emotional dependency on their violent partners (Clifton 1985: 43). Also, the functioning principles of Women's Aid were seen as a fundamental feminist challenge to the traditional operating mode of patriarchal society and the state.

These feminist principles relate closely to Women's Aid's third discourse, namely an *autonomy discourse*. The autonomy discourse constructed the state as a patriarchal institution. It resulted in a distrust of the state and a belief in the autonomy of the women's movement. Characteristically, many of the houses that served as refuges were acquired by squatting in

the 1970s (see Pahl 1978). On the one hand, feminists valued the private as a source of empowerment for women. Autonomy from the state was important in order to maintain and discover feminist ways of working. On the other hand, as becomes evident shortly, feminist activists were criticizing the police for inaction in domestic violence disputes and lobbying the state for legislative changes.

Regardless of its construction of the state as a patriarchal institution, Women's Aid's autonomy discourse was always informed by a pragmatic need to turn to the state for support. In the 1970s, Women's Aid campaigned for domestic violence legislation. It asked the Labour MP Jo Richardson to bring the Domestic Violence Act to parliament and then supported its passage through parliament, by writing letters, lobbying MPs and getting media coverage (NWFA 1978: 1). At the end of the 1970s, Women's Aid felt that the laws of the patriarchal state could be used to women's benefit.

Despite the passing of the new Act and Women's Aid's encouragement of women to use it, distrust of the patriarchal institutions of the state, such as the police and the local government, was evident in the Women's Aid's analysis of the passage of the Act:

> It is a tiny concession wrung from a society which exploits women – which uses women for cheap and unpaid labour and gives them few rewards. Wife beating is only one example of violence in our society. Violence is all around us – racial tension, police brutality, bad housing, bosses at work forcing people to do strenuous, boring jobs for low wages.
>
> (NWFA 1978: 1)

In the autonomy discourse, every engagement with these patriarchal state institutions had its price. Hilary Rose argued that in its need to turn to the state, Women's Aid had to compromise on its societal critique and its feminist practice:

> Constantly it's had to balance its needs for sufficient resources to survive with the kind of control that even modest support brings … the political price of securing even this modest funding thus appears constantly to threaten the socially innovatory practice the movement is trying to develop.
>
> (1985: 252)

A number of other feminists' texts of the time reflected these tensions. For instance, Hanmer argued for separatism (1977: 105), and Weir for pragmatic engagements (1977: 117).

Finally, a fourth discourse was emerging at the beginning of the 1970s. It defined domestic violence as a crime as serious as violent assaults by strangers on the street. Central to this *crime discourse*, in contrast to the autonomy discourse, was the recognition of the need to engage different state bodies. The fifth principle of the federation was 'to educate and inform the public, the media, the police, the courts, social services and other authorities with respect to the battering of women'. At the same time, the crime discourse set the limits of state intervention. It pushed for more police intervention and changes to the criminal law, but only these were the legitimate areas of state action:

> Police are notoriously loath to interfere in 'domestic disputes' and will often refuse to come and protect a woman who is being beaten up.
> (NWFA 1978: 7)

The need to educate the police was based on the acknowledgement that the police force was the first institution to which most women in need turned, but the police consistently refused to get involved in cases of domestic violence. Women's Aid hoped to challenge this by educating the police and the public about the criminality and unacceptability of domestic violence. The patriarchal state could be engaged in this way. The crime discourse led to campaigns to make criminal law, where punishment was justified by the protection of autonomy, self-determination and physical and mental integrity of the victims, more effective in tackling domestic violence.

There were some early divisions in feminist discourses. These came out of the bitter conflict between Erin Pizzey, the founder of the Chiswick refuge in 1971, and the National Women's Aid Federation. Pizzey gained a lot of publicity by establishing a refuge in Chiswick in 1971. With her move she set an example to other refuges for battered women both in Britain and abroad. However, as the refuge movement spread in Britain a serious split between the movement and Pizzey took place (Rose 1985: 251).

Pizzey did not agree with the National Women's Aid Federation's principles and she withdrew from the Women's Aid movement (Rose 1985: 251). She turned into an outspoken critic and provided competing discourses about domestic violence. She disagreed with Women's Aid's analysis on the causes of domestic violence and did not believe in legislation as an effective method in tackling it. In her evidence to the Select Committee on Violence in Marriage (1975) she argued:

> In a democratic society laws are made for reasonable men. To legislate against violent husbands would penalize the majority of people who

> only need a reminder that the law exists to protect us all against anti-social behaviour. These men are outside the law; they have been imprinted with violence since childhood so that violence is part of their normal behaviour … I believe that many of the children born into violence grow up to be aggressive psychopaths, and it is the wives of such men that we see at Chiswick. I feel that the remedies lie in the hands of the medical profession and not in the court of law because the men act instinctively, not rationally.
>
> (quoted in Select Committee on Violence in Marriage 1975: 2)

For Pizzey, domestic violence was caused by individual pathology in some men; its causes were not to be found in the general patriarchal structure of the society.[4] Therefore, she questioned the crime discourse and doubted whether state legislation was the most appropriate means to tackle domestic violence.

In conclusion, in Women's Aid's discourses, domestic violence resulted ultimately from unequal power relations in the patriarchal society aggravated by the patriarchal state. These feminists attempted to counter patriarchy by developing feminist forms of acting. It became evident that the value placed on autonomy resulted in deep contradictions. There was always a practical need to engage with the state, but at the same time, any engagement with the patriarchal state was thought to result in a loss of all the benefits that autonomy brings. The crime discourse provided some space for cooperation with the patriarchal state. Competing discourses suggested that domestic violence was caused by individual pathology in some men. Women were as violent as men and, therefore, partly responsible for the violence they experienced.

A parliamentary debate on domestic violence held on 13 February 1976 provides a chance to explore how the above discourses were adopted at the state level and what other kinds of discourses were articulated on domestic violence. In November 1975, Jo Richardson, Labour MP for Barking, sponsored a Private Member's Bill, the Domestic Violence and Matrimonial Proceedings Bill, in parliament. Support from the Labour Party, which was in power at the time, was crucial for its passing.

The Select Committee on Violence in the Family was convinced of the need for the Bill (Select Committee on Violence in the Family 1975). The Committee found that both criminal and civil law were inadequate for protecting women who suffer from domestic violence. Non-molestation orders and exclusion injunctions were available.[5] However, they were only related to procedures already before the court, for example through divorce, judicial separation or claim for damages. Therefore, if a woman

wanted to apply for protection, she had first to petition for these more permanent proceedings (McCann 1985: 73).

The universal domestic violence discourse was advocated in parliament by Jo Richardson in particular, but it was also endorsed by female MPs from all parties and some male Labour Party MPs. Like Women's Aid, Jo Richardson saw domestic violence as a reflection of 'attitudes towards women in general'. However, there was a difference in emphasis. Whilst Women's Aid emphasized the structures of the patriarchal society in relation to domestic violence, the parliamentarians were more likely to see it as an individual pathology: 'It denotes a sickness of mind' (Jo Richardson, Labour).

> I agree that those who commit such actions have within them a peculiar and special sort of sickness.
>
> (Arthur Davidson, the Parliamentary Secretary to the Law Officers' Department)

As a result, the parliamentarians placed greater emphasis and responsibility on the individual than on societal structures. Such arguments diverted state's responsiblity to deal with social problems.

However, the crime discourse gave a greater role to state bodies. Many MPs appealed to the discourse and argued that domestic violence was a problem that the police had to tackle:

> There is traditional hostility by the police to intervening in what they see as a private family matter.
>
> (Sir George Young, Conservative)

> The police are very unsympathetic. I am a warm supporter of the police, who, by and large, do an admirable job, but they are absolutely hopeless on the problem of battered wives because they are fearful of intervening in domestic disputes.
>
> (Jack Ashley, Labour)

Some MPs regarded it as the government's task to draft legislation that would challenge the problematic public/private divide on this issue. They suggested that the legislation should guide and discipline the police and tackle their inaction.

Not all MPs were comfortable with the prospect of increasing the powers of the police to enter the private sphere of the family. Some Conservative male MPs opposed what they saw as increasing the burden on the police:

> What is being suggested is the placing of an additional burden on the police … I wonder whether those who are advocating this measure

> appreciate exactly what the police would have to do, what practical tasks would be imposed on them, and what benefit would accrue to those whom we are tying to help.
>
> (Ian Percival, Conservative)

These opinions were shared by the police. In the evidence given to the Select Committee on Violence in Marriage (1975), they argued:

> There is no need whatsoever for any change in the police role of (1) enforcing the law or (2) dealing with husbands' and wives' disputes. That some husbands do assault their wives, even quite seriously, and are not punished for it, is not the fault of the police, but is caused by the 'human element reaction' in the attitude of many such wives.
>
> (quoted in Select Committee on Violence in Marriage 1975: 377)

In the police statements, the cause of domestic violence was to be found in the 'attitudes of many such wives' and it was also their responsibility to deal with the domestic violence situations. The police evidence concluded: 'They are reluctant to take their husbands to court' and 'No changes in legislation or police practice could have any appreciable effect on the human relationships in marriage involved' (Select Committee on Violence in Marriage 1975: 377). According to the police, the law is not the means to tackle domestic violence. The police did not consider that it was appropriate for them to intervene in the sphere of the family. These quotations are examples of the ways in which the state boundaries were negotiated in parliamentary debates. The statements were underpinned by the importance of the nuclear family. The family was a basic and natural unit of the society. It comprised a private sphere in which the police should not interfere. Its unity and existence should be protected and respected by different state bodies. Some Conservative male MPs worried that, in its enthusiasm to protect the wife, the court might be unjust to the husband: immediate relief could be given to the wife without the husband having the opportunity to answer the allegations of violence made against him.

The Domestic Violence and Matrimonial Proceedings Act (1976) nevertheless was passed. The Act offered protection against domestic violence in the county court. It permitted non-molestation and exclusion injunctions independent of any other proceedings before the court, and without the need to undertake such proceedings. The Act applied to both married and cohabiting couples equally. Also, powers of arrest could be attached to any order, thus ensuring that the police had the responsibility should the order be breached. For the first time, the courts were provided

with the discretional power to send a husband to prison for breaching an order (Maidment 1985: 8, McCann 1985: 76). The Act was soon followed by other legislative changes, including the Housing (Homeless Persons) Act (1977) and the Domestic Proceeding and Magistrates' Courts Act (1978).

In conclusion, the 1976 parliamentary debate illustrated that domestic violence was beginning to be conceptualized as a serious problem in Britain. The debate revolved around the role of the police and the criminal and civil law, which also were debates about the role of the state – its responsibilities and boundaries. There was no wider discussion on the causes of domestic violence and few MPs shared Women's Aid's view that the patriarchal structures of society and the state were the main causes of domestic violence. What was said indicates that the parliamentarians placed greater emphasis on the role of the individual than the state did in domestic violence. Feminist empowerment and autonomy discourses had not filtered into the parliamentary debate. Some Labour MPs were even willing to give the government a central role in refuge provision.

The parliamentary debate also demonstrated that there was deep unease among Conservative male MPs about the appropriate means to deal with the problem. They were particularly worried about the role of the police in domestic disputes, and about violating the rights of the man. Their arguments drew on the nuclear family discourse, where the unity of the family should be respected, and on the scarce resources discourse, which questioned whether increasing the burden on the police was justified.

What does this signify for feminist theories of the state? It offers some support for liberal feminism, which argued that more women in the state entails more women's policy. Women were indeed pivotal in bringing the legislation to parliament and, furthermore, the law was enacted. However, there was thus perhaps more support for radical feminist arguments about the state. The police evidence and Conservative male MPs' statements showed that the state was patriarchal and resistant to women's demands. Powerful patriarchal actors defined the parameters of the debate. Feminist critique was in danger of being compromised by engaging with it. Crime discourse emerged as important, which silenced other issues, such as men's power, in causing domestic violence and wider societal inequalities.

Implementation and evaluation: consolidation of the discourses

A further challenge for liberal feminism was the fact that implementation of the legislation, and a series of ambivalent responses by agencies

required to enforce the Acts, eroded the positive changes. The judiciary in general favoured a limited interpretation of the Acts. This served to undermine much of their political improvements and returned the legal position of battered women to that before 1976 (McCann 1985: 77). For example, some courts expressed concerns about 'unnecessary' injunctions. According to the President of the Family Division, as many as 50 per cent of the injunctions were 'unmeritorious'. He thought that they wasted time, were a down on the Legal Aid Fund and were unjust to husbands (quoted in Maidment 1985: 11).

This deradicalization of the legislation had an impact on feminist discourses. Feminist academics not only endorsed Women's Aid's discourses but also radicalized them and provided academic research to back up the arguments. These feminists theorized violence against women as a pervasive phenomenon resulting from the structures of the patriarchal society (universal domestic violence discourse): 'Women's lives are controlled by the threat of male violence … Violence and its threat are ugly and crude means of securing control or dominance' (Hanmer, Radford and Stanko 1989: 3). Central to these analyses were concepts such as patriarchy, patriarchal societies, capitalism, class, race, sexism, male violence, male power, male domination, male supremacy and social control. The notion of male violence, as opposed to men's violence or masculine violence, essentialized violence as male (Jokinen 2000). The state was the 'major institution of capitalist patriarchal society' (Edwards 1987: 23) and due to its patriarchal character could not be expected to change the structures of society, which generated violence against women. The unequal power relations between women and men extended beyond the state. However, the state contributed to the unequal power relations by 'denying, excusing or justifying male violence and allocating blame instead to the female victims' (Edwards 1987: 23). Tina Skinner argues that such discourses were employed to highlight feminist vulnerability and to warn feminists about co-option to the patriarchal structures: policy changes might not take the form envisaged by feminist campaigners (2005: 57).

Like Women's Aid, these feminist academics consolidated empowerment as the feminist method of confronting domestic violence:

> Another feminist response is to empower individuals and women as a group by sharing self-defence skills; developing safe transport networks for women; engaging in collective resistance through confrontation strategies.
>
> (Hanmer, Radford and Stanko 1989: 5)

True empowerment could be achieved only with a significant degree of autonomy. Gill Hague and Ellen Malos suggested that in its deliberate pursuit of political autonomy, Women's Aid had been more successful than refuge movements in some other countries. They pointed out that some shelters in North America had become closely associated with conventional social service agencies (the state), and this had tended to result in workers becoming 'professionalized' and in a loss of grass-roots feminist practice and principles of action (Hague and Malos 1993: 39). Thus, these perspectives were caught up with the same dilemma as that which had captured the women's movement and Women's Aid earlier – the need both to steer away from the patriarchal state and to engage it. The suspicions of the patriarchal state were often stronger than the arguments for engaging the state.

The way in which the 1970s domestic violence legislation was watered down added to feminists' disillusionment with the state. A further factor was Thatcherism.[6] The harsh economic climate of the 1980s and minimalist state intervention in the social sector hardened the feminist conceptions of the British state:

> In the last few years the British state has become more overtly coercive in the regulation of dissent and suppression of rebellion. Central government has also exerted greater control over local government. All this has been done against a background of rhetoric about freedom from the state, accompanied by the relaxation of restraints on the market and on employers. These changing circumstances have brought many more women into conflict with aspects of the state, and on a larger scale, than in the 1970s.
>
> (Rowbotham 1989: 161)

The quotation is an example of feminist analysis of the British state as coercive and centralized. It was supposed to be a minimal state, but paradoxically it was exerting increasing control over women and other (feminized) actors. Conflict between women and the state was heightened. In relation to domestic violence, refuges faced severe funding problems and received no national funding. Many commentators described how physical conditions of refuges varied 'between shabby or scruffy' (Rose 1985: 254). However, the precarious funding situation also created space for arguments for turning to the state for help: 'What is needed is a partnership in which state aid is given to underpin a provision which can remain under the management of local groups' (Clifton 1985: 57).

The crime discourse was gaining ground in the feminist analyses in the 1980s. This was complicit with the overall Conservative approach to

society, which emphasized crime and policing, law and order. In their evaluation of the police approach to domestic violence, feminists argued that the police, as a patriarchal and masculinist state institution, refused to recognize domestic violence as a crime. For these radical feminists, the police and the courts were deeply implicated in maintaining the patriarchal order of the state:

> The contradiction is that the police are defenders of the existing order while men's violence plays a central role in upholding male supremacy within that order. There is no way the police or other agents of the state, the courts, or judiciary, can truly treat men's violence as a serious crime without undermining the social order it serves so well.
>
> (Hanmer, Radford and Stanko 1989: 11)

In the crime discourse, feminists both needed the criminal law of the state and resented its patriarchal nature (see also Edwards 1989). The public/private divide was the key to the police's refusal to intervene in the private sphere, and was still fundamentally influencing police inaction in domestic violence disputes.

Black feminists were even more critical of the police and the existing order (Mama 1989, Southall Black Sisters 1989, 1990, 1994). Their writings and theorizing started to have an impact on feminist discourses on domestic violence towards the end of the 1980s. Black feminists employed a *racist patriarchal state discourse* which challenged both the women's movement's and the academic feminists' interpretations of domestic violence in Britain. The most prominent representative of the black feminists on domestic violence was Southall Black Sisters. The organization was set up in 1979 to address the specific needs of Asian and Afro-Caribbean women. Southall Black Sisters established the first black women's centre in London in 1983 and provided women with information, advice, resources and counselling.

The racist patriarchal state discourse suggested that it was not only gender and patriarchy that mattered in analysing domestic violence and responses to it, but race and ethnicity were pivotal. The discourse indicated that racism and patriarchy were deeply intertwined in the British state. Black women's experience of domestic violence was often fundamentally different from white women's experiences:

> For black women, challenging an issue like domestic violence within our own communities and challenging the racism of the police at the same time is often fraught with contradictions. On the one hand, we

> are involved in campaigns against police brutality, deaths in police custody and immigration fishing raids. On the other, we are faced with daily beatings, rape and sexual harassment.
>
> (Southall Black Sisters 1989: 39–40)

Southall Black Sisters added a new aspect to the universal domestic violence discourse. They accepted that domestic violence occurred universally across differences in class, race, ethnicity and sexuality. However, these differences influenced the ways in which women dealt with domestic violence and the problems they faced when dealing with it. First, the complexity of community as both a desirable resource as well as sometimes a site of oppression for women complicated black women's search for help (Burman, Smailes and Chantler 2004: 344). Second, black women encountered both individual and institutional racism when contacting service provides. The racist patriarchal state was not just racist and patriarchal, but the joint effect of the two amounted to a qualitatively different experience of discrimination. In other words, it created an obstacle much larger than the sum of its parts.

Southall Black Sisters' writings show deep suspicions of the police. They found the police abused arguments of multiculturalism and sensitivity to different customs: 'Factors such as arranged marriages and a different culture were cited as reasons for lack of intervention on the part of the police' (1989: 43). While feminists had identified 'women-blaming' as a problem when confronting domestic violence (Radford and Stanko 1996), those focusing on the experiences of black women identified 'culture-blaming' as a persistent problem. This meant that state actors and institutions blamed violence on minority cultures: 'it's a cultural thing' (Burman, Smailes and Chantler 2004: 335, 345). Southall Black Sisters systematically rejected multi-agency approaches in dealing with domestic violence:

> The Multi-Agency Approach remains a propaganda exercise aimed at a section of the community, that is women, who for years have suffered violence and even death as a result of police inaction. At the same time the Multi-Agency Approach serves to extend the net of corporate policing.
>
> (1989: 44)

Because of their different experiences, the feminist discourses of empowerment and autonomy had special value for black feminists, and these would become compromised with multi-agency work.

The 1980s and the beginning of 1990s were also the time when other actors produced influential reports on domestic violence. For example, the Women's National Commission (WNC), which was the first women's policy agency to focus on the issue of domestic violence to greater extent, produced a report on domestic violence (1985).[7] The report reflected the disillusionment with the inadequate implementation of the law. The Commission's working group offered policy recommendations and promoted training, education and information to the police as a solution to the problems. Most importantly perhaps, it suggested that the best approaches might be found from 'multi-agency solutions' (WNC 1985: 48). Multi-agency work, where different bodies work together to confront domestic violence, became the key government approach to domestic violence in the 1990s.

The issue of poor policing was an acute problem towards the end of the 1980s and demanded government action. In 1990, the Home Office issued a circular to all police forces in England and Wales. The circular emphasized that violence that occurs within the home is 'no less serious than a violent assault by a stranger' and recommended that the widespread practice of 'no-criming' domestic assaults should cease (Home Office 1990). Furthermore, Chief Officers were 'asked to ensure that all police officers involved in the investigation of cases of domestic violence regard as their overriding priority the protection of the victim and the apprehension of the offender'. They were to be 'made fully aware of their responsibility to respond as law enforcement officers to requests from victims for help, and of their powers to take action in cases of violence' (Home Office 1990). The circular demonstrates that the Home Office recognized criticism of police practice. It also shows the power of the crime discourse. Domestic violence was to be recognized as a crime like other violent crimes and therefore had to be taken seriously by the police.

In conclusion, poor implementation of the legislation helped to consolidate feminist discourses about domestic violence and the state. Academic feminists and black feminists confirmed universal domestic violence, empowerment and autonomy discourses as defining the right feminist practice for dealing with domestic violence and the patriarchal state. The crime discourse coincided with Thatcherite rhetoric and highlighted the need for better police practice.

Feminist discourses in the 1993 parliamentary debate

In this final section, I focus, first, on the Home Affairs Committee report on domestic violence (1993) and, second, on one parliamentary debate

on domestic violence in 1993. Both instances provide material to analyse the ways in which and the extent to which feminist discourses had filtered to the state level and how established they were.

In 1992, two non-feminist actors, Victim Support[8] and the Law Commission published reports on domestic violence, which formed a basis for the Home Affairs Committee report (1993). The Home Affairs Select Committee consisted of six Conservative and four Labour members, two of whom were women. The Committee's primary purpose was to give political momentum to the proposals made by the two earlier reports and it made 42 specific recommendations for tackling domestic violence.

