

**Explaining Gender-Regimes of Welfare State Formation.
A Plea for Gendered Discursive Institutionalism.**

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Feminist scholarship has provided us with an array of analytical perspectives on the comparative analysis of welfare states. However despite the large scope of feminist literature in the field, there are still clear limitations. Feminist research has focused, above all, on gender-specific contents and outputs of social policies. (See, for instance, Sainsbury 1999; Daly 2000; Lewis and Suernder 2004) Much more widely neglected is the question of how national differences can be accounted for and whether gender has contributed to the politics that have formed different welfare state regimes. (Morgan 2001) There is one exception however: the efforts of scholars working within the tradition of historical institutionalism, such as Theda Skocpol (1992) Ann Orloff (1999) and Diane Sainsbury (2001), have been important contributions to understanding the early formation of gendered welfare states.

Historical institutionalism with a focus on long-term developments of state and welfare state formation has been one of the three “new institutionalisms” launched in the mid 1980s. All three forms of institutionalism, (historical, sociological and rational choice institutionalism) have aimed to overcome the unfruitful structure/agency divide in social theory and research by conceptualizing institutions as intermediary instances of action coordination. These three types differ, however, in their epistemological commitment and with regard to the level on which they conduct research. (Hall and Taylor 1996; Immergut 1998) Usually, historical institutionalism is situated on the meso or macro level, rational choice institutionalism on the micro level, and sociological institutionalism in between both levels. Gender has not been much of a concern in the extensive debates on the different forms of institutionalist analysis,

instead it has been perceived as a rather separate “world” of welfare states research. (Pierson 2000)

The aim of this paper is both theoretical and empirical. First, it explores the difficulties of feminist scholarship in accounting for national variation and the contribution of gender-sensitive historical institutionalism to explaining gendered welfare state regimes. Contrary to prevalent interpretations, I do not view institutionalism’s major contribution simply as adding a new set of variables of state capacity and structure as is suggested within the feminist policy analysis approach launched by Amy Mazur’s (2002) and Dorothy Stetson’s (2001) Instead, I argue that the central new insight of institutionalism for comparative politics is its reflexive perspective on the political. This goes hand in hand with a concept of configurative causation, which acknowledges political developments as contextual, relational and process-oriented. A critical review of feminist historical institutionalism reveals a significant limitation in its conceptual framework, as it reduced “gender” to “women,” or more precisely, to the impact of women’s movements on welfare state formation. I regard this narrowing of the category of gender as the last vestige of determinism. Within institutionalism collective identities are certainly an important point of reference, however, because they lack any further theorization of identity formation processes, the precise connections linking institutions with the ability to act still remain vague.

In order to overcome this limitation, I propose broadening institutionalism’s framework by interweaving institutionalism with discursive analysis, which has inspired much of the interdisciplinary feminist research on the welfare state over the past decades. (Jenson 1989; Canning 1996) Integrated discursive institutionalism enables a relational conceptualization of gender and conceives it as a relevant analytical category, even if women’s agency is deemed an irrelevant causal factor in a specific national context. (Kulawik 1999) The lack of explanatory accounts of gendered welfare state regimes may be attributed, at least in part, to the fact that feminist research after the “linguistic turn” has largely abstained from engaging with macro politics. In contrast to Julia Adams and Ann Orloff (2005), I do not consider this as a misguided or regrettable retreat to body issues, identities and discourses, but as a very prolific phase that generated valuable knowledge, which can prove beneficial to reformulating existing explanatory frameworks that are largely static and exclusionary. Concepts such as intersectionality, collective identity formation, situated knowledge and discursive hegemony are indispensable to understanding the complexity of the emergence and transformation of

institutions or even larger constellations such as “regimes.” However, I do agree with Julia Adams and Ann Orloff in one point: the predominant focus on the interconnectedness, cross-references and micro processes has veered the attention away from the search for systematic explanations and causal relations that invariably rely on the identifications of more and less powerful “autonomous” forces. (Weldon 2006) I argue that historical institutionalism provides a useful “soft” concept of configurative causation, which fits well into a gendered perspective.

For quite some time, mainstream institutionalism has labored over finding ways to incorporate “ideas” into the institutionalist framework. (Hall 1993 and 1997; Berman 1998; Blyth 1997 and 2002) The concept of “discourse” had been banished from mainstream vocabulary and its imaginary until recently a “discursive institutionalism” variant was finally proclaimed. (Campbell 2004; Schmidt 2008, 2006, 2002) The emergence of discursive institutionalism creates important venues for synergies between feminist and mainstream comparative research.

The second aim of this paper is to demonstrate the advantages of such an analytical approach in a comparative study that examines the emergence of gendered welfare state regimes in Sweden and Germany. Sweden and Germany are two ideal countries for a comparative case study. On the one hand, they present similar cases of socio-historical development. On the other hand, despite their similarities, they gave rise to two fairly different types of welfare states. Germany created a conservative welfare state with a strong male breadwinner model and Sweden developed a social democratic universalistic welfare state with a rather weak breadwinner model. Mainstream comparative research introduces the welfare states by starting with social insurance. The interplay between protective labor legislation and monetary systems and its relevance for constituting national policy styles and gendered citizenship has been largely overlooked. By taking a closer look at the early emergence of protective labor legislation, the article will show that the perception and interpretation of gender differences played a central role in how the social risks of industrialization were perceived in both countries. In Germany, protective labor legislation was gendered from the outset and in its further policy development, this particular trait intensified. Regulations in Sweden began as gender neutral, later on they became tacitly gendered before they reverted to universalistic regulations.

This variation not only had implications for gender relations and citizenship, but its diverging gendering processes also contributed to the institutionalization of different types of welfare state regimes. I argue that two dimensions of the analytical category “gender” in the making of welfare state regimes can be understood through the lens of discursive institutionalism. Joan Scott’s (1988) seminal definition distinguishes two distinct yet interrelated dimensions of gender: ways of producing gender differences hereby maintaining gender hierarchies and “primary way[s] to signify power relations,” that is, a field within which conflicts over power relations between various intersecting societal categories are mediated and settled.

The first section of this paper begins by exploring the conceptual problems of feminist scholarship in accounting for national variation. The second section reconstructs the contribution of gender-sensitive historical institutionalism to explaining gendered welfare states regimes. In the third section I develop an integrated analytical framework for a gendered discursive institutionalism. I apply this framework to the German-Swedish comparison in the fourth section. Finally, I discuss the findings of the study and reflect on the further prospects of gendered discursive institutionalism.

