

Why Institutions Matter:
Gender Equality and Policy Advocacy in Canada, Ireland and Scotland

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*“In public policy, finding the right design
for an institution is an important challenge.”*
Glyn Davis

For policy advocates who seek to eradicate women’s inequality, finding the right institutional design has not been the immediate concern. What has been vexing is prompting progressive policy change, yet having to contend with a traverse of political customs and bureaucratic practices inherited from times past. This is not to suggest that institutional design is unimportant. Indeed, to say that institutions matter is now a political truism. Understanding how and why institutions either advance or negate feminist policy goals, however, is still unfolding.

This paper is a nascent exploration and developing argument as to why institutions matter to achieving feminist political objectives. It is predominately an attempt to develop a framework of comparative analysis – informed by feminist institutionalism - to act as a pathway to disaggregate the diverse and multi-faceted dimensions of state-society relations and public policy development. This necessarily takes us to looking into the operations of the administrative state to highlight institutional sites, bureaucratic practices and political discourses which facilitate or obstruct how feminist policy advocates interface with the state and the pending success of their equality agendas.

I apply this framework to investigate the opportunities and challenges of women’s policy advocacy in three Western liberal-democratic jurisdictions – Canada, Ireland and Scotland. These political locales were selected because they offer robust comparisons in which to highlight differences and similarities between institutional arrangements which structure policy advocacy. Canada, Ireland and Scotland have distinctive historical trajectories and macro-political governing structures which are embedded in particular context-specific gender regimes. Consequently, the structure of the interest articulation systems in Canada, Ireland and Scotland offer unique access points for civil society groups to articulate policy objectives, as well as particular challenges. While Canada’s decentralized federal system and executive dominated parliamentary governments often impedes feminist advocacy, social partnership in Ireland and Home Rule in Scotland, along with Ireland’s and UK’s

membership in the European Union, have opened space for the realization of the women's equality agenda.

We begin with a discussion of the comparative framework informed by feminist institutionalism to make the opening case that institutions matter when attempting to reveal factors that contribute to feminist policy success or failure. The following section applies the framework to draw out constraints and opportunities.

Why Institutions Matter – Theoretical and Empirical Considerations

For the purposes of this study, historical institutionalism provides theoretical and conceptual encouragement to the study of women's interface with the policy process since it reminds analysts that institutions are embedded in a particular socio-political context and that history matters (Thelen and Steinmo 1992, 3). In the new institutional tradition, the approach situates institutions as the key analytical variable. Institutions are analysed for how they structure the policy process to determine permeability with respect to relative openness and closedness. Institutions are also understood to have transformative power. As Louise Chappell notes, new institutionalism is keenly interested in "...examining the way institutional arrangements shape political behaviour" (2002a, 8), although there are disagreements with the argument that institutions can be easily manipulated by actors (Lecours 2005, 8).

The point remains, however, that institutional rules, practices and value systems influence and often constrain the behaviour of policy actors. Historical institutionalism has been especially instructive in revealing how institutions mediate politics (Thelen and Steinmo 1992, 3; Thelen 1999) and in highlighting how past choices often hinder future policy and program reforms or institutional change (Wilsford 1994, 251-283). Policy trajectories and path dependencies are of particular interest to groups within civil society who challenge state action or inaction. Organizational cultures, policy frames, formal and informal processes and norms of behaviour pose a formidable challenge for women's groups who not only advocate reform, but also wish to contribute to a rewriting of history that counters accepted institutional practices. However, as Kathleen Thelen cautions, institutional change

can take place even under perceived times of institutional stability (Thelen 1999; Thelen 2004; Streek and Thelen 2005). The analytical endeavour of historical institutionalism is to uncover interactions amongst institutionally located actors, or negotiations within various sites of institutional activity, which open up possibilities of change (Thelen 2004). Path dependencies can be disrupted or derailed due to critical events or junctures since institutions continue to “...evolve in response to changing environmental conditions” (Thelen 1999, 387). Kathleen Thelen also reminds that political systems comprise of layers of institutions. That is, if policy change is not possible at one level or site of the policy process, opportunities may be available at another. In federal systems, for example, while the national government may not be willing to engage in policy change, a provincial government can potentially act as an agent of change (Thelen 2004).

That said, historical institutionalism does not theoretically consider institutions to be gendered, nor does the approach empirically analyse institutions of government and the machinery of the bureaucracy as perpetuating gendered power relations. A significant feminist literature in the field of organizational analysis and feminist institutionalism has taken up this task, however, providing valuable insights into analyzing institutions through a critical feminist lens (Swiebel 1988; Acker 1990; Acker 1992; Goetz 1992; Grant and Tancred 1992; Vickers 1994; Staudt 1997; Stivers 2002; Kenny 2007).

From both a methodological and theoretical perspective, bringing feminist theorizing to this understanding of institutions tightens the analytical trajectory. We are able to conceptualize institutions as “...instruments of social organization that exercise collective power over a number of generations” (Vickers, Rankin and Appelle 1993, 133-134). From a feminist point of view, collective power is understood to be stratified by a nexus of oppressions which is unevenly distributed within society and the economy. In part, this power is embedded in bureaucratic rules and practices located in institutional sites within the state. Here gender is understood in terms of the work of Joan W. Scott’s two propositions: that “gender” is a constitutive element of social relationships based on perceived differences between the sexes, and gender is a primary way of signifying relationships of power (Scott 1986, 1067). To argue that a policy outcome is gendered refers to the way in which

“...advantage and disadvantage, exploitation and control, action and emotion, meaning and identity, are pattered through and in terms of a distinction between male and female, masculine and feminine” (Acker 1990, 146). A “gendered institution” means that gender is present in the “processes, practices, images and ideologies, and distributions of power” within that site (Acker 1992, 567). Norms and values within institutions shape the behaviour of actors buttressed by “...well-defined guidelines about how men and women should act and the value that is ascribed to masculine and feminine behaviour” (Chappell 2002a, 11). These differences and distinctions, however, are not always transparent.

Moreover, even though a feminist-institutional directs our attention to the institutions of the state, feminism brings to historical institutionalism a theory and conception of the state that is crucial to understanding women’s socio-economic status and gender relations. Indeed, we ultimately must not abandon the state since gender relations “cannot be understood apart from the state, politics and policy; states influence gender relations, and are in turn influenced by gender relations (O’Connor, Orloff and Shaver 1999, 10). Moreover, as Camilla Stivers reminds, policy institutions are situated in a modern administrative state which is:

wholly separate from something called the private sphere – we must ask what is obscured as a result of constructing the defending this firm boundary. The public-private distinction has served historically to maintain the perception that there is a clear line between government and business and to justify a realm in which “man” is protected from government interference in his activities. At the same time, the public-private dichotomy has been used to distinguish the household from both government and business activities. Neither distinction has served women well; rather, both have covered up women’s needs and made them theoretical anomalies (2002, 34).

