

The quality of gender equality policies: A discursive approach

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Abstract

Can the quality of gender+ equality policies be defined in ways that apply across different policy contexts and different policy moments? In light of different scholarly debates and empirical material from gender violence policy debates especially in Southern and Central Eastern Europe, this article discusses dilemmas around defining the quality of gender+ equality policies. It proposes a two-dimensional model. The first dimension links quality to procedural aspects: empowerment of women's rights advocates at different stages of the policy process, and transformation with reference to prevailing contextual legacies. The second dimension is more substantive, and includes genderedness, intersectionality and the structurally transformative focus of policies. The article illustrates how within the framework set by these criteria, the quality of gender equality policies is constructed through policy debates in ways that are dependent on the different discursive, institutional and structural factors specific to various policy contexts.

Keywords

Discursive approach, gender-based violence, gender equality policies, quality criteria

Introduction

Scholars in politics and gender have engaged in the comparative study of gender equality policies from a variety of epistemological perspectives (Beckwith, 2010; Mazur, 2009). Be the approaches more positivist or more constructivist, at the bottom of these analyses is a normative commitment to promote greater gender equality. However, scholarly work

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coming from a discursive epistemological perspective, which assumes that 'policy actors engage in conceptual disputes' over the attribution of meaning and concepts, has shown that the criteria by which the success of policies in promoting women's rights or the quality of equality policies could be assessed are open to contestation (Lombardo et al., 2009: 10). They vary over space and may shift over time depending on a variety of factors, including discursive, structural and institutional opportunity structures and different historical path dependencies prevailing in a given context and time (Ferree, 2009; Ferree et al., 2002). While the quest for quality equality policies is important in the road to equality, the discursive approach challenges the possibility of a universal assessment of the quality of gender+ equality policies.¹

The article aims to discuss dilemmas and debates unearthed by discursive policy analysis around some of the quality criteria that emerge as distinctive from scholarly debates on the topic. The questions this article aims to address are: can we identify the quality of gender+ equality policies from a discursive politics perspective which is generally applicable across time and space? Can the quality of gender+ equality policies be defined in relation to the content of policies only, or does it also require the analysis of policy-making processes, actors and contextual legacies?

The article proceeds in two parts. In a first theoretical section it proposes a two-dimensional model for understanding quality of gender equality policies that combines content of policies and procedural issues linked to both policy process and implementation. In its second section the article explores quality in gender equality policies along the criteria of genderedness, structural and intersectional understanding in relation to content, and empowerment and incremental transformation in relation to process.

Criteria and dilemmas are substantiated through examples of discursive and policy process analysis of policy debates on gender-based violence from Southern and Central Eastern Europe (CEE), which were analysed within the European QUING project (Quality in Gender Equality Policies). Our case selection is guided by the meaningfulness, importance and groundbreaking nature of violence policy reforms in the mentioned polities, which have been relatively little analysed as processes of policy change within Europe. Through examples taken from the analysis of policies embedded in different institutional contexts and different state–civil society dynamics, we reflect on the meaning of quality criteria, their limitations and interconnectedness. Our specific examples are selected in targeted ways to serve the purposes of our argument.

The idea from which we depart is that quality criteria are not fixed across contexts and time, but rather context-dependent and in a constant process of construction. We argue that quality can be captured within the multidimensional framework set by the interdependent, complementary criteria that we propose. The process of identifying quality should rely on a combination of discursive and non-discursive elements and the meaning of quality as contextual should be reflected upon.

Scholarly debates on quality gender equality policies between process and content

A mix of content and process, as reflected in the concept of empowerment, is crucial to assess the quality of gender equality policies. Empowerment has been conceptualized as

an important goal in achieving gender justice (Ferree and Gamson, 2003; Kabeer, 1999). Ferree and Gamson (2003) discuss empowerment along two dimensions: autonomy and authority, that together give substance to what gender equality may mean. Autonomy means freedom to make life choices and authority means participation in political authority, in making decisions about the group. They operationalize autonomy as the governance of gender (ways in which states control the self-determination of women through the content of policies), and authority as gendering governance (access of women to decision-making), and show how the two aspects of empowerment together can capture progress in gender equality. These two aspects of empowerment are: content and process. Empowerment as personal autonomy is a quality criterion for gender equality that relates to the governance of gender, i.e. the content of policies. Empowerment as collective authority is pursued by gendering the governance and as such is a process criterion. The duality developed by Ferree and Gamson (2003) sets our framework for understanding quality in gender equality policies.