Gender-Regimes: The Trouble with Explaining Variation

Since the early 1990s, comparative research of welfare states has rapidly expanded. In the meantime, the investigation of gender regimes within welfare states has become an important sub-discipline of international feminist scholarship. Feminist approaches critiqued the mainstream welfare state typologies for its hardfast reliance on men as the norm and set out to develop categories for examining the gendered order of the welfare states. In this line of thought, a gender regime refers to two dimensions. First, it includes the ensemble of social policy institutions in relation to both the market and the family, their symbolic– and normative ascriptions of gender differences with regard to division of labor and citizenship as well as their stratifying effects on gender relations. The second dimension of gender regimes refers to the political processes and power relations from which the policy ensemble emerged. Jane Lewis and Ilona Ostner (1994) developed the “male breadwinner model,” as one of the first gender-sensitive typologies. A topic of extensive discussion in gender regime studies has been the question of appropriate criteria for assessing gendered policy content and output. (Lewis 1997; Sainsbury 1999; Daly 2000) Much less attention has been devoted to the second dimension of a gender regime, therefore explanations of national variations are still

rather explorative and tentative. This includes the fact that the formative role of gender in welfare state making is undertheorized and contested, even among feminist scholars. (Cf. Kulawik 1998; Morgan 2001; Adams and Padamsee 2001) This can be also attributed to the fact that gender in contrast to class, on which main-stream typologies rely, can not be conceptualized as a master category of an evolutionary social and political development (Scott 1988). Gender requires a more desegregated approach that is able to grasp the multiplicity, the capillary and multilayered processes at hand.

Some feminist authors, therefore, accepted to large extent the class-based interpretations of welfare state development, at least up until the 1970s. Jane Lewis offers some provisional thoughts on the origins of the different types of the male breadwinner model. In tune with Hernes (1987), she sees the variation mainly as resulting from different class based constellations assuming and understanding of class relations as “genderless”. Lewis’s (1992 and 1994) analyses contradicts the work of feminist scholars that underscores the relationship between women’s political agency and the formation of the welfare state, especially with regard to social benefits addressing women as mothers. (Koven/Michel 1993; Bock/Thane 1991; Skocpol 1992) However, a remarkable paradox of the relationship of maternal policy and women’s movements served to further support a “genderless” interpretation. According to that analysis, countries with a weak women’s movement, such as Germany, Sweden or France, have developed more comprehensive maternal benefits than countries with a particularly strong women’s movement, such as the United States of America and Great Britain. (Pedersen 1993)

Research on the development of family benefits after WWII seems to support this evidence. In this context, party politics, linkages of political party constellations with religious cleavages or culturally defined “family ideals” (*Familienleitbilder*) are regarded as decisive to shaping family policies (Korpi 2000; Pfau-Effinger 1999 and 2000; Morgan 2006). Consequentially, “genderless” class relations or political party constellations are regarded as the driving force behind gender-specific division of labor and family policy. There are, however, important arguments that counter such genderless explanatory accounts. Pfau-Effinger’s approach reveals an odd but nonetheless widespread combination of culturalism and economism. Here, cultural ideals are supposed to serve as explanatory factors but they are seamlessly deduced from economic class relations. In this approach “culture” is regarded a decisive factor in shaping national policies, the link between both remains fairly vague, as the

actual decision-making processes are not investigated. Also, the claimed link between religious doctrines and party policy strategies in Kimberly Morgan's (2006) study is not established on the basis of a close examination of the concrete policy making process, but based on accounts from the sparse secondary literature.

In short, all of the studies mentioned to here are founded in a traditional understanding of gender and class as homogenous. They fail to incorporate the pivotal insight of the linguistic turn: the interconnectedness of the two categories. Research within the discursive tradition has convincingly demonstrated that the reference to femininity and masculinity was constitutive in the formation of social and political class identities. (Frader/Rose 1996; Canning 1996) An essential finding of the linguistic turn is that gender is a relevant analytical category even when women are not present, which points to the significance of masculinity with the concept of gender. Reformulating class and gender categories also brings about new ways of investigating welfare state formation. The explanatory models outlined above characteristically use gender as a synonym for "women." According to the premises of gender as a relational category, even if women's movements were neither influential nor active in the formation of the welfare state, gender would still be a relevant category for analysis. Hence the issue of gender and its focus shifts to include masculine identities and alliances as a formative factor in welfare state development.

Explaining Variation: The Merits of Historical Institutionalism

Principally, two methodological approaches to comparative study can be distinguished: variable-oriented and case study-oriented analysis. Amy Mazur (1992) and Dorothy Stetson (2001) introduced an ambitious feminist approach to policy analysis based on variables. Such a methodological design lends to the development of a complex topography of determining factors for explaining variations between countries. However, there is a decisive shortcoming to this approach: its multicausality is depleted through creating series of variables and testing their relative significance. This renders it less equipped to establish meaningful links between the numerous factors as well as to what mechanisms makes the variables politically effective. (Kulawik 2004) Within the framework of variable analysis it can be argued that strategic partnerships are beneficial to implementing policies favorable to women or, for instance, that the strategies political actors employ reflect "difference feminism" in Germany or "equality

feminism” in Sweden, however, it is to address the question as to *how* these constellations and identities came about.

In contrast to the formal understanding of institutions in traditional comparative government studies, “new” institutionalism applies a dynamic concept of institutions and explores its development and structuring role at the intersection of state and society. (March/Olsen 1984) The basic idea of institutionalism is that national variations of a state’s organizational structure and political representation system, the means by which collective actors pursue their political initiatives, greatly influence the political actors’ capacity to act as well as their identities and objectives. (Immergut 1998; Thelen 1999) Historical institutionalism thus displaces the structure/action divide that is based on a notion of universal causal laws (and its historically specific forms of realization) in favor of the focus on social and political orders as relational networks and temporal processes. (Pierson 2004) Epistemologically, institutions function as agencies or nodes that coordinate action over space and time. Here, institutions are conceived as *conditions* for action that can make a certain course of action more or less “appropriate” or “promising,” but they are not any longer seen as restrictive *determinants* that automatically cause a certain behavior.

Key advantages of historical institutionalism are not only the added notion of a reflexive concept of action, but also its *reformulation of the causality concept*. While variable analysis examines causal relations as characteristic of a specific indicator – its strength or weakness - at one moment in time, historical institutionalism works inductively and focuses on processes and constellations. Rather than seeking explanations for national variations through correlations of variables between states, historical institutionalism compares how national constellations of elements are configured and developed over time. (Katznelson 1997: 99)

This concept of causal relations is linked to a further key epistemological insight regarding *theorizing temporality*. Which brings up two theoretical dimensions. Causality emerges within synchronic relations as well as in the context of long-term developments that unfurl over time. Diachronic causality is manifested in the temporal placement (*timing*) and in the sequentialization that have an impact on the causal relevance of variables. (Pierson 2004) The significance of specific phenomena is not only due to *what* they are, but also of *when* they took place and their situatedness in relation to other factors and processes over time.

