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CHALLENGING THE BALKANIZATION OF GENDER CONTRACTS

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Abstract

Can the concepts of sexual and gender contracts, and reproductive bargains help us understand the consequence of the economic crisis for gender equality? We argue that progress towards gender equality has gone hand in hand with a continued balkanization of gender contracts within and between countries. These balkanized trajectories, evident before the crisis, are likely to become more entrenched unless a radical policy agenda addresses these. The gender contract perspective directly draws attention to the historically based gendered inequalities at the heart of how the rules governing the organization of production and social reproduction were established and are evolving.

INTRODUCTION: THE BALKANIZATION OF LABOUR MARKETS AND THE SOCIAL CONTRACT LEGACY

The balkanization of labour markets refers to the institutional rules that established unbridgeable boundaries between non-competing groups in the labour market (Kerr 1955). Writing at the nascence of the standard employment contract (SER), associated with lifetime employment and seniority pay, Kerr was referring to the rules governing skills and wage setting arrangements for workers in internal labour markets (Reich 2009). These rules excluded workers with non-standard employment contracts from this ‘sheltered sector, and confined [them] to the residual competitive secondary sector’ (Rubery 1978: 19). Kerr suggested that governments could do little to challenge the rights of insiders, but they could make the rules of entry more equitable by placing outsiders on a more equal footing in competing for vacancies.

Since the post-1960s civil rights movement and an extended period of heightened industrial conflict there have been attempts to remove, or at least diminish, these inequalities. This is evidenced by legislative initiatives to reduce gender and racial discrimination, to encourage and integrate part-time and temporary employment, increased access to pension entitlements, childcare provision, leave arrangements and flexible working for both parents (Lewis *et al* 2008; O'Reilly 2003). Since 2000 equality rights and discrimination law have been institutionalized across Europe, although the impact of this has varied among countries (Kriza *et al* 2012).

Concurrently, since the economic crisis of the 1970s, we have also witnessed the continued erosion of traditional employment rights and benefits associated with the SER in terms of entitlements, pay and pensions. But rather than diminishing the differences between non-competing groups in the labour markets, the barriers between insiders and outsider remain and are being reinforced (Emmenegger *et al* 2012; Rueda 2005; Standing 2011). The pernicious consequences of insecurity have had an impact on traditional core workers, as well as expanding the flexible secondary labour market. These developments illustrate what Polanyi called the 'double movement' involving both the destructive marketization of SER and simultaneous attempts to develop measures of social protection.

However, the evidence for growing 'precarization' or the 'insecurity thesis' has been contested (Heery and Salmon 2000). The extent and severity of this is also mediated by different institutional contexts (Blossfeld *et al* 2005). While some forms of insecurity have increased, other workers have benefited from an expansion of job opportunities and an increase in job tenure, at least up until 2008 (Auer and Caze 2003; Doogan 2009). The traditional boundaries between dual labour markets, described by Kerr, were becoming increasingly fuzzy as the legacy of previous recessions unfolded in terms of new job opportunities, the quality of working life and changing contractual relations around work (Supiot 2001). Grimshaw and Rubery (1998) argued for an integrated analysis of both internal and external labour markets in which the boundaries between the two are regarded as more permeable than in traditional segmentation theory.

Humphries and Rubery (1984) called for a more holistic perspective to understand the interrelationships and relative autonomy of the spheres of economic production and social reproduction, without assuming a complementary fit between them. This approach illustrated how women's availability for paid work varied across countries. This was because the 'rules of the game' were shaped by the different institutional provisions governing the organization of the sphere of social reproduction, for example in the organization of care, schools and consumption (Blossfeld and Hofmeister 2006; O'Reilly 1994; O'Reilly and Fagan 1998; Rubery *et al* 1999M; Rubery this volume). The competing demands on mothers' time in paid work and unpaid caring have created 'work-life conflicts' (McGinnity and Whelan 2009). These in turn have raised significant societal problems related to the changing structure of employment and job

opportunities, declining fertility, the aging demographic profile and the limited provision of care services across the generations (Saraceno and Keck 2010; 2011).

In the decade preceding the 2008 global financial crisis, labour market policy and welfare reform debates were often framed in terms of ‘contractualism’ and the need for a ‘new social contract’ (Bosch 2004; Cappelli 1999; Crouch 1999; Esping-Andersen 2002; HMSO 1999; Lewis 2002; O'Reilly and Spee 1998; Supiot 2001). Criticism of the post-war social contract was based on the inequity of rights and entitlements being linked to employment status that no longer corresponded to the reality of contemporary work. As mothers increasingly work for pay, and as marriage and fertility rates decline, reformers are forced to address the inconsistencies and gendered inequalities emanating from the post-war social contract or, as Humphries and Rubery (1984) argued, the disharmony between the spheres of economic production and social reproduction.

From a socio-economic and legal perspective, Vosko (2011) illustrates how varying solutions to these conflicts have developed both between countries as well as between different socio-economic groups. She suggests these produce a range of new forms of the ‘gender contract’ to manage paid work and care. This suggests that a plurality of gender contracts can co-exist, even within the same society, which could be seen as reflecting the balkanization of labour markets Kerr originally referred to. Gottfried (2013) questions the limitations of contractualism and the concept of a gender contract arguing in favour of a ‘reproductive bargain’ as a better way to capture these changes. In reviewing these debates we ask how useful they are in helping us understand the consequences of austerity for gender equality, or whether we might expect to see a new form of balkanized labour markets and gender contracts.

