Marketization, Social Protection and Emancipation

Feminist ambivalences in the capitalist crisis

Nancy Fraser

Drawing on the thought of Karl Polanyi, I propose a non-economistic conception of capitalist crisis that can clarify feminist prospects in the current era. Revising his account of the conflict between economic liberals and social protectionists, I introduce a third axis of social struggle, oriented to emancipation and, so, transform his “double movement” into a triple movement. After sketching this new perspective, I use it to rethink the stakes of feminist struggles in the 21st century. Positing emancipation’s inherent ambivalence, I show that efforts to combat gender domination can align in principle either with marketization or social protection. Recently, I contend, this ambivalence has been resolved in favor of marketization, as neoliberalism has instrumentalized feminist ideas. The best response, I claim, would be for feminists to break our “dangerous liaison” with marketization and forge a principled new alliance with the forces of social protection.


JEL classification codes: P51, Z13, J16, J71.

From exclusion to discrimination

A historical, philosophical and political genealogy

Interview with Geneviève Fraisse conducted by Hélène Périvier

Democracy was constructed with keeping women back: there is no systematic statement excluding them, yet for a long time democracy was held to be applicable only to men. It did not exclude, but it was “exclusive”: “Neither citizens nor workers “precious half of the Republic” as Rousseau says – such was the dream of the democratic man with regard to women.” Geneviève Fraisse reviews the long journey from 1830 to current times that led to the progressive inclusion of women in the democratic system.
From their integration into the democratic “whole” was born the process of discrimination against women, a process that consists of separating while judging, and also the fact that there are two democratic governments, the domestic one and the political one. The philosopher emphasizes how Europe was a driving force with respect to equality between the sexes, the fight against discrimination and the potential contradictions inherent in policies based on gender mainstreaming – although such contradictions cannot, she feels, be avoided. Her views go beyond an identity-based approach, and are situated on the side of praxis in such a way as to formulate the problems centred on the history of equality and women’s liberation.

**Keywords:** Feminism. Discrimination. Gender studies. Democratic system. Gender mainstreaming. Europe.

**JEL classification codes:** J16, B15, B24.

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**Can economic discrimination be absorbed into complexity?**

**Bernard Gazier**

The evolution of the economic theories of discrimination exhibits a clear tendency towards an increased complexity. This contribution aims at examining and discussing this tendency. It contains three sections. The first deals with the neo-classical current, and shows how recent theories propose representations which move away from the study of simple and traditional labour market adjustments, and finally include the consideration of “identity”. The second section focuses on the “labour market segmentation” current and its evolution: this includes research on multiple and changing segmentation as well as recent interest on “multi-discrimination”. The third section discusses the meaning and limits of these evolutions towards more complexity, which may dilute the stakes and blur the priorities. It identifies some recent work on the dynamic dimension of the labour market and on trajectories as relevant for restoring priorities in the field of complex discrimination processes.

**Keywords:** Discrimination. Labour markets. Transitions.

**JEL classification codes:** J15, J16, J7.

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**Gender discrimination**

**The legal view**

**Annie Junter and Caroline Ressot**

The purpose of this article is to take stock of recent radical changes in the legal approach to gender-based discrimination with respect to international law and particularly European Union law. The requirement to transpose European directives has obliged the French legal system to transform its legal grammar so as to accept broader definitions of discriminatory acts and make it easier to prove them. These changes set new horizons in the fight against gender discrimination. Given
the permanent state of inequality between men and women, it is up to the law to resolve the issues related to the handling of multi-discrimination and to the dilemmas involved in the recourse to positive actions.

*Keywords:* Gender discrimination. Equality between women and men. European and French labour law. Affirmative action.

*JEL classification codes:* J71, J16, K31.

**Equal pay and the question of individual versus systemic discrimination**

*Insight from American case law*

Marie Mercat-Bruns

The United States and Europe prohibit wage discrimination and support equal pay between men and women. Beyond the legal standards used in different countries, it is difficult to measure exactly the breadth of pay discrimination which covers entire careers and can stem from different sources. In the United States, two cases shed light on the stakes of this economic, social, and legal debate involving gender. These cases illustrate the recurring challenges of finding an adequate time frame in construing the gender pay gap and the effects of individual and systemic discrimination on the level of wages. In what ways can parties, in a trial, single out and prove these different types of discrimination? How can social framework evidence contribute in these employment discrimination cases? How do American judges consider wage discrimination and its effect on women’s entire careers in a context in which class action litigation is possible? Conversely, through an analysis of wage discrimination cases, what can we learn about the logic of discrimination? The goal of this research is to flesh out the judicial standards of interpretation and the tools available to judges in order to put into perspective the debate in France and Europe as a whole.


*JEL classification codes:* J16, J52, K40.

**Children, time-out and the gender wage gap**

Dominique Meurs, Ariane Pailhé and Sophie Ponthieux

The article presents an analysis of the impact of children on wages in terms of the family gap in pay. After a brief presentation of the main empirical results and theoretical explanations that can be found in international literature, it analyzes, for France, the effects children have on women’s professional life and proposes a measure of their impact on wages of women and men in their forties. Having children does not seem to have a direct influence on women’s hourly wages, but children related employment interruptions and part-time work have a negative
effect on pay and explain the wage gap between women who have interrupted their activity and women who have remained in the labor market. We compare also, within the same age group, the wages of women continuously active and men; here, the wage gap remains mostly unexplained by differences in individual characteristics. This result shows that an effect of children is the suspicion employers might have that women are firstly mothers (or mothers to be) and, as such, are likely to be less involved in their career than men.


JEL classification codes: J13, J16, J24, J31.

