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**Gender Equality in Times of Neoliberalism. A German Example.**

The title of the paper I gave was ‘Repressed Representation and Feminist Critique’. This was some time ago, and I planned to give a talk about blockades of representing women’s interests in international organizations and how this could be criticized from a point of view of justice. To be sure, this still is an issue. Meanwhile, however, there are things that have been going on in Germany; and they touch upon the problem of representation and also raise questions from the perspective of feminist critique. So, the focus of my talk has slightly changed and my title is now “Gender Equality Problems in Times of Neoliberalism. A German Example”. I am going to share with you some of my worries about recent developments in Germany (which are very German and not so German at the same time).

We read during the last years that the so-called ‘Second Wave Feminism’ has made a difference when it comes to cultural practices (Nancy Fraser 2009, among others). Feminist critique in 1980s and 1990s forcefully criticized practices such as for example sexual harassment, trafficking of women, unequal pay, unequal access to leadership positions etc. These claims were controversial a few decades ago, but then arrived in the social mainstream. Unfortunately, the story goes on, these new ‘attitudes’, altered cultural practices but have not lead to an institutional change yet. However, recently, one can continue, a wave of realizing some of these feminist demands institutionally has reached Germany. A long awaited transformation is now happening. Well, this would be too fantastic to be true.

A second glance reveals that the programs - and also the critique of these programs – fail to take into account the transformation of capitalism which has been taking place since 1970s and which has shaped tremendously the relations in the workplace and in the family. The arguments in favor of these equality programs seem to go all too easily hand in hand with the currently predominant neoliberal ideology. To illustrate my point, let me concentrate on two examples:

***Institutionalized gender equality and the freedom of markets***

It started under the auspices of the ‘Great coalition’ between German Christian Democrats and Social Democrats lead by the Chancellor Angela Merkel in 2005. The coalition introduced gender equality programs in the academia. It did so partially to improve the image of the Christian democrats (to make them more ‘modern’ and and to attract more female voters), partially to please the left-leaning coalition partner. It did so also for economic reasons – it was necessary to improve unemployment statistics by getting women to work. There were also some allegedly demographical reasons based on the concern that the Germans ‘may die out’ if the birth rate remains on a low level (1,4 child per woman).

The gender equality program in the academia was initiated by the diagnosis that only 14% of all professors (Associate and Full Professors) in Germany are female (in European-wide comparison, Germany is on the lower end of the scale). The German ministry of education and science (BMBF) launched a program named ‘female professors program’. A professorship (regardless of the discipline) is financed for five years if an open position is filled with a highly qualified female candidate and if the ministry has approved a gender-balance program of that university. In times of the lack of finances, this was a powerful incentive for around 200 universities to participate. In the last five years, 260 women were appointed professors. The percentage of female professors has risen from 14% to 19%.

A similar program for non-university research institutions like Max Planck has been agreed upon recently: In November 2011, the federal government and the states in the ‘Common Conference on Science’ (*Gemeinsame Wissenschaftskonferenz*) introduced a so- called ‘Cascade model’ which is aimed at increasing the representation of women in these prestigious institutions. The problem which was diagnosed and which justified this initiative was similar to the first one – and is called a ‘leaking pipe’ problem: while 50% of all students on a BA level are women, 44% of them do a PhD, and only 25% of them reach the post-doctoral academic level (delivering a second book or Habilitation) and qualify for becoming a regular professor. The cascade-plan envisaged that the percentage of women on one level of qualification, e.g. on the doctoral level, needs to be as high as on the respective lower level, that is on the MA level. Or, on the level of professors: if 25% women have done their second PhD (Habilitation) in a certain field or a discipline, then 25% of professorial fellowships should be filled up with women. The implementation of this program is yet to be done by the current government. (It will be implemented if only because reports will have to be written, and because its non-fulfillment may affect the allotment of financial resources.)

Both programs have been criticized for not supporting and not empowering women, but rather as stigmatizing them as ‘quota women’. The criteria for getting a position is no longer the qualification, merit, or future prospects of somebody’s achievement, but just gender. After a ‘Habilitation’ comes an ‘enforced support’, as some female scientists and journalists wrote (Wenzel/Balzter 2009). This critique is familiar; it was raised in the debates about quotas in equal opportunity programs. From another critical perspective, however, this program still attracts critical attention. Jürgen Kaube is a well-known journalist in Germany, writing for the conservative *Frankfurter Allgemeine Zeitung*. He usually defends the traditional Humboldtian notion of the university, stressing the unity between research and teaching which flourishes best in an autonomously organized university. Here Kaube points out that whereas cascades naturally flow from the top to the ground, the politicians and bureaucrats now want to change laws of physics (Kaube 2012). A ‘big women’s cascade’ violates laws of gravitation, but also the freedom of scientific research.