The institutionalization of the public-private divide which has constructed the so-called “private women” and “public man” decontextualizes and often defines out women’s political and socio-economic realities from the policy processes within the state (Ibid., 36).

Within this architecture of the rational, neutral state, feminist theorizing leads to a number of questions: How is gender manifested within institutions of the state? How are gender relations perpetuated or sustained? When are institutional practices

and imperatives disrupted? Anne Marie Goetz argues that the often “institutional failure” of public bureaucracies to attend to women’s experiences and social realities may in part be explained by the traditional “technicist” basis of bureaucratic organizations. That is, the practices and internal cultures of these organizations rest on gender neutral principles of merit and assumptions that “neither the sex of bureaucrats, nor of policy recipients, makes a difference to the objectives of policy, to the ways policies are implemented, or to the ways in which the interests of men and women are institutionalized in public administration” (Goetz 1992, 6). And often the interests of women, Nancy Fraser would argue, become depoliticized within bureaucratic structures due to “expert needs talk” or administrative discourses that translate politicized needs into manageable needs. Once in the administrative surround, for example, women’s “need” for child care becomes decontextualized from the socio-cultural experiences of women within their homes and families, and recontextualized within the bureaucratic confine. As a result, expert redefinitions “reposition” the needs of women into individual, managed “cases” as part of universal populations, rather than as “members of social groups or participants in political movements” (Fraser 1989, 179).

These discourses and practices are enduring. Theories of bureaucracy and public administration explain this durability by suggesting that policy developers apply certain terms and categories to maintain the universal formulation and implementation of public policy which serve to maintain the legitimacy of administrative experts in liberal constitutional democracies (Stivers 2002, 41-50). By doing so, bureaucratic objectivity is ensured so that the state acts as a neutral arbiter to ensure that subsequent public policies apply equally to individual citizens. In the rational-legal bureaucratic context of the liberal state, practices and policy language are assumed to be uncomplicated and unproblematic.

Many feminists, however, argue that the state does work to the benefit of certain interests and that the objective rational-legal bureaucratic context *is* highly problematic. They offer their own explanation arguing that language must be challenged since it is not a “...neutral and transparent means of representing reality...rather, language is assumed to codify an androcentric world-view” (Ehrlich and King 1998, 165). The feminist project highlights the point that it was men of a

particular capital class who had control over “naming” and therefore the institutionalization of “meaning”. Language, then, becomes one expression of gendered social relations which are conveyed by political and policy institutions, subsequently framing public policies. Over time, the overt reasons for the sexist and discriminatory aspects of public policy are sometimes forgotten. The language and meaning, however, persist often under the guise of a gender-neutral, ostensibly objective policy language. Yasmeeen Abu-Laban and Christina Gabriel found, for instance, that the selection model for new immigrants is highly gendered, and even sustains female dependency, although it is “...not the result of overt discrimination on the basis of sex but rather the way in which rules, regulations, and practices produce different outcomes for men and women” (2002, 50). One example they demonstrate is how the points system (which determines whether a person is admitted into Canada as an immigrant) takes into account particular types of occupational experiences which when gendered are revealed to favour men’s employment histories and educational backgrounds (in the public sphere) rather than women’s.

Some studies have found, however, that the policy discourse is not necessarily neutral – meaning is attached during the policy process by state-based authorities. My own research in the area of federal child care policy development found that during the Social Security Review in 1994, the Liberal Party government defined and framed child care around promoting “healthy children” rather than about advancing women’s equality as advocated by NAC. As well, in her study of violence against women, Andrea Levan recounts how federal public servants framed policy issues quite differently than grassroots women’s groups and how the “bureaucratization of women’s issues” left feminists:

...struggling against an analysis of wife-battering as a phenomenon caused by “individual pathology” or “faulty family interaction,” a view that overlooked the role of misogyny, of women’s economic dependency, of institutions such as the family (seen as private and sacrosanct), and of the widespread acceptance of violence as a way to maintain and control (1996, 329-330).

In the European context, Lise Rolandsen Agustin found that the European Commission’s Green Paper *Equality and non-discrimination in an enlarged European Union* framed issues in terms of labour market resulting in a focus on employment

goals making it difficult for advocacy networks to introduce a gender discourse and counter policy frame (2008).

Derailing or reframing a particular policy language is a challenge once certain ideas and values have become embedded within an institutional setting. As Judith Grant and Peta Tancred have argued, state bureaucratic apparatuses are implicated in this gendering because the “structural relations of gender inequality are inscribed in state institutions, policies, and actions” (Grant and Tancred 1992, 117-119). To support their position, they look to the work of Rianne Mahon and her conceptualization of the “unequal structure of representation” which suggests that specific social and economic productive forces are hierarchically structured within the bureaucracy - that is, class contradictions are “inscribed in the very structure of the state” (Mahon 1984, 39). To Grant and Tancred, *dual structures of unequal representation* ensure that, within the *first* structure, women’s voices as a potential counter force, are segregated into women’s policy agencies, and in the *second* unequal structure, women’s unequal socio-economic status is replicated in the “gendered hierarchy” of every department and branch in government (Grant and Tancred 1992). That is to say, unequal structures of representation are institutionalized by the relative powerless position of women’s policy agencies (e.g., Status of Women Canada, Equality Units in the European Union, Ireland and Scotland) and through the relative powerlessness of women in all government departments and agencies. This “dual structure of unequal representation” is a reflection of women’s inequality within society and the economy.

In sum, in order to fasten the links between policy institutions and policy language with women’s structural discrimination, a gendered conception of institutions is merged with the purpose of historical institutionalism into a feminist institutional framework. Synthesizing a historical institutional approach with feminism is an attempt to contextualize formal policy institutions into a broader set of economic, political and social processes and gendered power relations which attend to the lived realities of women.

Feminist institutionalism arranges the broad political and economic landscape to analyse the transformation of feminist policy goals informed by three crucial

assumptions and conclusions: First, that societies are divided along gender, class, race, ethnicity and other relations of inequities that structure power hierarchies. Second, the state, household and the economy - with an emphasis placed on women's unpaid work within the family and concomitant sexual division of labour as part of capitalism's drive for both productive and reproductive labour power - both structure and maintain these divisions and gender hierarchies. Third, that the institutions within the bureaucracy are both a reflection of gender social relations and perpetuate women's socio-cultural and economic life chances via seemingly objective, gender-neutral language and androcentric rules, regulations and administrative practices.