In addition, temporality implies that political decisions are made with regard to the previous policies and their effects. This feedback mechanism can cause a counter-reaction, a revision

or strengthening of policies as such, constituting a path dependency. This enables discontinuities, incoherencies and continuity to be examined. However the widely applied concept of path dependency has drawn much more attention on mechanisms of continuity. According to critics, this forms the core of a static bias in historical institutionalism that emphasizes reinforcement and rule-following practices rather than change and agency. For this reason, scholars of that institutionalist tradition are increasingly turning toward taking “ideas” or discourses as their objects of study. (Schmidt 2008)

In her pathbreaking book *Protecting Soldiers and Mothers* (1992) Theda Skocpol, one of the protagonists of the institutionalist turn, does in fact investigate the discontinuities with regard to American welfare state formations. She examines the rise and fall of what she sees as a starting point for a maternalist welfare state in the US. She rebuts common assumptions grounded in class theory or liberalism, which claim that the welfare state in the USA was doomed to be weak from its outset. Her concentration on maternalist policies in this study made her one of the founders of gender-sensitive institutionalism. Her interest lies in explaining the lack of success of workingmen’s insurance in the USA and the conditions that led to the implementation of remarkably comprehensive maternalist policies around World War I. While both variable-oriented analysis and Pfau-Effinger’s culturalist approach presuppose the political actors’ strengths and objectives as exogenous factors, institutionalist studies demonstrate that national variations in the strategies and goals of political actors (including those of the women’s movement) can be explained to a large extent by investigating the interplay between the institutional matrix and group formation processes. (Cf. Sainsbury 2001; Skocpol/Ritter 1991; Kulawik 1999)

A problem in Skocpol’s approach is her subscription to normativism. For good reason, she refrains from condemning maternalist policies, as dominant feminist approaches had for a long time. Nonetheless, by expressing praising this measure’s achievements and simultaneously ignoring its contradictions, she neglects to trace what had been excluded in American maternalist state policies. She does not explore the biases of such benefits with regard to other categories, such as class and race, nor does she take a look at the contradictory implications of the contentious relationship between care work and wage work. (Quadagno 1997; Adams and Padamsee 2001) As I see it, this is where the conceptual flaws of her framework are most apparent, as it lacks further theorization on the formation of political identities and policy strategies. This renders her unable to tend to her ambition, namely, to

account for national variation. The case of protective legislation for women, which has been object of heated debates within the women's movement and in past and present-day feminist scholarship, illustrates this point.

For instance, Skocpol is unable to explain why in some countries the majority of a women's movement opposed such laws – as was the case in Sweden - while the majority of the women's movement in other countries, for example in Germany, widely supported them. The institutionalist approach is only equipped to situate this information within a normative framework, one that ascribes a “false” understanding of equality feminism or a “correct” maternalism. Here, Skocpol's steps in line with the long-standing tradition of equality versus difference dualism in feminist thought. Skocpol's argumentation suggests that comprehensive labor protection laws for women are the outcome of a particularly strong women's movement. A comparison of Germany and Sweden reveals that exactly the opposite is the case (Kulawik 1999). This brings up the complexity in the relationship between the women's movement capacity to act, its goals and social policy regulations, which is apparently greater than Skocpol's institutional framework is able to explore.

Another problem in Skocpol's investigation is that she too reduces the category of “gender” to women. Furthermore, the issue of “gender” is reserved for the part of her book that deals with maternalist policies, whereas the class-based actors in the struggle for workers' insurance seem to have no gender. (Gordon 1993) This is quite a remarkable point of her study, because it is in fact devoted to the analysis of social benefits that are marked as male and female. Skocpol does, however, provide some clues that the struggle for social insurance was indeed gendered. For example, she explicitly says that the American democracy was an exclusively male sphere, not only because women were disbarred from it, but “more importantly, because the rituals of male fraternalism” were constitutive to this system of government. (Skocpol 1992: 323) Yet, Skocpol failed to examine the significance of these rituals for social policies. There are some questions that could be at least posed here, for one, if male workers' lack of incentive to support the struggle for social insurance is not only due to the specific political opportunity structure or if it is related to a concept of masculine identity that sees engaging in state social provisions as a form of demasculinization (Cf. Kessler-Harris 2001). Skocpol also points to the fact that social reformers in the USA had been gendered as the “third sex.” (Skocpol 1992: 323) This act of attaching a certain gender to a political identity can only be understood through discourse analysis. Consequently, Skocpol fails to fully engage the

analytical potential of the dual perspective in her examinations of social benefits directed at women and men.

This demonstrates the epistemological limits of the institutionalist approach, which acknowledges collective formations of actors as analytically relevant, but does not have the theoretical tools to be able to fully grasp such processes. Here, I would like to put forth discourse analysis as an important theoretical link.

Staking a Frame: Gendered Discursive Institutionalism

What does discourse analysis offer that other approaches do not? As mentioned above, some scholars working within the historical institutionalist tradition have acknowledged the limitations of their method and sought to include “ideas” in different ways in their analysis. However, these “ideas” merely functioned as residual categories and never really developed “a life of their own.” This incorporation of ideas originally set out to solve explanatory problems within institutionalism was not really prepared to address the question of how “ideas” in fact work. In this respect, the ideational approach resembles Pfau-Effinger’s culturalist framework. Both are implicitly based on a behavioralist notion of ideas as internalized norms, values and beliefs or on a rationalist-technocratic view of the transfer of cognitive ideas from the world of science to the world of politics. (Berman 1998; Blyth 2002; Hall 1993) The main division then between the ideational and the discursive perspectives is that the latter deems discourse as enacted within the medium of language to be constitutive of societal relations, whereas the former’s “ideas” only present one possible variable of a variety within competing explanatory factors. (Kulawik 1999: 46; Fischer 2003: 27-45)

I would like to note here that institutionalism and discourse theory do, in fact, share important epistemological insights that ease their convergence into an integrative approach. Both theoretical perspectives transpired in response to the limitations of economic determinism in the materialist theory tradition. Both rely on temporality, relationality and contextuality in social developments. While institutionalism focuses on the relative autonomy of the political in terms of institutionally mediated political conflicts, discourse analysis underscores the construction of social reality as mediated through language. An important factor in discourse analysis is that ideational phenomena are no longer ascribed to an autonomous thinking

subject, but that they are instead conceived as the result of communication, as the outcome of processes of constructing meaning.

There are many different forms and combinations of discourse analysis, the continuum of which spans Habermasian notions of intersubjective communication, Derridaian concepts of semiotics and signification, Foucauldian genealogies of knowledge/power regimes and hermeneutic and phenomenological concepts. (I will not go into the myriads of these theoretical differences and nuances here; for a more detailed account see Fischer 2003; and Kerchner 2006.) Nonetheless, I find it useful to conceive of discourse as a duality of interactive processes of interpretation and discursive formations. Discursive formations consist of established meaning systems and institutionalized modes of articulation that facilitate a specific statement at a specific time, a specific context and institutional location. In other words, discourses do not merely pertain to language, text and content—they also concern institutionalized practices and rules of communication –and who said what to whom in which context.

The “linguistic turn” revolutionized ways of thinking about gender and made a mark on numerous academic disciplines, but some resisted this framework more strongly than others-- political science being one of the most disinclined to embrace its epistemological and methodological challenges. However, the field of comparative welfare states research is an interdisciplinary enterprise with multifarious contributions. In the 1980s, political scientist Jane Jenson and philosopher Nancy Fraser made attempts at applying discourse theory in analyzing the welfare state.

Both scholars begin by reformulating the concept of the political by unbounding it: according to this, politics are not simply understood as a conflictual process between actors in pursuit of particular interests within an institutionalized decision-making process, they are more a struggle of interpretation over who, what and how to “*politicize*.” (Fraser 1989: 166) Thus, politics are not just a strategic dispute over who gets what, but also a struggle for representation. Jenson (1986) terms the arena in which discursive struggles for representation are fought out and collective identities are formed the “universe of political discourse.” It is here that numerous political actors compete for legitimacy and recognition. The universe of political discourse is constituted by a wide variety of actors and discourses as well as by

mechanisms of inclusion and exclusion. The national ensemble of legitimate actors, meanings/interpretations and practices is what Jenson (1989) calls a “societal paradigm.”

