

RECON Online Working Paper 2011/36

RECON: A Feminist View

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RECON Online Working Paper 2011/36
December 2011

URL: www.reconproject.eu/projectweb/portalproject/RECONWorkingPapers.html

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RECON Online Working Paper Series | ISSN 1504-6907

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Issued by ARENA
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Tel: +47 22 85 87 00 | Fax +47 22 85 87 10
www.arena.uio.no

Abstract

This paper examines the three models of democracy delineated in the RECON project and subjects them to a feminist appraisal. It begins with some general remarks about what each model of democracy – nation-state audit (model 1), federal multinational (model 2) and regional cosmopolitan (model 3) – holds for a feminist conception of politics. It then puts these general propositions to the test in a range of empirical studies (Spain, Poland, Hungary, EU). The country studies reveal the persistence of the audit democracy model, despite the diverging responses to implementing EU-generated equality laws. The process also shows the gender-specific weaknesses of the democratic decision-making process in these member states. The EU-level investigation was also found to follow the model of audit democracy, but with some features corresponding to those found in a multinational federal state. However, the empirical conclusion on this point is that much profound institutional change needs to take place before the EU can respond as a multinational federal entity to women's equality claims. In part three the paper takes a normative feminist turn. It points out that feminist theorists have ambitions for equality that extend beyond the regulative nation-state, seeing advantages in elements of the federal multinational democracy and the regional cosmopolitan one. In the final section, the paper discusses how the deliberative conception of democracy underpinning the RECON analytical approach is received from a feminist point of view. Here, the paper highlights the necessity of taking seriously the principles of congruence and accountability, each requiring the redistribution of socio-economic goods within and across borders. Gender justice, then, can be realised through models 2 and 3. Feminist political theory also highlights the societal role of care as a matter of gender justice. The paper concludes that care should be integrated into democratic thinking, and concludes that RECON standard of deliberative democracy is not hostile, but silent, on this matter.

Keywords

Deliberative Democracy – Feminism – Gender Policy – Hungary – Legislative Procedure – Poland – Political Theory – Spain

Introduction

In *Rethinking Democracy in the European Union* (2012) Erik Oddvar Eriksen and John Erik Fossum present three models for reconstituting democracy in Europe. These models constitute the analytical core of the research project Reconstituting Democracy in Europe (RECON). The ambition of this working paper is to sum up some central findings from RECON's work package on 'Justice, democracy and gender' (WP 4)¹ with regard to the merits and challenges of the RECON models and the RECON framework in general from a feminist perspective. After a brief presentation of the models as outlined by Eriksen and Fossum and some general observations of the models for eliciting gender-sensitive analysis, the paper, first, discusses the empirical relevance and adequacy of the different models based on three country studies (Spain, Poland, Hungary) and an EU-level study. It asks: To what extent do the different models capture what goes on in the EU from a feminist empirical perspective? Secondly, the paper scrutinizes the RECON framework and the RECON models from the perspective of feminist normative political theory. RECON puts up critical yardsticks for assessing the EU and EU developments from the perspective of justice and democracy. To what extent are these yardsticks compatible with feminist criticism and feminist interventions in discussions on justice and democracy?

The RECON models

The three RECON models have been somewhat modified throughout the project period. In Eriksen and Fossum (2012) where the models occur in their latest version, model 1 is referred to as audit democracy. Audit democracy envisages democracy as being directly and exclusively associated with the nation state and with the collective identity of the nation state, the presumption being that "only the nation state can foster the kind of trust and solidarity that is required to sustain a democratic polity" (Eriksen and Fossum 2012: 22). The EU is conceived of as a regulative regime with competences delegated from the member states, and mainly concerned with the operations of the Common Market and with problem-solving of a technical-economic character.

Model 2 is outlined in terms of a federal multinational democracy. Here the EU is developed as a state or a state-like order based on a common European identity, and "institutionally equipped to claim direct legitimation, and entrench this in legally binding form" (Eriksen and Fossum 2012: 25). At the same time the Union is multinational, reflecting that nation-building at the EU-level would take place together with nation-building at the member state level and play itself out as a kind of "constitutional patriotism" (Eriksen and Fossum 2012: 26). Model 2 presupposes furthermore the establishment of "schooling, symbolic means, and social redistributive mechanisms", both at member state and European level (Eriksen and Fossum 2012: 26).