To reveal the influences of institutions, comparative analysis is required to methodologically and analytically distinguish between the influence of institutions across policy domains, between components of the policy process and policy outcomes over time. The following framework, categorized into *spheres of influence*, assists in pulling together the various factors which are required of a feminist policy analysis, while also capturing the complexities that structure policy processes across jurisdictions. Three spheres of influence are offered: the regime of gender relations, macro political structures and state authorities and public administration and policy development.

The first two spheres tend to analyse macro structures, while the public administration and associated policy development processes are analysed at the meso (organizational) level which focus attention to the specific policy area and policy institutions. Although each sphere is presented below as analytically distinct, they are not to be taken as working in isolation. Each is inter-related and influenced by the other. The policy process, for example, is threaded throughout all three spheres with feminist policy advocates articulating policy goals to government in part shaped in response to their lived realities as subjects/respondents in the gender regime of relations. We now turn to an explanation of each sphere which is then applied to the jurisdictions under study.

Framework of Comparative Analysis – Spheres of Influence

Sphere One: Regime of Gender Relations

From a feminist perspective, the regime of gender relations, defined here as the “set of norms, values, policies, principles, and laws that inform and include gender relations in a given policy” (MacRae 2006) is the crucial starting point for feminist comparative analysis. In beginning with gender regimes, we can analytically recognize women’s relationship to government through a critical gender lens to reveal women’s historical socio-economic situation and citizenship rights in relation to the consequences of particular socio-cultural systems of patriarchy. After all, the male-breadwinner/female housewife-caregiver model was embedded in all post-War capitalist welfare states (Broomhill and Sharp 2005) associated with welfare state development, Western liberal-democratic governments have continued to perpetuate women’s inequality and economic dependence because the programs and institutions of welfare states were institutionalized when “...the dominant view of work and family life dictated a strict division of labour between the sexes” (Bakker and Scott, 1997: 289). As a consequence, women have historically been recognized or framed as mothers, wives and dependents - as so-called reproducers - while men have been attached to the welfare state as independent breadwinners/fathers and household heads – that is, as economically valued producers.

Much has been written about women’s “pivotal” relationship within Keynesian welfare states, as consumers of services, paid workers or as unpaid community workers (O’Connor, Orloff and Shaver 1999; Dominelli 1991, 12). Through various government regulations and public policies, women and men have been beneficiaries of welfare state programs in very different ways. In effect, welfare state strategies have both provided opportunities to women while also legitimizing women’s dependency relationship to men (and the welfare state) by reinforcing their subordinate role within the family and by ghettoising women in the low-waged, non-decision-making echelons of the labour market (Dominelli 1991, 12). Men’s and women’s respective attachment to the welfare state have also structured social,

economic and sexual relations between men and women, both within public sphere of the paid labour market and in the private, domestic sphere of the household/family.

The gender regime focuses attention to women's socio-economic status, their political influence and concomitant activism. Indicators would include, but are not restricted to, women's employment and unemployment rates, wage rates and occupational structures, poverty rates, the number of women elected to legislative arenas, the presence of child care and other income support programs of immediate import to women, eligibility rules which facilitate or restrict women's access to benefits, programs put in place that encourage women's unpaid work and caring, and prevailing values that underpin policy architectures such as social welfare systems or unemployment insurance schemes.

Finally, it is understood that the gender regime of relations shifts over time (and varies across policy sectors) influenced by a number of factors, including changes within the political culture and social attitudes often brought about by the mobilization of dissenters such as the women's movement. Because social movement activism is often a direct result of grievances generated due to government action and non-action – and due to women's particular relationship to the state - we include the work of women's advocacy groups in this sphere of influence.

Sphere Two: Macro Political Structures and State Authority

The second sphere targets the macro-political structures of the jurisdiction such as federalism in Canada and unitary systems in Ireland the UK. Multi-level governance is a better concept to apply for all three jurisdictions post Scottish devolution, and because of social partnership in Ireland and the UK's and Ireland's membership in the European Union. Governance institutions are key since they structure access to decision-makers. As well, we look to the relative permeability of the macro political systems with respect to the articulation of interests by civil society actors for the acceptance of new policy ideas. This sphere also includes "state authority" conceptualized here as the actors and institutions of the executive and First Ministers. This necessarily leads to recognizing the particular ideological persuasion

of the governing political party and the overall institutional and political relationship between the centre of government (e.g., Prime Minister and cabinet or executive) with the legislative arena and parliamentary committee system. The election of women is important with respect to their willingness to articulate an equality agenda and their ability to sway political colleagues. In the legislative arena, the Official Opposition or other viable political parties who possess a measure of political persuasion amongst voters are of note to gauge potential ‘insider’ allies of women’s movement activists.

Sphere Three: Public Administration and Policy Development

The final sphere of influence includes the contours of the administrative state which includes directives from the political executive and First Minister, departmental objectives, resources and budget of the bureau and staff complement. Prevailing models of management (i.e., new public management) are also significant as one dimension of the policy language (or policy frame) and to highlight institutional features that are significant to women’s access to the policy process, such as the creation of alternative service delivery mechanisms. This sphere also investigates intergovernmental relations between public administrators in various offices and at different levels or institutional sites, such as federal and provincial governments in Canada, between the Scottish Executive (and Scottish Parliament) with Westminster in London or links between Ireland and Scotland with the European Union. This sphere encapsulates interactions between administrative offices and policy authorities with organized interests through government development consultation processes.

Specific interest is paid to the presence and influence of women’s policy agencies (at the national or international level) as well as femocrats located in various departments to understand whether they advance a gender or feminist policy agenda. Policy frameworks, such as formal gender mainstreaming initiatives, are also analysed especially to gauge implementation and policy outcomes. Finally, accountability mechanisms such as performance measurements or auditing systems, and other reporting procedures which monitor the implementation and outcome of government action or inaction, are highlighted in this sphere.

Comparative Analysis – Canada, Ireland and Scotland

Sphere One: Regime of Gender Relations

Jane Lewis has described Ireland and the UK as a “strong male breadwinner” welfare state given a historical preponderance to strictly demarcate public and private space to ensure women’s domestic and family role, juxtaposed to women’s exclusion from paid employment and social security benefits (Lewis 1998, 229-249). The idealized conception of the Irish family and women as the protectors of “home and hearth”, were advocated and put into practice by nationalist and Catholic leaders during the founding of the new state. Ideas about women’s dutiful role in society became one of the major cornerstones of the Irish welfare state, and ironically, the foundations of the Irish welfare state actually lie in the 1834 English Poor Law which transplanted from England into the Irish system a rudimentary system of poor relief that was already gender bias.