As indicated above, the universal domestic violence discourse was central to all feminist analyses of domestic violence. Women's Aid, feminists in academia and Southall Black Sisters drew on it to underline the gravity of the issue. The evidence given by Women's Aid reinforced the view that domestic violence was a result of women's unequal position in the society:

> Domestic violence has to be seen within a social and structural context of unequal power relationships between women and men. Women are systematically disadvantaged both within and outside the family, and this inequality is reinforced by the economic, political and legal structures of British society.
>
> (WAFE 1992: 9)

In their respective reports both the Law Commission (1992: 6) and Victim Support (1992: 2) endorsed this discourse. The Home Affairs Committee articulated a somewhat weaker version of it:

> We do not accept the WAFE view that 'male violence to women is "normal" rather than exceptional behaviour' though we have no reason to doubt their view that the phenomenon is extremely widespread among all economic and social groups in the United Kingdom.
>
> (1993: vi)

The Committee backed that part of the discourse that argued that domestic violence occurs in all social groups. It found it more difficult to endorse the explanatory part of the discourse, which postulated that domestic violence was widespread because it was caused by women's unequal position in the society.

The discourse led to a plea to broaden the category of victims of domestic violence. The Law Commission was concerned with divorced

spouses and cohabitants whose relationship had ended (1992: 13) and Victim Support regarded 'other adults living in the same home' as important (1992: 30). Women's Aid wanted recognition for 'women abused by women in lesbian relationships' (1992: 8). These appeals were reflected in the final report of the Home Affairs Committee, which recommended the 'widest possible definition of those who may use civil court remedies' (1993: xxxvi).

While the universal domestic violence discourse was supported by other non-feminist actors and underpinned the report of the Home Affairs Committee, the empowerment and autonomy discourses were still mainly endorsed by feminist actors. Women's Aid emphasized the central importance of the abused woman's perspective in the provision of support and services, the need to enable women to regain control of their own lives (WAFE 1992: 7, Victim Support 1992: 8).

As indicated above, the autonomy discourse resulted in troubled engagements between Women's Aid and the state. Funding for the refuges became increasingly difficult in the 1980s. Refuges had different sources of funding and there was great variation between refuges across the country. By 1993, Women's Aid was actively lobbying the state for 'a very coherent national funding strategy which needs to be made up of both input from central government and also from local government' (Home Affairs Committee 1993: 138). Therefore, Women's Aid allotted to the government a role in solving the funding problem. This was not, however, to challenge the autonomy of the refuges or their principles.

This role given to the government by the women's and other voluntary organizations was recognised by the Home Affairs Committee, which recommended that the first priority for government action should be the establishment of a central, coordinated policy for refuge provision throughout the country (Home Affairs Committee 1993: xliii). In sum, there was consensus about the seriousness of the problem and the position of the refuges as a key solution to the problem. Both the women's organizations and the Committee demanded that government fund the refuges adequately and appoint one lead department, which would be responsible for domestic violence policy.

Southall Black Sisters continued to articulate the racist patriarchal state discourse. Its arguments were supported by Victim Support and Women's Aid. Southall Black Sisters focused their critique on the 'One Year Rule' which underpinned British immigration policies. The Rule required that the applicant, having been given initial leave to enter the UK to marry, must then remain in the marriage for 12 months, before she or he was given indefinite leave to remain in Britain. As a result women victims of

domestic violence were faced with a 'stark choice between risking their lives and risking being deported' (Southall Black Sisters, quoted in Home Affairs Committee 1993a: 224). The organization demanded that the 'One Year Rule' should be abolished where abused women and children were concerned. This was supported by Women's Aid (WAFE 1992: 5). The Home Affairs Select Committee merely recommended 'that Home Office inquire further into the scale of the problem' (1993: xiv). The racist patriarchal state discourse did not have as great an influence on the state actors as some other feminist discourses.

The most influential discourse in the Home Affair's Committee's report was the crime discourse. There were discussions about what it meant to treat domestic violence as a crime. On the one hand, Women's Aid argued that domestic violence was a serious crime and should be treated like any other crime. On the other hand, in its statements there was a sense that domestic violence was a special sort of crime because it took place in the intimate private sphere and the perpetrator and the victim were often bound together emotionally. Nevertheless, the assailant was to be punished in the same way as if he had committed the crime in the pubic sphere (WAFE 1992: 3). Also the Home Affairs Committee drew on the crime discourse and argued that more arrests were needed.

> We should not want any distinction to be made between violence in the home and violence elsewhere in this regard, and we agree with WAFE in backing imprisonment if that would have been the response to a non-domestic incident of similar gravity.
>
> (Home Affairs Committee 1993: xxvi)

In their evidence, the Association of Chief Police Officers appealed to the scarce resources discourse and argued that their resources were not adequate to allow all police forces to respond to domestic violence as they should. This statement was supported by the Superintendents' Association and the Police Federation. However, the Home Affairs Committee did not accept this and called it 'an excuse for an inadequate response to domestic violence'. Instead, the Committee stated that 'a response to violent crime, whether it occurs in the home, the pub or the football match, is a core function of the police' (1993a: x).

As indicated above, the crime discourse fitted well with the overall Thatcherite agenda. There were some attempts to redefine the issue beyond the crime discourse. For example, Sandra Horley from Chiswick Family Rescue argued: 'This is an issue of basic human rights, an issue of social justice and the costs of domestic violence are very very high' (quoted in Home Affairs Committee 1993: 126). By highlighting the

economic costs of domestic violence, she appealed to the scarce resources discourse – financially, it would pay off to generate policies that help to prevent domestic violence.

The crime discourse gave rise to the question about the appropriate means to tackle the problem: should it be dealt within criminal or civil law?[9] The Law Commission's report made detailed recommendations to the civil law on the duration of non-molestation orders and on attaching powers of arrest to orders. These were endorsed by the Home Affair's Committee's report, except for one policy suggestion. The Law Commission proposed that where the police have been involved in an incident of molestation or actual or threatened violence or its aftermath, they should have the power to apply for civil remedies on behalf of the victim (Law Commission 1992).

The proposal is interesting because it presented dilemmas for feminist organizations. The crime discourse clashed with Women's Aid's discourse on empowerment and autonomy. The debate reveals some of the boundaries of feminist engagements with the state. All women's groups expressed concerns that if the police had these powers, they might attempt to take decisions themselves rather than leaving them for the women, and, furthermore, they might choose civil remedies rather than criminal charges. The proposal was also opposed by the police who feared that it might decriminalize instances of domestic violence and place a burden on police resources. As a result, the Home Affairs Committee recommended that the government should reject the Law Commission's proposal to give the police third party rights in civil domestic violence actions (1993: xxxviii–xxxix). The feminist autonomy and empowerment discourses had coincided with the police scarce resources discourse to secure this outcome.

The Committee report also gives an opportunity to explore the differences between the feminist organizations' discourses. One of these dealt with compelling the victim to give evidence. Chiswick Family Rescue was willing to recognize the merits of this in domestic violence disputes. Both the Police Federation and Chiswick Family Rescue suggested that some women might feel relieved if they were compelled to give evidence as the burden of decision would have been removed from them (Home Affairs Committee 1993: 126). However, this was strongly opposed by Women's Aid and Southall Black Sisters. Pragna Patel from Southall Black Sisters stated:

> I am saying that where the support structures are available, and perhaps for very good reasons, women are still unwilling to pursue a charge, then those wishes should be taken into account.
>
> (quoted in Home Affairs Committee 1993: 127)

According to Women's Aid and Southall Black Sisters the victim's wishes should play an important part in decisions on prosecution and should always be taken into account. This indicates that the autonomy and empowerment discourses were more influential among Women's Aid and Southall Black Sisters than in Chiswick Family Rescue. The Committee made no explicit suggestions about the circumstances in which a witness should be compelled to give evidence. They argued that more to the point in many cases would be whether the complainant would be safe (Home Affairs Committee 1993: xix, xxiii). On this issue there was no consensus among the different women's groups. The Committee's recommendation also was vague.

A different dividing line emerged in terms of the so-called inter-agency or multi-agency work, this time between other women's organizations and Southall Black Sisters. Multi-agency work meant that different organizations would work together with the state institutions to tackle the problem (Malos 2000). It received support from Women's Aid, although the empowerment discourse remained important for the organization. Southall Black Sisters, by contrast, was deeply suspicious of multi-agency work:

> As long as the main function of domestic violence units is to promote multi-agency policing, the charge that they are social workers rather than police officers is likely to stick. Traditional police hostility to intervention in 'domestics' is not likely to be seriously challenged by this approach.
>
> (quoted in Home Affairs Committee 1993a: 234)

In conclusion, the Home Affairs Committee's report illustrates that diversity of feminist actors on domestic violence was institutionalized. The Committee took separate evidence from Women's Aid Federation England, Welsh Women's Aid, Chiswick Family Rescue and Southall Black Sisters. The organizations also produced their own written reports on domestic violence. However, an analysis of their statements showed a consensus and the dominance of certain key discourses. The women's organizations were unified in their analysis of domestic violence as a universal problem and a serious crime (universal domestic violence discourse, crime discourse). They also gave only a limited role to the state and emphasized the importance of autonomous refuges. They demanded a coherent funding strategy from the government, but agreed that the services were best provided by the non-governmental voluntary sector (autonomy discourse). For example, throughout the consultation they gave

only a cautious welcome to specialized domestic violence units among the police forces and were worried that the police might be taking on tasks that were not in their remit.

The women's organizations had divergent opinions on some specific issues, such as compelling the victim to give evidence and multi-agency work. The Chiswick Family Rescue promoted the first idea, which was strongly opposed by Women's Aid and Southall Black Sisters. This signals that Women's Aid and Southall Black Sisters placed greater emphasis on the empowerment discourse than Chiswick Family Rescue. The discourse was perhaps even more important to Southall Black Sisters than others and it took a more guarded view of multi-agency work than the other women's organizations.

Competing and alternative discourses were employed by the police, Home Office, Law Commission and judges. The police and Home Office drew on the scarce resources discourse to confront demands placed on the state. The Law Commission and judges did not recognize the importance of the empowerment discourse and instead suggested that victims should be compelled to give evidence. Radical feminists could use these arguments to argue that the state was indeed patriarchal and immune to feminist arguments.

However, the Home Affairs Committee's recommendations demonstrate that many of the feminist discourses had had an impact in setting the terms of the debate. The Committee regarded domestic violence as an extremely serious problem (universal domestic violence discourse), recognized the invaluable work done by the refuges (autonomy discourse) and recommend that the government should take swift action in providing funding for the refuges and in creating a coherent national strategy to tackle domestic violence (negotiating the autonomy discourse). It acknowledged domestic violence as a serious crime and recommended better statistics, more arrests and improved police practice (crime discourse). It paid some attention to the specific problems faced by immigrants and women from different ethnic backgrounds (racist patriarchal state discourse). Also some empowerment discourse had filtered into the Committee's report. This is most evident in the Commission's rejection of the Law Commission's suggestion that the police should be granted third party rights in civil domestic violence actions. Often, as expected, the Committee endorsed a weaker version of the feminist discourses, but nevertheless it is notable that the discourses had filtered through. In other words, feminist discourses had shaped the recommendations of the Committee report. This impact challenges radical feminist arguments about the essentially patriarchal state that cannot be engaged.

Parliament debated the Home Affairs Committee report (1993a) and the Government Response (Cm. 2269) in 21 July 1993. The Committee members who spoke in parliament praised the uniquely unanimous process they had experienced when producing the report. Many also expressed disappointment at the government response, which they regarded as lukewarm. The parliamentary debate under the Conservative government paints a less rosy picture about the impact of feminist discourses than the Committee report. Again it points to the need to be sensitive to different state processes, arenas and institutions.

Two discourses, which had been important for feminists, were employed by most MPs in parliament. These were the universal domestic violence discourse and the crime discourse. However, there were significant differences in explaining the causes of domestic violence. Some Conservative male MPs continued to see domestic violence as a moral problem resulting from alcoholism, the 'wrong kind of men' and women who are unable to leave their partners. Feminist discourses had not had an impact on the statements of these MPs:

> My worry as a constituency Member of Parliament, which is probably replicated throughout the House, is that, because of the declining moral fabric of Britain over the past 25 years, many more people live together, often on a short-term basis. There are many cases where a woman, probably unwisely, has taken a man in or formed a liaison with him, and then discovered to her cost that he is a violent type because of drink, or is naturally violent, she then has the utmost difficulty in getting rid of him …
>
> (Dudley Smith, Conservative)

For these MPs, domestic violence was caused by individual pathology and had less to do with wider societal structures. Unlike in 1976, it is not possible to discern a clear endorsement of the nuclear family discourse. Nevertheless there are subtle allusions, such as to the 'declining moral fabric', to the perceived problems that relate to the disappearance of the nuclear family.

As indicated above, the autonomy discourse made feminist engagements with the state problematic. However, refuges were in desperate need of funding, which led the women's organizations to argue for a coherent national funding strategy to solve the problem. This was also strongly recommended by the Home Affairs Committee. The government, in contrast, refused to take action, and argued that the funding problem had to be confronted by local authorities. Many MPs resented

this. Labour MPs in particular emphasized that it was the government's responsibility to solve the funding crisis:

> An all-party committee was able to reach a consensus on the importance of and the need for a national policy on refuges. The Government were vague and did not seem to appreciate the need for that sort of national policy. They were prepared to leave it to local authorities. The Government must recognize the importance of the provision of refuges.
>
> (Jean Corston, Labour)

> The whole thrust of the government's response is that all funding issues are for local authorities. At the end of the day, local authorities are largely funded by the government, so there must be role for the central government finance. If the government are putting all this emphasis on local authorities, why cannot we have ring-fenced money specifically for refugees?
>
> (Malcolm Chisholm, Labour)

The committee report not only recognized the lack of funding but also the lack of a central body and a coordinated response to domestic violence. Many MPs demanded the same.

> Local authorities are responsible for refuges, of which there are very few. … Part of the problem is the fact that a range of Departments must deal with domestic violence.
>
> (Liz Lynne, Liberal Democrat)

> We should have a proper refuge network throughout the country, centrally coordinated and funded by the Government.
>
> (Harry Cohen, Labour)

These MPs gave a role to the government that went beyond financial matters. They were also willing to grant central government the responsibility for coordination and leadership.

Despite Labour and Liberal Democrat MPs' attempts to highlight the importance of a coordinated national policy on domestic violence, the Conservative government remained resistant and emphasized the role of local actors.

> In principle we maintain the view that effective local support services, including refuges, are best provided at local level. Such provision can

> be based on an assessment of local needs and take into account the wider local response. Moreover, in the long term we must continue to pursue policies in other areas that will help more women to stay in their homes and reduce the need for such an enormous and desperate upheaval. … A wider response, involving not only government but communities and local agencies, is essential. The government have a role in encouraging local action and in disseminating good practice.
>
> (Minister of State, Home Office, David Maclean)

The Conservative government was willing to recognize only a limited role for the central state in confronting domestic violence. The focus on funding and a coordinated government response reveal the parameters of legitimate state action. For Labour MPs, funding and coordination were issues that the state could associate with and Labour MPs shared this frame with the women's organizations. For Conservative MPs, the role of the state was more restricted. Unlike in the 1970s parliamentary debate, the Conservative government did not employ the scarce resources discourse. Instead, in an ideological move to maintain minimal state intervention, it pushed the responsibility on to the local governments.

The racist patriarchal state discourse could be seen in female Labour MPs' view that the government response to the position of immigrant women was inadequate:

> I emphasize that only a few women are involved, but the cost to those women's lives is absolutely vital … It is an important omission … that the ministerial working group on domestic violence[10] does not include the immigration and nationality department, given the serious problems for women whose immigration status is not secure.
>
> (Barbara Roche, Labour)

> That woman is a victim, and she is being treated shamefully by the application of our immigration rules.
>
> (Jean Corston, Labour)

Again, the racist patriarchal discourse had some influence in the Home Affairs Committee's report and among the MPs, but the Conservative government did not recognize it.

As a result of the 1993 parliamentary debate, domestic violence gained more publicity. Government response was positive but not far-reaching and as such it disappointed the activists. The government established a ministerial working group to coordinate the government response to

domestic violence. This was led by the Home Office. It launched a public awareness campaign in October 1994 with the slogan 'Domestic Violence is a Crime – Don't Stand for It'. It also produced an inter-agency circular giving guidance to all statutory and voluntary agencies responding to domestic violence (Home Office 1995). However, there was a disappointingly bleak response to the women's organizations' urgent demands on funding for the refuges. The government responded best to demands that were perhaps secondary to the women's organizations' concerns.

In conclusion, after the progressive Home Affairs Committee's report (1993), the government response to the report was disappointing. Feminist discourses had shaped the work of the Committee and were reflected in some of its recommendations. Two discourses, the universal domestic violence discourse and the crime discourse, had filtered through to the parliamentary debate. All MPs taking part in the debate recognized domestic violence as a prevalent and serious crime. However, unlike feminists, many MPs placed emphasis on the individual and not on societal structures when explaining the causes of domestic violence. In parliament, feminist discourses were largely endorsed by female and some male MPs in the Labour Party. The discourses had less impact on the work of the government.

The combination of emphasizing the crime discourse but playing down wider social inequalities impacted on the ways in which solutions to the problem were sought. The government did not respond to the arguments that the general position of women in society needed to be improved and their economic, social and political rights secured. Instead, it emphasized in a public campaign that domestic violence was a crime and urged the police to take action. Furthermore, the weaker position of the empowerment discourse, which stressed the importance of the work carried out in the refuges, and the power of the scarce resources discourse resulted in the refuges receiving inadequate funding. As a consequence of the traditionally strong position of the autonomy discourse, it was relatively easy for the government to refuse to take responsibility for funding the refuge network. Despite the ministerial working group, national coordination of domestic violence policy remained patchy and the government placed its rhetorical emphasis on local governments' need to act.

Conclusion

This chapter has analysed discourses that shape feminist engagements with the state in relation to domestic violence in Britain. The chapter identified five feminist discourses – universal domestic violence, empowerment,

autonomy, crime and racist patriarchal state discourses – and explored their development and role in the debates. The state actors were shown to appeal initially to a nuclear family discourse and to a scarce resources discourse (1976 and 1993 parliamentary debates).

Overall, the analysis illustrated the diversity of discourses and actors on domestic violence. Nevertheless, some discourses had become particularly influential and set important discursive boundaries for what could be articulated in the debate. For instance, the autonomy and empowerment discourses remained important for two feminist actors: Women's Aid and Southall Black Sisters. The discourses constructed the state as patriarchal and resulted in feminist actors rejecting some policy options, such as the police pressing charges on behalf of the victim. The debate was framed in terms of a crime discourse and attempts to widen the issue with a focus on human rights or social justice were not successful. These discourses resulted in feminists engaging with the state in particular ways. Autonomy from the state was important, but feminists presented strong arguments for increased state funding. The crime discourse gave a role to the police in tackling domestic violence. Thus, feminists were constantly negotiating their stance vis-à-vis the state, which was shaped by these discourses in complex ways.

The analysis also showed the ways in which the discourses underpinned the British domestic violence institutions. Reflecting the autonomy and empowerment discourses, refuges were women-only organizations, which were run by voluntary workers and suffered from insufficient funding. There was no central, coordinating government department and the state was not taking a leading role on the issue. Instead, there were various multi-agency initiatives to coordinate the work of the different bodies. The crime discourse meant that there was a strong focus on police practice, which did improve over time.

The chapter has illustrated that it is problematic to argue that British feminists were 'out' of the state or, following on from that, that the British women's movement was marginalized totally in state discourses and institutions. Despite the strong status of the autonomy discourse, feminist activists did engage with the state. Women's Aid and other women's organizations influenced policy processes even if this did not always result in policy successes and desired outcomes. Chapter 6 will look at some of the most recent developments in the domestic violence policy in the UK.

In the next chapter, the British feminist discourses about the state are compared to the Finnish feminist discourses. Their role, power and limits are explored in other debates, that is the power of the Finnish women-friendly welfare state discourse in domestic violence debates and the

power of the British autonomy discourse in childcare debates. This answers questions about whether the constructions of the state discussed in this and the previous chapter are issue-specific: Is it because British feminists focused on domestic violence that the state appeared patriarchal? Conversely, is it because Finnish feminists focused on childcare that the state was seen as women-friendly? Such an analysis reaches beyond the confines and the aims of this and the previous chapter and points to the power and the limitations of the feminist constructions of the state in the two countries.

5
Comparisons of Feminist Discourses about the State

Introduction

Earlier chapters have analysed feminist childcare debates in Finland and domestic violence debates in Britain and focused on the discourses about the state in these debates. In Finland, the debates were underpinned by a women-friendly welfare state discourse and in Britain by an autonomy discourse, which constructed the state as patriarchal. The aim of this chapter is to analyse the debates from the alternative perspective: domestic violence in Finland and childcare in Britain. A specific objective is to explore feminist discourses about the state in debates that were less important for feminists in these two countries. On the one hand, this move exposes the hegemony of certain established discourses (women-friendly welfare state and autonomy discourses). On the other hand, it points to differences within states and assesses how feminist discourses succeed in understanding the differentiated state.

The first section discusses domestic violence debates in Finland and the second childcare debates in Britain. The analysis is necessarily not as detailed as in the previous chapters. However, I employ the same methodological framework and focus on discourses, actors and institutions. In addition, I make some specific comparisons between domestic violence debates in Finland and Britain, and childcare debates in Britain and Finland. The third section scrutinizes the significance of this line of argument for feminist perspectives on the state. It explores the importance of focusing on both differences between states and differences within states for feminist state theories.

Domestic violence debates in Finland

In this section, I focus on domestic violence debates in Finland. The aim is to analyse whether feminist discourses about the state reflect the

differentiated state. Arguably, the prevalence of violence against women and state inaction on the issue had the potential to challenge the women-friendly welfare state discourse. Twenty per cent of Finnish women have been victims of physical violence in their current partnerships and 50 per cent have experienced violence or threat of violence from their ex-partners (Heiskanen and Piispa 1998: 11). I argue that feminist discourses about domestic violence did not aim to challenge the dominance of the women-friendly welfare state discourse, which continued to shape feminist engagements with the state on the issue of domestic violence too.

Agenda-setting and adoption: family violence discourse

In the 1970s and 1980s, there was extremely little research and only a few journal articles on domestic violence in Finland and the problem was silenced until the 1990s. Research conducted in the 1980s was done by people who identified themselves as non-feminists and with an interest in solving social policy problems (Ronkainen 1998: 39). There were some studies on refuges (Hasu 1986, Huhtala and Huhtala 1989), and one feminist enquiry: a collection of stories by battered women (Germain et al. 1978).