THE SEXUAL CONTRACT: UBIQUITOUS MASCULINE DOMINATION

The story of the ‘original’ social contract in political philosophy was inherently based on a sexual contract, according to Pateman (1988). She argued that the intellectual fissure created by the polarized concepts of public and private in liberal democratic theory generates an unbridgeable segregation in power relations between men and women. Women are incorporated into a private sphere of civil society differently from men, who belong to the public world of ‘freedom, equality, rights, contract, interest and citizenship’ (Pateman 1989:4). The patriarchal individuals of the original fraternal social contract were men, legitimizing their ‘male sex-right’ over women establishing a ‘fraternal social contract’. The pre-contractual conditions of contract were based on the ascribed and subjugated sexual status of women to the private sphere.

The exclusion of women from the original social contract was, according to Rousseau, because they lacked a sense of justice; they were ruled by emotions and incapable of a moral, rational capacity to act as required of public institutions. Rationality and sentimentality were diametrically opposed. The family generated particularistic bonds. Participation in public institutions required suppressing private interests in the pursuit of universalistic goals of justice. Women were less capable than men of harnessing their natural sexual passions, in part because of their biological role as mothers, and their attachment and responsibility to the particularistic interests of the family. According to Pateman, Hegel argued that women pervert the universal property of the state into a possession and ornament for the family: ‘In a world presented as conventional, contractual and universal, women’s civil position is ascriptive, defined by the natural particularity of being women’ (Pateman 1989: 51-2).

Exposing the sexual nature of the original social contract uncovers the ideological presuppositions that are inherent in the political philosophy underpinning contemporary democratic institutions. Pateman argued that this analytical framework can inform our understanding of ‘real life’ contracts, as found in marriage, employment, prostitution and surrogacy ‘contracts’. These are examples of how the male sex-right is established in the public sphere. The property negotiated in these contracts is ‘the property that individuals are held to own in their persons.’ (Pateman 1988: 5).

However, Fraser (1997) posited that a husband’s power over his wife is not purely a matter of a master-subordinate model, even though lower earnings over the life cycle and rising divorce rates make women more vulnerable to poverty. Fraser proposed linking the socio-economic processes to what happens within marriage to provide a broader analysis of the dynamics of power than Pateman’s appeal to the ‘male sex-right’. The master-subordinate grid of interpretation is only one in competition with other models of intimate relations, such as ‘companionate egalitarian heterosexuality’ found in middlebrow mass culture. Today, gender, sex and sexuality are fraught, fragmented and contested, both within national cultures as well as within a globalized context; but Pateman does not sufficiently acknowledge these differences. Connell and Messerschmidt (2005) argued that ‘hegemonic masculinity’ is not a universal norm; it takes a variety of forms with a hierarchical status order that has been historically contested.

Fraser (1997) criticized Pateman’s analysis for de-contextualizing the female worker by focusing on the employment relation in abstraction. Reducing capitalist employment relations to ‘wage slavery’ can be considered too severe, even if the employment relation implies domination and subjection. Fraser argued that women’s earnings could actually confer some leverage outside the workplace by providing women with some autonomy and choices, important especially if they want to leave a marriage. For Fraser ‘one must balance subordination in paid work against the potential for relative freedom from subordination outside it. The latter will vary with people’s social location, as

determined in part by their place in the gender division of unpaid labor.' (Fraser 1997:230). Even where Pateman argued that women can never be the same kind of workers as men, the formulation implies 'too seamless a fit between marital power and capitalist power, thereby missing the possibility of trade offs' (Fraser 1997:230). Pateman's analytical grid is incapable of capturing these 'more abstract forms of social mediation and impersonal mechanisms of action coordination' (Fraser 1997:230). Change is also always analysed through the interpretative grid of the sex-rights of men over women, producing an enduring master-subordinate model of analysis, thereby putting subordination, rather than exploitation at the crux of the wage-slave relationship and 'other person' property relationships. Exploitation can take many forms, and Pateman's analysis is only *one* possible interpretative lens.

More recently Pateman has argued that her approach is not essentialist or fatalist and is capable of understanding autonomy and agency (Pateman and Mills 2007). Her intention was to highlight 'that the sexual contract was integral to the historical changes that led to the consolidation of the modern state and its institutions... the logic of contractual argument was designed to show that an understanding of interconnecting, but neglected, ideas and political structures was central to any democratic transformation.' (Pateman and Mills 2007: 227-8). Pateman's analysis and critique of the 'social contract' story, so central to understanding modern democratic institutions, indicates the deeply engrained nature of the public-private distinctions that still permeate our conceptualization of the individual, the citizen and equality, and the social context in which these identities are experienced and realized.

We may not ever achieve an equal society because of the dilemmas of trying to combine policies that acknowledge both similarity and difference, or the incompatible rationales governing the organization of the family and firm, or as Pateman argues the fissure of the public-private divide imposed by the original fraternal contract. But the way in which governments, organizations and individuals adapt to gender conflicts in these different spheres can have important consequences for the opportunities and rewards that women are able to access. Some women are clearly benefiting from progress up the occupational ladder, albeit at the cost of not becoming parents at all or limiting themselves to one child (Nazio 2008b). Other women, not willing to make these compromises, do not progress at the same rate, or may choose to drop out (Hewlett 2007). The choices around new forms of maternalism and employment are riven with class and ethnic differences (Dale and Holdsworth 1998; Duncan 2005). Women unable to have a rewarding labour market experience may reject the criteria for success and social status in the publically accepted sphere; some may 'choose' to focus on their families given the costs and quality of available care services, others may be forced into this role because of the lack of job opportunities. At the same time governments are making it more difficult for particular groups of women such as single parents to take the maternalist option (Orloff 2006). McRobbie (2007) and Adkins (2008) have argued that the evident differentiation of economically successful women

creates a divide between ‘top girls’ and mothers: occupational success is based on a sexualized identity that requires ‘successful’ women to be young, free and childless.