Finally, there is model 3 – regional European democracy – that envisages democracy beyond the nation state and the EU as a post-national government. In contrast to audit democracy the EU is conceived of as more than a functional regime, but in contrast to federal democracy also as less than a state, meaning that government is

¹ See more on this research at: <<http://reconproject.eu/projectweb/portalproject/WP4.html>>.

decoupled from the state form, the idea being that a non-state identity can make up a system of government insofar as it performs the functions of authorized jurisdictions. In this sense, regional European democracy is cosmopolitan democracy based on cosmopolitan norms, not on a demanding ethical-political idea of what it means to be European. Institutions, rights and legal principles subject actors to the constraints of a higher-ranking law – the cosmopolitan law of the people – and empower citizens to take part in law-making processes at different levels.

The RECON models from a feminist perspective: some general observations

What then do these three models imply from a feminist perspective? In the first model, gender equity as a core principle of democracy (ie gender democracy, Galligan 2012) is centred in the nation-state. In this model, gender claims cannot be made in fora beyond the state, as the legitimacy for democratic action resides in the individual states. However, often, the inclusion of gender-equity demands, interests and voices, can de facto be delivered more effectively through the nation-state than through any other arrangements. Given the EU's current institutional set-up, it is frequently the case that gender claims on democratic processes and arrangements can only be considered at EU level if there is consensus among the member states that a particular aspect of gender relations (such as equal pay, for example) is a common problem requiring a common solution. This is also how it should be, according to model 1. That is, if we look at the first model as an ideational, normative model, the EU would and should not have the capability to make a binding order on member states in solving this gender-based inequality, as some member states would have the right to veto the EU-proposed solution. Thus, the restricted, audit-type EU democracy resulting from the functional delegation of powers limits the space in which an EU-wide public control can be exercised. The allocation of binding decision-making to member states has implications for the realisation of gender democracy in individual nation-states too, as the particular forms in which inclusion, accountability and recognition are expressed are unique to each national context. Public control by equals is interwoven with gendered norms and assumptions specific to each state, and thus gender democracy has different gradations across the member states.

At first sight, model 2 seems to offer much to a democracy for which gender equity is a central principle, as the core requirements of the gender democracy concept – inclusion, accountability and recognition (Galligan 2012) – are applicable to both the EU and member state democratic will-formation processes. In addition, the democratic constitutional state based on direct legitimation, on which this model rests, provides gender democracy with a legally-binding framework containing enforceable gendered provisions. In terms of collective action, the federal model provides thus an important alternative to the nation state that was not available in the audit democracy model, which is the possibility of appealing to a legitimate authority outside national boundaries. There is, then, the possibility of an inclusive debate among all citizens of the EU so long as the three criteria of gender equity in democracy are respected. As a multi-levelled set of political arrangements for delivering gender justice in democratic practices, the federal model has distinct advantages.

Model 3 highlights institutional arrangements beyond the state for enabling transnational networks of citizens to access decision-making forums that can, in turn, influence state-based policies and actions. Indeed, the experience of gender politics illustrates the utility of being able to appeal to a legitimate authority beyond the nation state in the pursuit of equality claims (Kantola 2010, Abels and Mushaben 2012). Thus multi-levelled decisionmaking provides multiple access points for an autonomous, transnational civil society, of which women's organisations are an integral part. Through this multi-levelled functional governance, gender equality advocates can bring decision-makers to account for their positions on gender concerns. Underpinned by a transnational commitment to the protection of fundamental rights, the model speaks to the cosmopolitan reach of gender equality norms, their application as overarching principles of governance, and the prospect of emancipatory feminist politics. Furthermore, unlike the state-based models, be it model 1 or model 2, this regional cosmopolitan system of democracy rests on a more fluid set of political relationships coexisting with – and recognising – multiple identities that include (but are not exclusive to) national identities. It is open to the recognition of intersectional discriminations that arise from overlapping inequalities in power relations between men and women, including those inequalities consequential on the effects of patriarchal, economic, racist and colonial power dynamics.