Finnish debates were dominated by a family violence discourse. In this discourse, the relationship between the perpetrator and the victim was the most important factor in causing domestic violence (Peltoniemi 1984: 159).[1] In other words, domestic violence was the problem of the whole family not of one individual. In contrast to the universal domestic violence discourse in Britain, in the family violence discourse, domestic violence was found in particular social groups:

> Almost all research shows that family violence accumulates more to the lower social groups than might be expected statistically. This is not surprising because all criminal violence is more common in lower than higher social groups.
>
> (Peltoniemi 1984: 46)

Here domestic violence was a problem typical of lower social groups because they were likely to have accumulated financial problems, unemployment and alcoholism.

In the discourse, domestic violence was not caused by the structure of the patriarchal society, as in the British feminist discourses. Therefore, the solution to the problem of 'family violence' was to be found at the individual level:

> Family violence, just as alcoholism, is a question of changing people's ways of living, their customs which, in turn, are influenced by the

> background and characteristics of the society, culture, family and individual.
>
> (Peltoniemi 1984: 230)

> Is violence within family preventable? Yes … It could begin on the level of attitudes. Family violence should be looked down upon and it should be morally questioned, because violence always signifies misuse of power. However, there is no need to stigmatise the batterer as a scapegoat, but his crisis should be understood and help should be offered.
>
> (*Sosiaaliturva* 1981: 1183)

The most society could do was to try to influence individual ways of living and behaving. Alcoholism was a crucial factor in causing 'family violence', so treating alcoholism was one solution to the problem of domestic violence (Peltoniemi 1984: 160). Central to the discourse was the idea that men who batter should be understood, not stigmatized. The discourse claimed to be gender-neutral and avoided referring to 'women' or 'men', using the language of 'family members' instead. Teuvo Peltoniemi employed police statements to demonstrate that women were as violent and sometimes more difficult than men. He argued that domestic violence against men does not show in the statistics because 'men do not dare to go and get help'. Violence against men was 'an even more a sensitive issue' than violence against women (1984: 42–3).

The Finnish refuges were established in accordance with the family violence discourse. They did not grow out of the women's movement or feminist activism as in Britain, but developed from former child welfare institutions. A key actor was the Federation of Mother and Child Homes and Shelters, which emphasized child protection and the creation of safe homes for children. The people who sought help from the refuges remained there only for a short period of time, half of them staying for less than 24 hours (Peltoniemi 1984: 212–13). Refuges were found to be empty or 'used by just one customer family seven months of the year under investigation' (Peltoniemi 1984: 215). When the women ('clients') left the refuges there was little knowledge of what happened to them afterwards (Peltoniemi 1984: 218).

The establishment of the refuges was informed by the state responsibility discourse. The provision for battered women, or 'family members', did not take place outside the public sector but was complicit with its services:

> Development should take place according to cooperation on a multiple of levels. Activities should be planned so that they add to the

> already existing social services. The society should guarantee basic funding, and appropriate control and guiding for the refuges.
>
> (*Sosiaaliturva* 1981a: 1178)

The personnel were salaried and professional; there was no voluntary help. According to the findings, the refuges had a good relationship with family counselling:

> In the refuges it is seen as essential to secure the unity of the family or the partnership. Family counselling is seen as the state representative which can best deal with these issues.
>
> (Peltoniemi 1984: 159)

Peltoniemi gave credit to Finnish refuges for 'emphasizing from the beginning that family violence is a problem of the whole family' and for taking in male customers (1984: 17). When a family came to a refuge, the partner who stayed in the home was contacted. The refuges organized family get-togethers in which the perpetrator was invited to participate. The primary goal of these was to make the parents aware of the impact of the situation on the child.

The family violence discourse defined itself in open opposition to feminist discourses (see Table 5.1). The discourse constructed feminists as

Table 5.1 Differences in refuge ideologies according to Teuvo Peltoniemi

	Family dynamics approach	**Feminist approach**
Concept	Family violence	Battered women
Relationship to feminism	Negative	Highly positive
Cause of family violence	Relationship problems	Patriarchal society
Nature of family violence	Social sickness	Crime
Victim	Both women and men	Only women
Children	Very important	Less important
Openness of the activities	Very open	Very closed
Accepting men	Accepted as personnel and visitors	Not accepted at all
Form of action	Private conversations	Groups
Target of action	Family	Women's self-confidence
Personnel	Professional	Non-professional
Relationship to the state	Cooperation	Independent
Participation in politics	Weak	Strong

Source: Peltoniemi (1984: 210).

reactionary because they focused narrowly on women and ignored the perpetrator, his problems and helping him. In the discourse, feminists were also problematic for (immorally) neglecting children in the interest of helping battered women. The discourse portrayed the feminist mode of action as closed and therefore dubious, and saw its own approach as open and transparent. The discourse constructed a strong dichotomy between the family dynamics model and the (perhaps Anglo-American) feminist model. The family dynamics approach became the superior norm in Finland. This way of thinking represented the family dynamics model as moderate, sensible, reasonable and prudent, in contrast to the irrational, extremist feminist men-haters outside society. The dichotomy was persuasively established and it silenced feminist voices on domestic violence in Finland. There was little public space for positive understandings of the meaning of the feminist autonomy and empowerment discourses as in the British context.

There were, however, some feminist voices on domestic violence in Finland.[2] At the beginning of the 1990s, these became stronger and argued that 'violence against women is a clear sign of unequal gender relations' (*Uusi Nainen* 1991: 13). Feminists criticized the family violence discourse and the way the woman was blamed for men's violence (*Uusi Nainen* 1991: 14). The gendered nature of domestic violence was highlighted: 'A family-centred way of thinking and the use of the term family violence hide the gendered nature of violence at homes, which mean that the man batters his wife to oppress, control, and rule her' (*Uusi Nainen* 1991: 14). The refuge network, which was an embodiment of the family dynamics model, was also criticized by these feminists.

In conclusion, there was remarkably little debate and few discourses on domestic violence in the 1970s and 1980s in Finland. The family violence discourse was dominant and it understood domestic violence to result from family dynamics, namely interpersonal problems, lack of communication, alcoholism and unemployment, and violence was argued to accumulate in lower social groups. It was promoted by some individual male actors, as well as by the Federation of Mother and Child Homes and Shelters. They saw domestic violence as a social problem that required practical social policy solutions.[3] As a social policy problem, 'family violence' was seen as a small part of wider social problems, such as alcoholism or mental illness. In contrast to Britain, where domestic violence was tackled with both criminal and civil law, social policy became the most appropriate means to tackle the problem in the Finnish discourses. Gendered power relations were rendered invisible.

The family violence discourse and its anti-feminism were combined with the state responsibility discourse. The state was not uninvolved in

refuge provision, but refuges were funded by the state and cooperated with the social service sector. Women stayed in the refuges for only short periods of time. Refuge places were intended for mothers with children and there was a lack of places for single women. Nevertheless, the discourses resulted in a belief that a victim of domestic violence could easily get help from the authorities in Finland (Ruuskanen 2001: 314).

Implementation and evaluation: feminist discourses

Finnish domestic violence institutions reflected the family violence discourse. At the beginning of 1990s, domestic violence could be dealt with only under the 1889 criminal law. It was not legally possible to obtain an injunction in Finland and the police had no guidelines on how to deal with domestic violence. The law distinguished between violence in the public and private spheres; and rape in marriage was not criminalised. There was a network of refuges, but only one feminist refuge with a secret address. Research into domestic violence was mostly non-academic and no statistics existed to reveal the extent of the problem.

At the international level domestic violence was being taken increasingly seriously and various bodies and organizations were condemning domestic violence as a serious human rights violation and demanding national governments to take action (Keck and Sikkink 1998). In contrast to Britain, the importance of tackling domestic violence came to Finland via the international level.[4] To meet international pressures in 1990 the Council for Equality established a committee to study violence against women (the Violence Sub-committee). The Committee argued that it had been difficult in Finland to accept the existence of domestic violence because 'it fits so badly the image we have of the status of Finnish women. It is commonly assumed that the status of Finnish women is the best in the world and that gender equality has already been achieved in Finland' (*Naisiin kohdistuva väkivalta* 1992: 1), which points to the power and effects of the women-friendly welfare state discourse.

The Committee articulated a gendered violence discourse to show that domestic violence was not gender-neutral, but that it was men who battered women. The report tied violence against women closely to women's overall position in society; it was not an individual problem but related closely to the patriarchal structures of society. The bulk of the recommendations for the prevention of domestic violence dealt with improving the status of women in society.

> Women's economic independence should be promoted by realising equal pay and by making individual social security arrangements

> better. Thus a woman living in a partnership would have the possibility to break away from a violent relationship.
>
> (*Naisiin kohdistuva väkivalta* 1992: 5)

The report recommended strongly that women's self-confidence should be strengthened by promoting more gender-equal roles in schools, kindergartens, work and politics. The report also suggested that the mechanisms and forms of women's oppression should be made visible, so that they could be influenced (*Naisiin kohdistuva väkivalta* 1992: 76–7).

The Committee focused on women's rights. However, the report contained traits of the family violence discourse. In contrast to the British universal domestic violence discourse, the report stated: 'There is violence in all social groups, but the problems have perhaps concentrated in the lower social groups, which have fewer methods to control the situation' (*Naisiin kohdistuva väkivalta* 1992: 32). The report did not fully recognize the universality of the problem, which was important for feminists in Britain; furthermore, alcohol was seen as a key factor in causing domestic violence. The Committee gave its unconditional backing for perpetrators' programmes and argued that the relationship between the father and the child had to be supported. The understanding attitude that men received in the family violence discourse was maintained. The British feminist empowerment and autonomy discourses were nonexistent.

In accordance with the women-friendly welfare state discourse, the state was given a central role in helping to find solutions to tackle the problem. The report recommended that the main responsibility for national-level coordination of domestic violence policy should lie with the Social Affairs and Health Ministry. The report gave credit for the work conducted by the Finnish refuges and recommended improving refuge provision throughout the country. In line with the state responsibility discourse, the Committee demanded that the municipalities should have a legally binding responsibility to organize protection for women and children fleeing domestic violence on the local level. Also, as a result of international level influence, the Committee employed an international human rights discourse as opposed to the British feminist crime discourse. Notably, criminal law has been relatively low key in the welfare states and it has played hardly any role in countering domestic violence in Finland (Niemi-Kiesiläinen 2001: 297).

When institutional change started to take place, its pace was rapid. By 1998, a number of the Committee recommendations had been implemented. Rape in marriage was criminalized (1994). Prosecution in domestic

violence cases became the responsibility of the general attorney (in the new Criminal Law 587/1998). The Academy of Finland funded research projects; there were public awareness campaigns, and injunctions and non-molestation orders were debated in parliament. A help-line for the victims of crime and perpetrators' programmes for violent men were set up. A rape crisis centre was also established. The first national prevention plan against violence against women was drafted in 1996 (Kiviaho 1996). The Social Affairs and Health Ministry took the role as the lead government department on the issue. The government's equality programme included a five-year project against violence against women.

It could be argued that the new institutions continued to be underpinned by the family violence discourse. For example, the fact that the Social Affairs and Health Ministry was the lead department points to the understanding that domestic violence was a social policy problem. Also, the importance placed on perpetrators' programmes shows the perceived need to understand men, the perpetrators, and to help them. In a case study of a Filipina woman who lost custody of her child after leaving her violent Finnish husband, Katarina Jungar argues that although the woman had sought help from a Finnish refuge it was the man who was supported by the refuge (2003: 27). In accordance with the family violence discourse, the violent husband participated in a project for violent men and social workers gave him practical support when he won custody of the child. His violence was silenced in the court by the police, doctors and lawyers, who all saw the Filipina woman as a bad mother because she did not speak fluent Finnish (Jungar 2003: 27).

Academic feminists articulated critical discourses about domestic violence. The critique was directed at the family violence discourse and its implications. I suggest that there was limited criticism of the notion of the Finnish state or, alternatively, new discourses about the state that would have challenged the position of the women-friendly welfare state discourse. Instead, feminists analysed the problems related to the image of the Finnish woman as a strong survivor (Nousiainen 1998) and pointed out that in this context, the subject position of a victim, in contrast to the British feminist emphasis on women as survivors, could be empowering (Husso 2003: 52, 325). Feminists critiqued the Finnish norm of gender-neutrality (Ronkainen 1998) and critical men's studies examined Finnish masculinities (Jokinen 2000). Criticism was directed at some key institutions such as poor services for women (Lehtonen and Perttu 1999) and gendered law (Niemi-Kiesiläinen 1998).

Feminist academics argued that domestic violence was a structural problem requiring solutions at the state level (Husso 2003: 326). At the same

time, the lack of critical discourses about the state narrowed the search for ways to tackle violence against women. The solutions remained state-centric. Yet the British example suggests that survivors found the support they got from autonomous Women's Aid's refuges highly empowering (Abrahams 2002). Discourses about autonomy from the state have been absent in Finland in the context of a lack of critical attitudes towards the state.

In conclusion, the women-friendly welfare state discourses ensured that the state was given a central role in tackling domestic violence. The gendered violence discourse, advocated by feminists in academia, was not a discourse that challenged hegemonic understandings of the state. Rather its aim was to challenge the gender-neutrality of the family violence discourse. Arguably, the prevalence of domestic violence provides the possibility of challenging the construction of the Finnish state as women-friendly. The discussion here has illustrated that this did not happen and a positive understanding of the state's role in the lives of Finnish women continued to dominate.

The parliamentary debate in 1998

In this section, an analysis of a parliamentary debate illustrates the power of the family violence, state responsibility and women-friendly welfare state discourses. The debate on the Act on the Restraining Order took place in 1998 and the discursive context was still informed by the family violence discourse. As indicated above, it was not possible to obtain injunctions or non-molestation orders in Finland. The parliamentary debate took place on the basis of the government proposal for the Act (HE 41/1998) and the report of the Legal Affair's Committee (LaVM 11/1998). The government proposed a restraining order, which would forbid contact between the two parties. The police could grant restraining orders in emergencies and these could be made immediately and without giving notice to the other party. However, the restraining order had to be taken before the court within three days in order to give the other party a chance to defend himself. Restraining orders could be related only to procedures already before the court, for example through divorce, judicial separation or claims for damages. If an order was breached, the penalty would be a fine or a maximum one year's imprisonment.

The government proposal was welcomed unanimously in the parliamentary debate – by both female and male MPs across the political spectrum. Notably, there were no feminist criticisms of the content of the proposed law. In Britain, one of the main feminist concerns voiced as

early as 1976 was that the women had to apply for more permanent proceedings before they were able to secure a restraining order. This was now being proposed in Finland and no MPs argued against it.[5] Instead, the police argued that the three-day time-frame to take the restraining order to court was too short. Furthermore, they suggested that the order should be legally binding for more than a year.

In this parliamentary debate, there were traces of the family violence discourse. For instance, some MPs argued that women were also violent:

> Surprisingly when you look at these figures, of male–female relations, it seems that in family violence women have been victims in 56 per cent of the cases, which means that a good number of men have been battered as well. This leaves 44 per cent men, so it means that women have become more violent of late.
>
> (Esa Lahtela, SDP, 12 May 1998)

This interpretation was a misinterpretation of the figures and was indicative of MPs' ignorance on the issue. The 44 per cent of males consisted mainly of children and the elderly bullied by their adult children. In the family violence discourse, the seriousness of the problem was played down. Some MPs believed that domestic violence was a new phenomenon in Finland:

> In this respect too, Finland lags behind, but maybe we also lag a little behind in the so-called appearance of the evil … The need for this kind of legislation shows that our society is not absolutely healthy, but there are very many sick phenomena.
>
> (Toimi Kankaanniemi, Christian Democrats, 10 November 1998)

For these MPs, domestic violence was not caused by the patriarchal structures of the society, but signalled the existence of something 'evil'. In other words, domestic violence was not a structural societal problem. Where it occurred it was a result of individual pathology, sickness, and the solution was to help individual men.

The state responsibility discourse could be seen in the manner in which MPs spoke about the role of the police. The MPs welcomed the opportunities that the new law would give the police. Virpa Puisto (SDP), the leader of a refuge for fifteen years before becoming an MP, pointed out that 'cooperation between the police and the refuges is close' (12 May 1998). Other MPs argued that the police were given 'instruments to act'.

The government proposal stated that the law would promote gender equality and equality between generations. Only a few MPs articulated the gendered violence discourse:

> The question is about threatened women who are helpless without a law on injunction.
>
> (Margareta Pietikäinen, National Coalition Party, 12 May 1998)

> The law does not refer to either sex but to persons. However, the cold realities of the world have shown us that women have been, at least until now, the weaker part, who have been easily hit and have been the target of violence.
>
> (Arja Ojala, SDP, 13 November 1998)

The norm of gender-neutrality here was strong. Many MPs were at pains to point out that the law did not offer protection only to women. They referred to problems related to drugs, gang fights, to protecting witnesses giving evidence in court, even to prisoners molesting people outside prison. The norm of gender-neutrality required that gender equality questions did not focus narrowly on the woman question. Many MPs stressed that men could also be victims of harassment and needed protection.

The policy outcome of this debate was the introduction of the Act on the Restraining Order (*Lähestymiskieltolaki* 698/1998). Above I have analysed some of the discursive limitations to this change. A focus on implementation is revealing. Since 1999, more than 1,000 restraining orders have been given each year with the numbers increasing every year. The law was clearly needed. However, men breaching the order were typically punished only with fines, and *Helsingin Sanomat*, the biggest national newspaper, argued that imprisonment was not used even when the restraining order was broken 'tens of times' (*Helsingin Sanomat,* 21 July 2002, see also *Helsingin Sanomat,* 29 November 2002).

In conclusion, a focus on parliamentary debates and the developments in domestic violence debates in the 1990s indicated the long shadow of the family violence discourse. It powerfully shaped violence against women debates even when it was declining in prominence and alternative discourses were being formulated. In the family violence discourse, domestic violence was not violence against women but a gender-neutral phenomenon.

The women-friendly welfare state discourse defined the Finnish woman as a strong working mother, equal to men, and blocked recognition of violence against women. However, after the problem was recognized

feminists employed the gendered violence discourse to establish that domestic violence was about violence against women perpetrated by men. The discourse was accepted only slowly and was mainly promoted by female MPs in the parliamentary debates. In these debates, gender-neutrality was a wider concern than legislation's gender-specific consequences. Also, the gendered violence discourse did not say anything new about the Finnish state and thus implicitly added to the dominance of the women-friendly welfare state discourse. Nevertheless, the discursive context regarding domestic violence was slowly changing. The family violence discourse was losing its hegemonic position and the gendered violence discourse was becoming more prominent.[6] Policy reforms came late in comparison to Britain, but were implemented relatively swiftly when they were finally addressed.

Childcare debates in Britain

In this section, I briefly explore childcare debates in Britain. The analysis points to feminist anxieties about the state, family, motherhood, women's labour market participation and institutional childcare. For a long time, childcare did not appear as a central feminist concern. The feminist discourses that there were gave no role to the state in childcare provision and were thus very similar to those discussed in Chapter 4 in relation to domestic violence. However, I show that feminist discourses about childcare and the state's role in its provision did emerge at the end of the 1980s. Female Labour Party activists argued that the state had to take a role in developing provisions for childcare. The findings point to the need to be sensitive to differences over time.

In this section, I discuss, first, two dominant discourses on childcare in Britain – motherhood and special needs discourses – and point to the diversity of actors who articulated them. Both discourses gave a minimal role to the state and set the discursive context in which childcare debates in Britain were conducted. I also look at some feminist debates on the issue that took place in this setting. Second, I explore British childcare practices and their relation to the discourses. I map out the emergence of new feminist discourses on childcare. Feminist Labour Party activists articulated an equal opportunities discourse and argued for better childcare provision. Finally, I focus on a parliamentary debate that took place in 2003 to scrutinize the role of these discourses at the state level.

Agenda-setting and adoption: discourses and actors

In Britain, there was a great diversity of actors in childcare debates.[7] The different parties were divided in their arguments and represented differing

and potentially conflicting assumptions about the respective needs of children and mothers, different interests and professions, in relation to childcare (Randall 2000: 109). Despite the diversity, some dominant discourses can be discerned.

British debates on childcare were shaped by a motherhood discourse that reflects ambiguities about mothers' employment. According to Denise Riley, the motherhood discourse was based on a construction of two irreconcilable categories: the housewife-mother and the woman worker (1983: 185). In the discourse, working women with children became an invisible category, overlooked from virtually all perspectives. The idea that unbroken maternal care was important for a child's development was central to the discourse (Silva 1996: 18). In contrast to the Finnish working mother discourse, Britain lacked a policy discourse or a coherent policy framework that would construct mothers as both carers and workers (Brannen 1999: 58).

The motherhood discourse did not construct the state in any explicit ways, but it was supported by constructions of state-led institutional childcare as harmful for most children. In the 1960s, the Ministry of Health argued:

> Day care must be looked at in relation to the view of medical and other authorities that early and prolonged separation from the mother is detrimental to the child; wherever possible, the younger pre-school child should be at home with his mother.
>
> (quoted in Moss 1978: 4)

The advocates of this line of thinking sometimes drew on the controversial research of John Bowlby (1953), which argued that a child deprived of her mother would develop antisocial tendencies.[8] This was confirmed by Osborn and Milbank (1987) who studied more than 13,000 children in the UK and compared the educational and social outcomes for 'daycare' children with those who had attended half-day educational provision or who remained at home. Towards the end of primary school the daycare group had lower maths and reading scores and a higher incidence of behavioural problems (Osborn and Milbank 1987), which seemed to support the idea of the harmful effects of institutional childcare. Research from Sweden, in contrast, found that daycare experience gave children a better start in school (Andersson 1992) and the Osborn–Milbank study was also challenged by British researchers (Sylva and Moss 1992). Yet, the media and experts' portrayal of the effects of childcare on children continued to focus on the negative rather than the positive consequences of institutional childcare (Brannen 1999: 56).