The concept of a sexual contract unveils the essential public and private divide in managing and synchronizing ‘work-life’ balances and conflicts that are rooted in a longer philosophical tradition permeating democratic institutions and policy-making. However, Fraser’s (1997) critique of Pateman’s monolithic conception of a sexual contract provides us with a lever to look for contradictions and conflicts between these spheres. It also echoes the call from Streeck (2010) and Rubery (2011a) to understand how the recent crisis has brought long-term contradictions and conflicts between the spheres of social reproduction and economic production into sharper relief.

THE GENDER CONTRACT: MODERNIZATION THROUGH HISTORICAL CONFLICT

Examining how gender relations have changed over time is essential for understanding the current crisis and previous recessions (Rubery 1988 and this volume). Using an historical analysis Tilly and Scott (1978) highlighted how changes in the economic sphere and the political arena interact to shape different paths of women’s integration into paid work. They illustrate how family organization changed historically in both France and Britain through the process of industrialization, modernization and new forms of regulation, but resulted in different forms and levels of female employment. Industrialization in France was slower and artisanal production persisted; women maintained a stronger full-time work role in family firms and minimum pay legislation covered women as well as men (Laufer 1998). In Britain, in contrast, industrialization was more rapid and extensive with the wholesale onslaught of the factory system. The resulting appalling working conditions led social reformers in Britain to push much more quickly for employment legislation to ‘protect’, and effectively exclude, women and children from intensive employment alongside men in the factories; but little was done to protect against gender differentiated pay systems.

Tilly and Scott’s analysis highlights how the regulation and recognition of gender relations had a differential impact on the modernization, organization and definition of women’s paid work. It also shaped who was included or excluded from employment and social protection. The legacies of these political decisions still influence present day formulations of gender conflicts, work-life balance policies and issues around gender equality in what Fouquet *et al* (2002) have referred to as challenges to contemporary social contracts between the sexes in Europe.

Using the concept of a gender contract, Hirdman (1998) provides a historical critique of the role of trade unions in improving conditions for women in Sweden. The gender contract concept draws attention to power relationships between men and women in the

gender system characterized by gender segregation and the dominance of the male norm. In Sweden modernization threatened the traditional gender system by creating a ‘structural disharmony, a de facto gender conflict,’ (Hirdman 1998:36). Gendered conflicts over which kinds of men and women had the right to vote, to be educated and to work were part of the process of modernization and democratization; if women were to be treated the same as men, which men and which women were to be included? Her analysis chronicles the changes in female integration into two main historical periods: the household contract (1930-1960) and the individualistic contract (1960-90). The latter is further divided between the equality contract (up until 1975) and the move towards equal status contract (1975-90). (A more recent discussion of differentiated policy responses to challenging the gender contract in Nordic countries has been provided by Leira (2002) for Nordic countries, by Puchacz (2010) for Sweden and by Fouquet et al. (2002) for the EU.)

The ‘household contract’ developed in Sweden (1930-60) as a result of concerns about demographic depopulation. Influential Swedish thinkers such as the Myrdalsⁱ, argued for state intervention to encourage marriage, provided support for mothers, and facilitated their employment. Their aim was to speed up female integration and the expansion of social reforms, to help rejuvenate stagnation in the Swedish economy. Nevertheless, traditional conceptions of gender relations survived: the ‘woman problem’ was now called ‘family policy’. Welfare policies continued to be modelled around the male breadwinner with a professionalized modern housewife (Hirdman 1998:40).

The articulation of, and solutions to, the gender conflict in Sweden during the 1930s onwards were framed in terms of dissimilarity between men and women, i.e. how to manage women workers as mothers. The widely supported ‘dual role model’ expected women to work before having children, but to withdraw after childbirth with redistributive policies provided by the welfare state. Issues of similar treatment to men were not an area of contention at that time but later this led to tensions between integration and segregation, and divisions between mothers that worked and those that did not.

At the end of the 1960s the two-income family was considered the desired norm for long-term change by the social democratic government. The ‘new social gender contract’, according to Hirdman, in the second phase of welfare state development was one between women and the state: the individualistic gender contract 1960-90. This removed political concern about the role of men in the domestic division of labour. Welfare policies in the form of day-care centres, individualized taxation (from 1971) and parental leave insurance (from 1974) enabled and rewarded working mothers. The result was a massive increase in women’s labour force participation from 53 per cent to 86 per cent between 1970-1990. Fertility rates remained high, and labour market participation improved women’s economic citizenship; expectations were that women

could participate like men. But, Hirdman argues, a ‘special place’ had been created for women workers with new forms of segregation such as part-time work in the public sector, and while women’s political representation increased, female politicians tended to be in ‘soft areas’.

The subsequent equal status contract (1975-1990) temporarily ‘resolved’ the ‘gender conflict’ in Sweden through building the welfare state and creating new spaces and provisions for women. The move from an ‘equality contract’ to an ‘equal status contract’ reflected the failure of demands for similarity of treatment; the reality of segregation raised the issue of recognizing difference fairly (Hirdman 1998:43). Equal status is now administratively integrated into organizations and negotiated by human resource and equality officers in companies, unions, political parties and government. Gender conflicts based on similarities have vanished, but conflicts around dissimilarities remain significant.

REPRODUCTIVE BARGAINS AND THE LIMITS OF CONTRACTUALISM

Despite the intuitive appeal of the language of contract, Gottfried (2013) argues that its over legalistic terms of reference limits understanding of how agents negotiate productive and reproductive work. It also fails to sufficiently capture a broader conceptualization of gender relations allowing for both variations among different categories of women and men within the same society for the on-going negotiation of these relations. Instead, Gottfried proposes using the concept of ‘reproductive bargains’, suggesting that:

A bargain constitutes a hegemonic framework within which actors negotiate rules and rule-making. “Bargain” implies a set of normative rules and institutions regulating interactions, self- conceptions, and social relations. This notion of “bargain” not only implies a bounded agreement (structure) proscribing and prescribing conduct (habitus), but also injects a dynamic notion of boundaries being made (agency).