He fails to see that gender equality and non-discrimination are also constitutional rights which need to be balanced against the freedom of science. More importantly, Kaube does not mention (at least not in this article) that freedom of science protects an individual researcher against the intervention of the state into his or her research – a right which in times of ‘external funding’ and ‘contract research’ is endangered rather through market intrusion and not through procedural incentives that are designed to displace institutional discrimination. Instead of criticizing the creeping dominance of ‘contract research’, the author argues that this program will disturb the efficient market principles of employee selection. As there are only a few highly ranked positions, the result of this program would be to employ women only for many years. Here speaks the fear of a white man, and the fear of the distortion of the competition.

Maybe not intentionally, Kaube takes the words out of the mouth of a neoliberal. His arguments comply with Hayek and Friedman who, far from being so radical as the current proponents of neoliberalism, accused economic planning to be totalitarian (Hayek 1944, Road to Serfdom). Hayek understood market society as a spontaneous social order – a complex construct organized by the rule of law but not governed by it itself. He declared a polity or other organizations as concealing the intelligence of freely exchanging participants. It is not the protection of the market by the state (like in liberal tradition) that is at the center of neoliberal thinking. Rather the market logic has been raised to the status of the supreme principle of government. The critique of the cascade model, which makes reference to the freedom of employers, opens the door to the neoliberal argumentation.

Moreover, different neoliberal tendencies share a strong preference for private ownership and free market: the commitment to the price system as the best regulator of a whole range of human affairs. This entails the commitment to morally arbitrary income, and, of course, staffing according to market value, and their ‘future market price’. Critics have argued that this leads to unjustifiable levels of inequality. Neoliberals tend to respond by saying that policies aimed at diminishing inequality remain permissible, but only if they are done in a way that does not distort the free market. Social justice is in any case a mirage because there is no such thing as society; and real justice is a matter of ending discrimination (in the sense of lifting barriers to entry) and of fair dealing alone. What we deal with here is thus an even more liberal opinion: the argument that freedom of science might be endangered through equal opportunity programs can (and has been) easily be re-interpreted as neoliberal notion of justified inequality.

Let me add a further argument. It was argued by young German feminists (like Thea Dorn; Meredith Haaf et al) that gender inequality in higher-level academic positions has more to do with having children and less with the organization of the university system itself. The problem should be transferred from the university as an employer to the realm of family politics. I think that this kind of ‘division of labor’ between equal opportunity politics and family politics is problematic. But before I come back to this, let us switch scenes and let us have look at another issue.

***Family politics and the’ rational chooser’***

The Ministry of Economy and Social Affairs (until 2009 under the ‘great coalition’, from 2009 until now under the coalition between Christian Democrats and the Social democrats) is just dreaming the dream of harmonizing work and life. First, it introduced the program called ‘parents time’ which implies that up to 12 months after child birth, one parent (including same sex partnerships) gets 70% of the last income if she or he stays at home. If the other parent stays at home for at least two months, they get 70% up to 14 months. The parent’s time program especially supports better-off families who earn enough to dispense 30% of one income, and who can make sure that they don’t experience a hidden downgrade after they return to work. Since women still are the ones, much more often, who have the lower income in a partnership, it is an incentive for them to stay at home. Only 2% of all participants in the program are men and they usually stay at home only for the additional 2 months.

Another program is on its way and it should take effect in August 2013 (if the Federal Assembly approves it). The program introduces the so-called ‘care money’. 150 Euro per month will be paid, up to 22 additional months after the end of ‘parents money’, if one parent stays at home (or is a single-mother or father) and does not put a child in a day care facility. This second program in particular has been criticized heavily. Single mothers (and fathers) claim that they want to have more payable public daycare places and no ‘stove bonus’ that reinforces traditional care-giving models. It was also pointed out that parents with low income and education achievement will stay at home with their kids instead of sending them to a kindergarten where they acquire pre-school education Finally, it is argued that both programs work against the better management of work/life balance because it motivates parents to stay home instead of motivating employers to be more family-friendly.

Interestingly, the unanimous argument of the defenders of these programs was that the freedom of choice should be respected. Parents should decide for themselves whether they would like to stay at home with their kids or give the children to a day care. One could argue that this program realizes (to a certain extent) the feminist demand that family work should be paid. But here again, the neoliberal argumentation shines through. By arguing that this program offers the freedom to choose between work and housework, it pretends that there is a choice. In a situation with too few kindergarten places and inflexible working hours, it is sounds cynical to speak about freedom of choice. And, here again, we find similarities to another cornerstone of neoliberalism: the notion of self-responsibility of a rational agent.