Central to the motherhood discourse was the idea that childcare was a private matter, which further closed off the state. For example, Conservative governments argued that mothers who opted for employment were making essentially 'private decisions' in which the state should not interfere (Brannen 1999: 52). It was also up to the parents to arrange childcare. John Patten (Parliamentary Under-Secretary of the State at the DHSS) stated in February 1985: 'Daycare will continue to be primarily a matter of private arrangement between parents and private and voluntary resources except where there are special needs' (quoted in Cohen 1988: 16). This remained government policy in 1996:

> It is government policy that responsibility for childcare, including paying for it, rests with parents, not the State. Except for some specific government initiatives to expand choice and secure quality it has been left to the market to develop services in response to parents' demands.
> (Department for Education and Employment 1996: 5)

The second discourse that dominated childcare debates was a special needs discourse. This discourse gave a limited role to the state in the provision of childcare. In this discourse, institutional childcare was a service for children with 'special needs'. Children whose need for institutional care was justified and pressing included 'culturally deprived children', 'children from overcrowded homes', 'children from families where the parents are mentally or physically unable to provide a good environment for their children', 'children who are themselves mentally or physically handicapped' and 'children with abnormal behaviour who need diagnosis and treatment' (Yudkin 1967: 9). At the end of the 1980s, these included children of single parents and of ethnic minority groups (Cohen 1988: 95). In the discourse, childcare was beneficial for children at risk. It was only in these cases that the state should intervene and had the responsibility to provide childcare.

Both the motherhood and special needs discourse implied a minimal role for the state in childcare provision (see also Marchbank 2000: 84). The Conservative governments endorsed the view:

> Long-standing government policy is that public provision of daycare (i.e. services provided or funded by local authorities) should be concentrated on those whose need for it is greatest – those families with particular health or social needs who will benefit most from a local authority daycare place. It is for individual local authorities to assess the level and type of provision necessary to meet priority cases in

> their own areas and to involve social services, education and the voluntary sector in the co-ordination of services.
>
> (Home Office 1987: 52)

This is in direct contrast to the Finnish state responsibility discourse which resulted in universal childcare arrangements. Furthermore, the Conservative government emphasized the responsibility of local government, as opposed to central government, in dealing with the issue. It strongly resisted any extension to its own role. John Patten embraced the government's reactive, rather than proactive, stance on the issue: 'I don't think the state should step in to help the working mother unless her life has collapsed' (quoted in Armstrong 1989). This indicated the minimal role given to the British state in childcare provision.

Despite this, some actors did articulate an equal opportunities discourse in relation to childcare, which argued for state involvement in childcare provision. The discourse emerged from informal social movement debates and was represented at the state level by the Equal Opportunities Commission (EOC). For example, the National Childcare Campaign (NCC), launched in 1980, was a small feminist organization campaigning for childcare. In its statements, childcare was pivotal to gender equality and women's equal opportunities:

> We believe that in the current political climate tremendous pressure is being exerted on women to make them feel they should remain at home and take the major responsibility for the care of their children. We would like to see a National Child Care Campaign that says loud and clear that women do work, need and want to work, and that child care facilities are absolutely necessary and central to women's equality.
>
> (quoted in Lovenduski and Randall 1993: 289)

The EOC stressed the link between adequate childcare facilities and women's equal opportunities. Equal opportunities discourse did give a role to the state in providing childcare: 'Childminding cannot be a long-term substitute for substantial central and local government investment in nurseries and forms of nursery education' (EOC 1978: 16–17). However, this was by no means a dominant discourse among the various groups lobbying for childcare and it certainly did not appeal to the Conservative governments.

The marginality of the discourse was also illustrated by the fact that the National Childcare Campaign ceased to frame childcare demands in terms of sex equality (Randall 2000: 125). Moreover, the demand that

childcare be provided free of charge was abandoned, as was resistance to the idea of workplace nurseries (Randall 2000: 125). The Working Mothers' Association, in turn, approached the question of childcare from the angle of the mother as consumer. It was not concerned with the possible exploitation of childminders and never had any expectation that childcare should be free (Lovenduski and Randall 1993: 295, Randall 2000: 125).

Feminists did not articulate clear discourses on childcare. The discourses that there were, were informed by a hostility towards both the family and the state. As indicated in the previous chapter, one of the original four demands of the women's liberation movement was for 24-hour nurseries (Rowbotham 1989: 134), but this was sidelined by a strong anxiety among feminists concerning childcare (Riley 1983a: 132). As Vicky Randall argues: childcare did not capture feminist imagination in Britain (2000: 127).

Part of the explanation lies in the early British feminist discourses on the family, marriage and motherhood. Radical and socialist feminists in 1970s Britain were united in their rejection of the traditional nuclear family, as both practice and ideology (Lovenduski and Randall 1993: 271). The family was a central site of women's oppression in society. Embedded in 'the material structure of the household' was women's financial dependence on men, and in the ideology of the family women were 'confined to a primary concern with domesticity and motherhood' (Barrett 1980: 214). Any attempts to glorify motherhood were seen as an indication of 'false consciousness' and an inability to recognize the real nature of oppression (Nava 1983: 89). Black feminism, which emphasized the positive value of family for black women, and a new turn in radical feminism, which led to valuing of motherhood (Randall 2000: 131), complicated and diversified feminist understandings of motherhood and family.

It was symptomatic that a collection by prominent socialist feminists was titled *What is to be Done about the Family?* (Segal 1983). The title was a question to which no one had unambiguous answers:

> After the war … it became clear that the support the state would offer the nuclear family was part and parcel of its attempts to strengthen women's role and duties in relation to children.
>
> (Segal 1983b: 27)

The state was understood to support the private patriarchy that women experienced in the family. Feminists distrusted the state, as was evidenced in the autonomy discourse in the domestic violence debates, and anti-state

feeling was particularly strong on the issue of childcare. Feminist visions of childcare did not give a role to the state, but rather their vision was a collectivist utopia, a model where childcare did not involve the state. The women's liberation movement was sympathetic to ideals of non-authoritarian, community-controlled education advanced by free nurseries and children's rights groupings, or to individual solutions, such as communal living and collective households (Nava 1983, Riley 1983a: 137). The positions were informed by a fear that childcare provided by the state would reflect the patriarchal and capitalist values of the state (Randall 2000: 129). Therefore, institutional childcare was bound to be contradictory. Denise Riley argued that the 'very term "child-care" has a dispiriting and dutiful heaviness hanging over it which resists attempts to give it glamour or militance alike' (1983a: 135):

> How to think about child-care … in relation to both central and local governments is a perennial difficulty. For who are nurseries for? If allotted for the good of 'social hygiene' for the children of 'deviant mothers', for the easier flow of temporarily needed female labour force, for permitting the employment of women who would not be able to survive without, say, monotonous and badly paid work on top of their domestic work – how are these possible conditions of state bestowal of child-care to be understood and, where need be, contested by feminist campaigns? What were – and are – the engagements and interests of various forms of the state in the sexual, maternal, parental actions of its citizens; and should feminism, less systematically committed to analysing states than various socialisms, always take up an oppositional stance?
>
> (Riley 1983a: 137)

Here Riley illustrates a number of issues relevant to feminist attempts to deal with childcare. She shows traces of the autonomy discourse: unease about the state and unease about badly paid work. Also the special needs discourse is present. In the quote, these anxieties combine in apprehension about state-led childcare in general. Class differences complicate the issue further. Middle-class women's liberation movement activists saw state-funded childcare as necessary for working-class women but not something they would want for themselves (Randall 2000: 136). The fear that the provision of childcare could entail the exploitation of one poorer group of women by another further inhibited feminists' enthusiastic endorsement of the need for childcare (Randall 2000: 136).

In conclusion, the autonomy discourse, which in domestic violence debates resulted in empowering practices for women, proved powerful but more paralysing in relation to institutional childcare. Feminists' stances were underpinned by ambivalence towards the patriarchal state, and towards the family, motherhood and marriage. The motherhood discourse and the equal opportunities discourse were often in direct tension, and in practice the motherhood discourse, which required mothers to stay at home, prevailed. The motherhood and special needs discourses gave a minimal role to the state in childcare provision. The equal opportunities discourse argued for some state involvement but it was not strongly supported by feminist activists. The Conservative government provided strong resistance to any extension of state policies on childcare and appealed to the idea that childcare was a private matter.

Implementation and evaluation: new feminist discourses

In this section, I briefly discuss some childcare institutions in Britain to give an indication of how the institutions and discourses were intertwined. I then focus on the discourses articulated by feminist activists in the Labour Party at the end of the 1980s. Their equal opportunities discourse gave a more prominent role to the state in childcare provision.

Various parties noted the unsatisfactory state of affairs regarding British childcare arrangements. Poor state provision was particularly evident when compared to the situation during the Second World War when the state did provide a significant number of nursery places for children whose mothers were working for the war effort (Yudkin 1967: 17, Riley 1983: 119–20, Marchbank 2000: 54–8). In the face of poor state provision, parents had to rely on a number of different childcare arrangements and an early and persistent problem was that of unregistered childminders. The impact of the motherhood discourse was evident. For example, the development of the playgroup movement in the 1970s (the largest party in the voluntary sector specifically concerned with services for the under-fives) was a response to the needs and initiatives of non-working mothers. Its attitude to the idea of mothers' employment was ambivalent and did little to provide for them (Moss 1978: 4). The state of affairs reflected the power of the discourse that represented mothers' decision to work as an essentially private one, a choice that did not require state intervention.

Reflecting ideas of minimal state intervention, childcare provision was both fragmented and patchy. Similar populations had different numbers of places in day nurseries (Woodland, Miller and Tipping 2002: 105). Local authority day nurseries provided so few places (for just 1 per cent of

0–4 year olds) that they could admit only children 'at risk' (Armstrong 1989), which reflects the role of the special needs discourse. Childcare policy under New Labour still struggles with the great diversity of local childcare regimes (Randall 2004: 16).

Fragmentation was exacerbated by the lack of a lead department on the issue. Two Departments, the Department of Education and Science and the Department of Health and Social Security, whose objectives and overall areas of responsibility were very different, shared the responsibility for provision for the under-fives. This created considerable variation in the type, duration and availability of childcare offered by the two Departments and hindered the development of a systematic policy (EOC 1978: 9, Challis 1980, Cohen 1988). The Health Department had responsibility for social service-based provision (for example, day nurseries and the regulation of childminders) and the Education Department for pre-school education. They did not plan together, budget together or provide comparable statistics (Armstrong 1992).

Fragmentation also encouraged conceptual confusion. There was lack of clarity as to what the term 'childcare' comprised and the difference between daycare and nursery education. Not only Conservative but also Labour spokespersons played on this ambiguity to imply that expanded nursery education, albeit part-time, was the equivalent of increased childcare provision. Politicians found it useful to present daycare and nursery education as in competition for scarce resources (Randall 2000: 178). Furthermore, childcare policies were not coordinated with other areas of government policy, such as services, employment measures and taxation (Cohen 1988: 102). Provision by employers, for example, suffered a setback in 1984 when the Conservative government imposed a tax on the benefit of workplace nurseries (Lovenduski and Randall 1993: 293). Childcare campaigns suffered from a paucity of information about the services and the need for them, as no centrally collected separable statistics were available (Cohen 1988: 103). It is also likely that the need for childcare was understated because the strength of the motherhood discourse tended to delegitimize childcare claims and made them difficult to articulate (Randall 2000: 118).

Towards the end of the 1980s and at the beginning of 1990s some feminist voices emerged to challenge this state of affairs at the national level. Feminist activists in the Labour Party, such as Hilary Armstrong, Harriet Harman and Patricia Hewitt, were lobbying for better state-led childcare provision in Britain. They drew on studies on childcare in different European countries and argued that the UK compared badly with the rest of Europe as Britain shared with Portugal the lowest provision

for under-fives (see Harman 1993: 100). These feminists articulated an equal opportunities discourse (advocated earlier by the EOC), where the lack of institutional childcare was preventing women from taking up job opportunities. The discourse highlighted that the state did have a key role in providing a more level playing field (equality of opportunity) for women by securing adequate childcare.

These feminists argued that there was a strong dichotomy between right-wing and left-wing views on family and that the position of the Labour Party had shifted 'away from echoing the Conservative defence of the traditional family model, towards a more positive endorsement of "equality and choice": women and men should be free to combine parenthood and paid employment on an equal footing' (Coote, Harman and Hewitt 1990: 13). The equal opportunities discourse gained its power from a changing conception of the family. The discourse challenged women's dependence on men. Feminist activists in the Labour Party appealed to a more positive notion of institutional childcare than the Conservative government had done.

> Nursery education and care give youngsters a good start in life. After nursery, under-fives are better prepared both educationally and socially for primary school, and perform better than those who have missed the chance of a place. Nursery education also provides increased opportunities for parents, particularly mothers.
>
> (Armstrong 1989)

> The need for integration and a coherent policy in each area, supported and encouraged by central government, is critical.
>
> (Armstrong 1989)

They argued for more state intervention on the issue. The stance sought to challenge the Conservative government tradition for minimal state intervention on the issue.

The equal opportunities discourse worked within the frame of 'needs of the economy'. Childcare was argued to enable women's labour market participation, which in turn benefited the economy:

> Proper child care provision – including policies with make it easier for women, and also men, to combine family responsibilities with employment which makes full use of their abilities – is therefore justified by the needs of the economy, as well as the interests of individual women.
>
> (Coote, Harman and Hewitt 1990: 39)

Lack of childcare was not only a loss for individual women who were unable to work but also for the national economy.

New Labour came to power in 1997 after nearly twenty years in opposition. The rapid change in the childcare institutions under New Labour appears to reflect the feminist demands outlined above. The Labour government introduced and implemented a wide range of new childcare policies, including the National Childcare Strategy, National Carers Strategy, Working Families Tax Credit and the Sure Start programme. Numerous authors have provided detailed evaluations of these policies and point to contradictions and continuing problems. Some scholars criticize the central position of paid work in the ideology of the New Labour (see Levitas 1998, Williams 2001), while others emphasize that the EU was behind some of the reforms rather than New Labour (Dean 2001, Williams 2001). Britain's childcare gap was argued to be closing only very slowly (Dean 2001) and there were serious implementation problems (Williams 2001). Furthermore, some scholars point out that New Labour shies away from the language of gender equality or women's rights (Coote 2000, Lister 2001).

The parliamentary debate in 2003

In this section, I scrutinize one parliamentary debate on childcare to explore discourses that shaped British debates on childcare. The analysis provides one possible way to question the extent of the rapid institutional change under the New Labour and to point to the ways that some dominant discourses continued to shape debates. The debate, 'Child Care for Working Parents', took place under the Labour government (11 December 2003). It followed the report from the Work and Pensions Committee on Childcare for Working Parents and the government's response to it. The analysis here shows that the equal opportunities discourse that the female Labour MPs articulated earlier was eclipsed in this debate.

The motherhood discourse was no longer dominant in the sense that MPs suggested that women should stay at home. However, its role could be seen in the numerous interventions that emphasized that the role of mothers as caretakers had to be valued.

> We must not make women feel guilty if they make a positive decision to stay at home and raise their children.
>
> (Sandra Gidley, Liberal Democrat)

> We need to find ways to boost the numbers of childminders; we must not force everyone into nurseries or formal institutions. A home is often the best place to care for a child.
>
> (Peter Luff, Conservative)

Informal care at home, as opposed to formal care at childcare institutions, was still seen as the best option for the child in this discourse. The state was not the most suitable provider of childcare. The discourse was supported by evidence, first, that children did better if taken care of at home, and, second, that many mothers wanted to stay at home to look after their children:

> The 2001 Rowntree Report found evidence that children of full-time working mothers do less well academically. That is a difficult and worrying finding, but it has to be taken into account.
>
> (Peter Luff, Conservative)

> [In May 2002, the magazine *Pregnancy and Birth*] found that 75 per cent of mothers-to-be would not return to employment if finances allowed. In October 2002, the national birth and motherhood survey found that 85 per cent of women would choose to be stay-at-home mothers.
>
> (Sandra Gidley, Liberal Democrat)

The motherhood discourse led both Conservative and Labour MPs to emphasize the importance of choice, which resulted in highlighting the role of the voluntary sector in childcare provision, which imposed limits on state intervention.

The special needs discourse was not articulated in its earlier form in this debate. However, it could be seen in the way that childcare was linked to anti-poverty strategies and to tackling child poverty, which dominated the debate. Children living in poverty were the new 'special needs group' who were targeted with childcare policies:

> The targets on child poverty … cannot be achieved without more extensive childcare provision. Indeed, to abolish child poverty, provision would need to be almost universal.
>
> (Sir Archy Kirkwood, Scottish Liberal Democrat)

> My party and I support the principle that work is the best way for people to come out and stay out of poverty, and the best route to ending child poverty.
>
> (Andrew Selous, Conservative)

Childcare was tied to parents' ability to work and to mothers' ability to enter the labour market. However, the focus was on children, not on

women. Childcare was provided for children and perhaps for parents, but not to achieve equal opportunities of women. Here, mothers' employment was justified through helping children out of poverty, not in its own right, which signals the disappearance of the equal opportunities discourse from the debate. The special needs discourse was also seen in the emphasis on different problem categories that were to be addressed through adequate childcare provision. These included 'lone parents' who needed to be brought back into the labour market, and children's 'chronic health problems', 'obesity' and 'illiteracy'. Furthermore, it was argued that 'the country needs a population policy' and childcare could have a central role in encouraging 'people of child-bearing age' 'to become involved in parenthood'.

I have indicated above that a focus on the benefits of women's employment to the national economy emerged parallel to the equal opportunities discourse. In this debate, the dominance of the economy was evident:

> Child care provision makes a positive contribution to the establishment of a dynamic economy … it should be seen as a public good, and I agree, but it should also be seen as an economic good.
>
> (John Battle, Labour)

However, many MPs quoted the evidence that Professor Peter Moss had given to the Committee. Moss argued that the government placed too much emphasis on labour market-driven strategy as the basis for childcare policy. Instead, he suggested that childcare should be understood as a public good and a human right, and therefore something that should be made available on a universal basis. This challenged the narrow economic focus and was referred to by some MPs as 'compelling' (Sir Archy Kirkwood, Scottish Liberal Democrat).

In conclusion, one of the most interesting findings is the disappearance of the equal opportunities discourse. There was clearly a lot of consensus on the importance of childcare and the need for the state to take a lead on the issue. However, it was no longer framed in terms of women's equal opportunities but rather in terms of child poverty and economics. A certain uneasiness about institutional childcare persisted. In comparison to Finland, where the working mother discourse was well established and the role of childcare for gender equality was widely shared, in Britain the equal opportunities discourse appeared late in relation to childcare. The analysis of this parliamentary debate illustrates that it was not well established and therefore easily eclipsed.

Comparative conclusions for feminist perspectives on the state

In this final section, I draw some conclusions about the analysis conducted in this and the two previous chapters. The aim is to discuss the significance of such analysis to feminist theories of the state. A more specific objective is to discern the benefits of combining an analysis of *differences between* and *differences within* states for feminist state theory. The conclusions draw upon comparisons of discourses, actors and institutions that the analysis in these chapters makes possible, and include comparisons between the two countries, between the debates and over time.

The chapters have illustrated that feminist discourses about the state impact on the ways in which feminists engage with the state. For example, the autonomy discourse constructed the state as patriarchal and defined the boundaries of legitimate state action for feminists in the domestic violence debates in Britain. This could be contrasted with the Finnish feminist state responsibility discourse in the childcare debates, which constructed the state as a benign instrument for change and enabled extensive feminist engagements with the state. However, the analysis also indicated the existence of a crime discourse among feminists in Britain, which called for police (state) intervention in domestic violence cases and constructed a state that could and had to be cooperated with. The apparent contradiction between the autonomy and crime discourses highlights the need to focus on differences and ambiguities within feminist discourses about the state. These inconsistencies have the potential to capture the differentiated character of the state. The state is not coherent and it is impossible to pin it down in one discourse. Contradictions in feminist discourses speak to these ambiguities.

I focused on constructions of the state within specific feminist discourses. On the one hand, this enabled me to illustrate the need to move away from theorizing gender and the state in general terms and to focus on the inconsistencies mentioned above both within and between the two countries. On the other hand, the analysis pointed to the existence of hegemonic feminist discourses and their power. This was particularly clear in the case of Finland, where the state responsibility and women-friendly welfare state discourses informed debates on both childcare and domestic violence. When these discourses are compared to Britain, it becomes evident that there was very little space for autonomous feminist action or discourses in Finland. Furthermore, in the Finnish domestic violence debates, the women-friendly welfare state discourse dominated the debate and feminists directed their energies to illustrating that domestic violence

was gendered rather than challenging this hegemonic discourse about the state.

These points exemplify the power of discourses about the state and the importance of mapping them out. Chapter 2 argued that power and control are most effective when they create and do not simply deny possibilities. This is perhaps the case with the Finnish women-friendly welfare state discourse, which creates very state-oriented policy options and solutions to different women's concerns. The analysis showed how the discourse was shared by both feminists and state actors. Its limitations were apparent in the domestic violence debate in Finland, especially when Finland is compared to Britain. Towards the end of the 1990s, both Finnish and British feminists argued that domestic violence was a societal and structural problem. In the Finnish context, this meant turning to the state – if a problem was 'structural' or 'societal' a key role was self-evidently given to the state in solving the problem. In Britain, by contrast, feminists questioned whether the patriarchal state could help them to confront the structural problems of the patriarchal society. In Britain, the state was thus an integral part of the patriarchal society. In Finland, the state remained neutral and feminist discourses situated the state above the society.

From the analysis we can discern the advantages of focusing on differences between states and differences within states for feminist perspectives on the state.[9] Comparative discourse analysis between the states provides some interesting insights. In the British cases, detailed analysis was more difficult due to the diversity of discourses and actors. It was perhaps harder to do justice to the nuances and differences of these various discourses. However, I argue that comparative discourse analysis has the potential to reveal where a consensus exists despite the diversity. In other words, comparisons can effectively reveal the discursive boundaries of the debates. Comparative discourse analysis also points to that which cannot be articulated in a certain context. For instance, in the British childcare debates, it was impossible to argue for universal childcare because of the hegemony of the special needs and motherhood discourses. Another example is the lack of a racist patriarchal state discourse in Finland. Actors who might have articulated discourses similar to the racist patriarchal state were so silenced or marginalized that their voices did not enter the public debates. I am thinking here of the potential views on the Finnish state of the Roma people, Russian minority, Same people and refugees in Finland.

Comparisons between countries are also useful for institutional analysis. They help to identify institutions in particular contexts. This is particularly pertinent in relation to the turn to new institutionalism,

which understands institutions in a broad sense. For instance, comparing Finnish and British childcare debates, we see the importance of the lack of the housewife institution in Finland. Parents (women) could stay at home on Home Care Allowance until their child was three, but then they were expected to enter the labour market (working mother discourse). The state provided financial support only as long as children were very small; thereafter, staying at home as a housewife was not an option. The choice discourse did not call on the state to develop institutional ways for parents to stay at home with their older children. Notably, a focus on institutions and comparisons adds a new dimension to the poststructural feminist analysis of the state. It signifies analysing the ways in which discourses and institutions are intertwined and mutually constitute one another, as shown above.