Women’s role within the household has deep cultural roots in Ireland. Following Ireland’s independence from Britain in 1922, a “constitutional preference” for the maintenance of a strong family unit incorporated women into the Irish welfare state based on their familial and marital status (Yeates 1999, 609). Although fervently opposed by some women during the drafting of the document, the 1937 Constitution contained articles that endorsed a patriarchal system that has had profound and lasting effect for women. Access to safe abortions are still not available to Irish women; a right won by many other women across liberal democracies. Although the overt influence of Catholicism has abated over the years and social values in Ireland have become far more secularized, two prominent Irish feminists reflected that while Roman Catholicism had a foot-hold in other European countries, the Irish experience has been unique given how long the Catholic Church influenced society and politics without any substantial opposition (Randall and Smyth 1987; 197). And, as Jane Lewis has argued, the “policy logic” of the male breadwinner has remained strong (Lewis 1997, 169) in Ireland. Sexist aspects of the social welfare

system, for example, were only marginally reformed and only years after a 1979 EC Directive on Sex Equality in social security schemes (Grace 2003). As well, although women's employment rate has significantly increased over the last few decades, 35.9% in 1991 to 54.1% in 2000 for women 15 to 64 years, it lags behind women's paid employment in the United Kingdom, 61.6% in 1991 to 64.8% in 2000 for women 15 to 64 years (Nicholls 2006, 516). In Canada, women's employment rates are comparable to the United Kingdom, at 60% in 1991 and 62% in 2000 (Statistics Canada 2007). Interestingly, women's employment rates in Scotland have been higher than in Canada and the UK, with rates of 60% in 1988 and 68% in 2000 (Scottish Executive 2001).

Further, the number of women elected to Ireland's lower house (the Dail) remains stubbornly low when compared to many Western liberal-democracies. The Inter-Parliamentary Union reports, for example, that only women represented 12% of the Dail in 1997 (compared to 20.6% for Canada and 18.2% for the UK) shifting only slightly to 13.3% in 2007 (compared to 21.3% in Canada and 19.5% in the UK). Explanations include the lack of reforms to house practices that would be appealing to women with children (e.g., changing the parliamentary timetable), political party practices (e.g., campaign funding) and cultural attitudes towards women as primary caregivers (Knight, Galligan and Choille 2004). In Scotland, women's representation in local, Westminster and European legislatures has been rather low, in comparison to England (Brown, Donaghy, Mackay and Meehan 2002). In 1992, for example, women counted for just 10% of the 72 Scottish MPs elected to Westminster, only increasing to 17% in 1997 (Busby and MacLeod 2002, 32; See also Alice Brown 1996 and 1999). A dramatic change took place in 1999, however, once Scotland achieved Home Rule. In the first election for the newly established Scottish Parliament, women represented 37% of the parliamentarians, the result of both a concerted and well-organized campaign waged by various networks of women's groups to ensure gender equality was integrated into any newly established

institutions, which included the implementation of a form of proportional representation and political parties instituting measures to ensure the election of women (Brown, Donaghy, Mackay and Meehan 2002).

Jane Lewis has also argued that the United Kingdom (and hence Scotland) historically exhibited a strong male breadwinner pattern of politics and state responses (Lewis 1997, 169; See also O'Connor, Orloff and Shaver 1999; 193), with policy legacies firmly in place which divide public and private caring responsibilities. We can characterize Canada as exhibiting a modified male breadwinner pattern of gender relations, although the public-private divide clearly influences women's life chances in Canada, one example being the inability of federal and provincial governments to develop a national child care system or a national anti-poverty strategy. Julia O'Connor, Ann Shola Orloff and Sheila Shaver have suggested that the Canadian welfare state is often identified with the American welfare state (i.e., a commitment to gender sameness) although significant differences include Canada's national health care system and the presence of social-democratic (or social liberal) values in Canadian political culture. In other words, a marginally, yet liberal interventionist Keynesian welfare state, while restructured under neo-liberal globalization since the early 1990s, is generally supported by the public and by most political elites.

In Canada, Ireland and Scotland, as would be expected, there is a rich and vibrant history of women's movement mobilization to have discriminatory laws repealed, to shift social and cultural attitudes toward women and to promote gender equality through institutional and program reforms. Since second wave feminism, in Canada the leading national feminist organization has been the National Action Committee on the Status of Women (NAC). Once referred to as the "Parliament of Women", NAC has been quite effective in marshalling women to act (Vickers, Rankin and Appelle 1993). During the 1970s and into the 1980s, NAC was connected to provincially-located status of women committees to ensure that intergovernmental relations and policy outcomes met the needs of women. Since the advent of neo-liberalism, and concomitant program downsizing and significant decreases to their government funding which began in the late 1980s, NAC's mobilizations efforts are severely constrained, nor do they have the capacity to

respond to government actions as they once were able. Many of the provincial committees associated with NAC have disbanded, also due to operational funding decreases, and NAC has appeared to have left the public stage as the Canadian voice of women. Of course, feminist organizing still takes place in Canada, largely at the provincial level, although the Feminist Alliance for International Action, a national network of women's groups, has been stepped into the fray advocating for the federal and provincial governments to fully implement the UN Covenant on the Elimination of all Forms of Discrimination Against Women.

There is a comparable organization in Ireland, the National Women's Council of Ireland, which has fared much better under neo-liberal globalization, having become one of the community-based social partners. As such, they are structurally included in discussions in social partnership agreements, and in many national policy discussions that have an equality agenda. The NWCI is a group that is often consulted by government. Indeed, the Department of Justice, Equality and Law Reform formally recognizes the NWCI as the official voice of Irish women.

In Scotland, there is no one "national" umbrella women's organization, although groups such as Engender and the Scottish Women's Budget Group monitor the implementation of gender equality initiatives and the Gender Equality Duty (discussed below). Engender was a participant in network of women called the Scottish Women's Coordination Group who actively campaigned prior to devolution to ensure that gender equality and women's representation were taken into account in the development of new institutions and policy/legislative practices (Brown, Donaghy, Mackay and Meehan 2002, 73). Women's groups in Ireland and Scotland, as part of the European Union, network with the European Women's Lobby.

Sphere Two: Political Structures and State Authority

Canada, Ireland and the UK are parliamentary democracies with bicameral legislative institutions. Prior to Scottish devolution, in all three countries decision-making and policy outputs were greatly influenced by the centralization of power in

the national executive relative to “weak” legislative arenas particularly with respect to non-cabinet, backbench parliamentarians.