Empirical insights

However, the empirical studies of RECON's WP 4 make it possible to move beyond general observations. To what extent do the different RECON models 'fit' actual developments in the EU polity? Snapshots from three country studies – Spain (Clavero 2012), Poland (Zielińska 2012) and Hungary (Vajda 2012) – and an EU-level study (Clavero and Galligan 2012) – can shed light on the question.

In the case of Spain – arguably presenting the most 'gender-just' deliberative process among the member state case studies, the dominance of a nation-based audit democracy is undeniable in the political discourse that accompanied the enactment of the law, despite its EU origins. The transposition of European directives 2002/73/EC and 2004/13/EC into Spanish legislation was carried out by way of a comprehensive Equality Law approved in 2007 (*Ley Organica para la Igualdad Efectiva entre Mujeres y Hombres*). Apart from effectively transposing these directives on gender equality, the law incorporated the principle of gender mainstreaming and also provided a legal framework that allowed for the introduction of positive action. In this regard, one of its main innovations was the inclusion of several measures aimed at achieving a balanced representation in decision-making bodies in different areas of public life, including a 40/60 gender quota to be applied to candidate lists in elections at all levels (European, national, regional and local) and a similar quota to be applied to companies' boards of directors within eight years of entry into force of the law (Clavero 2012).

In going beyond EU requirements, the Spanish Law of Effective Equality between Women and Men owes a great deal to the long-held demands of the transnational women's movement and, more particularly, to the crystallisation of those demands in the 1995 Beijing Platform for Action. Yet, its introduction was no doubt made possible because of the initiative of national women's organisations to push forward those

demands and most of all, because of their close alliance with the party in government at the time (PSOE – Spanish Socialist Workers Party), a party which has traditionally embraced the principle of gender justice as one of its identity markers.

Despite the cosmopolitan civil society elements (characteristic of model 3) the narrative surrounding the adoption of this law was framed almost exclusively in national terms. Thus, there was a lack of discussion regarding how the law related to EU norms on gender equality beyond the observations that it went ‘way beyond’ the obligation to comply with EU legislation, since the government at the time had a keen interest in stressing the pioneering nature of an ‘ambitious law’ that ‘goes well beyond what is on offer in many countries of the developed world and even in Europe’². Furthermore, instead of informing on its EU origins, media reporting concentrated on the most controversial aspects of the law – primarily candidate gender quota provisions.

The lack of visibility during national deliberations of the role of the European Union and transnational and international organisations (such as the UN) in making this law possible reveals the predominance of the audit model of European democracy. The measure was ‘sold’ as a national government law, and although its adoption represented the crystallisation of long-held demands of national women’s organisations who have become part of a global feminist civil society, the government gave little space to civil society in setting the agenda, so that the terms of the debate during the decision-making process were defined without taking into account the views of these organisations. A cosmopolitan model of democracy (model 3) presupposes a more central role for civil society (national, transnational, and international) and the public sphere. Such role was not accorded, or (at the very least) recognised in the making of the Spanish Equality Law. By the same token, the opportunity to frame this law in the context of a multi-level and multi-national Europe, situating it in the context of a wider European governance, was missed.

The Polish research also seems to reveal the existence of elements of the democratic order as envisaged by the third RECON model. This was particularly visible in the activities of women’s organisations (at the later stage of implementation undertaken in coalition with other civil society organisations). They frequently attempted to take their claims regarding gender equality to EU forums to compensate for their lack of access to national deliberative sites. By using multileveled functional governance the gender equality advocates sought to bring the decision makers at the national level to account for their position on gender issues (Galligan 2012: 107). The attempts to use European deliberative spaces as an alternative to the national level may suggest that civil society organisations can be perceived as promoters of the post-national democratic order. The question remains open, however, if this is only a case of organisations representing the contested identities which are excluded from the access to national forums, or if this is the case for all organisations.