Overall, a focus on differences between states emphasizes that discourses, actors and institutions are relative and context-specific. Such analysis helps us to become aware of the specificities of the countries under scrutiny and sensitizes feminist perspectives on the state to these differences. My analysis confirmed that what is deemed a feminist issue varies according to the context. In Finland, the working mother discourse defined childcare as a key to gender equality, and, in Britain, the universal domestic violence discourse emphasized that violence against women stemmed from unequal power relations between women and men in the wider society. The approach helps us to understand more clearly feminist engagements with the state in Finland and Britain. In Finland, a more hegemonic, feminist discourse about the state emerged (the women-friendly welfare state), which was shared by a number of actors. This could be seen more clearly by comparing Finland to Britain with its more scattered and diverse discourses and actors. However, consensus and discursive boundaries also emerged in Britain through comparisons. Examples include the above-mentioned impact of the special needs and motherhood discourses on the childcare debates and the role of the autonomy discourse in the domestic violence debates.

I wish to make a strong argument, however, that the traditional focus of comparative theory on differences between states needs to be combined with sensitivity to differences within states. For example, in the Finnish childcare debates, a differentiated view of the state in feminist theory would help to deconstruct the benign state/villain municipalities dichotomy (as defined in Chapter 3), and thus to challenge the women-friendly welfare state discourse. It would focus not just on progressive state policies (childcare, quotas for women, labour market policies), but also on other areas where the Finnish state produces strong gender

inequalities (violence against women, sexuality, racism). As shown in this chapter, violence against women is now discussed by Finnish feminists, who also scrutinize women's bodily rights in the welfare state (see Jokinen 1997, Julkunen 1997). However, the heterosexist and racist features of the Finnish welfare state remain to be investigated – a move that would call into question the rosy image of Finland as a women-friendly welfare state.

Alternatively, a close scrutiny of the British domestic violence debate showed the differing views of the Home Affairs Committee and the Conservative government which both represented 'the state' (in Chapter 4). As a result, a differentiated notion of the state enables us to question some assumptions underpinning the autonomy discourse: autonomous from what? This powerfully questions any attempts to stay outside the state. It not only illustrates that there might be many ways of being 'in' and 'out' but, more importantly, shows that the construction of in and out is illusory and problematic. For example, Women's Aid relied on state funding, and called on the state to provide for police intervention and legislative change. In sum, there is a need for a differentiated view of the state despite comparative analysis on differences between states. A focus on differences within states resists the construction of ideal types, such as Finnish feminists 'in' the state and British feminists 'outside' the state.

A differentiated view of the state also calls for a focus on gender diversity and the different impact of state discourses and policies on different groups of women.[10] For example, in Finland there was a strong tendency among the advocates of the working mother discourse to speak in the name of all women. The British universal domestic violence discourse, in contrast, was qualified by black feminist critique and it also tried to accommodate the concerns of lesbians. This relates closely to the argument presented in Chapter 2 that feminist critique ought to understand how the category of women is produced and restrained by the very structures of power through which emancipation is sought. This is particularly evident in the working mother discourse in Finland. The discourse was coined by some feminist activists (university-educated, heterosexual mothers) but became hegemonic, claiming to represent the key concerns of all Finnish women. It was embraced at the state level and underpinned a number of different institutions continuing to produce the agency of Finnish women as working mothers and reducing their concerns to those of working mothers.

A focus on differences within states calls for a focus on differences in feminist discourses *over time*. The analysis of the domestic violence debates and childcare debates in the two countries showed that the feminist discourses are beginning to converge. Finnish feminists now address

domestic violence with a gendered violence discourse that is similar to the British universal domestic violence discourse in that both emphasize power imbalances in the wider society as causing domestic violence. While in the 1970s and 1980s British feminists were ambivalent about the role of the state in the provision of childcare, they are now calling for the state to develop its childcare institutions. Both tendencies indicate the importance of making temporal comparisons. It is important, however, to note the limits of the convergence. Strong national discourses continue to shape the debates. Furthermore, the discourses have been institutionalized in national childcare and domestic violence institutions and these are slow to change.

I suggest that a focus on differences within states can usefully be combined with the insights of institutional analysis and this has a contribution to make to feminist perspectives on the state. A notion of institutions has not been well developed in feminist state theory. The analysis in these chapters exemplified some of the tenets of new institutionalism. It pointed to the embeddedness of institutions in particular contexts and to the need to take a value-critical stance in relation to them. Institutional analysis helps us to understand continuity. For example, in Britain, the autonomy discourse continues to inform Women's Aid's refuge provision despite increases in state funding. The Finnish refuge network, by contrast, was set up according to the ideas of the family violence discourse and its basic practices and structures were not challenged with the emergence of the gendered violence discourse. In sum, it is important to understand institutional limitations to questions that can be asked and the way institutions embody power relations.

Feminist state theory which examines differences within states can benefit, in particular, from a focus on conflicts between and within institutions as promoted by new institutionalism – for example, conflicts between and within government departments. In the British childcare debates, the Department of Education and Department of Health and Social Security represented opposing strategies and statements on childcare policies. In the Finnish childcare system, municipal childcare and Home Care Allowance embodied two opposing strategies and institutions. In Finland, the municipalities (local-level governance) and the central state were often in direct opposition and conflict on the issue of childcare. Conflict sensitizes us not only to patterns of continuity in institutions, but also to their dynamic character and potential for change.

Finally, poststructuralism, underpinning the differences within states approach here, is often criticized for destroying space for normative discussion because it powerfully questions such concepts as the 'truth' or

the 'goal'. I suggest, that the kind of comparative discourse analysis advocated here offers tools for a critique. It does so by showing that the situation – the discourses, actors and institutions – could be otherwise. Furthermore, my arguments about the differentiated state are both analytical and political. Here I have emphasized the analytical tools that the notion of the differentiated states provides for feminist scholars studying the state. But the notion is useful also for feminist political engagements with the state as it calls for political struggle on a number of different fronts. This argument challenges the critique that poststructuralism paralyses political struggles, and makes it clear that poststructuralism can facilitate rather than hamper demands for change on multiple fronts.

Conclusion

This chapter has analysed domestic violence debates in Finland and childcare debates in Britain. Neither of the debates was originally a major concern for feminist activists in these countries, but emerged so in the 1990s. By analysing these more marginal debates, the chapter illustrated a number of important differences in feminist understandings of the state between the two countries. A discussion of these debates also led to a focus on differences within the states. The key objectives of the chapter included evaluations of the power of the earlier feminist discourses about the state and of the ability of feminist discourses to capture the differentiated character of the state. Both signal the need for feminist state theories to embrace a more differentiated view of the state.

The analysis in this and the previous two chapters has drawn upon an understanding of the importance of focusing on the interaction between state specific institutions and discourses. The next chapter turns the focus on institutional change that brings in new levels of governance, namely the sub-state and supra-state levels. What does the new diversity in institutions, discourses and actors stemming from these levels signify for feminist perspectives on the state?

6
Gender, State and New Institutions

Introduction

Chapter 1 focused on arguments about the changing nature of the state. Feminist scholars currently examine globalization, the reconfigured state, Europeanization, multilayered citizenship, institutional change and multi-level governance to capture the changes taking place in the state.[1] There is disagreement about the extent and the nature of the change and about the best ways to study it. However, a key argument in this book is the idea that feminists cannot theorize and engage with the state in isolation from these diverse changes. In other words, it is not sufficient to explore only what goes on at the state level when analysing gender and the state. Therefore, the aim of this chapter is to think about the state in a more complex, multi-level governance framework. I argue that dealing with the complexity that multi-level governance generates involves looking at the mobility of discourses and institutional change beyond the state. This line of argument illustrates the benefits of the kind of analysis advocated in the previous chapters: a feminist perspective on the state that is both discursive and comparative, and focuses on differences both within and between states. Such an analysis helps to focus on discourses and institutions generated by different levels of governance.

The chapter focuses on the sub-state and the supra-state levels and their relation to state-level discourses, institutions and actors. I study, first, the impact of devolution on the domestic violence debates in Scotland and England, and the emergence of different discourses and institutions in Scotland after devolution. Again, this signals the need to understand the differentiated character of the state, and, in this case, there is a need to focus on sub-state discourses and institutions. Second, I analyse the role of the EU (supra-state) in shaping domestic violence debates in Finland

and Britain. I examine whether the EU is a source of new discourses about domestic violence and, if so, what this means in Finnish and British contexts. The analysis points to the importance of understanding national discourses and contexts and the dynamics that exist when these interact with other levels of governance.

Notably, I analyse only domestic violence debates and not childcare debates in this chapter. The theoretical arguments that I want to make can be made through this one case study. Alternatively, one could focus on, for example, childcare policies.[2] The framework employed here could be applied to these other debates as well. As in the previous chapter, the analysis is not as in-depth in this chapter as in Chapters 3 and 4. There is no space for a detailed discussion of marginal or alternative discourses, or tensions between discourses. The aims of this chapter are merely to show the emergence of new discourses, actors and institutions at these different levels of governance and to sensitize feminist perspectives about the state to these developments.

The Scottish parliament

This first section focuses on domestic violence in Scotland and England, comparing and contrasting the two countries before and after devolution. Similarities between feminist discourses about the state and domestic violence in Scotland and England prior to devolution make comparisons between them particularly meaningful at times of institutional change. In the previous chapters, I have used the term 'Britain' and written about British feminist discourses. This chapter exposes the diversity within 'Britain' and the British state; 'British discourses' are often only representative of English discourses. The way in which the English discourses are taken to represent the whole of the UK is problematized in this chapter by making explicit remarks about English and Scottish discourses and practices.

Devolution signifies the establishment of the Scottish parliament in 1999 by the Scotland Act 1998. The Act sought to deal with the division of powers between Scotland and Westminster not by detailing every power of the new parliament as it had in 1978, but by stating what the parliament could *not* do (Lynch 2001, Pilkington 2002).[3] As a result, the Scottish parliament was able to make laws in relation to all devolved matters including health, education, training, local government, social work, housing, economic development, transport, law and home affairs, environment, agriculture, fisheries and forestry, sport and arts, research and statistics. The powers transferred under devolution were in fact largely

similar to those previously transferred to the Scottish Office. Devolution therefore did not grant new powers to the Scottish parliament, but rather different institutional arrangements for designing and implementing these powers (Lynch 2001: 16).

Feminist discourses in Scotland before devolution

Historically, feminist discourses about the state and domestic violence resembled one another in Scotland and in England, but there were some subtle differences. As in England, Women's Aid was the key feminist actor in Scotland. In Scotland in the 1980s, the term domestic abuse started to be preferred to domestic violence as the former reflected the fact that violence was only one form of abuse. However, Scottish feminists also articulated a universal domestic violence discourse: 'Very quickly, from listening to women, we realised that violence was about men's wish to have (and retain) power and control' (WAS 1999: 51). In other words, for Women's Aid in both England and in Scotland, domestic violence was a structural problem and its root causes could be tackled only by improving the general position of women in society.

The autonomy and empowerment discourses also played an important role for Women's Aid in Scotland (WAS 1999: 51). However, the antistatism that the autonomy discourse implied in the English context was perhaps less evident in Scotland, or it was not directed towards the Scottish authorities to the same extent as at Westminster. Women's Aid in Scotland was a 'classical thresholder' in relation to state institutions and policies; it was not completely 'in' or 'out', but was constantly negotiating its position 'using different strategies in different situations' (Stedward 1987: 232). Furthermore, the racist patriarchal state discourse, analysed in Chapter 4, informed Women's Aid's statements in Scotland less than in England. Black and ethnic minority women have been active in campaigning against violence against women in Scotland, creating organizations such as Shakti and Hemat Gryffe Women's Aids. Black women in Scotland have declined full membership in what are viewed as white feminist groups, and sisterhood between black and white women has failed to materialize in Scotland (Shelton 2001: 49).[4]

In Scotland, the crime discourse played an important role: it was argued that domestic violence was a serious crime that equalled assault by strangers on the street. However, towards the end of the 1990s, a shift occurred and domestic abuse was depicted as a human rights violation, a 'fundamental violation of women's human rights' (Cuthbert 1998: 113). The emergence of the human rights discourse points to the influence of international level actors and organizations in Scotland, and references

to the United Nations and the EU recommendations and policies became more common in the Scottish than in the English context.

The Scottish institutional context was similar to that of the rest of Britain before devolution and the impact of feminist discourses can be seen in some of them. Scottish domestic violence legislation was based on the Matrimonial Homes (Family Protection) (Scotland) Act 1981.[5] Women's Aid in Scotland was consulted in the process of drafting the legislation and the organisation lobbied key politicians (Cuthbert and Irving 2001: 63). The Act conferred equal rights in relation to the family home on spouses and made provision for cohabiters to pursue their occupancy rights in the courts. The Act also provided two civil remedies against domestic abuse: exclusion orders and matrimonial interdict. The implementation of the Act was problematic because it had many loopholes and was subject to misinterpretation by the courts (Stedward 1987: 226).

In Scotland, the refuge network had been established in accordance with the ideas of the autonomy discourse. Women's Aid was confronted by the dilemmas posed by the autonomy discourse in 1975, when Scottish Office supported the establishment of a more formal organization for Women's Aid and offered initial funding. In Stedward's words, Women's Aid had to decide if it wanted 'to risk "capture" by government through receiving public funding' (Stedward 1987: 220). Despite the concerns, a central coordinating body for Women's Aid in Scotland, Scottish Women's Aid, was established in 1976. Local groups, however, had to negotiate with local authorities for financial support towards establishing and maintaining refuges and they, like refuges in England, faced funding problems.

It is worth noting that Jean Cuthbert and Lesley Irving from Women's Aid in Scotland argued that Women's Aid in England had more regular contact with the government before devolution than Women's Aid in Scotland did (2001: 65). None the less, the zero tolerance campaign in Edinburgh in 1993 provides an example of cooperation between women councillors, feminist activists and women politicians. Feminist activists in civil society (Women's Aid, Rape Crisis) cooperated with feminists within the state (women councillors of the Edinburgh District Council), who in turn lobbied a number of politicians to ensure the success of the campaign (Cosgrove 2001, Mackay 2001). The campaign was feminist in using a feminist analysis of violence as a male abuse of power, and in using empowering images of women, in contrast to victim imagery (Mackay 2001: 106). Therefore, there were some successful engagements between feminist activists and the state in Scotland.

In conclusion, despite the similarities, some early differences surfaced between Scottish and English feminist discourses. Black feminist emphasis on the racist patriarchal state was more influential in England than in Scotland. In Scotland, initial funding from the Scottish Office and the zero tolerance campaign were early examples of cooperation with the Scottish level of governance. As becomes clearer in the next section, anti-statist feelings were reserved especially for policies emanating from Westminster. Interestingly, feminists' engagements with the state in Scotland did not appear to change or 'compromise' their discourses.

New politics discourse

By 2000, Women's Aid in Scotland endorsed a *new politics discourse*, in which the Scottish parliament represented a fundamental change from the Westminster style of politics, and constitutional change transformed the situation for women activists fighting against domestic abuse and enabled new engagements with the state. This new politics discourse bridged two positions, a liberal feminist idea about the neutrality of new institutions, and a radical feminist understanding of the need to fight patriarchal society and the state. The discourse made it possible to do the latter with the help of the former.

Evidence of the new politics discourse is found in Women's Aid's annual reports which celebrated the 'encouraging developments', 'the Scottish parliament's involvement' and its 'continued commitment' (WAS 2001: 6–8). The organization emphasized the need to engage with the new institutions in creating domestic abuse policy for Scotland:

> In addition to our commitment to seek legislative reform, it is our intention to build on existing relationships with various relevant agencies, including the Police, the Crown Office and the Procurator Fiscal Service. Furthermore, we hope to develop our involvement with other bodies, such as the Judicial Studies Committee, in order to provide training initiatives and foster productive links and training partnerships.
>
> (WAS 2001: 6)

Characteristic of the discourse was the language of *reform*, *building on existing relationships*, *development*, *initiatives* and *productive links*, as seen in the quotation above. The reforms and developments were directed at state bodies. Therefore, the new politics discourse confronted directly the anti-statism of the autonomy discourse. Women's Aid in Scotland welcomed its new role and the major part it now played at the state level in addressing domestic abuse (WAS 2001: 8).

The new politics discourse built on an established idea that Scottish politics was different from Westminster-style politics. The discourse portrayed Westminster as undemocratic, unrepresentative, inaccessible, highly centralized and secretive. New politics entailed three key aspects: new institutions, new processes and new political culture (Mitchell 2000: 605). The discourse made it clear that Scottish politics would be different from Westminster and placed the emphasis on proportionality, coalition governments, strong committees and more collaborative working. The Scottish parliament became a unicameral, committee-based legislature, in contrast to the Westminster norm, where the committee system was weak, which in turn contributed to executive dominance and lack of effective legislative scrutiny. In Scotland, the number of stages of Bills, the ability of committees and individual MSPs to make legislation, and the multiple roles of committees were all intended to strengthen the parliament against the executive (Lynch 2001: 69). Processes of pre-legislative consultation and the requirement for Bills to be accompanied by memoranda that reported on the outcome of consultation were intended to make policymaking more open and participatory (Lynch 2001: 69).

Women and feminists were active in formulating the new politics discourse from a gender perspective. The representation of Scottish women in Westminster had remained low for decades (Burness 1998). Scottish women were suffering from a 'double democratic deficit': not only were the parties they voted for underrepresented, but also the representation of Scottish women in Westminster was low (Brown, McCrone and Paterson 1996: 175). The possibility of a new Scottish parliament, which would be run on a radically different basis from the Westminster parliament, provided a common focus for political action for Scottish women from different sections of society and the political spectrum. In their desire for a Scottish parliament with equal representation, women were able to put potential doubts and problems in the background (Brown 1996). The resurgence of feminist activism could be seen in the establishment of the new women's organization Engender in 1993, Woman's Claim of Right Group in 1989 and Women's Coordination Group in 1992.

Strategic campaigning by activists bore fruit and women's representation reached 37.2 per cent in the new Scottish parliament. Some commentators argued that having more female MSPs compared to Westminster seemed to have influenced discourse. Female MSPs felt that they had been able to put items on the agenda and ensure that they stayed there (Mackay, Myers and Brown 2003: 94). For example, parliamentary discourses on domestic violence had been 'notable for the cross-party agreement, the quality of the debate and lack of mere political point scoring' (Cuthbert

and Irving 2001: 64). Mackay, Myers and Brown argue that it is difficult to disentangle differences that may be due to the 'new politics' principles and institutional design of the Scottish parliament and the differences that may be due to the presence of women. The authors suggest that they work in ways that mutually reinforce one another (2003: 92).

As important as women's high political representation was the prominence of specifically *feminist* discourses in Scottish domestic violence debates. Despite compromising parts of the autonomy discourse, Women's Aid in Scotland retained its feminist roots, ideology and ways of working (Cuthbert and Irving 2001: 66). The universal domestic violence discourse and ideas of empowerment remained crucial to its philosophy. These feminist ideas filtered into the state discourses and could be seen in the statements of the new MSPs and in the Scottish executive's policies. In other words, the Scottish parliament and executive were showing a commitment not only to tackle domestic violence but, more importantly, they were doing it in terms of feminist discourses. This point is further elaborated in the final part of this section when the parliamentary debates on domestic violence in Scotland and England are compared.

During the short life of the Scottish parliament significant institutional changes in domestic violence policy took place in terms of access, legislation and funding. In this way, institutional change was intertwined with the new politics discourse. First, Women's Aid in Scotland was granted a significant expert status on domestic abuse, and Lesley Irving, Scottish Women's Aid's campaigns, publicity and publications worker, was seconded to the Crime Prevention Unit in the Scottish executive (WAS 2001: 8). Women's Aid had two representatives on the Scottish Partnership on Domestic Abuse, which was a multi-agency taskforce set up by the Scottish Office in November 1998 to develop a national strategy on domestic abuse for Scotland. Other opportunities to meet and discuss domestic abuse with MSPs included the cross-party groups of the Scottish parliament: 'Men's Violence Against Women and Children' and 'Women'. In this way, new institutions and their novel procedures and practices provided spaces for feminist presence and their voices, and access became institutionalized through these developments.[6]

A major legislative change was the Protection from Abuse (Scotland) Bill, enacted in 2001. The Bill allowed any person subject to recurring abuse, and who had obtained an interdict against the alleged abuser, to make a further application to the court to have a power of arrest attached to the interdict. The Bill also gave other groups, such as divorced spouses, same-sex co-habitants, other family members and the neighbours of abusive people, the right to apply to have the power of arrest attached to

and interdict passed by a judge (McCallum 2004: 6).[7] Under the Scottish system, parliamentary committees had the power to initiate their own legislation. This Act was the first committee-initiated legislation and was driven by women politicians from across the political parties with the support of key men (Mackay, Myers and Brown 2003: 94).

In terms of funding, the Domestic Abuse Service Development Fund was set up in October 1999. This meant the possibility of more refuge places and was a sea-change in policy, as for the first time funding was ring-fenced for services. Cuthbert and Irving suggested, 'this policy shift is surely, at least in part, if not mainly, due to the advent of the Scottish Parliament' (2001: 62–3). Women's Aid in Scotland noted that it was a direct response to their campaigns for secure, ring-fenced funding for local Women's Aid groups (WAS 2001: 11).

In sum, significant changes in feminist discourses and in the domestic violence institutions took place in Scotland after devolution. Women's Aid secured the government response by lobbying the new executive persistently. The rise of women's units and committees, and support from the Liberal Democrats, Labour, Scottish National Party and the Green Party were also pivotal (Cuthbert and Irving 2001: 63). Some commentators direct their energies at evaluating whether the new politics is 'true' – have Scottish institutions, processes and political culture really changed after devolution (Mitchell 2000, Mooney and Poole 2004)? My interest, by contrast, has been in the effects of the new politics discourse. The discussion suggested that this lobbying was facilitated by the new politics discourse, which made it easier to challenge the earlier versions of feminist autonomy discourse. Equally important was the fact that engagements with the Scottish institutions did not compromise other aspects of feminist discourses – a view that underpins the feminist 'in' and 'out' of the state dichotomy. Instead, the parliament's and executive's policies were shaped by feminist discourses.