Within this discursive concept political power is not only composed of strategic strengths, such as the organizational membership or in the number of seats in the parliament, it also consists of the ability to put one’s own interpretation of social relations and problems on the political agenda and thus be able to push for one’s own solutions and proposals. The discursive reformulation of the political implies a shift in the analytical perspective on the object of study itself. Social policy is usually investigated as a reaction to an “objective” problem, yet through the lens of discourse the problems are no longer taken as given but they are perceived as a result of interpretation. Accordingly, countries not only differ in terms of their policy institutions, but in how social problems and their causes are interpreted, which, in turn, exerts influence on which solutions are deemed appropriate. Jenson’s (1986 and 1989) analysis provides a lucid illustration of how different interpretations of the same problem, namely the decline in the birthrate and in infant mortality, led to fully different policy designs in France in Great Britain.

I consider Jenson’s comparative analysis to be a groundbreaking piece that anticipates many insights of what Carol Bacchi (1999) formulates in her “what’s-the-problem” approach over a decade later. I see two major limitations inherent in her approach. First of all, despite its ability to demonstrate the correspondence of national discursive patterns with social policies, Jenson’s analysis does not explain how these specific patterns of interpretation came about. Secondly, in her study the “societal paradigm” is primarily perceived as a compromise between actors according to their economic standing and, as was the case in Theda Skocpol’s work, actors defined in terms of class, remain genderless. (Kulawik 1999: 68f) In contrast, there are many studies in social history concerning protective labor legislation that illuminate the intersection of the two categories. They demonstrate that labor protection legislation for women workers is not to be read as a way of solving the problems of women in industrial labor, but as a process in which women are constructed as dependents in need of protection and male workers as autonomous economic agents and as citizens. (Schmitt 1995; Wikander et al 1995; Canning 1996; Frader and Rose 1996) The problem with this literature in social history, however, is that it does not undertake much effort to systematically account for national variation. In addition the studies are placing their emphasis on the interplay between “the social” and “the discursive” and therefore lack sufficient attention on the political.

In order to overcome the conceptual limitations of institutionalism and discursive analysis in accounting for the national variation of gender regimes, I propose an elaboration of a gendered discursive institutionalism. Such an integrated approach allows for a reformulation of analytical concepts in correspondence with a configurative strategy of research, focusing on the interrelations of institutional settings, actor constellations and policy discourse. Let me provide a brief account of what such an integrated approach would imply.

Institutions: Despite the fact that new institutionalism has moved beyond a formalistic understanding of political institutions, institutions are still, for the most part, understood in formal terms as procedures that take place outside of the agents or as Vivienne Schmidt (2008) puts it as “external rule-following structures.” This critique also applies to sociological institutionalism that conceptualizes institutions as operating according to a normative “logic of appropriateness.” Feminist scholars find the normative perspective particularly useful in attempts to reveal how gender is “imprinted upon and embedded” within institutions, for instance, through prescribing different forms of masculine and feminine behavior as embodying different “gendered cultures.” Chappell (2006) exemplifies this by explaining how the norm of neutrality is linked to public administration and how this is laden with a gendered bias within different national contexts. These are important insights of the gendered character of state institutions. However, in order to avoid a static bias, I propose moving from a normative towards a discursive notion of institutions. I suggest conceiving political institutions as a duality of procedural and symbolic orders. These are two distinct yet related dimensions, whereas gender is a part of both dimensions. Symbolic order is a broader concept than norms and it is better equipped to explore how institutions, in fact, interact with political actors without reducing them to norm-followers.

Agency: A discursive account is helpful in reformulating the relation between agency and institutions in a non-deterministic manner. Institutions are not conceived as an external structure imposed upon political actors, but as constructs internal to actors, which they change and create. “Internal” means that institutions work in the ways that the actors “do institutions.” In turn, “doing institutions” occurs in two ways, as a routine in which actors rely on what Schmidt (2008) calls “background discursive abilities” that implicate “rule following” from what can be termed as “habitus”. The second way of doing institutions is through employing “foreground discursive abilities” in which actors problematize and

deliberate problems and rules. This distinction parallels what Anthony Giddens calls “practical consciousness” and “discursive consciousness”. (Giddens 1984) The discursive perspective aids in reconceiving the relation between political opportunity structures and agency. Decisive for the actual strategies pursued by actors is then not the “objective” existence of opportunity structures, but how these opportunities are perceived. (Kulawik 1992; Naumann 2005) Discursive processes of collective identity formation in which the negotiation of shared aims or the interpretation of previous experiences with political institutions or social policies take place are crucial for understanding how political actors mobilize and the claims pursued.

Policy discourses: Policy discourses can be defined as communicative processes in which cognitive and normative claims concerning a policy problem are stated, motivated and evaluated. Policy discourses operate within an established discursive formation, but they also continually transgress it. Other approaches within policy studies, which include ideas into the analysis, as “epistemic communities” or “advocacy coalitions”, work with a rather static notion of fixed beliefs and interests and a clear divide between facts and values (Fischer 2003: 74-114). In contrast a discursive approach takes a broader perspective on policy issues analysing the argumentative struggles in terms of how different normative and cognitive claims are articulated and positioned and how the plurality of claims is turned into more coherent “storylines” or “frames” within specific contexts. A “storyline” is a narrative that gives meaning to a specific social or political phenomena. It is constructed in argumentative and strategic interaction, rather than based on preexisting shared beliefs or empirical evidence (Hajer 2003). Discursive analysis is reflexive, as it does not take normative or cognitive ideas for granted but examines how empirical “facts” are evaluated and authorized. In policy discourses a variety of knowledge systems and interpretative schemes compete for recognition: scientific, moral, economic or legal. The way how a problem is primarily understood, has important implications for suggested solutions. Modern welfare states are unthinkable without the contribution of sciences and scientific expertise and its input into political processes. Feminist policy analysis has not paid systematic attention towards how normative and cognitive claims intersect and how countries might differ with regards to the ways they evaluate such claims. Sheila Jasanoffs (2005) concept of “civic epistemologies” as nationally specific ways of public knowing, in the sense of institutionalized practices to deploy and authorize knowledge claims, can offer important insights here.

Frame-analysis has been successfully applied in comparative feminist policy studies. Verloo and Lombardo (2007: 40), the protagonists of a “Critical Frame Analysis Approach”, reflect also on their own methodologies’ limitations and state that it is useful for mapping national interpretative schemes, but is less equipped to explain how this frames emerged and to account for national variation. I argue that an integrated discursive institutionalism takes feminist policy analysis a step further in that regard. However discursive analysis is demanding, as it requires a detailed inquiry of how policies are made.