Furthermore, the use of the EU as an entity legitimising the gender claims at the national level seems to also confirm the existence of elements of regional European democracy (model 3). Frequently, the women’s organisations (along with other civil society organisations) made reference to gender equality as being a fundamental

² Speech by Jesús Caldera, Minister of Employment and Social Affairs, presenting the bill at the Committee of Women’s Rights and Equal Opportunities, on 03/10/06

value of the EU. This helped to legitimise their claims for speeding up the process of the introduction of gender equality provisions.

This being said, when looking at how European democracy works from a bottom-up perspective, both the Polish and the Hungarian case clearly illustrates the limited scope of federal multinational democracy (Zielińska 2012, Vajda 2012). As with Spain, the analysis suggests the strong position of the nation-state whose institutions adjusted the directive's provisions according to their specific claims and needs. This would point to the audit democracy model, with nation-states exercising their right to the "last word" vis-à-vis the EU (Eriksen and Fossum 2012; 24). This observation was further confirmed by the fact that in the transposition of the directive into the legal systems of Poland and Hungary respectively the main role was played by the state institutions. In both cases the various stages of the drafting of a new bill indicate that the institutions' points of view, comments and criticisms were mostly taken into consideration. Moreover, since the debates on the shape of the bill took place primarily among the officials from various institutions, the decisions were basically taken behind closed doors with limited or no access to the national sites of deliberations offered to women's organisations (or other civil society organisations). Such practices put into question the principles of delegated democracy, in which gender claims, and others, should be made in national forums.

In the Hungarian case in particular, the absence of the fundamental features of gender democracy in a deliberative process – inclusion, accountability and recognition – was particularly marked (Vajda 2012). It also suggests an intensification of the audit democracy model even beyond that displayed in the Spanish and Polish cases. The democratic process in Hungary was characterised by government actors justifying discretion when interpreting the applicability of EU policy to Hungary. This revealed an elitist approach, accompanied by paternalistic and technocratic attitudes, which combined to justify the exclusion of the 'qualified and affected' public and civil society from policymaking on gender equity issues. Even more than in Poland, policy-making was carried out at elite level, resistant to civil society input, and highlighted the lack of formal, effective channels of dialogue and consultation between the governing and the governed.

Generally, the results of WP 4 country studies cast a critical light on national democracies as sites of deliberation. As long as national legislative practices do not provide for consultation and inclusivity, EU policies directed at improving democratic qualities such as gender equity will not be effective, even if formally binding on member states. Influencing factors in this regard range from a commitment to democracy (including the handling of the historical legacy of authoritarianism), the maturity of civil society, the existence of democratic mechanisms (like structures of inclusion in deliberations) (see also Holst 2012). Thus what matters the most are domestic politics and national governing styles, although the previous position of the country within and vis a vis Europe, determining historical context, also has significance. In this regard, Spain and Hungary present interesting contrasts: while democracy has not been in place for particularly long in both cases, the national response to European 'rule' is completely the opposite: Spain has sought to prove its European credentials by upholding democratic values, while Hungary has rejected these values and returned to elements of authoritarian decision-making. Poland lies in between.

The recurrent references to individual ways of understanding public good and policy goals by national governments, and the concomitant evocation of national pride (in the case of Hungary), seem to follow either from real accomplishments (like in the Spanish case) or from frustration, ignorance or the outright denial of the significance of underlying issues (like in many new member states). In this sense, expectations embodied by model 1 are ambivalent: some democracies seem to be strong enough to generate policies, while others are not. However, a distinction should be made between procedures and outcomes: thus even when an established democratic culture produces positive and progressive policies (like Spain), at the point when EU becomes involved as an authoritative political entity (that issues mandatory regulations), national legislative procedures can still be lacking in democratic qualities. Given the widespread nature of this problem, one might suspect that such a democratic deficiency is partly due to some inherent characteristics of the implementation process and what it embodies: the top-down logic of European policy-making. Thus for the EU to act as a multi-levelled federal polity as implied in model 2, procedural rules would need to be revised so that its democratic potential is not derailed, while at the same time reinforcing a common European identity, which can be realized by greater involvement of European citizens (social groups) in setting agendas. This latter move, in turn, would lead to investing the regional-international public sphere with greater powers, as suggested by model 3.