(Gottfried 2013: 124)

Reproductive bargains include institutions, ideologies, and identities associated with providing care. A variety of organizations can intervene to provide care on a paid or unpaid basis, including the family, the state, and the market, as well as non-governmental not-for-profit organizations. Normative rules govern the types of work available to different groups of women and men, and the different power resources affect their ability to negotiate the reproductive bargain (Gottfried 2013: 125-6).

Gottfried's proposition moves the debate from discussing work and care to distinguishing between productive and reproductive labour. Connolly and Whitehouse (2010:8) suggest that 'the term reproductive labour is not necessarily coded as unremunerated or located with the private sphere'. Reproductive labour includes not only care provision, but health, education and consumption. This work can be paid or unpaid, in the formal or informal sector of the economy and organized in the private or public domain. Using these concepts builds on the argument of Humphries and Rubery (1984) about the need to integrate the spheres of social reproduction and economic production, but situates it in relation to the gender contract debates.

Connolly and Whitehouse (2010) also suggest that Gottfried's contribution moves the discussion from contract to bargain. Bargaining carries the connotation of on-going negotiations that captures the flux operating in contemporary labour markets and the growth of precarious employment. Gottfried's proposition is that the idea of 'reproductive bargaining' makes us more sensitive to the differentiated negotiations between different groups of women within the same society according to the kinds of resources they can draw on. It can also allow us to make comparisons between societies. And, it can provide a global perspective that takes account of immigration and international labour flows that supply demand for reproductive labour in the northern hemisphere.

But, whether the concept of a reproductive bargain is distinct from a gender contract approach, or whether it could provide an important contribution to these debates is not yet sufficiently clear. Looking back at the development of this concept based on the work of Pearson (1997), she argued that the 'reproductive bargain' is an implicit, and sometimes explicit, agreement of the organization of tangible benefits and responsibilities provided by the state for families and citizens. The concept was based on anthropological research surrounding the economic crisis in Cuba in the 1990s. The Cuban revolutionary 'reproductive bargain' provided work, food, utilities, health and educational infrastructure until the collapse of the Soviet Union. Attempts to fill the gap in public services required for social reproduction were made predominantly by women, providing what they could, unpaid and within the home. Other consequences were a dramatic decline in fertility rates; an expansion of employment and exchange in the informal and illegal economy; and a loss of jobs for women in formal non-productive sectors, such as health and education, where the status and resources of these jobs diminished drastically. The messages from Pearson's study are salutary lessons that we could draw out to consider the possible implications for Europe today, albeit that the scale of economic development is so radically different. But they also indicate that the concept of reproductive bargains, as formulated by Pearson (1997), is not so far removed from the concept of a gender contract approach: both approaches provide an analysis of the impact of significant historical change in the way the 'social contract' operates and how it impacts on the immediate lives of women in these societies.

Gottfried's contribution is to bring this concept of bargaining closer to the way individuals and households negotiate work-care options in a global labour market.

In sum, sexual contract theorists emphasized the ubiquitous reproduction of masculine domination inherent in the historical development of contemporary democratic institutions. Gender contract approaches have given greater weight to how gender relations vary significantly over time and place. This is as a result of modernization and the conflicts they generate in attempts to resolve incompatibilities between the organization of economic production and social reproduction. The concept of reproductive bargains shares some similarities with the gender contract approach from the macro social contract level. Gottfried's contribution attempts to locate the agency within these structurally defined spaces. She also seeks to identify how these negotiations are changing through global labour markets, and the different power relations that exist within economically rich societies. We now turn to examine how these debates can inform our interpretation of the current economic crisis on gender relations.

CONSEQUENCES OF AUSTERITY FOR EMANCIPATORY TRANSFORMATION

The current financial crisis and its consequences need to be seen as a particular historical form of social order (Streeck 2010), breaking with the post-war social contract. The idea of the market as a historically embedded and institutionalized social order draws on the work of Polanyi (1957). Based on the concept of a 'double movement', Polanyi argued that marketization destroyed traditional social relations through contractual market exchange; simultaneously new forms of social protection developed to contain the processes of commodification, but this also excluded particular groups from access to rights and resources. Fraser's (2011) critical evaluation of Polanyi, in the light of the economic crisis, has proposed that this 'double movement' should be understood as a 'triple movement'. The third dimension requires examining the emancipatory consequences of these transformations for disadvantaged groups in both the previous social order and the one that is emerging. Marketization disembeds traditional gender inequalities and reveals new emancipatory possibilities; but countervailing forms of protectionism against marketization generate new forms of exclusion.

Marketization has been associated with an increased precarization of non-standard employment where women are more likely to be employed, for example in mini-jobs that do not require social insurance contributions (Weinkopf 2009). Neo-liberal reforms are deconstructing the established social model in many countries (Bosch *et al* 2009, Gallino and Borgna 2012). Concurrently, protective legislation introduced prior to the

crisis extended parental and care leaves and increased childcare provision (Lewis *et al* 2008). In the UK the National Minimum Wage provided pay protection at the bottom of the wage scale and a series of equal pay cases in the UK have successfully ruled in favour of the women plaintiffs (Deakin and McLaughlin 2012). While there is evidence of a double or even triple movement, the direction of this change is moving across a range of policy arenas and is not uniform or consistent.