In part due to unitary macro-political institutions, executive government in Ireland is highly centralized, with no formal cabinet committee system in place (Farrell 1994, 74). Ad hoc committees, however, are often struck to review policy issues or political “problems”, or ministers meet for one-on-one discussions in informal meetings with other ministers, public servants and other actors in the policy community. The absence of a formal cabinet committee system can in part be explained by the relatively small size of the Irish government. This is reflective, some have argued, of Ireland’s “highly personalistic” political environment which “nurtured a culture of direct contact between government ministers, senior administrators and group elites”, making it all the more difficult for “outsiders”, unless invited in to participate, to influence policy (Galligan 1998, 3). In this personalistic political environment, which facilitates face-to-face contact and negotiations between policy actors, the centralization of political power was further reinforced as part of an already highly centralized unitary system of decision-making and governance. This centralization encourages a pragmatic, incremental style of policy making, leading some analysts to describe the Irish system as reactive, placing most of its energies “into the management of existing national business...” (O’Halpin 1996, 191). The lack of a cabinet system in support of executive decision-making may also have not been fully developed due to Ireland’s commitment to social partnering. Indeed, it can be argued that the centralization of power was further bolstered by social partnership.

Social partnering is formally exercised through the National Economic and Social Council (NESC) – arguably one of the most important policy making institutions in the Irish political system outside of cabinet. Indeed, NESC documents and strategies often become government policy. The NESC was established in June 1973 to:

...provide a forum for discussion of the principles relating to the efficient development of the national economy and the achievement of social justice, and to advise the Government, through the Minister of Finance, on their application (NESC 1977, 29).

The Chair of the NESC is appointed by government. In recent years the pattern has been to appoint the Secretary of the Department of the Taoiseach, the Deputy Minister in the Prime Minister's Office, as Chair. The original composition of the NESC consisted of ten persons nominated by agricultural organizations, the Confederation of Irish Industry and the Irish Employers' Confederation, the Irish Congress of Trade Unions, and ten "other" persons appointed by the government. As well, six persons from various government departments (i.e., Finance, Health and Social Welfare, Agriculture and Fisheries, Commerce and Labour) are also appointed. In 1990, the composition of the NESC was scaled back, with membership reduced to either five or six representatives from the above mentioned groups, with the addition of an observer from the EU. In the mid 1990s, one of the appointees was Carol Fawsitt, who was also a member of the executive of the National Women's Council of Ireland, becoming Vice-Chair in 1996. Ms. Fawsitt's appointment to the NESC, however, was not in her capacity as a member of NWCI, although it is likely she advanced the interests of Irish women when possible. In 2000, social partnership was expanded to include community groups, one of which was the NWCI.

In 1996, the NESC characterized the nature, purpose and goals of social partnering as:

1. A process involving a combination of *consultation, negotiation* and *bargaining*;
2. Being heavily dependent on a *shared understanding* of the key mechanisms and relationships in given policy sectors;
3. The *government* assuming a unique role in the partnership, providing the arena under which it operated, sharing some authority with the social partners and actively supporting the formation of interest organizations;

4. A process that reflects *interdependence*;
5. A partnership that is characterized by a *problem-solving* approach designed to produce consensus, thereby involving *trade-offs* between participants; and
6. A partnership that involves various agendas as supported by the differing participants (O'Donnell and Thomas 1998, 122-123, italic in original).

Ursula Barry, a feminist academic at University College, Dublin and a policy expert with NWCI, related to the author that social partnership had not been without its difficulties for NWCI (Personal Interview). Ms. Barry stated that there was a considerable disjuncture between the resources, information, expertise and structural/administrative networks available to the traditional social partners, the labour unions, business/employer associations and senior bureaucrats, relative to the meagre and vulnerable resource base of NWCI. Given that the NWCI depended on government funding and group membership support, it was felt that this put NWCI at a disadvantage since the organization had been stretched to meet the expectations of participating in social partnering. This was a particular consideration for NWCI as an organization that had experienced a continuous turnover of staff and executive as compared to the institutionalized and stable organizations within government, the labour unions and business associations. Moreover, given that government authorities and the other traditional social partners had been engaged in a relatively close “corporatist-like” relationship for several years prior to the entrance of NWCI, a personalistic network had built up between senior bureaucrats in the Department of the Taoiseach and the trade union leadership (O'Donnell and Thomas 1998, 126).

Notwithstanding how social partnership and its institutional embodiment, the NESC, have centralized power, the Taoiseach has always been considered the “chief executive” exercising vast power much like the Prime Minister in Canada. Constraints on the Taoiseach's power are like those in the Canada. However, successive Taoiseach's have also had their power base muted due to coalition

cabinets. That is, unlike the situation in Canada, Ireland's electoral system, which is based on a system of proportional representation, does not always "throw up" a clear winner. Indeed, only ten of twenty-five governments elected from 1922 to 1992 held majorities (Gallagher 1996, 127). This has meant that a series of negotiations and deals are struck between the coalition partners, often putting limits on the policy priorities of the Taoiseach.

Contrary to the Irish system, there is an elaborate system of cabinet committees in Canada, the number, scope and power of which changes depending on the political party in power (Bakvis and MacDonald 1994, 62). Like Ireland, the dominance of executive authority, and the centralization of power in the hands of the PM and key cabinet ministers, is a defining feature of the Canadian system. Since the time of Pierre Trudeau during the late 1970s, successive PM's have enjoyed what some say is excessive authority, particularly when considering how Canada's first-past-the-post electoral system typically ensures the governing political party holds a majority in the House of Commons, although this has not been the case for the last three federal elections (Savoie 1999, 71).

Indeed, Joan Grant Cummings, a past-President of the National Action Committee on the Status of Women (NAC), has argued that the cabinet system was the major institutional barrier relating to the acceptance and realization of NAC's policy goals. Ms. Grant-Cummings stated that since cabinet was responsible for governing the entire country (as the national government), certain key goals were prioritized which framed cabinet's overall policy direction. These goals, she stated, were largely economic in character which included program and government expenditure restraint in conjunction with the protection of the free market economy (e.g., free trade policies). Moreover, due to the decision-making hierarchy, by the time policy strategies were at the departmental level, the issues and decisions were already set out by cabinet. Ms. Grant Cummings also related that successive federal

governments over the years have considered the “equality agenda” to already have been “done” (Personal Interview).