The Origins of Gendered Welfare States Regimes in Germany and Sweden

In the following section I will demonstrate the usefulness of a discursive institutionalist approach in a comparative case study that explores the emergence of gendered welfare state regimes in Sweden and Germany focussing on protective labor legislation. Protective laws have been of great interest to feminist scholars, however their inquiry has concentrated on regulations addressing women. Feminist analysis overlooked therefore the wider scope of work protection. I argue that there are two important aspects which need to be considered in a comparative perspective. *First*: whether men were targeted by the regulations or not. A comparative taking of stock shows considerable difference in that regard: Some countries limited legal requirements for the protection of workers solely to women, for example the USA Other countries tended towards universalistic regulations despite some gender-specific requirements, for example the Scandinavian states. A third group had gender-specific laws for the protection of women, but later also adopted regulations for men, for example Germany and Austria. (Gross 1988; Kessler-Harris 2001). *Second*: protective legislation included two kinds of regulations: restrictions on the usage of the labor force as well as a set of prescriptions concerning health and safety protection. My hypothesis is that the gendering of protective labor legislation in fact impeded the development of preventive safety protection and that this in turn was related to masculine political identities and interests.

Concretely I aim to explain, why the German protective labor legislation was gendered from the outset and intensified that trait, whereas the Swedish development started gender neutral and became tacitly gendered throughout a short period around the I World war, before it reverted to universalistic regulations in 1918.

Germany: The Virility of the State and the Potency of Men

Despite the common reference to Sweden and Germany as “strong states” these countries differed considerably in their state structure and the state formation processes. The constitutional taming of the absolutist monarchy occurred later in Germany than it did in Sweden, namely after the thwarted revolution of 1848. Despite the achieved constitutionalization, the German states (Bundesstaaten) were distinguished by a high degree of repression especially in Prussia, hegemonic in the German Reich. The political public was subjugated to numerous regulations: coalition bans, restrictions on freedom of organization and assembly, and wide-reaching censorship limiting the freedom of opinion and of the press. Most of these stipulations were lifted at the latest with the establishment of the Reich in 1871, yet the repression continued. It was subsequently “feminized”. Henceforth, the ban on political activity applied only to women; with the law against the social democracy of 1878 the ban was, however, extended to the working class. Although national representation was established on the basis of universal male suffrage in 1871, the powers of the Reichstag were rather limited. The government was appointed by the Kaiser and was not accountable to the Reichstag. Legislative preparations were exclusively - unlike in Sweden - the domain of the ministerial bureaucracy. However, all legislation, including the budgetary laws, had to be passed by the Reichstag (Cf. Wehler 1995).

This institutional structure obviously contributed to the class formation processes. This has been widely discussed, especially from the perspective of the bourgeoisie and its supposed weakness. (Blackburn and Evans 1980) When compared to Sweden, however, the “weakness” of the bourgeoisie is not specific to Germany. On the other hand, there is a peculiarity in the overlap of bourgeois class formation with the national movement and the later foundation of the nation state. The German national movement, which was a thoroughly liberal project, had been grounded since the 1830s on the concept of *militarized masculinity*, which was based on, according to Dietmar Klenke (1995: 397), “the picture of virtue of the ‘German man’ in the sense of an able-bodied, devoted soldier true to the national collective.” This bellicose ideal of German masculinity acquired its lasting influence through a culture of organization, anchored deep in daily-life practices, and organized along purely fraternal lines. The fact that women in Prussia were even excluded for a time from the protestant moral associations (*Sittlichkeitsvereine*) – in the USA a domain of the women’s movement – illustrates how fundamental this fraternal form of organization was.

This masculinization of bourgeois identity appeared hand in hand with strategies of extreme exclusion of women which were highly effective, not least because they could rely on state intervention. Thus, in the context of reactionary politics after 1848, contractual passages of family law were revoked. Marital relations were “modernized” on the basis of the requirement to maintain and the particular *need for protection* of the wife. A breadwinner model was thus legally codified. This institutional and non-contractual concept of marriage was finally laid down in the family law of civil code of 1900. (Gerhard 1978) Individual status was denied to women not only in civil but also in public law. This was applied to the issue of political organization of women, and access to the civil service and university studies, from which women in Prussia remained excluded well past the turn of the century. The consequences of these policies can be illustrated by the status of female teachers. Whilst women in European countries, including Sweden, constituted a considerable proportion of the teaching personnel, in Prussia they amounted to just 7.4% in 1871. By 1914 this figure rose to a mere 20% of all teaching personnel in primary schools. (Wehler 1995: 405/1198) It is precisely in the case of women as teachers that the peculiar fusion of militarism, masculinity and emancipation finds expression in the liberal bourgeois identity. Liberals were among the main opponents of the employment of female teachers in public schools, fearing that ‘feminization’ would lead to ‘feeble-ization’ (Stodolsky 1993: 175):

“To defend ourselves in the competition of world powers, we need primarily masculine qualities - courage, decisiveness, iron resolve, heightened intelligence. The specifically ‘feminine’ offers us no replacement. The education of boys after age ten is therefore to be carried out exclusively by men.”

The masculine habit of self-assertion also played a central role in the formation of the working class. It expressed itself in the demand for a ban on the gainful employment of women, as well as the refusal to admit women into labor unions, a practice which was partly still in effect well into the twentieth century. This strategy was so effective in Germany because, unlike in Sweden, it was supported by state sanctioned status-based, exclusively male corporate institutions, so called “*Innungen*”. (Kiesewetter 1989: 54) Male corporatism also extended into the realm of social policies through municipal regulations concerning sickness insurance funds. This guild-like corporatism introduced – at first on a communal level – a masculinity into modern social policy institutions, which Bismarck’s workers’ insurance policies merely continued on the level of the state.

In Germany social problems resulting from industrialization were debated since the 1830s. With the founding of the Reich however, the social question took on special urgency: it became an issue of inner state formation and of a national unity which seemed to be continually threatened. The Association for Social Policies (*Verein für Sozialpolitik*), founded in 1872, played a highly important role in the establishment of public discourse on social problems and the necessity of state intervention. In its choice of topics, its political orientation and membership structure, it represented a specifically German constellation for social reforms which differed considerably from its Swedish counterpart. The bourgeois social reform in Germany was not a product of democratic traditions. For Schmoller, the organization's long-standing chairman, the constitutional monarchy and civil-servant state was the best of all governmental forms. According to his view, the state was not only the "ventricle of all institutions" but also masculine. Schmoller (1904: 259) accused critics of the strong state of speaking with a "castrated voice" and therefore of confusing "their own impotence with that of the state." The organization did not base its political legitimacy on social movements but rather on science and academic authority. (Dipper 1992) And it is almost superfluous to say that women were denied access to such a "*Gelehrten* politics".

The masculine closure of the public sphere and social reform in Germany resulted no least in the early narrowing of the general poverty issue into a workers' question which was simultaneously transformed into a women's question. Both "questions" thus experienced a resulting change in meaning. Not the asymmetrical relationship and lack of justice between the sexes, but rather the 'problem of female labor' was thematized as the women's question. In the context of the workers' question, the actual problem was mislaid in female factory labor and not in the conditions of capitalist-industrial production.