Before the crisis government responses to the conflicts created by new work-care challenges varied between countries, as well as between different institutions in the same society. Saraceno and Keck (2010 and 2011) illustrate how contradictory rationales for elderly care and childcare co-exist and are organized across a range of different government departments. Leira's (2002) analysis of policy reform of childcare services in Nordic countries illustrates this diversity of rationales and provisions. States have taken different paths to expand state-sponsored childcare services, strengthen fathers' rights to care or even introduce cash grants for childcare. But commonality was found in the move away, in all Nordic countries, from childcare being regarded as a 'woman's question' to becoming a gender-neutral question of 'family choice' around the organization of domestic and paid work. Liera argued that gender-neutral family choices combined with gender segregation in employment resulted in these policies still having gender-differentiated consequences: fathers were still less likely to take time out to care. Only where this was enforced as a 'take it or loose it' option were take up rates higher for fathers. Leira suggests that neutralizing the policies into questions of family 'choice' removes their emancipatory potential and 'might serve to cement a new version of the gender contract by reinforcing the care of children as a special responsibility for mothers.' (Leira 2002: 88). If there is a reproductive bargain taking place, it is not necessarily resulting in significantly greater equality.

The formulation of policy agendas is highly influenced by the shape of the political coalitions making these demands. Naumann's (2005) historical comparison of feminist movements in Sweden and West Germany illustrates the long-term impact of these differences. The 'gender conflict' in Sweden focused on the role of mothers as workers. In contrast, women's demands in West Germany were formulated in terms of a rejection of the traditional family, demands for autonomy over their bodies and abortion rights. The consequence of these demands had very different outcomes for policies to integrate mothers into paid work. Skocpol (1995) and Koven and Michel's (1993) analysis of maternalist political organizations have shown how these groups can shape the policy agenda in relation to identifying which women and mothers are considered deserving and less deserving of welfare and pension benefits. The constitution of different coalitions involved in the policy process defines whether women are treated as women, mothers, workers or working mothers, and what their entitlement and status should be. Transformative state feminism, according to McBride and Mazur (2010), is shaped by coalitions of women's social movements and associations and how this affects their integration into mainstream politics. However, there is not a simple trade-off between

regime types and policy success. Policy subsystems are complex and do not conform to consistent patterns of regime types. Policy reform needs to first identify commonalities and differences across policy areas and their compatibility in supporting, for example, caring over the lifecycle.

Since 2000 there has been an extensive introduction of equality legislation and anti-discrimination institutions across Europe, and in some countries where they had never previously existed (Krizsan *et al* 2012). The appearance of convergence, however, conceals the underlying complexity, variety and capacity of these initiatives. The multiplicity of institutions promoting equality has been influenced by regional norms and locally based political opportunity structures. Gender equality as a top political priority at the EU level appears to have fallen off the political agenda (Villa and Smith this volume). While there have been significant attempts to promote gender equality in a number of fields, ‘work-life conflicts’ around the organization of social reproduction remain pertinent. Rubery (2011a) argues that reforms in the past decade to deal with these gender conflicts has produced a hybridization of regime types in Europe and a politics of ‘bricolage’.

CONCLUSION:

AUSTERITY AS A CATALYST FOR RETHINKING GENDER CONTRACTS AND BALKANIZATION

Progress in gender equality has gone hand in hand with a continued balkanization of gender contracts within and between countries reflecting societal and class specific legacies of the integration of women into paid work. Differences before the crisis in the organization of work and care illustrated very distinct labour market trajectories across a spectrum from work-poor to work-rich households (Gregg and Wadsworth 2011; Nazio and O'Reilly forthcoming; Warren 2000). The consequences of austerity may work in a number of directions for different types of household. Rising levels of unemployment will increase the number of work-poor households where no one is in paid work (Gregg *et al* 2010). Welfare measures to address this may bias towards encouraging traditional male breadwinner models of labour market participation (Ingold 2011). Households where both partners are working will be differentiated between those in part-time and full-time employment. Work-rich households with two full-time employees may well be divided between high earning professionals, and those who need to work out of economic necessity. In modified breadwinner households, with the mother working in marginal forms of part-time work, transitions to non-employment tended to be more common than transitions into a dual full-timer model (O'Reilly and Bothfeld 2002) even in the period before crisis. In contrast those with better quality part-time jobs were either able to maintain them, or to move into dual full-time earner

households. These balkanized trajectories, evident before the crisis, are likely to become more entrenched as job opportunities diminish, and unless a more radical policy agenda to address these is implemented.

Contemporary radical propositions vary in the detail of how a public organization of the labour market could be achieved, but some of the core elements they often share are: 1) a re-conceptualization of security over the life cycle that is not dependent on time spent in paid employment, 2) an individualization of rights and benefits that do not reinforce traditional gendered household dependencies, and 3) a comprehensive review of the institutional provision of support services over the life-course. Examples of some proposals include extended ‘social drawing rights’ (Supiot 2001), transitional labour markets (Schmid 2008), a basic income (Standing 2011), or flexicurity (Wilthagen 1998). Rubery (2011b) has advocated the need to combine policies of inclusive labour markets with specific policies to empower women. Some of these proposals could be considered ‘mildly utopian’. But Deakin (2000: 24) reminds us that:

the process of institutional construction which culminated in the mid-20th century welfare state had begun half a century earlier amidst conditions of growing economic insecurity and the casualization of work under a “globalized” trading regime, although it had different names then. That generation championed what Sidney and Beatrice Webb called the “public organization of the labour market”. That aim must at times have seemed just as remote to that earlier generation as it sometimes appears to us today.

Deakin (2000) proposes an evolutionary perspective that can allow us to understand how the standard employment contract is changing. The blurring of employment statuses, the decline of trade unions and the diversification of the labour force has brought an end to relational contracting of the SER: employers’ prerogatives are less curtailed and work has intensified; trade unions have moved from being co-regulators to monitors and enforcers of employee legal rights.

We might expect to see new coalitions of actors attempting to contain the destructive path of marketization that will challenge traditional status hierarchies. Some of this contestation will take the form of public demonstrations; other forms will be through lobby groups, unions, the courts and the practices of firms as they respond to the consequences of recession and their need to draw on a range of differently skilled workers either from home or abroad.