The model of the ‘individual rational agent making a choice’ is extended to all areas of human association and action (Bourdieu 1999). This includes educational policy, crime and punishment, but also racial discrimination and sexual relations and child rearing. Who we are, who we want to be and want to become is put in the frame of self-creation and choosing for maximizing utility for me. Gary Becker, University of Chicago and Nobel Prize Winner in 1992, has developed a ‘pure’ neoliberal approach. According to him, it is the popularization of the idea of ‘human capital’ which converts, different from the classical liberal idea of an Adam Smith and his notion of ethics of prudence and benevolence even liberal education into an investment for oneself and for others.

One could object that this kind of ‘individual responsibility’ for one’s life is a reaction to the persistent critique of the bureaucratic rationality of the welfare state and its colonization of the ‘lifeworld’ of individuals. Instead of being passive clients, citizens are now seen as active participants. And indeed, Europe now finds itself in the “afternoon of the welfare state” (Vogel 2004, 36-55). A paradigm shift occurred in the late 1970s when the revenue source of the welfare state collapsed with the oil crisis. Rather than the welfare state, we are now living in the “activation society” (Koch et al. 2004, 419-440; Lessenich 2009, 126-180) whose new paradigm is no longer material compensation for not being able to find a job or support oneself and one’s family. Instead, individual responsibility and personal, social – and above all market – integration have a priority.

But there is a dark side to it. The state’s “activation directive” intervenes directly on the level of the subject. The individual is not only expected to take responsibility for planning her life independently of social circumstances but also to orient her activities in such a way that they are both in accordance with economic requirements and are subservient to the conceptions of the community. Everyone is required to commit herself, to insure against potential future straitened circumstances, and not to “sponge off” others (Lessenich 2009, 126ff).

Contrary to what was expected, these new “activation programs” (among them the ‘care money program’) have not led to the reduction of the regulation and administration of the state. On the contrary, recent studies show that the state is more active than ever, for example through a dense network of oversight over the unemployed and the recipients of unemployment benefits – through threats to reduce benefits, home visits, and compulsory registration (Vogel 2004). Similarly, the gender-specific role ascriptions are far from a thing of the past. Women are being discovered as active players when it comes to reconciling family and work and new catalogs of criteria are also appearing in this regard that impose concrete behavioral expectations on the subject. It is not the employers who are obliged to invent family-friendly working hours or the government which supports an affordable and decent day care. It is the employee or the parents who are asked to ‘choose’ among those not so good options.

**Conclusion**

One could say that not everything is so bad. Some of these initiatives will have positive effects. In the end, there will without doubt be more women in leading positions in the academia. Moreover, these new family policies allow parents to spend enough time with their newborn child. This is for sure positive. My point is that neoliberal argumentation has found its way into many public discourses and it joins sometime all too easily with some feminists arguments given in the second wave of feminism which focused on cultural practices and not so much on institutional and economic conditions. I do not want to go as far as Nancy Fraser who argues that second wave feminism has helped neoliberalism to develop its ideas (Fraser 2009). I want to show that arguments against some gender equality programs – and sometimes also arguments in favor of it – are easily adoptable by neoliberalism and, as a consequence, they reinforce the societal change under neoliberal prefix.

Arguments against quota-like programs may be built on some traditional liberal and sexists notions of freedom of science but nevertheless support neoliberal thinking of non-intervention into free market-based employee selection and inequality of access and payment. The partial realization of paid housework can be blend in into the neoliberal conception of the rational chooser. None of these positions asks about the responsibility of a market player, the staggering income conditions and increasing number of temporary jobs even for middle-class families. They don’t ask about what makes it so hard to combine work and good day care under conditions of shrinking public support, and why there are new costs for privatized education, health care, and old age pension and day care. I think that feminist critique should look more often behind the scenes and identify neoliberal assumptions that are good only for those who are settled and wealthy already.

The irony of this story is that the cultural change itself did not take place; at least not to the extent many of us have thought or wished it had happened. A twitter community named ‘Outcry’ with 80.000 messages within a few days texted about experiences of daily sexual harassment. This came after a 27 year old journalist wrote about her experience from an interview with the 69 year old future chairman of the parliamentary group of the party Free Liberals. In a bar focusing on her breasts he mentioned that she would “fit perfectly in a dirndl.” The public opinion in the newspaper and the talk shows was not overwhelmingly on her side. The debate about equal opportunity and representation has just started.

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