Discrimination between men and women through the prism of public opinion

Maxime Parodi

This paper shows, from an opinion poll on the Perception of inequality and feelings of justice (PISJ 2009), how inequalities and discriminations between men and women are perceived in France. On the whole, these inequalities are judged important and totally unacceptable – and this opinion is rather consensual between men and women. The feeling of discrimination because of her sex, however, is very marked, as might be expected: it is primarily women in top and bottom of the social ladder who claim to be victims. Despite this, there is no consensus on the interpretation of these inequalities. It appears clearly four opinion groups: the first group accepts gender inequality as the consequence of a natural order; the second neglects it for the same reasons; the third denounces gender stereotypes in the name of emancipation and, finally, the last, equally critical of the actual sexual order, seeks the best arrangement.

Keywords: Opinion. Discrimination. Gender inequalities. Stereotypes. Social justice.

JEL classification codes: J16, A14.

Diversity: without rights nor obligation

Annie Junter and Réjane Séanc-Slawinski

We contrast the stability of legal and political definitions of equality, with a particular emphasis on gender equality, and on the “newspeak” of political and economic debates about diversity. The article examines the role of diversity in the legal and political fields in order to unpack fascination with diversity. We add nuance to the hypothesis that the concept of diversity is leading to the replacement of legal categories with managerial norms. We posit that this embodies a conceptual
melting pot, riddled with internal contradictions. Hence, in the first section entitled “diversity without obligation”, we analyze the emergence of diversity as an alternative to gender discrimination hard law. In the second section entitled “diversity without rights”, we examine the debates concerning the terms and usage of norms surrounding equality and non-discrimination.


*JEL classification codes: J71, J78, J88, K20, K42, L25, L50.*

**What gender mix does to pupils?**

*Marie Duru-Bellat*

The paper provides a synthesis of educational research devoted to the operating of co-educational classes, and assessing the impact of co-education itself. It relies on studies focussed on the interactions between teachers and pupils and between pupils themselves, and also those, less numerous, which compare single-sex and coeducational classes. It questions the impact of that way of operating upon pupils, with respect to the interpretations of social psychologists: actually, it proves that facing the “other” increases the strength of the gender stereotypes, especially regarding self-confidence. In a last part, the text introduces a more normative debate upon the educational policies concerning co-education, since the latter does result, in spite of its obvious aspect, in ambivalent effects and seems to generate what would be a performative discrimination. The debate, which leads to discuss the question of coming back to single-sex classes – even in a limited manner – keeps quite open; that is because it relies in fine on conceptions of masculinity and femininity and on what equality means, which remains to day far from a consensual issue.


*JEL classification code: I10.*

**Legal Aspects of the Reconciliation of Work, Private and Family Life in Europe**

*Susanne Burri*

EU law influences significantly the national law of the Member States of the EU in the field of equal treatment between men and women and the reconciliation of work, private and family life. This article presents an overview of the objectives of the EU, the current legal developments at the EU level and some case law of the Court of Justice of the EU in these areas. The Court has certainly contributed to strengthening the position of pregnant women. However the role of the case law in realising a more equal sharing of family responsibilities between the sexes remains
rather modest. New approaches to reconciliation issues merit further attention, both at Community and national level.


*JEL classification codes:* K36, H31, Y80.

### The gendered logic of reciprocity in social benefits

**Hélène Périvier**

This article takes a gender approach to the analysis of changes in the relationship of reciprocity that links the State and people receiving social benefits targeted at poverty reduction. The counterpart required in exchange for national solidarity is not the same for men and women beneficiaries and varies with family status, which induces a discrimination. Whereas what is important for women has long been their role as “mothers above all”, for men it is their integration into the world of work. The integration in 2009 of the French minimum income benefit (RMI) and the lone parent allowance (API) into what is now called the active solidarity income (RSA) led to strengthening job integration requirements for beneficiaries. Nevertheless, the traditional model seems to have been spared by the tightening of requirements, as women with children who live in a couple do not have their employability questioned to the same extent as other beneficiaries. Their role as housewives excludes them from a logic of employment at any cost. But as soon as they are separated from their partner, they once again become a target of activation policies.


*JEL classification codes:* I31, I38, J2, B52.

### Public action and gender

**Sandrine Dauphin**

This article considers, on the one hand, how public policy shapes gender relations and, on the other, the extent to which gender is a basis for public policy. Based on a literature survey, we distinguished four issues: 1) the Welfare State is moving towards a new form of maternalism in public policy, which is compatible with support for female employment; 2) public policies are starting to take into account the care issue, but this is leading neither to a valorization of care activity nor to an increase in men’s involvement in these kinds of activities; 3) mainstreaming seems to be facilitating the dilution of gender equality in public policy, with a key issue being the preservation of gender benefits won in the past; and 4) public policies are confronted with the conflict between specific and integrated strategies, which is inherent to gender equality claiming.
Keywords: Public policy. Gender. Welfare State. Feminism. Gender equality.

Why are public policies so ineffective?

Françoise Milewski

The integration of women into the labour market has gone through both upswings and downturns. In view of this ambivalent result, we can question the efficiency of public policies set up to overcome gender inequality and fight gender discrimination. Does a real will exist, and if so why is it so inefficient or so poorly implemented? What forms do individual and collective resistance take? Most of the time, public policies are defined in terms of compensation and correction. But they don’t deal with the actual causes of women’s underemployment resulting from labour market adjustments. It is therefore the definition of the public policies that we need to examine, going beyond a binary view that opposes economic issues, on the one hand, to social, juridical and cultural concerns on the other.

Keywords: Gender. Discrimination. Inequality between women and men. Labour market. Public policy. Welfare State.

JEL classification codes: B54, D63, H53, I38, J08, J16, J71, J78.