These challenges indicate how significant a modernization of the traditional social contract is required, not only for gender equality, but also to provide for the necessary improvement in skills, income earning potential and job growth. However, if the priority for gender equality is blinded out by austerity policies focused on budget deficit reductions, paying scant regard to the gendered consequences of these policies (Council of the European Union 2012; Hogarth et al. 2009; Sands 2012; TUC 2010; 2011),

gender contracts are likely to become even more balkanized and entrenched. The value of a gender contract perspective in examining these developments is to directly draw attention to the gendered dimension at the base of how these rules governing the organization of production and social reproduction were both established and are still evolving.

REFERENCES

- Adkins, L. (2008), 'From Retroactivation to Futurity: The End of the Sexual Contract?', *NORA - Nordic Journal of Feminist and Gender Research*, 16: 3, 182-201.
- Auer, P. and Cazes, S. (2003), *Employment stability in an age of flexibility: evidence from industrialized countries* Geneva: ILO.
- Blossfeld, H. P., et al., Eds. (2005). *Globalization, Uncertainty and Youth in Society*, London: Routledge.
- Blossfeld, H. P., Hofmeister, H., Eds. (2006). *Globalization, Uncertainty and Women's Careers*, Cheltenham: Edward Elgar.
- Bernardi, F. and T. Nazio (2005). 'Globalization and the transition to adulthood in Italy', in . H. P. Blossfeld (eds.), *Globalization, Uncertainty and Youth in Society*, London: Routledge: 349-374.
- Bosch, G. (2004), 'Towards a New Standard Employment Relationship in Western Europe', *British Journal of Industrial Relations*, 42: 2, 617-636.
- Bosch, G., Lehndorff, S. and Rubery, J. (2009) *European Employment Models in Flux: A Comparison of Institutional Change in Nine European Countries*, London: Palgrave Macmillan
- Cappelli, P. (1999), *The New Deal At Work: Managing the Market-Driven Workforce*, Boston: Harvard Business School Press.
- Connell, R.W. and Messerschmidt, J.W. (2005), 'Hegemonic Masculinity: Rethinking the Concept', *Gender and Society*, 19, 829-859.
- Connolly, J. and Whitehouse, G. (2010), 'Understanding women's employment patterns within and between nations: an assessment of conceptual frameworks', Paper presented to The Australian Sociological Association. http://www.tasa.org.au/uploads/2008/12/Connolly-Julie_Whitehouse-Gillian.pdf accessed 3rd December 2012)
- Council of the European Union (2012) *Third Report on the Social Impact of the Economic Crisis and Ongoing Fiscal Consolidation*, in T. S. P. Committee (ed.), Brussels: Directorate-General Economic Affairs and Competitiveness DG G 2B. <http://bookshop.europa.eu/en/the-social-impact-of-the-economic-crisis-and-ongoing-fiscal-consolidation-pbKE3112594/>
- Crompton, R. (1999) *Restructuring Gender Relations and Employment: The Decline of the Male Breadwinner*, Oxford: Oxford University Press.
- Crouch, C. (1999) *Social Change in Western Europe*, Oxford: Oxford University Press.

- Dale, A. and Holdsworth, C. (1998) 'Why don't minority ethnic women in Britain work part-time?', in J. O'Reilly and C. Fagan (eds.), *Part-time Prospects*, London: Routledge, 77-95.
- Deakin, S. (2000) 'The Many Futures of the Contract of Employment', *ESRC Centre of Business Research Working Paper no. 191*, Cambridge.
- Deakin, S. and McLaughlin, C. (2012) 'Equal Pay, Litigation Strategies, and the Limits of the Law', Paper presented to the ESRC Seminar 'What is Fair Pay?' University of Brighton, November 9th
<http://www.brighton.ac.uk/bbs/research/esrc2012/fairpay.php>.
- Doogan, K. (2009) *New Capitalism? The Transformation of Work*, Cambridge: Polity.
- Duncan, S. (2005) 'Mothering, class and rationality', *The Sociological Review*, 53: 1, 50-76.
- Emmenegger, P., Häusermann, S., Palier, B. and Seeleib-Kaiser, M. (eds.) (2012) *The Age of Dualization: The changing face of inequality in deindustrializing societies* Oxford: Oxford University Press.
- Esping-Andersen, G. (2002) *Why We Need a New Welfare State* Oxford: Oxford University Press.
- Fouquet, A., Gauvin, A. and Letablier, M.-T. (2002), *Des contrats sociaux entre les sexes différents selon les pays de l'Union européenne*, Paris: Conseil d'Analyse Economique.
- Fraser, N. (1997) 'Beyond the Master/Subject Model: On Carole Pateman's *The Sexual Contract*' in N. Fraser *Justice Interruptus: Critical Reflections on the „Postsocialist“ Condition*, New York and London: Routledge, 225-35.
- Fraser, N. (2011) 'Between Marketisation and Social Protection: Ambivalences of Feminism in the Context of Capitalist Crisis'.
<http://www.crassh.cam.ac.uk/events/1536/>.
- Fraser, N. and Gordon, L. (1994) "Dependency" Demystified: Inscriptions of Power in a Keyword of the Welfare State', *Social Politics: International Studies in Gender, State and Society*, 1: 1, 4-32.
- Gallino, L. and Borgna, P. (2012), *La lotta di classe dopo la lotta di classe*, Bari: Laterza
- Gash, V. and McGinnity, F. (2007) 'Fixed-term Contracts - the new European inequality? Comparing West Germany and France', *Socio-Economic Review*, 5: 3, 467-496.
- Gottfried, H. (2013) *Gender, Work and Economy: Unpacking the Global Economy*, Cambridge: Polity Press.
- Gottfried, H. (2009) 'Japan: The Reproductive Bargain and the Making of Precarious Employment' in L. Vosko, I. Campbell and M. MacDonald (eds) *Gender and the Contours of Precarious Employment*, New York: Routledge.
- Gregg, P. and Wadsworth, J. (2011) 'Workless Households', in P. Gregg and J. Wadsworth (eds), *The Labour Market in Winter: The State of Working Britain*, Oxford: Oxford University Press.