Turning to our EU-level study, findings from our empirical analysis examining the democratic quality of legislative processes leading to the adoption of gender equality directives (2004/113/EC and 2006/54/EC) reveal significant imbalances in decision-making power among participant institutions and actors (Clavero and Galligan 2012). Thus, the positions adopted by the European Commission (as the main agenda-setter) and Member States in the Council (as the main decision-makers) in inter-institutional deliberations in both the legislative processes were not modified in any substantial way by the reasoned positions of other key participants such as the European Parliament and the European Economic and Social Council. The quality of democratic deliberation was found to be higher when the Commission, the Parliament or the Council engaged in an internal process of articulating a common institutional position to bring to the inter-institutional process. In these cases, participants' preferences were more open to change in the light of reasons provided by other participants. In relation to this point the diversity of Member State interests in Council deliberations and the deliberative efforts to come to a common position – with the Commission acting as a mediator – is worthy of consideration. Equally, the quality of deliberation in EP committees – when different parties engaged in a debate on a Commission proposal, often in cooperation with civil society groups, was found to be quite good. Nonetheless, it should be noted that the institution with strongest decision-making power in the overall process, the Council, was the least inclusive. By contrast, the institution most open to the voices of civil society in the articulation of a common position, the European Parliament, had less weight in inter-institutional deliberations. The quality of deliberations in the Commission with regards to the principle of inclusion sits somewhere in between that of the Council and the Parliament. Findings from the study reveal that, while the Commission is open to civil society interests in the articulation of a position, it tends to favour those lobby groups whose interests are in tune with the interests of Member States.

In the light of these results, we can conclude that deliberations around EU decision-making on gender equality also closely follow a model of audit democracy (model 1).

The reason for this is that, while Member States have delegated some of their authority to EU institutions like the Commission and, to a lesser extent, the European Parliament, they continue to be the main players in deliberations and are in a position to disregard the interests of other participants should these clash with theirs (i.e., Member States' interests). However, the empirical research also identified important gaps between the normative values of this model of audit democracy and the most salient features of actual deliberations as conducted at the supranational level. Thus, according to this model "...the citizens can participate in opinion-forming processes and put the decision-makers to account at regular intervals, as well as continuously through public debate" (Eriksen and Fossum 2010: 4). However, the breaking of the lines of representation and accountability between citizens of Member States and their governments in the Council entails a breach of this democratic ideal.

Further evidence that democratic decision-making in the EU conforms most closely to the model of audit democracy is the regulatory nature of gender equality policy. Our research focused on 'hard' regulation, although in recent years the EU has increasingly engaged in 'soft' regulation as well.

There are, however, traces of other models of European democracy identifiable in the findings from the EU case study. Thus, recent developments in supranational institutions aimed at improving inclusion and, above all, accountability and transparency, as well as the introduction of co-decision procedures constitute important steps towards the consolidation of democracy at the EU-level alongside mechanisms of democratic control at the Member State level. While these developments can be interpreted as a sign of a move towards a model of a multinational federal European State (model 2), the distance between the model and the reality is still very wide since approaching this second model of democracy will require much more profound institutional change regarding: a) the legislative power accorded to the European Parliament, b) the systems of authorisation by which European citizens elect their representatives in the European Parliament and the composition of the Commission in line with election results and c) the mechanisms by which European citizens and civil society can hold both the Commission and the Council accountable for their actions with regard to gender justice and equality.

RECON in a feminist normative political theory perspective

Generally, feminist theorists have taken the limits of the nation state approach seriously (ie. our general observations earlier in this paper), and have been in the forefront when it comes to thinking about justice and democracy beyond the nation state template in terms of transnational or cosmopolitan norms and institutions. Normatively speaking, most feminist theorists have thus ambitions globally and for Europe that goes far beyond the purely regulative regime of RECON's model 1 (see for example Benhabib 2002, Nussbaum 2006, Fraser 2009a, Walby 2011).