Scholarly debates in the gender and politics literature have discussed quality criteria in relation to both aspects of empowerment of Ferree and Gamson (2003). Some studies place more emphasis on linking quality to inclusive policy processes and participation in political authority, and derive improvements in the content of policies from improved processes. Other works emphasize the need to link quality primarily to the content of gender equality policies,² while placing less emphasis on processes leading to them.

Many gender and politics scholars have linked quality to process, and to the role different policy actors may play in improving the outcome. Research on state feminism looked into the potential of equality agencies for gender policy agendas (McBride Stetson and Mazur, 1995; Outshoorn and Kantola, 2007; Rai, 2003). Research on inclusive governance (Goetz, 2009), the women's movement (Weldon, 2002a), or women's political representation (Lovenduski, 2005) focus on the role of inclusive processes of policy-making in securing gendered policy content. Htun and Weldon (2010) argue that gender policy outcomes vary with different kinds of gender policy issues, as different issues might imply different kinds of interaction between political actors and contextual factors such as state capacity, policy legacies, international vulnerability and degree of democracy. Works on gender and federalism (Hausman et al., 2010) explore context factors such as state structure and its impact on gender equality policies and women's movements. Other studies, such as Van der Vleuten's (2007) on EU gender equality policies, have contributed to the reflection on the quality of the policy process in relation to policy adoption and implementation. Quality is defined in this case in relation to the capacity of feminist actors to implement EU gender policies in the member states seizing the opportunities of the EU multi-tiered governance.

Such approaches to gendering policies have especially contributed to understanding the policy *process* and the role of institutional and civil society *actors* in producing policy *outcomes*. In these perspectives the key to assuring the quality of gender equality policies lies in the capacity of different policy actors and their patterns of cooperation and coalitions around gender issues within the policy process (Johnson, 2007; McBride Stetson and Mazur, 1995).

Within policy research on violence Weldon's work links quality of policy outcomes to the role of women's policy agencies in cooperation with women's movements (Weldon,

2002a, 2002b), while Zippel (2004) discusses patterns of interaction between states, feminist civil society and transnational actors for explaining quality of sexual harassment policy content. Literature on policy processes related to violence against women has placed particular emphasis on the role of autonomous women's advocates in implementing anti-violence policies in the framework of coordinated community interventions (Martin, 2007) or domestic violence regimes (Johnson and Brunell, 2006).

However, while connection between gendered policy processes and gendered content has been shown, there is general agreement that this gendering does not necessarily guarantee a policy outcome that meets quality criteria concerning policy content. As Ferree and Gamson (2003) show, better standing for feminist voices, e.g. better access to political authority in the abortion issue in Germany, does not necessarily imply better achievements along their content criteria: autonomy.

Overall, more process-centred studies offer us analytical tools especially for explaining the *development* of gender policies and assessing their quality in this respect. It is important to note that these studies looked not exclusively at policy process but also content – mostly as a dependent variable – but their explanatory focus for quality of the results remains primarily in terms of gendering the policy process.

Another series of studies offer us analytical tools for understanding the quality of gender equality by deepening the analysis of the *content* and meaning of gender equality policies (Bacchi, 1999; Ferree et al., 2002; Hudson and Rönnblom, 2007; Kantola, 2006; Lombardo et al., 2009; Outshoorn, 2005; True, 2009; Verloo, 2005, 2007). This scholarship has placed the emphasis on policy outcome, rather than on policy processes, and implementation, as a relevant criterion to assess the quality of gender policies. Researchers from European projects such as MAGEEQ (Mainstreaming Gender Equality in Europe) and QUING have analysed how gender equality policies are framed in Europe in different domains including gender violence and how gendered meaning is produced in debates between state and non-state, national and international actors (Krizsan et al., 2007; Lombardo et al., 2009).