- Gregg, P., Scutella, R. and Wadsworth, J. (2010) 'Reconciling workless measures at the individual and household level. Theory and evidence from the United States, Britain, Germany, Spain and Australia', *Journal of Population Economics*, 23: 1, 139-167.
- Grimshaw, D. and Rubery, J. (1998) 'Integrating the internal and external labour markets', *Cambridge Journal of Economics*, 22: 2, 199-220.
- Heery, E. and Salmon, J. (eds) (2000), *The Insecure Workforce*, London: Routledge.
- Hirdman, Y. (1994) *Women – From Possibility to Problem? Gender Conflict in the Welfare State. The Swedish Model*, Research Report No. 3, Stockholm: Arbetslivscentrum/ The Swedish Centre for Working Life Now Institute of Working Life).
- Hirdman, Y. (1998) 'Social Policy and gender contracts: the Swedish experience' in Drew, E., Emerek, R. and Mahon, E. *Women, Work and the Family in Europe* London: Routledge, 36-46.
- HMSO (1999), *A New Contract for Welfare: Safeguarding Social Security*, in Department of Social Security (ed.): HMSO Stationery Office Books.
- Hogarth, T., Owen, D., Gambin, L., Hasluck, C., Lyonette, C. and Casey, B. (2009) 'The equality impacts of the current recession', *Equality and Human Rights Commission Research Report 47*, Manchester: EHRC.
- Humphries, J. and Rubery, J. (1984), 'The reconstitution of the supply side of the labour market: the relative autonomy of social reproduction', *Cambridge Journal of Economics*, 8: 4, 331-347.
- Ingold, J. (2011) 'An international comparison of approaches to assisting partnered women into work', *Department for Work and Pensions Working Paper No 101* Sheffield: DWP.
<http://research.dwp.gov.uk/asd/asd5/rrs-index.asp>.
- Laufer, J. (1998) 'Equal Opportunity between Men and Women: The Case of France', *Feminist Economics*, 4: 1, 53-69.
- Kerr, C. (1954) 'The balkanisation of labor markets', in E.W. Bakke and P.M. Hauser (eds), *Labour Mobility and Economic Opportunity*, New York: MIT Press. Reproduced in Kerr, C. (1977) *Labor Markets and Wage Determination: The Balkanization of Labor Markets and Other Essays* University of California Press: Berkeley and Los Angeles
- Kochan, T.A. (2012) 'A Jobs Compact for America's Future', *Harvard Business Review*, 90: 3, 64-72.
- Koven, S. and Michel, S. (1993) *Mothers of a New World: Maternalist Politics and the Origins of Welfare States*, New York: Routledge.
- Krizsan, A., Skjeie, H. and Squires, J. (2012) *Institutionalizing Intersectionality: The Changing Nature of European Equality Regimes*, Hounds mills Basingstoke: Palgrave Macmillan.
- Leira, A. (2002) 'Updating the gender contract? Childcare reforms in the Nordic countries in the 1990s', *NORA - Nordic Journal of Feminist and Gender Research*, 10: 2, 81-89.

- Lewis, J., Knijn, T., Martin, C. and Ostner, I. (2008) 'Patterns of Development in Work/Family Reconciliation Policies for Parents in France, Germany, the Netherlands, and the UK in the 2000s' *Social Politics*, 15: 3, 261-286.
- Lewis, J. (2002) 'Individualisation, assumptions about the existence of an adult worker model and the shift towards contractualism', in A. H. Carling, S. Duncan and R. Edwards (eds) *Analysing Families: Morality and Rationality in Policy and Practice*, London: Routledge.
- McBride, D. and Mazur, A.G. (2010) *The Politics of State Feminism: Innovation in Comparative Research* Philadelphia: Temple University Press.
- McGinnity, F. and Whelan, C.T. (2009) 'Comparing Work-Life Conflict in Europe: Evidence from the European Social Survey', *Social Indicators Research*, 93, 433-444.
- McRobbie, A. (2007) 'Top Girls?' *Cultural Studies*, 21: 4, 718 - 737.
- Mills, C.W. (1997) *The Racial Contract*, Ithaca: Cornell University Press; New Ed edition (31 Aug 1999).
- Myrdal, A. and Klein, V. (1956) *Women's Two Roles*, New York: Humanities Press.
- Naumann, I.K. (2005) 'Child care and feminism in West Germany and Sweden in the 1960s and 1970s' *Journal of European Social Policy*, 15: 1, 47-63.
- Nazio, T. (2008a) *Cohabitation Family and Society: European Experiences* London and NY: Routledge.
- Nazio, T. (2008b) *Are storks striking for a contract renewal? Childbirth under changing employment, family and welfare arrangements: Full Research Report*, ESRC [<http://www.esrc.ac.uk/my-esrc/grants/RES-061-23-0127/read>]
- Nazio, T. and O'Reilly, J. (forthcoming) 'Household Transitions in Europe' working paper available from the authors.
- O'Reilly, J., Nazio, T. and Roche, J. (forthcoming) 'Compromising Conventions: Attitudes to Maternal Employment in Europe' *Work, Employment and Society*.
- O'Reilly, J. (2003) *Regulating Working Time Transitions in Europe*, Cheltenham: Edward Elgar.
- O'Reilly, J. and Bothfeld, S. (2002) 'What Happens After Working Part-time? Integration, Maintenance or Exclusionary Transitions in Britain and Western Germany', *Cambridge Journal of Economics*, 26: 4, 409-439.
- O'Reilly, J. and Spee, C. (1998) 'The Future Regulation of Work and Welfare: Time for a Revised Social and Gender Contract?', *European Journal of Industrial Relations*, 4: 3, 259-281.
- O'Reilly, J. and Fagan, C. (1998) *Part-time Prospects: International comparisons of part-time work in Europe, North America and the Pacific Rim*, London: Routledge.
- O'Reilly, J. (1994) 'What Flexibility do Women offer? Comparing the use of, and attitudes to, part-time work in Britain and France in Retail Banking' *Gender, Work and Organization* 1(3):138-149.