Whether RECON's federal multinational democracy (model 2) or a cosmopolitan regional European democracy (model 3) is to be preferred from a feminist perspective, is a more open question. If we consult feminist normative political theory literature, the preferred model seems to be some version of model 3, in the sense that very few theorists explicitly embrace the idea of EU as a multinational state based on an ethical-political idea of Europeanness (for an explicit critique of this idea, see

Braidotti 2010). On the other hand, it could be argued that that which some of the same theorists require from inter- and supranational institutions in terms of policies imply that the EU must and should develop into a state or a state-like federal unit. Many feminist theorists argue for example for inter- and supranational institutions that develops a social dimension, meaning that these institutions takes upon itself significant redistributive tasks to a greater extent (see for example Fraser 2009b, Walby 2011). However, a precondition for making an institutional order such as the EU more “social” in this sense is arguably to develop the Union into a state or a state-like order. Or to put it differently: It might not suffice with a post-national government disconnected from the state form (model 3), if what in the end is demanded from this government are education, health, social and other ambitious policies that cannot be developed and implemented without the backing of something equal to a redistributive state (see among others Scheuerman 2011).

Crucial in this connection is how the Union’s increased use of the intergovernmental open method of coordination (OMC) and other soft law mechanisms in the field of gender equality policy is to be assessed from a feminist perspective. On the one hand, there are interesting examples of somewhat promising, even if so far insufficient outcomes (see the balanced review in Clavero and Galligan 2012). On the other hand, many feminist commentators of the EU have been highly critical and argued that more use of the Community method and a hard law approach in EU gender equality policy-making is necessary for real improvements (Hoskyns 1996, van der Vleuten 2007, Beveridge and Velluti 2008). To the extent that feminists consider the OMC as insufficient and call for more use of the Community method and a hard law approach in EU gender equality policy-making, it may be argued that they – implicitly, if not explicitly – defend the development of EU into a state or a state-like order (model 2), as suggested above. To the extent that the current soft mechanisms regime *does* provide certain progressive (even if inadequate) outcomes with regard to gender justice, the question arises whether this is an argument for model 3 or for model 1. This again depends on the extent to which we are to assess the present soft mechanisms as model 3 mechanisms or as part of “the functional regime” of model 1. In the above mentioned study, Clavero and Galligan (2012) conclude in the latter direction.

A different question is whether an implicit defense of model 2 – given that this is what many feminist commentators in the end are providing – also implies an at least implicit defense of the development of a comprehensive ethical-political Union identity. This is disputable, if we take into account how RECON regards the idea of EU as a multinational federal state as analytically coherent with Habermas’s idea of “constitutional patriotism” (Eriksen and Fossum 2012: 26). If this is so, it is perfectly coherent for feminists to criticize exclusionary conceptions of Europeaness (Braidotti 2010), while at the same time demanding services from the EU that may imply embracing the idea of EU as a federal regional European state. Habermas’s idea of constitutional patriotism is thicker than “the cosmopolitan law of the people” of model 3; constitutional patriotism requires an ethical-political embedding, but arguably thinner than value-based “other”-excluding notions of European identity that have been the targets of so much feminist criticism.

What we have highlighted so far is how feminist normative political theorists and feminist commentators on European integration would generally answer one of RECON’s constitutive research questions concerning the relationship between

democracy and the nation state template and between EU and member state decision-making and how these relationships ought to be developed (Eriksen and Fossum 2012). However, feminist theorists have highlighted other normative concerns. What are the implications of RECON for these concerns? To what extent does RECON at all speak to questions of gender justice and democracy that are often singled out as decisive in feminist normative political theory? This will be briefly discussed in the remaining part of this paper.

Generally, with regard to some of these questions *the RECON framework as such has implications* (a). With regard to other questions *different RECON models have different implications* (b). With regard to yet another set of questions RECON is *indeterminate* (c). We will let the question of conception of democracy exemplify (a), the question of socio-economic redistribution exemplify (b), whereas the question of the societal role of care will exemplify (c).