Since the early 1970s, executive federalism in Canada (one to one meetings between First Ministers) has further strengthened the role and power of provincial Premiers and the Prime Minister. Meetings between Premiers of provinces, or between the Prime Minister and Premiers, are closed to the public and any negotiated agreements, such as the Canada Health Accord, are not put to respective legislatures for review or scrutiny (by the public or by parliamentarians). Indeed, executive federalism is a highly gendered process further entrenching federalism as a structural barrier to effective women’s policy advocacy. Power is divided in Canada between a federal, national government and ten provinces, each with significant policy influence within their constitutional domains. The federal government has policy control over employment insurance (among other areas) and possesses much broader fiscal capacity than provinces. Provinces have constitutional jurisdiction over most local matters such as health care, child care, education, labour, social assistance and housing. Policy change is often a challenge in part due to program and fiscal interdependence (in most of the policy areas noted above) which has led analysts to describe the Canadian federal system as a “welfare laggard” oriented toward conservative policy outcomes (Chappell 2001). This is because Canadian federalism has tended “...to organize issues and conflicts of territoriality into politics, while organizing out issues and conflicts that are social in nature” (Hueglin and Fenna 2006, 38). For women, public policy developments that can address their poverty, a lack of affordable housing or quality child care and income supports that provide a decent standard of living tend to be minimal and inadequate, since debates within the confines of federal-provincial-territorial negotiations often become about which level

of government pays, rather than about women's systemic discrimination, or about how certain policy actions could alleviate or eliminate women's distress. In effect, women's equality issues are marginalized both from the discourse and processes of federalism (Vickers 1994).

Scottish devolution was enacted in 1999 which created, as noted, a new Scottish Parliament and an Executive (formally called the Government since August 2007). The Government is comprised of a First Minister and appointed cabinet ministers who are approved by Parliament. Cabinet is not fused with the Scottish Parliament (as is the case in Canada and Ireland), however, there is "behavioural continuity" between the UK and Scottish cabinet systems in that conventions of confidentiality hold as does collective responsibility (Parry 2003, 452). An interesting aspect in this regard are Sewell Motions. Similar to the reservation power in the Canadian Constitution Act, 1867 (which reserves provincial bills for federal government consideration),¹ a Sewell Motion, if passed by the Scottish Parliament, allows for a devolved matter to be determined by the UK Parliament.

The First Minister is responsible for the development, implementation and presentation of cabinet policy to the public and to Parliament, and has the task of advancing the interests of Scotland to Westminster (Lynch 2005). Devolved powers to Scotland include health, education, local government, social work, housing, agriculture and tourism. The UK Parliament retains jurisdiction (as Reserved powers) in constitutional matters, foreign policy, defence and national security, fiscal, economic and monetary systems, trade and industry, as well as abortion and equal opportunities.

¹ The power of reservation is no longer exercised by provincial Lt. Governors – it would be considered unconstitutional.

Like Ireland, the Scottish PR electoral system means that coalition governments are likely, ensuring that some measure of negotiation between political parties is a political reality, and one which can significantly mediate (and temper) the objectives of the First Minister (Lynch 2005, 422). However, as Peter Lynch points out, the Scottish First Minister does not have to contend or bargain with other “great offices” or even potential political rivals (such as the Chancellor of the Exchequer or Home Secretary) as is the case in London (Ibid., 426).

A commitment on the part of the Scottish Government to gender equality is a significant difference from the Canadian case, once again a success of women’s mobilization prior to devolution, buttressed no doubt by the UK’s membership in the European Union (and the European Union commitment to gender equality). Although equal opportunities is a reserved to the UK Parliament, in 1999 the new Executive made a commitment to gender mainstreaming and established an Equality Unit in the Executive (Mackay and Bilton 2001, 4). The Scottish Parliament is free to “encourage” equal opportunities, and since the passage of the Equality Duty, the Scottish Parliament can insist that equality measures be implemented in departmental objectives (Ibid.). In 2000, the Government launched *Working Together for Equality*, a strategic plan which commits the Government to conducting equality-proofing of all policy (Ibid.).

Parliamentary Committees:

Although there legislative enquiry takes place in both Canada and Ireland, it is generally argued that parliamentary committees are not a key locus of influence in due to cabinet solidarity and party discipline. At the federal level in Canada, at any given time, there have been about 20 permanent, standing committees (e.g., the Human Resources Development Standing Committee), special committees and joint House of Commons and Senate committees which exercised some influence either in the review of existing policies or by the scrutiny of particular government

departments. With the shift in the political environment in the mid-1980s and the concomitant radicalization of NAC due to the advent of neo-liberalism, legislative committees became one of the few stable access points for women's groups such as the National Action Committee on the Status of Women (NAC), Canada's national women's organization, to advocate their policy goals. Furthermore, the Co-Chair of NAC's Women and the Economy committee stated that given unwillingness of neo-conservative governments to engage in meaningful consultation with NAC, and due to declining resources, and drastic cuts to their operational funds, NAC has been pressed to adequately formulate and present substantive responses to parliamentary committees that often operated under tight time schedules (Personal Interview). Having been marginalized from the formal policy process meant that NAC engaged much more concerted in more "street level" action (e.g., marches) and coalition politics to get the attention of government and the public. An interesting turn of events was the establishment, in 2004 by a Liberal Party government, of the Standing Committee on the Status of Women. This committee has been kept in place by the current Conservative Party government and has to date, produced several very detailed reports on topics such as gender-based analysis, government funding to women's groups, trafficking and sex exploitation of women, pay equity, the impact of funding and program changes to the Status of Women Canada and most recently, gender-budgeting.

The legislative committee system in Ireland is much weaker and hence not a viable institutional access point for NWCI. In fact, committees of the Oireachtas, the Irish Parliament, have no permanent standing and must be re-constituted prior to each legislative sitting. Moreover, parliamentary committees take a very passive role in the legislative arena; they have no power to make decisions and reports produced by these committees are rarely, if ever, debated in the House (Verheijen and Millar 1998, 107). This may be in part due to strong executive governance and Ireland's tradition of striking ad hoc cabinet and inter-departmental committees to deal with pressing

policy or political issues (Laffan and O'Donnell 1998, 170-171). Up until the 1980s, there were remarkably few legislative committees, and those committees that were constituted were prohibited from questioning government policy. Further, committee reports are generally not available to the public and are rarely debated in the Dail (Mahon 1995, 138). By the mid 1990s, there were only 13 committees, one of which was the Joint Oireachtas Committee on the Women's Rights. In the late 1990s, this committee was expanded as now functions as the Joint Committee on Justice, Equality, Defence and Women's Rights.

In contrast to situation in Canada and Ireland, Parliamentary committees developed within the Scottish Parliament were also influenced by the discourse and politics of equality and participation. Currently, there are several committees in the Scottish system, seven mandatory committees (which include Equal Opportunities, European and External Affairs, and Public Petitions), and seven subject committees which review bills on a range of policy sectors, such as health, education and justice. Of note is the Public Petitions Committee which accepts petitions from civil society (either a group or an individual) on a policy matter of concern to that group or individual. All petitions, however, have to be deemed as "admissible" to be given consideration.