The coming to power of the New Labour government in 1997 signalled an important change in British politics for feminist activists in England. For example, there was a significant increase in the number of female MPs from 60 to 120. In this way, one could argue that the British context changed in parallel ways to Scotland, which might impact on the feminist discourses and domestic violence institutions. The aim of the discussion here is to point to the ways in which established institutions and discourses set boundaries for change.

New Labour differed from the former Conservative governments by showing an explicit commitment to social justice and democratic renewal (Breitenbach et al. 2002: 10). Promised policy reforms included new

equality policy machinery, reform of the House of Lords, proportional representation and a Freedom of Information Bill. New Labour had also promised to be more proactive in confronting domestic violence than the Conservative governments had been (Labour Party 1995) and individual female Labour MPs had endorsed feminist discourses on domestic violence as seen in Chapter 4. In an important move, the government established the Women's Unit in 1997 (Women and Equality Unit since 2001), which published a key document on domestic violence, *Living Without Fear* (Women's Unit 1999).

The annual report of Women's Aid Federation in England (WAFE) reflected the change in the political climate:

> 1997/8 has been both exciting and challenging for Women's Aid … Exciting, because over 20 years of lobbying and raising public awareness is at last beginning to show results, highlighted by the reality of a new government committed to tackling domestic violence. Challenging for two main reasons, new legislation and new initiatives by government and other agencies have led to an enormous increase in demands for advice, consultancy and training from our policy experts, but more importantly, challenging because many women and children are still unable to get appropriate help from many agencies and/or effective protection from violence and abuse through law.
> (WAFE 1999: 2)

Women's Aid in England placed similar hopes in the New Labour government as Women's Aid in Scotland had placed in the Scottish parliament, although the tone in England was more cautious. The annual reports identified areas of cooperation with different state institutions including the Women's Unit, Home Office, Department of Health, Department of Environment, Transport and Regions and the Lord Chancellor's Department (WAFE 1999: 14) and recognized partnerships with government and other bodies (WAFE 2001: 2). Feminist scholars in academia also welcomed the new government and called it 'a significant shift in the political climate' (Radford, Harne and Friedberg 2000: 2). This signals a willingness to re-evaluate the patriarchal nature of the state and some of the tenets of the autonomy discourse.

However, the tone was more cautious than in Scotland. Some commentators argued that the government's failure to understand domestic violence as 'structural violence rooted in the power relations of patriarchy, heterosexuality and masculinity' limited its capacity to respond with effective measures, either at the level of law reform or in social policy

(Radford, Harne and Friedberg 2000: 3). Despite the fact that the government endorsed the universal domestic violence discourse, there were fears that it did not recognize one particular aspect of it; that domestic violence was caused by the wider power imbalances between women and men in the society. As a result, its responses were be restricted to the more limited crime discourse (Skinner, Hester and Malos 2005: 5).

Feminists were worried by the Labour government's emphasis on the importance of family. The Home Office stated that it was promoting marriage as 'the surest foundation for raising children', a statement that was likely to act against women and children fleeing domestic violence. Scholars studying the politics of gender equality expressed their scepticism about New Labour and argued that residual meanings of equality dominated discourses and practices, the Labour leadership's vision of equality could be positioned at the minimalist end of the spectrum, and the practices, which emerged from social welfare reform, were stigmatizing (Coote 2000, Breitenbach et al. 2002). Proportional representation, the Freedom of Information Bill and the reform of the House of Lords, mentioned above as key aspects of *New* Labour, were diluted or set aside.

None the less, there were some institutional changes in domestic violence policy. While feminist welcomed the institutional changes, they remained cautious about engagements with the state, as shown below. The New Labour government enhanced access for both Women's Aid and feminist academics. Women's Aid briefed ministers and special advisers on key domestic violence policy issues and was consulted in drafting the Women's Unit's document *Living without Fear* (WAFE 1999: 14). The government's public awareness campaign 'Break the Chain' produced a public information leaflet by drawing on Women's Aid material on domestic violence (Harwin and Brown 2000: 220). The Home Secretary announced a Violence Against Women initiative as part of Home Office's Crime Reduction Programme in 1998. The aim was to identify the most effective approaches to reducing domestic violence and rape and sexual assault by known perpetrators (Diamond 2002). As part of this project, in spring 1999, the Policing and Reducing Crime Unit (PRCU) of the Home Office commissioned a series of reviews, which examined what worked in tackling domestic violence. Contributors included prominent feminist researchers (see Taylor-Browne 2001). However, Nicola Harwin (WAFE) argued that the lack of a strategic mechanism for government coordination with statutory and voluntary sector national co-ordinating bodies wasted time and resources in England (2001: 12).

Legislative changes also signalled positive change. First, the Protection from Harassment Act 1997 dealt with 'stalking', whether by strangers,

acquaintances or ex-partners. When a woman was being continually harassed or put in fear of violence from someone with whom she did not live, the police could prosecute, and on conviction, a time-unlimited restraining order could be attached, prohibiting the offender from further harassment. Provisions in the Crime and Disorder Act 1998 for the first time placed a statutory duty on local authorities and the police to develop local partnerships to tackle crime, including domestic violence (Harwin 2001: 14).[8] In December 2003, the government introduced a Domestic Violence, Crime and Victims Bill. While a wide range of issues was discussed in the consultation process that preceded the Bill, the White Paper focused only on the further criminalization of domestic violence (making common assault an arrestable office). Some commentators have argued that criminal justice responses have been overemphasized, thus sidelining other aspects such as the support and advocacy work (Skinner, Hester and Malos 2005: 5).

Some measures were taken on funding. In December 2002, Prime Minister Tony Blair launched a new campaign to reduce the number of women and children made homeless as a result of domestic violence. The scheme was backed by £9 million from the government and charity. It was to be used to set up a national help-line and to develop more refuge spaces (*The Guardian*, 8 December 2002, 11 December 2002). However, when this is compared to Scotland the sums remained disproportionately modest in England.

Insecurities about the funding of refuges continued under the Labour government. Women's Aid, which stated that refuge funding remained 'complicated and patchy across the UK, with up to 25 different funding streams' (Harwin and Brown 2000: 224), resented the fact that despite virtually unanimous recognition of the need for refuge support services, there was still no national strategy to improve funding and support for refuge-based advocacy and support services (Harwin and Brown 2000: 224). A new scheme was emerging under the 'Supporting People' project, which was a new policy and funding framework for supported housing services. Women's Aid argued that this had the potential to put the funding of refuges on a more secure and coordinated footing, but there were also threats to existing services and for future provision of women-led services (WAFE 2001). In other words, there were fears that the new funding scheme might lead to compromises in autonomy.

Furthermore, the Labour government's tough approach to immigration and asylum-seekers worked against abused immigrant women. The White Paper *Safe Borders, Safe Haven* contained a little reported proposal to extend the one-year probationary period to two years for spouses entering the

country on the basis of marriage (Home Office 2002). The new developments represented a huge setback and disappointment for the Southall Black Sisters (2002).

In conclusion, it is evident that devolution signified a change in the political landscape for feminists in Scotland. England experienced changes under the New Labour government. The new politics discourse was not as influential in England as it was in Scotland, although there were new forms of engagement between activists, academics and the state. In some ways, England and Scotland experienced parallel institutional changes in terms of access, legislation and funding. However, each of these was more far-reaching in Scotland, because there was no fundamental institutional shake-up in England, and feminists had to deal with the old hierarchical structures, and changes in discourses and institutions were more incremental in England. The earlier discourses about the state continued to inform feminist approaches, which points to their power.

Parliamentary debate comparison

This last section focuses on parliamentary debates on domestic violence in Westminster and the Scottish parliament.[9] The discourses articulated in the parliamentary debates help us to consider the extent to which feminist discourses had filtered through to the state level. A comparison between the debates points to the differences in the discursive context that cannot be captured by a mere focus on changes in institutions and policies. In the Scottish debate, 17 MSPs spoke (eleven women and six men), and another twelve MSPs wished to speak but there was no time for their speeches. In Westminster, only five MPs spoke – three women and two men.

MPs and MSPs, female and male, on the left and right, endorsed the universal domestic violence discourse in both countries. They articulated one element of the discourse in particular, that domestic violence was universal: it occurred across class, race and ethnicity divides. However, in the Scottish parliament there was a wider acceptance of the second element of the discourse: that domestic violence resulted from unequal power relations between women and men: 'If we do not acknowledge that domestic violence reflects the unequal power in our society, we will never get rid of it' (Johann Lamont, Labour MSP). In Westminster, by contrast, this part of the discourse was not explicitly articulated. For example, Jackie Ballard (Liberal Democrat) argued: 'I suspect that the majority of the victims are still, *because of the physical differences between the genders,* women' (emphasis added). Here, domestic violence is a result of physical power differences rather than structural, societal power relations.

Both debates were conducted within the parameters of the crime discourse. As a consequence, solutions were located within criminal law and policy. The previous chapters suggested that such discursive framing sets some powerful boundaries for state action. In Scotland, however, domestic violence was also conceptualized as a human rights violation: 'Violence against women is the world's most pervasive form of human rights abuse' (Janis Hughes, Labour MSP). In the final section of this chapter on the EU, I suggest that conceptualizing violence against women as a women's rights violation gives a role to international actors and potentially broadens the debate beyond the crime discourse.

The position of the feminist autonomy discourse was more ambivalent. Whilst ideas of empowerment and autonomy were fundamental in shaping feminist methods of tackling domestic violence, they were less influential among MPs and MSPs. In Westminster, women were still seen as powerless victims, not strong survivors as promoted by Women's Aid:

> All *victims* need to be guaranteed confidentiality. They need to be guaranteed that they will be dealt with sensitively to ensure that the process of reporting domestic violence does not contribute to the sense of *powerlessness* that many *victims* already feel.
>
> (Jackie Ballard, Lib MP, emphasis added)

In Scotland, by contrast, women were seen as survivors, an image that was drawn on also in the zero tolerance campaigns.

> It is important to view domestic violence in the broader context of male violence against women, and to respect those women who are *survivors* of domestic abuse.
>
> (Johann Lamont, Labour MSP, emphasis added)

Nevertheless, the feminist idea that the views of the woman had always to be taken into account had won ground in Westminster too:

> For example, a victim may not wish proceedings to be taken against her partner if they are likely to result in some penalty. Such wishes must be taken into account, and there are no easy solutions.
>
> (Minister of State, Home Office, Barbara Roche)

Chapter 4 illustrated that the autonomy discourse created tensions between the feminist activists and the state in terms of refuge funding. In both parliaments, the valuable work done by refuges was recognized.

The Scottish debate resulted in a significant increase in funding for Women's Aid in Scotland. A domestic abuse service development fund was set up and the government allocated £3 million new money to the fund. There were also some indications of the acceptance of a new strategy to deal with the funding of refuges in Westminster:

> There is, at least, an argument for ring-fencing the allocation of funds to ensure that local authorities' resources are used for that specific purpose. There is always a conflict between the principle of guaranteeing funding and local autonomy, but ring fencing should be considered.
>
> (John Bercow, Conservative MP)

Local autonomy was greatly valued and set a discursive boundary to state action. In Scotland, however, the MSPs advocated an extended role for the new parliament in tackling domestic abuse. In the parliamentary debate, the new politics discourse manifested itself in constant references to 'cross-party support' and 'spirit of consensus'. The new politics discourse extended the role of the state in Scotland:

> What we are doing today is historic. In Scotland's new parliament, almost 40 per cent of our numbers are women. We are a parliament that looks like Scotland and is now acting in Scotland's interests. This is a new politics for a new Scotland – a politics of action rather than of protest and a politics of liberation rather than brutality.
>
> (Wendy Alexander, Scottish Minister for Communities)

> It is now arguable that responsibility for maintaining and building on existing resources should be gathered into one pair of hands, so that we get consistency of provision across the board. I have long thought that that is one way in which the Parliament could make a difference.
>
> (Roseanna Cunningham, SNP MSP)

Many MSPs promoted an active role for the state in tackling domestic abuse. This was not contradictory to Women's Aid in Scotland's wishes, given the influence that the new politics discourse had had on its approach.

Despite increased funding for refuges in England, the boundary between the state and the voluntary sector remained clear and the power of the autonomy discourse was evident. In Westminster, Anthony Steen (Conservative) asked: 'Quite a bit is being done in the voluntary sector to address the problem that I have described, but can the state do anything?'

His answer, though positive as such, was characteristic of the role given to the state in Britain and reflected more traditional understandings of the role of the British state. The state was to create an effective and supportive legal system, to provide comprehensive training, improve police response and provide better coordination between the criminal and civil law in relation to domestic violence. John Bercow (Conservative) argued for 'nationalization of domestic violence', but this only signified ending the image of domestic abuse as a private matter and bringing it into public sphere.

In conclusion, these debates illustrated that feminist discourses had filtered through to the parliamentary debates in the two cases. In the Scottish parliament, feminist discourses were endorsed more often than in Westminster. The discussion demonstrated the importance of focusing on different levels of governance and on new institutions and discourses. It is intriguing to compare Scotland and England because of the historical similarities in the actors, discourses and institutions on domestic violence. The discussion showed that feminist discourses about the state were intertwined with institutional change (devolution) which resulted in a more positive discourse about the role of the state in combating domestic violence in Scotland. New institutions and new actors facilitated the emergence and consolidation of new discourses, which in turn shaped the institutions.

It is impossible to argue on the basis of my analysis that English feminists looked to Scotland for new institutions in the domestic violence debates. I was struck by lack of references to Scotland in the parliamentary debates in Westminster, in feminist academic texts and Women's Aid's reports. Yet one could argue that Scotland was doing innovative domestic violence policy. The observation gives rise to the question of where countries look to for policy transfers and transfer of ideas.[10] Arguably, powerful constructions and hierarchies (for example, between Scotland and England) influence the way ideas move between contexts or levels of governance.

The European Union

A focus on the European Union (EU) illustrates the ways in which the Finnish and British states are situated in a multi-level governance framework where the state level is influenced by supra-state-level developments. This section explores the ways in which new discourses are articulated, new actors emerge and new institutions are created at the EU level. It argues that the EU plays an important role in negotiating and synthesizing

discourses, for example on domestic violence. Domestic violence policy is considered to emanate mainly from the state level. The section illustrates some of the ways in which the EU is shaping the process and thereby suggests that it is important for feminist activists targeting the state and for feminist scholars studying the state to understand the dynamics stemming from multi-level governance.

A number of scholars use the concept of Europeanization to study the impact of the EU on member states' politics.[11] The term captures the way in which a European dimension becomes an embedded feature framing politics within European states (Liebert 2003: 16). Europeanization is a process of convergence towards shared policy frameworks which does not, however, require uniformity, or imply an erosion of the domestic or overriding of member states' internal processes (Liebert 2003: 15, 16, see also Caporaso and Jupille 2001). The study of Europeanization has often been located within a broadly institutionalist discourse and domestic institutions are viewed as filtering the impact of EU-level innovations (Cram 2001: 606). My focus is on discourses as well as institutions.

Domestic violence in the EU: actors, discourses and institutions

In the mid-1990s, some scholars argued that violence against women was a high-priority issue for the UK women's networks but not for those of the EU (Sperling and Bretherton 1996: 309). Since then, however, violence against women has gained in prominence in the EU. In this section, it becomes evident that the EU does not just filter discourses between the EU member states, but synthesizes and brings together different discourses in novel ways.[12] The point relates closely to the emergence of new actors and institutions, which articulate and embody the new discourses.

Sonia Mazey suggests that the EU plays an important role in the creation and legitimation of new policy actors with whom national governments have to deal (1998: 132–3). The European Women's Lobby (EWL) emerged as a key actor in articulating discourses about violence against women at the EU level. The EWL was the largest coalition of women's NGOs in the EU, representing over 3,000 affiliated organizations from the member states as well as European-wide women's organizations. It was established in 1990 to promote equality between women and men and to ensure that gender equality and women's rights were taken into consideration in all EU policies (Hoskyns 1996: 185–6).

The EWL developed within its existing structures a European Policy Action Centre on Violence against Women in 1997. The goal was to provide a forum for women's NGOs and to enable them to take a leadership role in engaging policy and decision-makers to tackle violence against

women. An Observatory on violence against women was also formed. It was an expert group composed of fifteen women, one from each of the member states with extensive expertise in the area of violence against women. The task of the Observatory was to advise the EWL on strategies to address violence against women within the EU. The aim was to extend lobbying beyond national boundaries and to achieve European-wide responses and policies to address violence against women. The EWL (2002) argued that the work of the Policy Action Centre, with the input of the Observatory, was instrumental in facilitating and developing a coordinated approach to violence against women within the EU.

In evaluating the network, Catherine Hoskyns suggested that the EWL was biased towards educated and professional women (1996: 203). European networking touched only a fraction of women's activity throughout the EU, and distances, lack of resources and the abstraction of EU processes deterred many women from participating. The EU was seen as having little to offer women concerned with sexual politics and violence against women (Hoskyns 1996: 203). The EU's strong focus on employment policy had shaped EWL priorities. With its new structures, however, the EWL was able to reach out to new constituencies and accommodate new concerns in its agendas.

Women Against Violence Europe (WAVE) formed a bottom-up forum for women's organizations. WAVE was a European-wide NGO network against violence against women and children in both public and private life. The establishment of its organizational structure benefited from the EU Daphne Initiative in 1997 (discussed below). The network comprised approximately 1,000 women's organizations combating violence against women and children in Europe. The aims of the network included taking common action and promoting feminist analyses of violence against women. The network was more critical of the EU, its patchy funding and commitment than the EWL (WAVE 2000: 9).

Another channel and form of access for women determined to tackle domestic violence was the European Parliament and Commission. Since the 1970s, female MEPs have constituted an important part of the women's lobby at the European level, and since 1981, there has been a standing committee on women's rights within the European Parliament (Mazey 1998: 142). Individual female Commissioners were important actors in the domestic violence debates. Anita Gradin, Swedish Commissioner between 1995 and 1999, took initiatives on a number of issues, and in September 1999 Anna Diamantopoulou was appointed as a Commissioner with specific responsibility for gender equality (see Hubert 2001: 159).

These actors articulated feminist discourses about violence against women and ensured their presence at the EU level. The universal domestic

violence discourse, as identified in the discussion on Britain, was also endorsed at the EU level:

> Violence affecting children, young people and women is present in all societies, regardless of the level of development, the political system, culture or religion.
>
> (European Commission 2001: 3)

A significant element, which suggested that domestic violence results from differences in power between men and women, was emphasized by the female actors in particular (see EWL 2003). Anita Gradin stated: 'Violence against women is the most extreme expression of the lack of equality which exists between women and men' (European Parliament 1997). This was endorsed by other female MEPs in the parliamentary debate. Maj Brit Theorin (Committee on Women's Rights and Equal Opportunities of the European Parliament) argued on another occasion:

> Long-term precise studies in all spheres of society will unveil that violence against women is not random, accidental, or a private matter. Rather it is structural. It is both a manifestation of the power balance between women and men, and a social mechanism which forces women into continuing subordination.
>
> (2001: 16)

The universal domestic violence discourse drew on the idea of a continuum of violence (Kelly 1987). In the discourse, violence against women was linked with other issues, such as prostitution and trafficking in women, and governments were criticized for not treating all aspects of violence against women in a coherent way: 'Prostitution cannot be dissociated from other forms of male violence perpetrated against women' (EWL 2003a).

The feminist discourses found their way into the documents of the Commission as illustrated above (European Commission 2001: 3). In the parliamentary debate, however, it was left mainly to the female MEPs to articulate and represent feminist discourses, and even to debate the topic. In the 1997 debate, only one of the fourteen MEPs who spoke in the debate was a man (European Parliament 1997). In 1999, three out of the seventeen MEPs who spoke in the debate were men (European Parliament 1999). This suggests that violence against women was seen as a women's issue and a women's problem, although Anita Gradin explicitly attempted to reframe violence against women as a man's problem

(European Parliament 1999). The EWL was also concerned about a new trend where feminist definitions might be losing ground:

> Evidence of the depoliticisation of the public discourse on violence against women is emerging at both national and European level. This means that increasingly the feminist analysis of violence against women as a manifestation of the unequal power relations between women and men and the institutionalisation of these power relationships in all areas of public and private life is being eroded.
>
> (EWL 2003)

Another strategy involved appealing to a *human rights discourse* and articulating violence against women as a breach of women's rights. The human rights discourse emerged from the debates that had taken place at the UN level since the early 1990s. For example, the 1993 Vienna Declaration was pivotal in recognizing women's rights as human rights (UN 1993, Pietilä 2002: 27) and facilitated proliferation of the discourse. The EWL argued:

> An important part of the EU population is submitted to torture, slavery, humiliation, violence and degrading treatments precisely because they are women … The persistence of violence against women, in all its forms and throughout the whole life cycle of women, is a fundamental barrier to the enjoyment by women of their fundamental human rights and freedoms and to the achievement of equality between women and men.
>
> (2003a)

Anna Diamantopoulou (European Commissioner for Employment and Social Affairs) stated: 'Violence against women … has political repercussions since it is a violation of the fundamental human rights' (Lisbon, 4–6 May 2000). In the human rights discourse, domestic violence was articulated as an international problem, as opposed to a domestic or national problem, and the discourse gave a role to the international actors, such as the EU or the UN, in tackling the problem.[13]

A third discourse, a *public health discourse*, where violence against women was conceptualized as a public health problem, emerged at the EU level. At the UN level, it was endorsed by the World Health Organization (WHO), which argued:

> A growing body of research evidence is showing that sharing her life with an abusive partner can have a profound impact on a woman's

> health … Although violence can have direct health consequences, such as injury, being a victim of violence also increases a woman's risk of future ill health.
>
> (2002: 100)

In the discourse, domestic violence was conceptualized as harmful to women's health. The harm done was argued to have public- and national-level repercussions: it led to an increase in sick leave, in health care costs and in lost working hours. Institutionally, the influence of this discourse could be seen especially in the fact that public health was made the legal basis of the new EU Daphne Programme in 1999 (discussed below). As a consequence, tackling violence against women in the Daphne Programme had to be made to fit the frame of protection of public health. The public health discourse was criticized by female MEPs for being narrow and for reducing violence against women to a health problem (European Parliament 1999). However, the EWL adopted the discourse and tried to work within it:

> Violence is a leading worldwide public health problem … EU action is urgently needed to prevent all forms of violence, in particular violence against women, in order to protect women's human rights, and to reduce the consequences for the health of women, men and children, and for socio-economic development.
>
> (EWL 2003b)

This quotation is an indication of the prevalence of the public health discourse at the EU level. It also shows that feminist actors adopted the discourse and used it when combating violence against women. The cautious remarks of the MEPs in turn suggest that adoption of the discourse was not without problems; it might reduce violence against women to questions of public health protection.