Fundamental to this, above all, was a *political* differentiation between the sexes, which accordingly claimed that women were in need of special, i.e. prioritized, *state* protection since they were unable to protect themselves. The justification swayed between the supposed inability of women to organize themselves and the open admission that their ability to form coalitions was simply undesired. At the founding meeting of the Association for Social Policy, Lujo Brentano declared in his speech on factory legislation that state intervention on behalf of male workers was not only inappropriate, but in fact dangerous. Only by obtaining reduced working hours by means of coalition could they be raised to greater independence and liberty. Among female workers, however, state regulations aimed for "women's

liberation". It was state protection, Brenaton claimed, which first enabled them to defend their freedom of action, since, due to "natural weaknesses" physically, mentally and emotionally, it is impossible for them to succeed in the fight for survival. (*Verhandlungen der Eisenacher Versammlung...*, 1873: 18). Although male workers were denied full citizenship status, they were still recognized as legal subjects. Women, however, as moral representatives, were degraded to the means for increasing the morality of male workers. This is the key to the morally reformulated worker question: not economic exploitation, but rather the lack of women's domestic virtues were played up as the social problem.

This concept of morality was thoroughly shared by the German labor movement. The social democratic party demanded, along with the normal working day a ban on "all kinds of female labor which are damaging to health and morality." (*Protokolle der sozialdemokratischen*, 1971: 52 [Gotha 1875]). The morality concept referred here explicitly to the honor of men, who, through the "equality" of capitalism saw themselves in danger of being emasculated. If the bourgeois social reformers led the fight against female labor as a fight against social democracy, then the workers' movement saw in it a fight against capitalism (*Protokolle und Materialien des Allgemeinen...*1980: 82 [Berlin 1867]):

"To set women and men in all respects equal under the dominance of capital means to take the last of happiness and well-being from the working class and to tear down the last barrier to capitalism."

These interpretations illustrate that gender works as a signifier of diverse social distinctions and differences. In a situation that threatened to tear down virtually all social barriers with the invention of universal male suffrage, the maintenance of gender inequality was, for the German bourgeoisie, the sine qua non of societal order. Gender was the "last outpost" (Vogel 1988: 436) of an uncontrollable striving for equality. Something similar was, under other auspices, true for social democracy.

In addition to morality, a medical framework was increasingly used, which inferred from physical difference not only greater damage to the female body through industrial work but also the political 'weakness' of women. According to Max Hirsch, the head of the liberal trade union organization, protection of women was necessary (RT Protokolle: 3/2, 4.März 1878: 304):

“Firstly because they are physically weaker than men, and secondly because they are not suitable for it and it cannot be desired that they use the right of coalition to protect their rights and interests.”

In Germany, the argumentation based on medical claims soon became hegemonic and was shared by all political actors, including those in the women’s movement that entered the political agenda after the turn of the century. This claims were however based on a pre-scientific a priori. Inquiries into the damaging effects of industrial production solely focused on women. (Kulawik 1999: 73f/93f)

A related variant of this argumentation evolved from political Catholicism, so important in Germany due to its key position in the political party system. If the issue of family was significant for all political actors in Germany then it was more or less the heart of the Catholic worldview. It formed the fundament on which Catholicism as a non-class political force was able to form a political identity, which transgressed class lines. In this, the establishment of an adequate house wife femininity and masculinity was a central matter (Die Beschäftigung verheirateter Frauen in der Fabrik, 1884: 2):

“He truly does not deserve to be called a man who brings home a wife with the intent to destroy the circles which the creator has drawn and the wife degrades herself who gives her hand to a man who is not capable of feeding her, and who perhaps even expects also to be fed by the weak wife. The man who feels he is a complete man and is a complete man will seek his pride precisely in that he fights with the might of his arms that his wife maintains not only a worthy but also a care-free existence.”

In the 1880s, the catholic Center party unrelentingly introduced proposals to the Reichstag aimed at a prohibition, or at least a reduction of gainful employment for married women as well as the separation of the sexes. This flood of proposals to the Reichstag was described by the social democratic MP Karl Grillenberger as “the well-known race for the poor man.” (RT Protokolle 6/1, 3. Vol., 11. March 1885: 1732) This is to be taken entirely literally, since, although the regulations passed in the Reichstag affected solely women, they were exclusively discussed from the standpoint of diverging masculine class interests. The decisive line of conflict in the Reichstag ran along the lines of the question of which “damages” were worse: those which grew out of the reduced access to female labor and were therefore damaging to business or those which so-called female ‘dirty competition’ added for the working man. (Kulawik 1999: 102ff) Along with the gendering of the problem underlying protective legislation, regulations concerning health and safety protection were completely marginalized in policy discourse.

The a priori relevance of gender for protective labor legislation was so successful in the 1880s that in the negotiations of the trade regulations amendments (*Gewerbeordnung*) in 1891 there was no principle disagreement with the justification of special protection for women. Together, the individual arguments formed a storyline in which physical traits served as social place markers in the societal division of labor and as indicators of political status. In the organization of gender relations, a contradictory development was provided for by the labor laws for men and women as a launch into the welfare state. Based on the presumed “*Eigenart*” (peculiarity) of women’s physical, moral and political traits, they were made qua gender into objects of state regulations. For working men, the law effectuated an affirmation of their subject status, despite some repressive provisions contained in it.

Sweden: From Masculine Universalism to Masculine Compromise

If the German development brings ideal equations between liberalism, bourgeois citizenry and state formation into a considerable tussle then this is even more true for the Swedish path to modernity. The Swedish state has existed as a national-legal unit since the fourteenth century. The modern organization of the state was based on corporate representation, which was never completely eliminated by absolutism. The establishment of the rule of law with the guarantee of freedom of opinion and the press, was achieved with the constitutional order (*Regeringsformen*) of 1809, therefore, before the bourgeois challengers stepped onto the political stage. With freedom of trade and parliamentary reform, the liberal-bourgeois project, as Göran Therborn (1989) points out, petered out to nothing. The census regulations of the voting rights in connection with the parliamentary reform of 1866, which replaced corporate representation with a two-chamber parliament, sealed the political defeat and temporary disbandment of the bourgeoisie as a political class ‘in itself’.

The parliamentary reform illustrates the specificity of the social and political development of Sweden. The modernization and democratization of the political institutions did not only take place as a battle between old and new elites, but were mediated through a third class-like based power, namely, the peasants. This created a constellation in which the old mercantile elite and the new industrial upper classes more or less came to terms with each other. With that the bourgeoisie remained split as a political power. This in turn removed the foundations of the polarization between the labor movement and the middle class, which was so pervasive in Germany. The political Liberalism at the turn of the century - carried by bourgeois

intellectuals, the petty bourgeoisie and parts of the rural population - found its way to a class comprehensive alliance with the labor movement in a struggle for the democratization of suffrage. (Therborn 1989; Stråth 1988) Although the Swedish state was also an authoritarian state in this early phase of welfare states formation, it was much less repressive towards newly mobilizing political forces like the workers' and the women's movement. In addition, despite the late democratization of political rights, which only took place after the turn of the century, it was to a certain degree open to their demands for representation. (Rothstein 1991) This was not least a result of the specific legislative procedure, which left the preparation of legislation to commissions outside the ministerial bureaucracy.