The Equal Opportunities Committee's remit is to "consider and report on matters relating to equal opportunities" (Beveridge, Nott and Stephen 2000, 395). The Scottish Parliament is bound by the European Convention on Human Rights and Fundamental Freedoms, and must uphold or respect European Community law and international obligations committed to by the UK Parliament (Ibid.). According to Fiona Beveridge, Sue Nott and Kylie Stephen, the Equal Opportunities Committee has attempted to stake out its own legislative function, scrutinizing the actions of the Executive (in the equality sector) before laws are passed and by actively engaging in civic consultations prior to the Government's publication of major equality pronouncements such as the Executive's *Making It Work Together: A Programme for Government* released in September 1999 (Ibid., 395-396).

Sphere Three: Public Administration and Policy Development

In all three jurisdictions, there are women's policy agencies to advance the status of women and gender equality. In Canada, the lead federal agency is Status of Women Canada. An Office of the Co-ordinator of the Status of Women was established in the Privy Council Office (PCO) in 1971 to support the work of a Minister Responsible for the Status of Women. The Office was moved outside of the PCO and renamed Status of Women Canada in 1976 to promote "...gender equality and the full participation of women in the economic, social, cultural and political life of the country" (Canada, 1997). In 1973, the Canadian Advisory Council on the Status of Women (CACSW) was also created, as an independent, arms-length women's policy agency.

Also established in 1973, the main program funding for women's groups in Canada has been administered by SWC under the Women's Program (WP). This financial assistance, of which NAC was a recipient, provided funds to locally-based women's groups to undertake projects and technical support to women's groups, such as the provision of resource material, networking between these groups and facilitating access to government. The WP was originally established within the Department of Secretary of State in response to the recommendations of the Royal Commission on the Status of Women. In the early 1970s, advisors were appointed within the bureaucracy in certain departments with mandates related to women's issues. These departments included: Justice, Health and Welfare, Secretary of State (Citizenship Branch) and Employment and Immigration. At various times, Women's Bureaus have also existed in Human Resources Development Canada and the Labour Department. In April 1995, the Liberal government disbanded the Canadian Advisory Council on the Status of Women, a once active and feminist entity within the federal government, as part of program review and administrative restructuring.

Restructuring of SWC has continued since then. In October 2006, under the current Conservative government, Status of Women Canada has undergone significant administrative, program change and funding retrenchment. The mandate of SWC was changed eliminating equality as one of the agency's objectives, and funding for women's groups to conduct lobbying and advocacy was removed from the eligibility

rules of the Women's Program. The Conservative government has also eliminated the Court Challenges Program which has been highly effective in providing legal and financial support to women's groups challenging federal and provincial laws through the Charter of Rights and Freedoms.

Unlike the Canadian case wherein there has been a stable women's policy machinery since the early 1970s, agencies established to advance women's equality had a far more erratic, or episodic, history in the Irish case. One may deduce that this is because women's policy issues had been taken up by other types of institutions in Ireland. The National Women's Council of Ireland was given representation on the Women's Representative Committee set up in 1973 to monitor the implementation of the recommendations of the Commission on the Status of Women. As well, since the mid to late 1970s, women's interests and policy issues have increasingly been addressed at the EU level. However, a Ministry of State for Women's Affairs (MSWA) was created by a reformist Fine Gael/Labour coalition government in 1982. There were very high expectations on the part of liberal feminists that the MSWA would prove to be an effective body to foster women's equality. The Ministry, however, held a junior portfolio spread across two departments - the Taoiseach and Justice - with no cabinet status, a small staff and minimal budget (Mahon 1995, 134; Galligan 1998, 62). Evelyn Mahon's study of MSWA, for example, relates that some departments did forward proposals for the Minister's perusal, although the Minister was constrained by the senior members of the party. The Minister related, for instance, that as a member of the Fine Gael she was expected to comment on issues according to party policy, not as a feminist (Mahon 1995, 134-135). Other constraints imposed on the MSWA had to do with the narrow terms assigned to the office. That is, MSWA was only responsible for issues relating to family law, while other women's policy issues were being dealt with by other departments or by other means. For example, the Department of Labour had responsibility for equal employment policy, the abortion issue was being dealt as part of a national

referendum, while contraception was handled by the Department of Health, and responsibility for rape reform was assigned to Justice.

Upon the election of the Fianna Fail government in 1987 (a conservative majority), the functions of the MSWA were fully merged into the Taoiseach's department. In a letter to the Taoiseach in 1987, the CSW relayed their "deep concern" regarding the new government's decision to abolish the MSWA (CSW 1987, 29). During the early founding years, NWCi had a good working relationship with government. The NWCi was quite willing to sit on government committees, and fully expected to be included in these internal, government discussions. At about the mid-1980s, however, it was clear that tensions existed between CSW and government, notably due to the government's decision abolish MSWA and to dramatically reduce the CSW's government funding. It may also have been an indication of a conflict in ideological perspectives given the new government was conservative at a time when the CSW was becoming more radicalized. In 1991, the CSW once again advocated and lobbied the government for the re-establishment of a WPA with full cabinet status.

A Second Commission on the Status of Women recommended in 1993 to government the establishment of a full ministry for women, that was not "...part-time and reactive [in] nature...", like the MSWA, but was effective in providing an "organizational response to the concerns and needs of women" (Ireland 1993, 225). This recommendation was implemented with the establishment of the Ministry of Equality and Law Reform. The Ministry of Equality and Law Reform, established in June 1993 (since then, Justice has been merged into this department), is headed by a minister with cabinet rank. The Ministry's stated objectives are to promote government commitments to equality, promote equality of opportunity between men and women, support the National Women's Council of Ireland as the recognised representative body of women and women's organisations, and in the sphere of equality policies, to provide Ireland's contribution to the deliberations of the European Union and other international organizations and to respond to proposals from those organisations (Ireland 1997).

As part of the current social partnership agreement, *Towards 2016*, the Irish government published the *National Women's Strategy 2007-2016*. The Strategy sets out 20 objectives and established a new office in the Department of Justice, Equality and Law Reform dedicated to the prevention of domestic violence. Three themes frame the Strategy: equalizing socio-economic opportunities for women, ensuring the well-being of women and engaging women as equal and active citizens. The Strategy includes a wide-range of issues from addressing women's health, women's participation in the labour force, the wage gap, and gender mainstreaming.