(a) Gender democracy is an important part of gender justice: a polity is not gender just if it is not also gender democratic. This has been a central concern to most feminists. As pointed out by Galligan and Clavero (2008), it is thus a peculiar fact, that the feminist EU studies literature so far has put relatively little weight on analyzing EU developments from the perspective of gender democracy.

There are different conceptions of democracy; some more popular from a feminist perspective than others. It is important to highlight that the RECON *models* do not imply different conceptions of democracy. However, the RECON *framework* implies a certain conception of democracy, i.e. deliberative democracy: RECON assumes a common democratic yardstick which is based on the standards of deliberative democracy (Eriksen and Fossum 2012: 16ff). Thus audit democracy, federal multinational democracy and cosmopolitan regional European democracy are framed as being compatible with the requirements of deliberative democracy. Hence, even if the different RECON models do not imply different conceptions of democracy, the RECON framework is not neutral to what democracy ought to mean: Democracy is “deliberative” (“democratic legitimacy requires public justification of results to those that are affected by them”) and “operationalized through the democratic principles of congruence and accountability: By congruence is meant the basic democratic principle that those affected by laws should also be authorized to make them. Accountability designates a relationship wherein obligatory questions are posed and qualified answers required. It speaks to a justificatory process that rests on a reason-giving practice, wherein the decision-makers can be held responsible to the citizenry, and that, in the last resort it is possible to dismiss ‘incompetent rulers’” (Eriksen and Fossum, 2007: 3).

A central question then, is how the deliberative conception of democracy has been received from a feminist point of view. Generally, feminist theorists and social scientists have showed increased interest in democracy defined as deliberative democracy (Benhabib 1992, Chambers 1996). However, certain requirements are emphasized in particular. With regard to the principle of congruence, feminists have stressed the significance of group representation; for example, it is crucial that both women and men are included among “the affected” authorizing laws. The percentage of women participating in civil society, the public sphere as well as in formal decision-making bodies is a decisive indicator of gender democracy (Phillips 1995, Walby 2011). With regard to the principle of accountability, the possible

rationalistic bias of the deliberative democratic notion of public justification has been questioned. It has been argued that equating authorizing democratic practice with “reason-giving practice” is too narrow, i.e. it implies underestimating the significance of other speech-genres, such as story-telling and artistic speech, for the articulations of citizens’ needs and aspirations (Young 2002).

(b) The question of socio-economic redistribution has been discussed along several axes in feminist theory and social science. All agree that gender justice requires socio-economic redistribution in some sense. All agree also that gender justice requires substantial socio-economic redistribution – at some level – across national borders. However, the more detailed issues are up for debate. One discussion concerns whether gender justice requires limits on the level of relative inequality or implies no more than sufficiency, i.e. that all are guaranteed socio-economic means on an adequate threshold level (Nussbaum 2006, Holst 2010). Another discussion concerns whether gender justice implies equality in the sense of equal opportunities for all or equality in the sense of equal group-level results, for example a strict 50/50 distribution of resources, positions and power between women and men (Phillips 1999).

Different RECON models imply different things with regard to the different sub-questions of socio-economic redistribution, apart from the general question of whether to redistribute or not. Both audit democracy, federal multinational democracy and regional European democracy are subjected to the standards of deliberative democracy: The requirement is citizens’ participation on equal terms in justificatory law-authorizing processes (i.e. the principle of congruence and the principle of accountability). This again requires socio-economic redistribution. Hence, RECON’s framework as such fits well with the common feminist presupposition that gender justice requires redistribution – at some level.

On the other hand, only model 2 and 3 fit well with the common feminist presupposition that gender justice requires substantial redistribution across national borders. Socio-economic redistribution across borders in accordance with feminist demands requires the development of some sort of post-national government or federal state. Furthermore, the greater the ambitions the more preference there is for model 2 over model 3. As already mentioned, it is an open question to what extent a government disconnected from a state form can guarantee sufficiency. It is an even more open question whether it could guarantee equal opportunities – it would depend heavily on how equal opportunities were to be defined. Moreover, that something less state-like than a welfare state could target relative inequality and redress unbalanced group-level distributions of resources, positions and power seems at the outset very unlikely. This, once more, points more in the direction of model 2 than of model 3 as the preferred model in contemporary feminist literature.