- Orloff, A.S. (2006) ‘From Maternalism to “employment for all: State policies to promote women’s employment across the affluent democracies”, in J. Levy (ed.), *The State after Statism*, Cambridge: Harvard University Press.
- Pateman (1988) *The Sexual Contract* Cambridge: Polity Press.
- Pateman, C. (1989) *The Disorder of Women: Democracy, Feminism, and Political Theory*, Cambridge: Polity Press.
- Pateman, C. and Mills, C. (2007) *Contract and Domination*, Cambridge: Polity Press.
- Pearson, R. (1997) ‘Renegotiating the Reproductive Bargain: Gender Analysis of Economic Transition in Cuba in the 1990s’, *Development and Change*, 28: 4, 671-70
- Polanyi, K. (1957) *The Great Transformation: the political and economic origins of our time*, Boston: Beacon Press.
- Puchacz, K. (2010) *In the search for Social Justice: Social citizenship and the new gender contract. Case Study of Sweden*, Saarbrucken: Lambert Academic Publishing AG.
- Reich, M. (ed) (2009) *Segmented Labor Markets and Labor Mobility*, Cheltenham: Edward Elgar.
- Rubery, J. (1978) ‘Structured labour markets, worker organisation and low pay’, *Cambridge Journal of Economics*, 2: 1, 17-36.
- Rubery, J. (1988) *Women and Recession*, London: Routledge.
- Rubery, J. (2011a) ‘Reconstruction amid deconstruction: or why we need more of the social in European social models’, *Work, Employment and Society*, 25: 4, 658-674.
- Rubery, J. (2011b) ‘Gender and regulation: the use and misuse of the gender equality cause’, Regulating for Decent Work Conference ILO, Geneva July
- Rubery, J. (this volume) ‘Women and Recession: A Framework for Analysis’.
- Rubery, J., Smith, M. and Fagan, C. (1999) *Women's Employment in Europe: Trends and Prospects*, London and NY: Routledge.
- Sands, D. (2012) *The Impact of Austerity on Women*. Fawcett Society Policy Briefing, London: Fawcett Society.
- Saraceno, C. and Keck W. (2011) ‘Towards an integrated approach for the analysis of gender equity in policies supporting paid work and care responsibilities’, *Demographic Research*, 25: 11, 371-406.
- Saraceno, C. and Keck, W. (2010) ‘Can we identify Intergenerational Policy Regimes in Europe?’ *European Societies*, 12: 5, 675-696.
- Schmid, G. (2008) *Full Employment in Europe: Managing Labour Market Transitions and Risks*, Cheltenham: Edward Elgar.
- Skocpol, T. (1995) *Protecting Soldiers and Mothers: The Political Origins of Social Policy in United States*, Cambridge: Belknap Press.
- Standing, G. (2011) *The Precariat: The New Dangerous Class*, London and New York: Bloomsbury.
- Streeck, W. (2010) ‘E Pluribus Unum? Varieties and Commonalities of Capitalism’, *Max Plank Institute for the Study of Societies (MPIfG) Discussion Paper No. 10/12*.
- Supiot, A. (2001), *Beyond Employment: Changes in Work and the Future of Labour*

- Law in Europe* Oxford: Oxford University Press.
- Tilly, L. and Scott, J. (1978) *Women, Work and Family*, New York: Holt, Rinehart and Winston.
- TUC (2010) *The Gender Impact of the Cuts, TUC cuts briefing*, London: TUC.
<http://www.tuc.org.uk/extras/genderimpactofthecuts.pdf>
- TUC (2011) *The Gender Impact of the Cuts - a year on. TUC cuts briefing*, London:
 TUC. <http://www.tuc.org.uk/tucfiles/163/GenderImpactofCutsrevisited.pdf>
- Vosko, L. (2011) *Managing the Margins: Gender, Citizenship, and the International Regulation of Precarious Employment*, Oxford: OUP.
- Warren, T. (2000) 'Diverse breadwinner models: a couple-based analysis of gendered working time in Britain and Denmark', *Journal of European Social Policy*, 10: 4, 349-371.
- Weinkopf, C. (2009) 'Germany: Precarious Employment and the rise of mini-jobs', in L. F. Vosko, M. MacDonald and I. Campbell (eds), *Gender and the Contours of Precarious Employment*, London NY: Routledge.
- Wilthagen, T. (1998) 'Flexicurity: A New Paradigm for Labour Market Policy Reform?' in WZB (ed.) *WZB Discussion Paper FS I, 98-202*, Berlin.

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NOTES

ⁱ Gunnar and Alva Myrdal were influential intellectuals in Sweden in the tradition of utopian philosophy but also closely involved in pragmatic politics of the time (Hirdman 1998: 40). For them questions about production and reproduction were not separate

dichotomous fields, but formed part of an integrated package. At the time of the 1932 election of the SDP government, the Swedish trade unions supported the ideology of a male breadwinner family model with stay at home mothers. Two important strands opposing the adoption of this solution to this ‘gender conflict’ were on one hand radical theoretical Marxists who argued for the socialisation of reproduction, and social engineers symbolised by Gunnar and Alva Myrdal who argued for policies to support mothers combine family responsibilities with paid work (Myrdal and Klein 1956).