The political modernization of Sweden also meant a *lesser masculinization* of political identities. Political citizenship was still limited by class; the universal male subject was not (yet) institutionalized. Class preceded over gender in political rights which worked in favor of women. Although women, qua gender, were indeed excluded from the direct vote for the second chamber of the parliament, in as far as they filled the census requirements they had had communal suffrage since 1862 and thereby also the right to vote for the indirectly elected first chamber of the parliament. At the same time, women were confronted with fewer institutional barriers than in Germany: between 1850 and 1865 they gained entrance to the lower levels of the civil service, above all as primary school teachers, as well as to the postal and telephone services. And as early as 1873, the doors of the universities were opened to them, with the exception of the theological and legal faculties. (Florin 1992)

In Germany, the institutional closures were closely bound with the intersections of militarized masculinity and nation state formation. Indeed, neither nationalism nor bellicose masculinity were unimportant in Sweden but they related to a different institutional context. In Germany, as in other countries, the *masculinization of citizenship* was closely tied to the introduction of universal conscription. Sweden, until well into the twentieth century, had at its disposal a military organization, which recruited soldiers according to landowning principles (Therborn 1989). Corresponding with that on the other hand was that, in spite of freedom of trade, the labor force, not just married women but also men, was only partially free and needed "protection". Until 1885 the so-called non-defense regulation (*försvarslöshetsstadgan*) was in power and with it, in fact, a state safeguarded work duty. This decree must be seen against the background that Swedish feudal class relations had not developed serfdom and subservience. However, this did mean that the workforce were subject to paternalistic protection for longer

than was the case in Germany. The labor code for factory workers still remained organized as a *service* law and not as a contract law, if, as it was stated in the modernized form of domestic regulations (*legostadgan*), no other agreement had been made. (Eklund 1974) This limited sovereignty of working men implied that the highly significant gender specific splitting of morality and rights which took place in Germany was not effective in the same way in Sweden.

The preoccupation with the ‘social question’ of pauperism and that of industrialization began to take place in Sweden as early as the 1830s. In the 1880s, through the intervention in Parliament by the Liberal Adolf Hedin, they were made a permanent part of the political arena. (Olsson 1990) In the context of the legislation activity that arose from this, a protective labor law was also passed (*Lag mot yrkesfara*), which introduced state factory inspections and made specific regulations for safety protection. (Sellberg 1956) The law did not include any kind of person-related regulations and therefore also none for women. Noticeable, however, is that the investigations in the context of the safety protection law made no gender specific differentiations concerning working hours and hygiene conditions. (*Arbetarförsäkringskommitténs Betänkande*, 1888, vol.II, no.2) This is an indication that in Sweden, reform oriented efforts of health protection and the struggle against women’s labor were not amalgamated with each other from the outset. This can also be seen in the strategies of the early labor movement.

In Sweden there was also resistance to the employment of women within the workers’ organizations. However, initial attempts to exclude women from the unions’ organizations were quite quickly abandoned. (Carlsson 1986: 85) The masculine strategy to limit competition did not consist of legal restrictions but rather of the demand for “equal pay for equal work” as well as in the organization of the female workers. This was a result of a strategy to eliminate female “dirty competition” through equal pay and ties to collective wage agreements which assured the male work force of better wages and work places. The printers spoke of this as “neutralization”.(Kulawik 1999: 182)

Even if the equal pay demand primarily benefited men, it remains of note that the Swedish male workers chose the strategy of inclusion and not exclusion, which reveals a *different status of masculinity*. In Germany the masculine status had a social value in and of itself which was also maintained against direct economic interests. The Swedish male workers dealt

economically more rationally in this situation. They were even - as in the case of parts of the Bakers' Union - ready to sink their wages so as not to be pushed out of their work places by women. (Winberg 1990: 334) The masculine strategy of equal pay had the organization of men and women as a basis. This was only possible because women were not banned from union organizing and because the familial and medical discourse of difference had not yet fully established.

This is also illustrated in the position of the state bureaucracy. In the common statement of the Board of Trade and the Board of Health on a proposed law which was worked out in connection with the Berlin Conference on Protective Legislation in 1890, they welcomed the "general opinion" that the planned change in the law did not affect either male or female adults. Even the expansion of the night shift ban for children to women under twenty one was rejected for the following reasons (*Underdånigt utlåtande ...*, 1893: 24):

"The physical development of young women does not follow later than that of men but rather the other way around, and why, from the standpoint of morality, honest work should be forbidden at times other than 5:00am and 9:00pm for women between 18 and 21, cannot be supported by the state administration."

Instead of person-related limitations both institutions demanded the increase in personnel for factory inspections. The argumentation of physiological sexism was avoided in that the distinction between men and women was not linked to the "difference" of female and male bodies in relation to reproduction of the species, but rather, was measured according to physical development and maturity processes. In these processes, girls are well known to be ahead of boys.

The lesser gender specific split between morality and rights might explain why the storyline that says men are capable of protecting themselves and women need special state protection did not exist in Sweden from the outset. This argument was actually brought into the social policy discourse after the turn of the century, if only in a weakened variant. This happened foremost through liberal social reformers, who - although in no way unanimously - set the gendering of work protection against the universalistic measures favored by the social democracy. (Sellberg 1956) The liberal reformers did not see themselves as representatives of governmental policies, but rather as a part of the democratic people's movements. In contrast to Germany, women were a part of this liberal public sphere and culture of organization. They consisted up to 40% of the members of the leading free church, evangelical and temperance organizations. Women even belonged to the initiators of the initially most important social

policy organization on the national level, the so-called Central Association for Social Work (*Centralförbundet för Social Arbete*). (Ohrlander 1992) The democratic nature of bourgeois social reform in Sweden is made clear not least by the fact that protective legislation was demanded as a precondition for further democratization, not a substitute for it.

Despite the quite strong presence of women in the liberal organizational network, it was left up to the first liberal government in Sweden to decisively make progress with gendering as a state project. With the ratification of the Bern Convention in 1906 the night shift ban for women was put on the agenda of the labor reforms. However, the commission responsible for drafting a legislative proposal (*Yrkesfarkommittén*) was rather cautious. In the face of massive resistance by the women's movement against the proposed law, the commission recommended not to ignore the fact that voices were increasingly being raised against the barriers which until that time had been a hindrance in the equality of men and women in the labor market and in public life. (*Förslag till Lag andgående Förbud ... 1907: 2*). However the government, in the meantime led by the conservatives, was not exactly ready to do that.

A specific trait of Sweden's configuration was that the *legitimacy of the interests of women* was at the core of the parliamentary debate. The liberals were split on the issue of women's special protection. Several of them belonged to its committed adversaries without being opponents of protective legislation itself. Carl Lindhagen, one of the most prominent advocates of women's rights, placed women's protection explicitly in the context of political citizenship. Whereas the supporters of the night shift ban proclaimed a "masculine renaissance", Lindhagen criticized the proposed law as a finale stage of a "dying masculine cultural world" (*RD Lagutskottets Utlåtande 1909, No. 43: 35*):

"We could have been the first European people to introduce suffrage for men and women but instead we chose to be the last to join the old ways. Still we could be the first who in the framework of protective legislation of working people, justly place mature men and women side by side as comrades."

The ban on night shift was passed by Parliament in 1909 at the second attempt (Cf. Karlsson 1995). This took place with the explicit consent of social democrats, who, from the turn of the century onwards, had no longer dealt with women's work from the strategic points of agitation and organization which had prevailed until then, but rather increasingly from the perspective of child rearing and family. Thus, in Sweden the protective labor legislation was also made the object of a masculine class compromise. The compromise was embedded in a

context of intensifying social and political conflicts which were due to the growing strength of left wing forces - i.e. the labor movement, but also the liberals. The gendered particularization of protective legislation was therefore closely tied to the citizenship status of the male workers. It took place parallel to the introduction of universal conscription in 1901 and a further expansion of male suffrage as well as the recognition of unions as partners in collective bargaining in 1907.