(c) A central normative concern in feminist political theory has been the societal role of care (Kittay 1999, Kittay and Feder 2002). The problem is sometimes framed in terms of gender justice: Women take on themselves the extra burdens both of the unpaid care work in the family and of the poorly paid care work distributed through markets: The typical care worker, whether paid or unpaid, is female. A just society would require, feminist argue, a more gender just distribution of care work.

However, the problem is also framed in terms of the societal assessment of the value of care. Some theorists have argued that the problem is not really one of justice, but one of reassessment of values and virtues (Ruddick 1995, Held 2006). Their argument is that care and other values and virtues of the female life world have been marginalized. What is required, as they see it, is a stronger recognition of the moral significance of these values and virtues, and a society that is more caring, and not simply just, equal, and democratic. They call thus for a qualitative re-focusing of our standards of assessment.

If these feminists argue for replacing standards such as justice and democracy with that of care, their views are simply not compatible with the RECON framework. The standards of RECON are those of deliberative democracy. However, a more reasonable interpretation of these feminists' views, are that standards such as care should be *added to* or *integrated into* those of democracy, justice – in one way or another (Nussbaum 2006). In this case, RECON is not hostile to but simply silent on the issue.

Conclusion

This paper addresses the RECON models from feminist empirical and normative perspectives. Taking the former view, the discussion highlights the complex and contingent environments in which gender equity issues interact with democratic procedures and practices. While each case highlights particularities of this engagement, taken together they trace the fault-lines of gender democracy. They point to the simultaneous overlapping of features of the different models of democracy in the real-world of negotiated politics. The empirical studies also highlight the normative impulse of different actors along the way: equality-oriented civil society groups draw on the cosmopolitanism of model 3 or the higher authority of model 2 to press and reinforce their claims; national governments firmly ground their positions in the authoritative rule-making of model 1; the EU inclines towards model 2 while containing within its decision-making processes significant elements of audit democracy (model 1), and traces of model 3. These findings are helpful in considering the second question addressed in this paper; a feminist position on the RECON models themselves. In this assessment, the RECON models are measured against the yardstick of deliberative democracy implied in the RECON analytical framework. Of importance to the normative feminist view are matters of equity in representation (of women as a group), the implied redistribution of power and resources (including socio-economic) required to effect representative equity in gender terms, and the reframing of democratic virtues to include care. Feminists are generally agreed that a gender just democracy integrates women and their perspectives, voices and experiences into the “affected” and the “authors” of public decisions. Although the empirical reality suggests that model 1 generally falls short on these points, the situation can be retrieved should there be sufficient political will to do so. However, for gender democracy to take effect also requires a redistribution of power and resources – an aspect more explicit in models 2 and 3 – crystallized in the redistribution of socio-economic resources. Importantly, feminists seek redistribution across, as well as within, borders. As the discussion shows, redistributive demands require a state-like form for their articulation and response. Model 2, grounded in a post-national/federal conception of politics, provides feminists with a more likely realization of gender justice than the looser political

arrangements of the cosmopolitanism of Model 3. Nonetheless, feminists are attentive to, and leverage, the normative potential of Model 3. In this regard, while the RECON models are silent on the issue of care, the normative feminist mindset has no difficulty in integrating the revaluing of care-giving into a theory of gender justice and a matter of internal and cross-border redistribution. Indeed, it is precisely in the 'plasticity' of the cosmopolitanism of model 3 that feminist deliberative democrats can leverage progress on gender equity, empirically and normatively, in models 1 and 2.

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RECON is an Integrated Project financed by the European Commission's Sixth Framework Programme for Research, Priority 7 – Citizens and Governance in a Knowledge-based Society. Project No.: CIT4-CT-2006-028698.

Coordinator: ARENA – Centre for European Studies, University of Oslo.

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