Quality criteria in these discursive studies of the content of gender equality policies are: internal consistency of a policy document, such as the correspondence between diagnosis and solution, prioritizing gender equality as an aim in itself, targeting gender inequality with long-term, structurally transformative policy actions, intersectionality, and a focus on men for achieving gender equality. Overall, this scholarly strand has given relevance to policy outcome and the normative dimension that emerges in policy documents for assessing the quality of gender+ equality policies. Quality – in this discursive politics approach – does not primarily depend on how policies are made, or implemented, but on 'what' is passed as policy and implemented.

While separate analytical focus on process and content has often been the case, some studies advocate for the need to understand quality by considering these two dimensions simultaneously. Comparative analysis conducted within the framework of the more content analysis driven projects has shown the contingency of the quality of policy content upon actor constellations and institutional and discursive opportunity structures (Ferree, 2009; Ferree and Gamson, 2003; Krizsan and Popa, 2011; Verloo, 2005), suggesting that the universality of quality criteria emerging exclusively from policy content should be treated cautiously, with attention to policy processes and contextual factors. The recent

capstone book of the RNGS (Research Network on Gender Politics and the State) project (McBride and Mazur, 2010: 19) has also conceptualized gender policy success in terms of a dual model including both inclusive policy process and frame proximity between framing of feminist movements and policy outcomes, the latter being a clearly content-driven component. Both empirical findings and theoretical backing (Ferree and Gamson, 2003; Krizsan and Popa, 2011; McBride and Mazur, 2010) point to the need to rely on the complementary nature of the two analytical aspects for making a better contribution to assessing the quality of gender+ equality policies.

Our article follows the path set by earlier thinking within the QUING project about quality criteria for gender equality policies, such as Armstrong et al. (2009), Lombardo and Rolandsen (2011) and Krizsan and Popa (2011). They develop quality criteria with reliance on theoretical thinking, and use content analysis to diagnose performance of policies along the established criteria. Armstrong et al. (2009: 263) address the issue of quality of policies on employment and care. They argue that a more holistic approach is needed so that also not explicitly gendered policies (e.g. statutory minimum wage) are included in the assessment of the quality of employment policies from a gender perspective. Quality needs to be assessed not only in specific policies but also considering the complex interconnectedness of different policy areas, instruments and levels.

Lombardo and Rolandsen's (2011) study analyses the framing of intersectionality in EU gender+ equality policy documents and, on the basis of a set of quality criteria for 'good intersectionality' in policy-making, assesses the implications for the quality of intersectionality in gender equality policies. The study finds that, although an intersectional approach is embryonic in EU gender equality policies, the joint use of frame analysis and quality criteria can contribute to enhance policy-makers' awareness concerning intersectionality, thus making equality policies more inclusive and in this sense of better quality. Krizsan and Popa's (2011) comparative study analyses domestic violence policy-making in five countries. They argue that the quality of gender equality in different domestic violence policies can be assessed by looking at framing in the context of empowerment of feminist groups within the policy process, including in policy adoption and implementation. Empowerment of women's rights advocates throughout the policy process becomes a particularly important determinant of quality when co-optation of policies is a risk.

Starting from comparative analysis conducted on European gender-based violence policy debates, this article discusses quality criteria in gender equality policies through a dual model looking at both process and content, and with a reflection on empirical findings that bring the understanding of quality criteria closer to policies as they work in practice.

Quality criteria for gender+ equality policies

The criteria for assessing the quality of gender equality policies that we suggest focus on both policy content and process, where content criteria are seen to serve the more general women's autonomy criterion as defined by Ferree and Gamson (2003), and process criteria are seen to serve the more general women's authority criterion defined by them. We

discuss each criterion in relation to theoretical debates as well as dilemmas deriving from empirical findings. Three main criteria are content-related: genderedness of policies; structurally transformative understanding of gender inequality; and intersectional focus. Two quality criteria emerge from a process approach: empowerment of women with political authority at all stages of the policy process; and transformation with reference to prevailing contextual legacies. We discuss quality criteria separately for analytical purposes but argue that they need to be discussed in relation to each other.