Conclusion – gender matters!

Feminist scholarship in comparative welfare state studies has reached an impressive state. Despite the extensive scope of literature, explanations of national variations still remain rather explorative and tentative. This includes the fact that the formative role of gender in welfare state making is undertheorized and unsettled. By starting with a critical review of the merits and limitations of feminist approaches, I propose an integrated gendered discursive institutionalism as an appropriate theoretical framework. This approach has two major advantages. *Firstly*, it enables a relational conceptualization of gender thus conceives gender as a relevant analytical category, even if women's agency is deemed an irrelevant causal factor. *Secondly*, it allows for a reformulation of causality in correspondence with a configurative strategy of research, which fits well into a gendered perspective.

The article illustrates the advantages of such an analytical framework via a case study on the rise of gendered welfare states regimes in Sweden and Germany. By taking a closer look at the early emergence of protective labor legislation, the article pursues the question to what extent national variations of political masculinity can account for policy designs. This study clearly shows that masculine identities and interests indeed play an important role in the formation of welfare states. There are considerable differences in the institutional privileging of masculinity as and in the patterns of interpretations in both Sweden and Germany.

Characteristic of the foundation of the German social state was a simultaneity of several lines of conflict regarding national, liberal-democratic and social issues. This highly conflictual situation initiated a process of gendering that was self-reinforcing—a process that, in turn, was instrumental in inscribing the extremely masculine habitus of asserting oneself onto political identities. The middle class compensated for its weaknesses in relation to the state and the increasingly mobilized workers' movement by putting forth an extreme masculine

habitus of self-assertion. The workers' movement was an equal political contender. In Germany, due to the clear presence of conflicts and moralization in the political arena—the latter of which was particularly reinforced by political Catholicism—the terrain of gender policy was predestined to become the grounds for political demarcation, as well as the basis for political compromises on behalf of women.

The Swedish trajectory illustrates that it is not simply the strength or weakness of certain actors that is decisive to identity formation or formative capacity, but rather it is the respective relations and the periodization of societal development. From a structural point of view, the modernization path was similar in Sweden—it consisting of a strong state, a weak middle class, accelerated mobilization of the workers' movement, and late democratization—yet this was not what led to the formation of such masculinist-driven political identities. The split of the middle class, the possibility of compromises which spanned class divides, the political representation of the peasants and the more open state created a configuration within which gender difference was less important – but in no way unimportant – for the processes of class formation and the political arena. This led to the fact that political discourse was determined more by economic class identities than by symbolic moral questions. The gendering strategy only became important after the turn of the century. This occurred against a background of growing political conflict as well as growing nationalism.

The analysis revealed considerable differences in the patterns of interpretations with regard to the policy problems at stake. These differences are not just important because of the unequal treatment of men and women in social policies. The gendered interpretations also played a central role in how social risks in general were perceived and defined in both countries. Therefore, gendering processes played an important role in the emergence of different policy patterns, in the priority of individual-oriented damage limitation in Germany and in preventative safety protection in Sweden. It is not difficult to recognise trace elements of the forms of intervention of the welfare state, which was then so characteristic for the two countries, namely the dominance of “causal” compensation over risk prevention in Germany and the preference for “universal,” preventative interventions over status-securing benefits in Sweden.

However, by no means do I want to suggest that the later development of both countries just followed a predefined path – this would contradict the essential insights of discursive

institutionalisms. Still, it is remarkable how certain established storylines are so very difficult to unpack and that they are able to travel such a long way. This can be illustrated by a “snapshot” of the strategies employed in the German and Swedish women’s movement in this early period and in the 1970s. The situation in Germany was quite paradoxical during that early period: on the one hand, Germany was a pioneer in terms of its social policies targeted at women and its extensive labor protection legislation and maternity provisions introduced as early as 1883 and yet, on the other hand, the German women’s movement had absolutely no influence on the initial policy formulation. When it finally came onto the political agenda after the turn of the century, the movement accepted the largely hegemonic story line according to which waged labor was damaging for women. Therefore, maternal benefits were not viewed as a means of reconciling family care and waged labor and as beneficial to strengthening women’s economic independence, but as a way of “familizing” women. In contrast, the Swedish women’s movement had a voice in formation of the welfare state from the very beginning and therefore the dominant storyline had always been contested. They regarded maternalist policies as a possibility of enhancing women’s economic independence. (Kulawik 1999) Ingela Naumann’s (2005) analysis of child care policies and feminist strategies in the 1960s and 1970s reveals how these storylines traveled, although they did entail different nuances.

This historical continuity of national variation also offers important insights into how discourses work – they are the means by which change is initiated, but they can also be very sticky. Given a hegemonic discourse, actors who try to challenge dominant storylines must rely on elements of the established discursive formation, which can be transformed for other ends. In the case of Sweden, the social democratic passion for equality and the productivist welfare state offered the discursive resources that enabled the mobilized women to frame their demands primarily as a problem of unequal distribution that was to be solved through public child care and labor force participation. In the case of Germany, however, due to the legacy of the Nazi regime “authoritarian” state institutions were not regarded as a good place for children or a good ally for women. The so-called autonomous feminist movement therefore favored cooperative institutions and – later on – demanded wages for housework. (Kulawik 1992) Wages for housework did indeed fit well into the (West) German hegemonic storyline of motherliness. Feminists saw it as a way to achieve women’s economic independence – and as an immodest proposal to get read of patriarchy and capitalism altogether. This comparative short story exemplifies how institutions work as constructs internal to agents. It also illustrates

that the ambition to account for national variation requires the combination of two perspectives: on long-term developments and large structures as well as on the capillary, intersectional and multilayered processes at hand. The bold proposal of a gendered discursive institutionalism includes both.

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Report this Document. Description: New Institutionalism Through a Gender Lens? Copyright: © All Rights Reserved. The utility of NI for explaining the complexities of political choices, institutional continuities and transformations has led to a burgeoning literature on the subject. In this article we provide an overview of this literature, focusing on four common variants of NI: the historical, rational choice, sociological (or organizational) and discursive (or constructivist) approaches. Our focus is not so much on the contentions between these various schools of thought, as has been the emphasis in earlier overviews (Hall and Taylor, 1996). The Origins of Gendered Welfare States Regimes in Germany and Sweden. Explaining Gender-Regimes of Welfare State Formation. A Plea for Gendered Discursive Institutionalism. Teresa Kulawik Årdert Årns University College /Stockholm, Sweden teresa.kulawik@sh.se. Prepared for delivery at the Workshop 12 of the ECPR Joint Sessions in Rennes (April 11-16, 2008). Gender and Welfare State Regimes is an organizing concept that focuses a country's traditional social welfare policies in terms of how it influences employment and general social structure. Gender in terms of the welfare state regime varies based on how a nation perceives and acts on the value of gender. Within gender and welfare state regimes there are three central perspectives. The first perspective is the liberal welfare state, which is utilized in the United Kingdom and Ireland. This regime