The EU domestic violence policy and institutions developed within the boundaries of 'soft law' – guidelines, recommendations and action plans, – and not with legally binding directives ('hard law') (Shaw 2000: 423).[14] This led some commentators to conclude that the EU impact on member states was not significant in the field of domestic violence (see, for example, Sifft 2003: 154). The low competence was initially combined with a lack of interest, and feminists questioned the EU's willingness to interfere in the domestic violence policies of member states. Jalna Hanmer argued that the EU agenda was one that excluded most of women's lives, in particular, the complexity of the connections between

family, work, welfare and the labour market, without which violence against women could not be understood (1996: 143).

It is undeniable that the EU concerned itself with work-related equality and women's rights in the workplace. In addition, feminist scholars concentrated on areas other than domestic violence when studying the role of the EU.[15] However, domestic violence did emerge as a concern at the European level as early as the 1980s (European Parliament 1986).[16] This was long before it was regarded as an important issue in Finland, but later than in Britain. Since then significant developments have taken place which have raised the profile of domestic violence at the EU level. Some key developments are outlined below to illustrate this.

The human rights provisions of the EU were strengthened with the Amsterdam Treaty 1997 (which came into force on 1 May 1999), which turned equality for women and men into one of the explicit tasks of the Community (Article 2). The Treaty allowed sanctions to be taken against member states violating in a 'serious and persistent' way liberty, democracy, respect for human rights and fundamental freedoms and the rule of law (Article 7) for the first time. The promotion and protection of the human rights of women thus became an essential part of the EU's human rights policy (European Commission 2000: 9, Hubert 2001: 156–7). This signals that the original commitment of the member states to equal pay for equal work was widened to the progressive recognition of equality between women and men as a fundamental principle of democracy for the whole EU (Hubert 2001: 145).

The Commission adopted the European Charter of Fundamental Rights of the European Union in December 2000. The Charter set out for the first time in EU history the Union's obligation to promote a whole range of civil, political, economic and social rights of European citizens and all people resident in the EU. Articles 20–27 address issues of equality and guarantee to protect and ensure the right to equality between women and men (European Commission 2002: 4–5). The new Framework Strategy on Gender Equality was implemented in 2001, further integrating the issues of violence against women and trafficking in women within the general framework designed to promote gender equality in all aspects of social and civil life (European Commission 2002: 4–5). Both developments suggest the possibilities embedded in the human rights discourse and in articulating violence against women as a women's rights issue. Accordingly, the EWL called on the EU to establish a firm legal basis on violence against women within the new EU Treaty/Constitution (2003).

Within the boundaries of soft law, some EU actions illustrated a strengthened commitment to tackle violence against women. Austria,

Germany, Finland, Portugal and Spain hosted conferences on the topic during their presidency and each adopted EU-wide recommendations or statements. The Stop Programme was set up in 1996 to strengthen cooperation to combat trafficking in women and children and was followed by the Daphne Initiative (1997–99) to support and promote close cooperation of NGOs active in this field, to improve statistics and information on violence against women, to encourage preventive measures and to strengthen the protection of victims of violence (European Commission 2001). A new Daphne Programme followed (2000–3). It was open to public bodies in addition to NGOs and had a budget of €20 million (European Commission 2000a: 19).

The Parliament adopted a 'Report on the Need to Establish a European-wide Campaign for Zero Tolerance of Violence against Women'. The campaign was launched in 1999 by the European Commission, together with the European Parliament, the member states and NGOs (European Commission 2001: 5, Theorin 2001: 17). In the context of the campaign, a large cross-national survey on attitudes towards domestic violence against women was carried out (European Commission 1999). At the same time, statistics showed that at least one in five women in the EU experience violence by their intimate male partner and 95 per cent of these acts of violence take place within the home (EWL 1999).

In conclusion, this section has illustrated the emergence of new actors (EWL, WAVE, European Parliament and European Commission), discourses (public health, human rights) and institutions (Stop and Daphne Programmes) at the EU level. These developments took place beyond the state borders, but had the potential to influence member states' domestic violence policies. In other words, the states have to deal with the new actors, discourses and institutions. Similarly, feminist actors and discourses are now situated in this multi-level governance framework. The EWL and WAVE are examples of the ways in which feminists are engaging with new institutions and levels of governance. This suggests that it is important that feminist scholars grasp the importance of these new developments.

The EU discourses in the contexts of Finland and Britain

In this final section, I focus on the potential meaning of the EU discourses for domestic violence debates in Finland and Britain. It is often noted that EU policies are thwarted by problems of non-implementation and non-compliance. National policy styles form a dense 'hinterland' of detailed programmes, policies and institutions and it takes a very long time for EU institutions and policies to permeate and change this hinterland significantly (Mazey 1998: 145). As noted above, on the

issue of domestic violence, the EU did not resort to hard law (binding directives or regulations), but remained in the field of soft law, which did not require similar actions from the member states. Domestic violence institutions remain different in the member states and the EU does not attempt to influence them radically. Therefore, my main focus is on the three EU discourses on domestic violence – universal domestic violence, human rights and public health discourses – and their meaning for domestic violence debates in the two countries examined here.

When comparing the discourses on violence against women in the EU, Finland and Britain, it is evident that the feminist explanatory discourse, universal domestic violence discourse, was strong in Britain, had relatively many representatives in the EU, but was not influential in Finland. The legitimacy of the feminist discourses in Britain and the EU contrasts strongly with the Finnish family violence discourse. I showed in Chapter 4 that in Britain, since the beginning of the 1990s, both female and male MPs, on the left and right, have asserted in parliamentary debates that domestic violence is a universal phenomenon. This chapter has shown that this was the case also in the Scottish parliament. I concluded that the feminist discourse had filtered through to the state level.

In Finland, by contrast, the universal domestic violence discourse was not recognized by non-feminist or state actors, while the family violence discourse continued to shape the debates. Despite the positive institutional developments in Finland, the status of combating domestic violence was not very high. In such a context, support and pressure from (for example) the EU have an important role to play.

Feminist ideas on autonomy and empowerment were important for the refuge movement in Britain but their value was denied and rejected in the family violence discourse in Finland. At the EU level, the autonomy discourse was not strong, but there was a number of feminists and other actors who recognized the importance of grass-roots organizations. This signalled some influence of the idea of the right to be autonomous from the state. Furthermore, the grass-roots organizations themselves represented autonomy and empowerment discourses and the Daphne Programme provided funds for NGOs. The greater legitimacy of the ideas of autonomy and empowerment in the EU could potentially be important for Finland, a country where the women-friendly welfare state discourse diverted attention away from the role of autonomy from the state, and where non-feminist refuges offered 'control without protection or empowerment' (Jungar 2003: 30). I argued in Chapter 5 that the Finnish refuges did not try to empower women to reach their own decisions. Rather, they attempted to teach and impose ideas of how to be a good mother (control), which was

particularly clear in the case of immigrant and refugee women (Jungar 2003: 30). In Finland, there were very few organizations that worked with a feminist discourse in combating violence against women. One of the few was Women's Line (*Naisten Linja*), a three-year helpline project for women suffering domestic violence. Its future, however, was uncertain due to funding problems.

Hence, the EU discourses offer important support for feminist discourses in Finland.[17] First, the universal domestic violence discourse supports an understanding that violence against women results from unequal power relations. Second, the human rights discourse stresses that in matters of bodily integrity the individual's negative rights (freedom from) are as important as positive rights (freedom to). Traditionally in the Nordic countries, the latter have been more important and anti-discrimination laws have not played a central role in achieving equality (Nousiainen and Niemi-Kiesiläinen 2001: 2). It is only recently that the legal position of an individual has been influenced by human rights discourse and that there has been an increased consciousness of legal rights in Finland (Nousiainen and Niemi-Kiesiläinen 2001: 2). The EU has been an important source of legal developments in this field (Nousiainen 2004).

In Britain, the crime discourse was traditionally more important than the human rights discourse, although this chapter has shown that it was advocated at times in Scotland. In the previous sections, I pointed to some of the restrictions of the crime discourse, such as limiting state responses to domestic violence to the sphere of criminal law. Arguably, the human rights discourse has a role to play in Britain. Under New Labour, a process of 'domestication of international human rights law' took place, which denoted the incorporation of parts of the European Convention on Human Rights and Fundamental Freedoms (the Convention) into UK law and the adoption of the Human Rights Act 1998 (Millns 1999: 182–3). Susan Millns suggested that the some of the decisions of the European Court of Human Rights indicate that the state could not always draw the boundaries of public and private sphere activity as narrowly as it might desire (1999: 198). She further argued that EU human rights law was already proving significant for combating sexual violence in the UK and might provide a new legal resource for female prisoners, recipients of welfare benefits, victims of sexual harassment, single mothers and individual concerned about the politics of sexual identity (Millns 1999: 209).[18]

The public health discourse has not traditionally been very strong in Finland or in Britain, although in England the Women's Aid's website publishes statistics on domestic violence and health.[19] In the EU, by contrast, the discourse was prominent and was debated in the European

Parliament. This signals the ways in which the EU is synthesizing ideas, for example from the member states and the international level (UN). Member states have to deal with these new discourses in complex ways, for example, when national organizations apply for EU funding from the Daphne Programme, which is underpinned by the public health discourse.

In the context of different national discourses about domestic violence, the EU emerges as an important mediator between the member states. First, the EU provides the member states with new actors, such as the European Women's Lobby (EWL). Second, on the level of discourse, EU discourses provide support for feminist analyses of violence against women in Finland. In addition, the EU brings forward discourses, such as human rights and public health discourses, which were not prominent in the two member states prior to EU intervention. Third, at the institutional level, the policy developments of the EU domestic violence policy remain weak, but some important programmes have been put in place (Daphne and Stop). Importantly, evaluations of EU domestic violence policy are likely to depend on national discourses and policies. For example, the importance of EU domestic violence policy was possibly greater in Finland than in Britain, which already has a well-established domestic violence policy.

It is possible to draw more general conclusions about studying the EU on the basis of the discussion. I studied the EU discourses, actors and institutions in terms of one specific policy area: domestic violence. A focus on the issue of childcare would be likely to result in different conclusions where the pioneer status of Finland would be confirmed and where Britain would benefit from EU influence. It is crucial to note that the EU and its policies do not form a homogeneous field. This suggests that EU gender policies can be captured only by studying different fields, illustrating the contradictory effects and differentiated nature of the EU and its policies on the member states.

I suggest that feminist discourses about the state need to capture the role of this differentiated Europe. The ways in which discourses travel, institutions change and actors have cross-border influence do not point to the diminished importance of states but to the fluidity of state borders that relate to new levels of governance. Yet my discussion has shown that the context remains the key to understanding the ways in which the discourses and institutions change. Evaluations of the EU domestic violence policy and discourses as well as their adoption are different in Finland and Britain. These differences can be understood through detailed knowledge about these two contexts.

Conclusion

The discussion in this chapter points to shortcomings in the traditional feminist perspectives on the state outlined in Chapter 1. Multi-level governance or institutional change was not a key issue for liberal or radical feminists who focused on the neutral and patriarchal states respectively. The analysis in this chapter challenges these approaches by asking whether these new institutions are neutral and patriarchal in similar ways to the states. Do the strategies promoted by these theories, for example integration or autonomy, apply to the new levels of governance as well? Marxist and socialist feminists had a notion of global capitalism, but it is debatable whether this would be helpful for studying all aspects of the most recent institutional changes.

In Nordic and poststructural feminist theories of the women-friendly and differentiated state, there are some spaces for analysing states in multi-level governance framework. The poststructural notion of the differentiated state, in turn, makes it possible to study the impact of supra-state developments on different state processes. The most effective ways for feminists to achieve change in one state might be to reach beyond the state, for example by appealing to the international human rights discourse. Although there are spaces for studying these developments in the two approaches, they have not been explicitly addressed in these feminist theories about the state developed at the end of the 1980s and beginning of the 1990s.

On the basis of the discussion in this chapter, I suggest that the state needs to be studied not in isolation and merely by focusing on the national context, but feminist analyses need to capture the meaning of the different levels of governance for both feminists and the state. In other words, new diversity in institutions, discourses and actors means that feminist discourses cannot conceptualize the state in isolation of new institutions and levels of governance. In such a context, the analyses benefit from being discursive and comparative as advocated in the previous chapters. Discourse analysis helps to capture the ways in which ideas and discourses travel even if there is no institutional convergence. Comparative analysis shows the different meanings that the new institutions and levels of governance have for different contexts; for example the different meaning of the EU domestic violence policy on Finland and Britain.

A focus on multi-level governance tells us more about particular contexts. For example, comparing feminist discourses about the state in Scotland and England, and studying the establishment of the Scottish

parliament and its meaning for feminist discourses, makes possible a more nuanced analysis of feminist discourses about the state in the British context. The suspicious attitude of the patriarchal state underpinning the feminist autonomy discourse was qualified in Scotland and was not directed towards the Scottish legislature. It was also interesting to note that the Scottish discourses and institutions had a limited impact on England. It could be argued that the discourses did not travel well from Scotland to England. The English actors did not look to Scotland as a source of alternative discourses and institutions on the topic of domestic violence.

The analysis of the EU discourses not only shows the importance of new levels of governance but also points to the continuing power of national discourses. For example, in Finland, the EU debates on domestic violence had the potential to challenge the women-friendly welfare state discourse, but there is no indication of this happening. Nevertheless, the EU was a source of new discourses for Finland, and Finland could look to the EU. I also argued that on the topic of domestic violence Britain did not look to the EU because its national discourses were so well established. However, we might reach different conclusions on a different policy area, such as childcare.

7
New Directions for Feminist State Theory

The aim of this book has been to analyse feminist discourses about the state. This has been accomplished by examining feminist discourses in two contexts – Finland and Britain – and in two debates – childcare and violence against women. The first question posed in the Introduction was how feminist discourses construct the state. Underpinning the question was an understanding that feminist discourses about the state differ from one context to another, and possibly from one debate to another.

The book has shown that, in Finland, the benign state and women-friendly welfare state discourses informed feminist engagements with the state. A comparison between childcare and violence against women debates illustrated the power of the women-friendly welfare state discourse. Alternative discourses did exist (the choice discourse, the gendered violence discourse) but these did not question the underlying logic of the women-friendly welfare state discourse. In Britain, the autonomy discourse, which constructed the state as patriarchal, was influential among feminists. However, the crime discourse and equal opportunities discourse signalled the existence of alternative discourses about the state – ones that made it possible to demand that the state take a key role in furthering gender equality. The crime discourse associated the state with law and order, and in the equal opportunities discourse, the state had a role in providing women and men with the same chances.

In other words, the book has focused on constructions of the state within specific feminist discourses and debates. I argued that taking poststructural feminist perspectives on the state seriously requires such an approach. In this book, focusing on specific feminist discourses has been one way to show differences between discourses as well as contradictions and inconsistencies within them. For example, while the autonomy discourse called for independence from the patriarchal state, the crime

discourse advocated turning to state institutions (the police, the judiciary) for support. Chapter 4 showed this contradiction and inconsistency *within* the autonomy discourse. This diversity, in turn, reflects the contradictions and differences within the state; a set of institutions, processes and practices that at times contradict one another. It also shows that, in practice, feminists have often engaged different state processes differently (see also Chappell 2003). For example, in Finland, feminists showed distrust of the municipalities whilst turning to 'the state'.

This book has studied feminist discourses about the state in two debates, domestic violence and childcare, which were not debates about the state. I argued in Chapter 1 that it is not possible, necessary or even sufficient to look for a 'debate about the state'. It might prove difficult to find feminist activist debates about 'the state' because, on the one hand, the state has been a difficult topic for British feminists, and on the other hand, the state has been so omnipresent in Finland that it has hardly been debated. I also suggested that it is not necessary to look for a 'debate about the state', because discourses about the state powerfully shape debates, such as domestic violence and childcare, which are not explicitly about the state. For that reason it might not be sufficient to focus on 'debates about the state' even if one could find them. Focusing on such debates might not bring out all the hegemonies, complexities, tensions and contradictions that inform feminist discourses about the state. Furthermore, implicit understandings of the state are interesting because they shape debates even if they are not clearly articulated by the actors.

The Introduction posed the question: What meaning do these discourses have for feminist engagements with the state? Throughout this book I have argued that feminist discourses about the state matter because they set powerful parameters for feminist struggles. Discourses can be empowering or disempowering. Reflecting on the research process, I must admit that I started the study with an implicit, firm and very Finnish belief that Finnish discourses about the women-friendly welfare state were somehow 'better' than the British ones, because they enabled more extensive engagement with the state. When I moved on to compare the British and Finnish debates on violence against women, my views were reversed. Studying the limits of the women-friendly welfare state discourse in the domestic violence debates turned me into a critic of the Finnish women-friendly welfare state discourse. Undoubtedly, I am still struggling to strike a balance between the two positions in order not to construct a binary between them or see them too homogeneously.

The chapters have also shown that feminist discourses about the state can set powerful parameters for state action. In other words, feminist

discourses matter because they shape not only feminist engagements with the state but also the state responses to feminist demands. For instance, in Chapter 4, the feminist autonomy discourse provided an indirect justification for the state refusal to provide funding for refuges.

In the course of exploring feminist discourses about domestic violence and childcare, which were implicitly shaped by constructions of the state, the objective of the book has been to promote feminist theories of the state. In this concluding chapter, I discuss the ways in which this has been done through focusing on the insights from theory, from the debates and from institutional changes. The discussion draws attention to the key contributions of the book.

One of the contributions has been to combine discourse analysis with comparative analysis by way of developing comparative discourse analysis. In Chapter 1, I suggested that feminist perspectives on the state would benefit from systematically combining Nordic feminist insights about the state with poststructural feminist arguments. The role of comparisons stems from the Nordic feminist debates, which emphasized differences between states. Poststructuralist feminist perspectives about the state in turn stressed the benefits of discourse analysis and highlighted differences within states. Chapter 1 also identified criticisms directed at Nordic and poststructural feminists. In Chapter 2, I argued that discourse analysis addresses the problems identified with Nordic feminism, whilst comparisons and institutional analysis help dealing with problems with poststructural feminism.

To analyse feminist constructions of the state as discourses point to the ways in which feminist theorizing about the state is not merely describing the object of study but is also constitutive of it. I argued in Chapter 2 that discourses inform the extent to which people think and act only within certain parameters. Furthermore, I stressed that power relations are inherent in discourses. The Foucauldian notion of power suggests that power is productive and constitutive of subjects. Control and dominance work more successfully by creating certain possibilities rather than simply by denying others.

For example, in the Finnish childcare debates, we saw the emergence of the working mother and women-friendly welfare state discourses. Both constructed a homogeneous notion of women and women's interests around the subject position of working mothers. The concerns of working mothers (such as childcare) effectively provided yardsticks for gender equality. The domestic violence debates, in turn, exposed the problems of the discourse. Seeing Finland as a women-friendly welfare state and the Finnish women as strong survivors, equal to men, worked

against recognizing the extent of domestic violence in Finland. The domestic violence debate also showed that the women-friendly welfare state discourse continued to produce state-oriented feminist demands and responses once the prevalence of domestic violence had been recognized.

The analysis of the British domestic violence debates showed the emergence of the feminist autonomy discourse. In the discourse, autonomy from the state made it possible to discover new feminist ways of organizing and enabled women's empowerment. I also discussed the contradictions and dilemmas that feminists faced when endorsing the autonomy discourse. As a result of the autonomy discourse, the feminist marginality in the state appeared to be chosen by these feminists. Such an understanding has the potential to mask power relations – the ways in which the state contributes to feminist marginality. For example, Joan Acker argues that the way in which women interpret their own chances and possibilities is an important way in which a gendered organization works (1990, 1992). Liisa Husu (2001) shows that women experiencing discrimination in Finnish universities often explain their marginality by arguing that it was their own choice and strategy. It could be argued that different state actors can employ, for example, the autonomy discourse to avoid tackling feminist concerns and to marginalize these feminists.

I used gender theory to highlight gender diversity and to problematize women as subjects. I argued in Chapter 1 that one of the problems with Nordic feminism was the lack of understanding of gender diversity. The childcare and domestic violence debates in Finland confirmed this lack of understanding of differences between women in feminist discourses. The working mother discourse constructed all women as participating in the labour market and implied that they shared such concerns as childcare and equal pay. The analysis on the 1994 parliamentary debate also showed the existence of dissident voices. Women endorsing the choice discourse criticized the tendencies to 'monopolize women's interests' and argued that some women wanted to be able to choose to stay at home. Notably, they did not attempt to articulate the concerns of, for example, lesbians or ethnic minorities, and thus operated within a narrow understanding of 'Finnish women'. In the British debates, I illustrated that the feminist discourses did try to incorporate more diversity than in the Finnish case. For example, Women's Aid in England was influenced by black feminist arguments, and there were some references to lesbians and disabled women.

Both the working mother discourse in Finland and the empowerment discourse in Britain constructed women's subjectivity. As indicated above, in the working mother discourse, the Finnish woman was a worker. In the

empowerment discourse in Britain, in turn, women were constructed as survivors as opposed to victims. Both discourses were initially articulated by feminists. The discussion on gender theory in Chapter 2 helps to understand that it was not only feminists who constructed women's subjectivity through these discourses; the state also constructed women's subjectivity by employing these discourses. It was evident, in the case of Finland, that the working mother discourse became the norm for many state actors. It was less obvious that the British state actors would have appealed to the feminist notion of women as survivors of domestic violence. But a comparison with the Finnish debate demonstrates some of the dangers of this. The working mother discourse constructed the Finnish women as strong survivors and worked against recognizing them as victims in domestic violence debates. Strong survivors need less help from the state than victims of violence. Here the impossibility of distinguishing the ways in which feminist discourse construct women from the ways in which state discourses construct women becomes evident.