Prior to Home Rule, Scottish women looked to the UK's Equal Opportunities Commission (reconstituted as the Equality and Human Rights Commission in October 2007)² to advance women's equality initiatives and gender mainstreaming. The Equality and Human Rights Commission is a non-departmental public body which promotes gender equality and has the power to enforce equality legislation such as the *Equal Pay Act* and the *Sex Discrimination Act*. After devolution, a sub-office of the Commission was set up in Scotland. As noted above, an Equality Unit was established in the Scottish Executive to support departments in implementing gender mainstreaming and equality initiatives.

As part of the *Equality Act 2006*, passed by the UK Parliament, the Scottish Government must uphold the Gender Equality Duty. The Gender Equality Duty (GED) came into effect April 2007 and "places a legal obligation on public authorities not just to eliminate gender discrimination and harassment, but also to promote quality of opportunity between men and women" (Equal Opportunities Commission 2007, 2). To put the GED into effect, the Scottish Government developed a *Gender Equality Scheme 2008-2011* which sets out the Government's steps to advance and promote gender equality. Ten gender equality objectives frame the Gender Equality Scheme similar to the Irish strategy.

Discussion

² The Equality and Human Rights Commission is a merger of the Commission for Racial Equality, the Equal Opportunities Commission and the Disabilities Rights Commission as stipulated in the Equality Act 2006.

Canada, Ireland and Scotland have divergent policy institutions and policy processes that have either facilitated or blocked a substantive women's equality agenda. In Canada, feminist activists have the Status of Women Canada to look to, but not as an effective vehicle to advance their claims. SWC is able to provide some program funding if the group meets the eligibility requirements, and the agency continues to advocate the use of gender-based analysis (GBA) to government departments and cabinet. As I have argued previously, however, SWC lacks institutional power to compel departments to undertake gender-based analysis, nor does the GBA framework have the full commitment from the Conservative government (Grace 1997).

The Parliamentary committee has done some important work, and the committee has consulted widely on the issues they have reviewed, but the reports are just that – there is no legal or legislative requirement for sitting Canadian governments to implement any of their recommendations. Unlike the Scottish system, the Standing Committee on the Status of Women does not act as a scrutinizer of the executive. Moreover, there is no supra-national body, such as the European Union, to compel policy change. The result is disjuncture between the legislative process (where women's groups would have some measure of policy participation) and a closed political system due to the centralization of power at the centre insulated even further by processes of intergovernmental relations which marginalizes feminist claims.

In Ireland, social partnership provided the promise of more “democratic participation” given the potential for more equitable distribution of power between interests represented on the National Economic and Social Council (O'Donnell and Thomas 1998, 137). A gender deconstruction of social partnering, however, reveals a number of gaps between the goals of social partnership and NWCI's participation. First of these is the tension between differing conceptions of what social partnership

is intended to accomplish. On the one hand, the NESCC - a key member of this group - views social partnership as a process of negotiating, deal-making and trade-offs between the differing participants. On the other, social partnership was also expected to foster interdependence, solidarity and consensus (Ibid., 123). The problem, however, is that the dominant paradigm - economic growth and stability - as negotiated in wage agreements between government, labour and business interests - can easily marginalize *non-economic* issues such as child care and the dependency issues embedded in the social welfare system. Katherine Zappone, former Executive Director of NWCI, related to the author that NWCI has attempted to interject a feminist perspective into negotiations, while the other traditional social partners were "...not operating from a really radical critique of the dominant economic paradigm" (Personal interview). Another past member of NWCI's Executive, Carol Fawsitt, stated that although it was "extremely attractive to be there...and it was important to be there", going to the social partner table to "problem solve" on an "issue by issue basis" did not benefit women, especially when attempting to deal with women's structural discrimination which required analysing women's policy issues in a holistic way from a critical perspective (Personal interview).

Social partnership agreements were characterized by one other NWCI member, Ursula Barry, as just "...inspirational statements about equality", since these negotiated deals were, after all, wage agreements between capital and labour. Therefore, although one of the outcomes of social partnering was the clear stipulation of particular targets on wage increases and other employment-related issues between employers and unions, there were no comparable "targets" set for equality measures (Personal interview). This situation led some to characterize NWCI's experience with social partnership as "participation without power" (O'Donnell and Thomas 1998).

With the Irish government's development of the *National Women's Strategy*, however, some of NWCI's concerns may begin to be addressed. No doubt issues with social partnership will continue. In comparison to the situation in Canada - wherein the development of a national strategy on equality let alone on how to improve the

lives of women seems like a flight of the imagination – social partnership offers to feminist policy advocates an insider seat, while also having the ability to continue to function as a relatively independent women’s organization. Moreover, the institutional layers available to women’s groups like NWCI – the European Council and European Parliament – have been important in compelling domestic policy change. As well, time will tell as to what extent the *National Women’s Strategy* will be implemented, and to what degree the measures outlined will receive the appropriate funding and institutional/program change.

In comparison to Canada and Ireland, the Scottish experience is unique. At the beginning of this paper, it was stated that institutional design is not the immediate problem for feminist policy advocates. However, as demonstrated in Scotland, when the opportunity arises, it is seized. The institutions created to implement Home Rule, the Scottish Parliament and the Equality Unit within the Scottish Government juxtaposed to a legal architecture put in place by the Gender Equality Duty (and other European Union policies and Directives) have set in place a political system that appears to be the most gender friendly of the three jurisdictions discussed. Social partnership in Ireland surely has been significant to NWCI, and to the women’s movement agenda. However, it remains a process of negotiation and trade-offs. Although there is no formal, insider avenue for women’s groups to participate in Scotland, they have more independence to agitate for progressive policy change. As well, Scottish feminists may be able to use the aims and rhetoric of nationalism to continue a commitment to Scottish social democracy that is not present in Canadian (except for the Quebec situation) or Irish political culture. Part of the test will be the degree to which the *Gender Equality Scheme* is implemented and how rigorous the Equal Opportunities Committee (one of the Parliamentary committees) will hold the Scottish Government to account.

Conclusion

This paper has attempted to demonstrate why and how the institutions of the policy process matter to feminist policy objectives. In the jurisdictions of Canada, Ireland and Scotland we have three political systems with divergent governing structures and distinctive policy institutions which have offered interesting insights to

the challenges of feminist policy advocacy. This paper also constructed a comparative framework informed by the theoretics of feminist-institutionalism. The approach directs the attention of public policy analysts and activists in the women's movement to wrestle with how the institutions within the government and the administrative state manage the public policy process. It is an approach which highlights the interface between civil society actors and government officials and which reveals a pathway to reconstruct a feminist understanding of institutions as containers and perpetrators of gendered social relations.

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