I argued that problematizing women as subjects did not signify the loss of women's agency. I pointed out in Chapter 1 that in evaluations of feminist perspectives on the state, Nordic feminism was argued to recognize women's agency whilst poststructuralist feminism was criticized for rendering it impossible. In this book, which has drawn on the insights of both approaches, women's agency was present in all of the debates studied in a number of different ways. Actors ranging from Women's Aid and Association 9 to female MPs, MSPs and MEPs articulated different discourses and labbied for political change. They were constituted and constrained by the discourses and institutions, but also acted to change them.

Throughout this book I have suggested that discourse analysis can benefit from institutional and comparative analysis. The arguments have been based on an appreciation of the importance of focusing on the interaction between institutions, discourses and actors. I have drawn on a Foucauldian strand of discourse theory that does not exclude a focus on institutions. I have been interested in institutional limitations to questions that can be asked and discourses that can be formulated. Notably, institutions can point to feminist successes. In Chapter 3, we saw this in terms of the Childcare Act in Finland and, in Chapter 4, in terms of the Domestic Violence Act in Britain. Despite the successes, I used discourse analysis to qualify the feminist success in changing the institutions and instead pointed to some continuing discursive limitations. These were often discerned from the parliamentarians' statements.

Institutions are helpful in explaining continuity. While discourses were argued to gain their power from being 'common-sense' truths, similarly

institutions have legitimacy because of their 'common-sense' stability. Both are shot through with power. For example, the persistence of the two discourses on childcare in Finland, the working mother and choice discourses, could be explained by the way they were embodied in the systems of municipal childcare and the Home Care Allowance. Comparisons, in turn, reveal that similar concepts, such as feminism and state, have different meanings in different contexts. To understand this is crucial for feminist perspectives on the state. Traditional comparative analyses tend to focus on differences between states, while I have also sought to emphasize differences within states. I have also resisted the tendency to construct a binary between the two countries and, instead, I have stressed diversity within them.

The book has illustrated the usefulness of the comparative method for both discourse analysis and institutional analysis. For discourse analysis, comparisons make evident that discourses dominant in one context may not be articulated in another. This in turn has the potential to expose the limits of the discursive. For example, a comparison with Britain shows that autonomy and racist patriarchal state discourses were absent in Finland. A comparison with Finland reveals the absence of the state responsibility discourse in Britain and the weak status of the working mother discourse. These discursive dynamics were shown to shape policy outcomes in multiple ways. Comparisons also shed light on the ways in which institutions differ. For instance, both Finland and Britain had a refuge network for battered women, but the institutional set-up of these networks was completely different.

In sum, feminist comparative discourse analysis sensitizes feminist analyses about the state to the importance of the context. The methodological framework results in an understanding of the impossibility of establishing universally what the state is. It also makes it possible to analyse differences within states: in and between institutions, discourses and actors.

I discussed some of the insights that the childcare and domestic violence debates bring for feminist analyses about the state above. Here I make some more specific comments and, additionally, consider what contributions my political analysis of the state can make to these debates which are often studied within the fields of sociology or social policy.

The discussion on the debates demonstrated that discourses about the state differ from country to country and from debate to debate. Furthermore, these conceptualizations change over time. Despite these differences, I mapped out the discursive boundaries that shaped the debates. In each debate, there were hegemonic discourses and, hence,

issues that could not be articulated. I have already mentioned the lack of a racist patriarchal state discourse in Finland as an example. Importantly, the analysis showed that dominant discourses were also brought about by feminists; feminism creates its own power hierarchies.

My analysis contributes to two debates, on childcare and domestic violence, by helping to understand why in Finnish and British politics certain solutions, interpretations and discourses are adopted, while others are rejected. In the childcare debates in Finland, both the choice and working mother discourses, though oppositional, turned to the state and produced state-centred policy outcomes. The working mother discourse gave the state a key role in providing municipal childcare, while the choice discourse gave the state a role in sustaining a system of Home Care Allowance. In the domestic violence debates in Finland, the family violence discourse constructed domestic violence as a social problem, which the state had to deal with through social policy measures. Feminists articulated a gendered violence discourse, but I illustrated in Chapter 5 that feminists did not articulate alternative discourses about the state that would have challenged the dominance of the women-friendly welfare state discourse.

In the domestic violence debates in Britain, the combination of emphasizing the crime discourse and playing down wider social inequalities impacted on the ways in which solutions were sought. Governments emphasized the importance of an adequate police response, but did not attempt to tackle gender inequalities more widely in order to combat violence against women. The actors endorsing the autonomy discourse maintained that the voluntary, non-governmental sector was the best provider of refuge places and related services (for example, helplines) for women.

Related to my aim to challenge the Finnish women-friendly welfare state discourse is the question of what political scientists can contribute to the Finnish domestic violence debates. The analysis of the recent debates has demonstrated the long shadow of the family violence discourse in the public debates. I discerned it from the statements of the parliamentarians and argued that it produces certain outcomes. I also showed that the women-friendly welfare state discourse informs feminist actors and produces very state-oriented solutions to domestic violence. This was further illustrated through comparisons with the British debates. Challenging the family violence discourse involves a challenge to the women-friendliness of the Finnish state. If domestic violence is accepted as a structural and societal problem, feminist scholars need to study the institutions that legitimate violence: army, police, security forces

and peace-keepers – all arms of the women-friendly welfare state. This has not yet been done in Finland but is something that political analysis can contribute to.

Chapter 6 made it evident that the state cannot be studied in isolation from the diverse institutional changes that are currently taking place and resulting in different, multi-level governance frameworks. The consequence for feminist theories and discourses about the state is that they cannot conceptualize the state in isolation from new institutions and levels of governance. The analysis about devolution in Scotland showed that institutional change resulted in new discourses and new solutions. This also entailed feminist discourses about the state. The autonomy discourse was qualified through the new politics discourse, which in turn enabled more wide-ranging engagements with the state.

I used the EU as an example of supra-state-level governance. On the issue of domestic violence, the EU did not resort to hard law. Nevertheless, the discussion showed that it was an important actor in synthesizing discourses between the member states and other international organizations. The EU provides its member states with new institutions, actors and discourses. For example, when voluntary organizations apply for funding from the EU (for example, the Daphne Programme), they have to adapt to and understand the EU discourses on violence against women. I argued that in domestic violence debates, the EU had a greater meaning for Finland than for Britain, because domestic violence had been firmly on the British agenda for decades and Britain had strong discourses on the topic. In this way, a focus on the state in a multi-level governance framework gives us a better understanding of the national contexts and discourses. We cannot capture the significance of the EU for the member states only by focusing on institutional change that the EU generates, but rather, discourse analysis is needed to complement institutional analysis. I also indicated the need to study a differentiated EU. I focused on domestic violence debates only, but noted that a discussion on childcare might generate a different picture of EU contributions to Finnish and British debates.

My initial interest in the research question on feminist discourses about the state stemmed from my perception of the different feminist constructions of the state in Finland and Britain. This interest can be seen in the book in the way in which I highlight differences between states and seek to challenge dominant (Anglo-American) notions of the state. However, in the course of the research, I have come to understand the importance of differences within states, which the discussion above and in Chapter 5 sought to highlight. The state is a differentiated set of institutions, agencies and discourses. Such an approach has the potential

to show the existence of 'Finland' in 'Britain' and 'Britain' in 'Finland'. It requires historical contextualization and understanding of the contradictions between and within discourses, institutions and actors. Again, the aim of comparative discourse analysis is not to produce seamless pictures of the countries but to point to the coexistence of competing discourses and practices.

The analysis in the book makes it clear that there is a number of problems with the traditional feminist perspectives on the state (Chapter 1). The liberal feminist idea of a neutral state has been challenged in this book, which has given many examples of patriarchal state policies. Patriarchal state policies did not diminish with the entry of women into traditional state arenas or institutions. This challenged the liberal feminist belief that more women 'in the state' would entail more women's policy. The issue was shown to be more complex, with past discourses and institutions shaping state policies in complex ways. In this way, liberal feminism overplays agency and disregards structures and discourses. The liberal feminist perspective was based on a unitary and narrow notion of the state and drew on an understanding of the state as consisting of some key institutions. The book, in contrast, shows the need to understand the state more broadly.

The book has illustrated that the radical feminist perspective on the state relied too heavily on the notion of patriarchy, which constructed all states as patriarchal. I argued for a context-specific understanding of the state. I also showed the scope to work with and within the state, in contrast to the radical feminist attempts to stay outside the state. The radical feminist notion of power, where power is centralized in the state, and the attempts to stay outside power relations were rendered problematic through a Foucauldian notion of power. This also problematized the meaningfulness of the inside/outside the state dichotomy. Radical feminist discourses themselves were underpinned by power and were the producers of power relations. While radical feminists drew too heavily on the notion of patriarchy, capitalism informed Marxist feminist perspectives on the state. The book has shown that states also promote other than capitalist ideas and an excessive focus on capitalism diverts attention away from other basis of inequality (for example, women's bodily rights).

The focus on new institutions challenged these approaches in Chapter 6 by asking how they conceptualize the state and the new institutions in this multi-level governance framework. I argued that these feminist theories about the state do not provide tools to study the new institutions. Rather, their understanding of the state remains unitary and unified, and

cannot capture the ways in which discourses, actors and institutions exert an influence across the levels of governance and state boarders. The EU and the Scottish parliament emphasize that the concepts 'neutral state', 'patriarchal state' or 'capitalist state' are not enough to study either these new institutions or their meaning to states such as Finland or Britain.

Throughout this book I have evaluated the ways in which Nordic and poststructuralist feminists can be systematically combined. I argued that the Nordic feminist focus on agency and comparisons was useful, while the approach had problems with gender diversity and differences within states. Poststructural feminism established the importance of gender diversity and of focusing on differences within states, but has been weaker on institutional and comparative analysis. The book has illustrated the importance of institutions and comparisons for feminist perspectives on the state. When bringing the two perspectives together, I have argued that the state can be analysed by using discourse and power, gender and agency, institutions and comparisons as critical tools. I have also emphasized the need to focus on the ways that the contexts where the states are situated changes.

Throughout this book the theoretical meaning of the arguments has been prominent. I would also like to point to their political significance. The book has focused on feminist discourses about the state and one of its aims has been to create space for alternative and critical discourses about the state. Minorities, such as the Same or Roma people in Finland, ethnic minorities in Britain, or sexual minorities in both countries, benefit from this critical space. It has been beyond the scope of this book to explore their discourses about the state in any detail. Feminists cannot, however, escape their own position of power and the fact that they produce hegemonic discourses about the state that mask other, more marginal discourses.

Notes

Chapter 1

1 For more recent discussions on patriarchy, see Acker (1989), Anttonen (1997), Cooper (1995), Dahlerup (1987), Pateman (1988, 1989) and Walby (1998).
2 The term 'femocrat' was coined in Australia to analyse feminists working within state bureaucracies to achieve positive social change. See Chappell (2003), H. Eisenstein (1991, 1996), Sawer (1990, 1991) and Watson (1992).
3 See Afshar (1996), Alvarez (1990), Dore and Molyneux (2000), Rai and Lievesley (1996) and Visvanathan et al. (1997).
4 Notably, a number of Nordic feminists are poststructural feminists (Holli 2003, Magnusson 2000, Raevaara 2005, Rönnblom 2002). In this chapter, I have merely focused on Nordic feminist theories of the state and made my arguments in relation to this topic. My aim has not been to give a thorough review of 'Nordic feminism' as such. Any categorization is always problematic and violates the actual complexities. Similarly, poststructuralist feminists do conduct comparative research (Briskin and Eliasson 1999). I suggest that these insights show that the two can indeed be combined.
5 See Stetson and Mazur (1995), Mazur (2001), Stetson (2001), Outshoorn (2004), Lovenduski (2005) and Weldon (2002).
6 See Banaszak, Beckwith and Rucht (2003: 3), Stetson and Mazur (1995: 11) and O'Connor, Orloff and Shaver (1999: 11).
7 Nirmal Puwar argues more specifically that the growing area of research on women and the state is not informed by postcolonial theory or the social and cultural analysis of whiteness (2004: 69).

Chapter 2

1 In my presentation of the case of Jennifer Saunders I will draw upon Anne Marie Smith's (1997) analysis of the case.
2 Notably, this point would not be shared by the so-called 'thick' (as opposed to 'thin') discourse theorists. The thick discourse theorists of the so-called Essex School, following the work of Laclau and Mouffe (1985), explicitly deny the importance of institutional and socio-economic factors in shaping discourse, but, rather, stress the overdetermining, performative and affective importance of political discourse (see Howarth, Norval and Stavrakakis 2000, Townshend 2003: 133). However, the 'thin' theorists in the Essex School implicitly invite, or explicitly allow, a greater constitutive role for socio-economic factors (Townshend 2003: 133).
3 Some scholars of the so-called Essex School explicitly deny the importance of institutional and socio-economic factors in shaping discourse, but, rather, stress the determining importance of political discourse (see Howarth, Norval and Stavrakakis 2000, Townshend 2003: 133). I distinguish myself from this

approach, and, in my reading of discourse theory, there is space for institutional analysis. See Bevir (1999) for an analysis on Foucault and institutions.

4 See, however, Chappell (2003).

5 B. Guy Peters (1999) distinguishes among seven versions of institutionalism: *normative, rational choice, historical, sociological, empirical, international* and *network-based* (see also Lowndes 2002: 96). Peter Hall and Rosemary Taylor (1996) propose three main types: *historical institutional*, *rational choice institutional* and *sociological*.

6 One solution offered by the new institutionalist literature is to define institutions as standard operating procedures (Rothstein 1996: 145).

7 See, for example, Borchorst (1994), Jenson (1997), Leira (1992) and Sainsbury (1994).

8 These terms are used in public policy analysis to map the policy process (see Parsons 1995: 77–81). Rather than engaging with the public policy debates on policy cycle and 'stagist' approaches (Parsons 1995: 78), I will merely employ the terms as useful tools to split my analysis into different parts. I do not intend to make any claims about how best to study policy-making; a key debate in public policy analysis.

Chapter 3

1 A straight translation from Finnish for the term statutory right is 'subjective right' (*subjektiivinen oikeus*). Statutory right signifies that parents have an unconditional entitlement to daycare for children either in a place provided by the municipality or by receiving child home care allowance if they care for their child at home.

2 For some recent debates on the 'strong Finnish woman' see Honkanen (2003), Markkola (2002) and Peltonen (1998).

3 For a discussion on nationalist tendencies in Finnish women's studies, see Parvikko (1998). For critical comments see Koivunen (1998) and Markkola (2002).

4 The Women's Network of the Finnish Parliament was founded in 1991 when the greatest number of female MPs ever, 77 all together, (38.5 per cent – also a world record at the time) were elected to parliament, fourteen more than in the previous elections (Ojala 1998). The aim of the network was to influence legislation. It acted across party lines and had no official tasks. It was an informal and voluntary discussion forum and all its decisions were based on consensus. The core of the network consisted of MPs from both government and opposition parties.

5 The Swedish People's Party is the Finnish Swedish people's party in Finland. Finland has a 5 per cent Swedish-speaking minority and support for the party has traditionally been around 5 per cent. It has been an important coalition government partner in postwar Finland. For example, Eva Biaudet was appointed as the Social Affairs and Health Minister in 1999.

Chapter 4

1 Gill Hague and Ellen Malos analyse the concepts used to describe violence against women and children. They argue that the term 'domestic violence' is worth preserving even though it is ambiguous about gender (1993: 5). They

point out that in Britain domestic violence is generally understood to refer to violence against women and children that extends beyond physical violence and beyond the home (Hague and Malos 1993: 5). Notably, domestic violence is only one form of violence against women or gender violence (Skinner, Hester and Malos 2005: 2).

2 This is well documented in a number of texts. See, for example, Segal (1987), Rowbotham (1989), Randall (1987) and Lovenduski and Randall (1993).

3 Other competing explanatory models include: individual pathology model, cycles of violence, biological explanations, social structural explanations and moralist explanations (Hague and Malos 1993: 49–59, L. Smith 1989).

4 See also Pizzey's controversial book *Prone to Violence* (1982).

5 Non-molestation orders restrained the respondent from using violence against the applicant, and exclusion injunctions prohibited the respondent's residence in the matrimonial home.

6 Joni Lovenduski and Vicky Randall analyse the meaning of Thatcherism to feminist politics (1993). See also Breitenbach (1989) and Durham (1991).

7 WNC was established in 1969 to bring the informed opinion of women to bear on government policy. The Commission was generally regarded as 'a conservative, somewhat marginal body', which failed to engage with important issues (Stokes 2002: 193).

8 Victim Support was an independent national charity, which helped people affected by crime. At its National Conference in July 1989, it invited Women's Aid, probation officers and the police to join a seminar discussing domestic violence.

9 The Law Commission's report (1992) dealt with the question. The dilemma was that as a serious crime, domestic violence was part of the criminal law. However, criminal law was primarily intended to punish the offender to compensate the victim, while most victims of domestic violence were not primarily interested in punishment or compensation. They wanted the violence to stop and they wanted protection (1992: 6). Therefore, civil domestic violence legislation was needed to provide this protection in a flexible way which enabled account to be taken of victims' differing needs (1992: 6).

10 Defined below.

Chapter 5

1 Feminist research has shown that the model set out in Teuvo Peltoniemi's book remained dominant in Finland until the 1990s (Ronkainen 1998: 11).

2 Some early texts can be found in the feminist newsletter *Akkaväki*. Solveig Bergman traced three pieces: *Akkaväki* 1/1979, 1/1980, 3/1980 (2002: 182).

3 Maria Wendt Höjer (2002) identifies a similar trend in Sweden in the 1970s and 1980s.

4 Particularly influential in Finland were a conference organized by the Committee of Ministers of the Council of Europe on Social Measures Concerning Violence in the Family (15 January 1990), the First Conference of European Ministers on Physical and Sexual Violence against Women in Brussels (14–15 March 1990), the UN study Violence Against Women in the Family (UN 1989), and the UN declaration of 20 December 1993 on violence against women.

5 The Government Proposal (HE 144/2003) changed this part of the Act (*perheen sisäinen lähestymiskielto*) and the amendment was accepted by the parliament (2 June 2004).
6 See also articles in *Sosiaaliturva* 1999 and 2002.
7 Cohen (1988) interviewed a number of groups, including the National Childcare Campaign, the National Childminders Association, the Workplace Nurseries campaign, the Under-Fives Unit of the National Children's Bureau, the Scottish Child and Family Alliance, Save the Children Fund, Gingerbread (Northern Ireland) and the Working Mothers Association among others.
8 For a critical discussion, see Riley (1983).
9 Notably, comparative discourse analysis can be used to map out *similarities* between these states. These are focused on in the latter half of the final chapter of this book which focuses on the EU.
10 Another issue to explore would be the contradictory effects of the state on the same group of women, which has not however been illustrated by the analysis in these chapters. See, however, Kantola and Dahl (2005).

Chapter 6

1 See Banaszak, Beckwith and Rucht (2003), Chappell (2003), Liebert (2003), Mackay, Myers and Brown (2003), Marchand and Runyan (2000) and Yuval-Davis (1997).
2 See, for example, Meehan and Collins (1996) and Randall (2000a).
3 See also Mitchell (2003) and Bradbury and McGarvey (2003).
4 Black and ethnic minority women made up about 1.1 per cent of the whole female population of Scotland (Shelton 2001: 47).
5 Scotland has a separate legal system. Scottish law is based on the Roman law of continental Europe rather than the case law of the English system. In practice, Scottish law has absorbed a great deal of the English style. What mattered politically was that the institutions of Scots law, the courts, legal training and the professional associations of lawyers, remained independent (Brown, McCrone and Paterson 1996: 2).
6 Here I have pointed to some relevant developments regarding domestic violence. For a more general discussion on the new opportunities to feed in the views of women through consultative channels and mechanisms, see Mackay, Myers and Brown (2003).
7 A critical early evaluation of the Act is provided by Cavanagh, Conelly and Scoular (2003).
8 On the effects of the new legislation, see Barron (2002) and Humphreys and Tiara (2002).
9 The Scottish debate *Domestic Violence* took place on 27 October 1999 and the Westminster debate *Domestic Violence* on 8 November 2000.
10 For analyses of the long history of US–UK transfers of policies, technologies and administrative routines in the field of welfare-to-work, see King (1995), King and Wickham-Jones (1999) and Dolowitz (1998). For an interpretative turn in the literature and an increased emphasis on the role of ideas, see Bevir (1999a) and Bevir, Rhodes and Weller (2003).
11 See, for example, Checkel (2001), Featherstone and Radaelli (2003), Olsen (1995), Tarrow (1995) and Wallace (2000).

12 For a study of the European Parliament as a site where female MEPs create new languages of politics, see Footitt (2002).
13 Feminists have been sceptical about the appropriateness of the human rights discourse for feminist struggles. For a discussion of different perspectives, see Charlesworth and Chinkin (2000).
14 There are three kinds of EU legislation. *Regulations* are binding in law and are automatically incorporated into the national legal systems. They require no separate ratification. *Directives*, while also binding, introduce broad objectives and call on member states to implement them, each in their own way. *Recommendations* are not binding, but generally function as advice given to governments (Elman 1996a: 8).
15 See, for example, Alter and Vargas (2000), Barnard (1999), Hantrais (2000), Mazey (1995, 1998), Meehan and Collins (1996) and Rossilli (2000). See, however, Elman (1996) and Wijers (2000).
16 For example, in 1986, the European Parliament's Women's Committee produced a report on of violence against women (European Parliament 1986, Hoskyns 1996: 155, Hanmer 1996: 139). The report led the European Parliament to enact a 'Resolution on Violence against Women' in 14 July 1986.
17 One example of a productive encounter between Finnish and wider EU communities active in the topic was the EU expert meeting on Violence Against Women in November 1999 in Jyväskylä, Finland, which brought together activists and scholars from EU countries (see Keeler 2001). Another is the fact that the Coalition of Finnish Women's Associations is currently in the process of translating the EWL domestic violence guide (2002a) into Finnish. The guide draws explicitly on the feminist perspective, where 'violence against women is considered a structural problem, the cause of which is a direct result of gender inequality' (EWL 2002a: 3).
18 See also Millns (2003) for a more cautious analysis of the capacity of the Human Rights Act to improve women's lives in Britain.
19 See http://www.womensaid.org.uk/dv/dvfactsh2.htm (accessed 9 May 2004).

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