Content criteria: Gendering

To what extent is the quality of gender equality policies determined by how explicitly they relate to gender equality? Gendering of policies can be defined in different ways. A first level of analysis is to consider gendering as treatment of gender as an aim in itself, not a means to achieve some other goal (Lombardo and Rolandsen, 2011). At a second level of analysis this means looking at visions of gender equality that underpin policies. Theoretically defined visions of gender equality (Rees, 1998; Squires, 1999; Walby, 2005) express different approaches to defining the gendering of policies. Equal treatment visions insist on gender symmetry and neutralizing differences, though this implies neglecting women's structural disadvantages. The difference approach points out the disadvantaged category of women and suggests targeting it specifically: as such it is explicitly gendered. In transformation visions gender equality can only come true if gender relations are transformed and change reaches both women *and* men. While equal treatment vision is individualizing and short term, transformation visions are driven by social structural transformation and as such are long term. Transformative visions are not necessarily explicitly gendered.

While theory gives guidance on what gendering implies, whether gendering has been successful in addressing gender inequalities in a particular policy process is argued to be an empirical rather than a normative question (Haussman and Sauer, 2007; Walby et al., 2009). In this sense gendering does not necessarily involve explicit references to gender, but developing policies that result in universally more autonomous citizens. Thus, the quality criteria that will ultimately check for whether a policy that is not explicitly gendered is nevertheless a good policy will come from an assessment of whether it addresses both the autonomy claim and structural aspects of inequality going beyond problems of the individual and aiming for long-term impact.

Gendering in the field of domestic violence policies is a good illustration for some of the dilemmas discussed. Explicit gendering of domestic violence policies, like the Spanish Law against Gender Violence 1/2004, brings advantages for addressing structural problems of gender inequality that stand at the roots of domestic violence. By contrast, the Italian Law against Sexual Violence 66/1996, though expressed in gender-neutral language, represented a milestone outcome due to the shift in the definition of sexual violence from a crime against morality to a crime against the person. Moreover, model laws on domestic violence, such as the Austrian, do not spell out the gender equality concern explicitly, but they nevertheless bring revolutionary gains to women by promoting autonomy and self-determination of victims through an empowerment approach. However, the gender-equal transformation attacking the structural problem at the roots

of domestic violence remains invisible, possibly delegated to other policy areas, such as specific gender equality policies or delegated to the implementation process where women's groups have the opportunity to act upon it (Krizsan and Popa, 2011).

The quality criterion of gendering shows a variety of meanings and manifestations. Dilemmas around its use as a criterion are about whether it is seen in its explicit or implicit form. Resolution of these dilemmas points to its interrelatedness with other content (structural) and process (empowerment) criteria.

Content criteria: Structural

A structural understanding of gender inequality is a quality criterion that has emerged in different feminist works and is related to how policies aim to dismantle structurally embedded gender hierarchies that systematically affect women and are reproduced through existing social structures (Ferree, 2009; Htun and Weldon, 2010; Verloo, 2007; Walby, 2009). Policies that adopt a structurally transformative approach to inequality reveal quality elements in terms of the depth of their understanding of the problem of inequality as rooted in social structures such as the organization of labour, intimacy and citizenship (Connell, 1987; Verloo, 2007; Verloo and Roggeband, 1996; Walby, 1990) and the long-term transformative potential this understanding has for changing them.

Spanish policies on domestic violence adopted by the Zapatero socialist government were predominantly framed in structural terms.³ The problem of domestic violence is understood as caused by existing gender-unequal social structures that public policies must tackle (López, 2008; López and Forest, 2008). The cause of gender violence is seen as residing in gender inequality, and deriving from systematic male domination over women and historical power inequalities between the sexes, that needs to be tackled with comprehensive measures in the judiciary, police, health and education fields.

The structural quality criterion raises the dilemma of whether quality gender policies *should* address structural elements. Should a domestic violence law address structural inequalities, such as gender stereotypes, or financial dependency of women on men, which stand at the root of domestic violence? Or do these issues belong to other policy fields? Should the law promote individual autonomy by offering efficient remedies through sanctioning, awareness-raising and empowerment in the shorter term? Good practice domestic violence legislation in Europe (Austria, Croatia) delegates tasks related to structural gender equality transformation either to the level of gendered implementation, where women's advocates prominently shape the issue in structural terms, or to a general gender equality policy field, where more gender transformative and long-term approaches are developed. An effectively implemented strategy of mainstreaming gender into all policies (Rees, 1998; Walby, 2005) could reduce the burden often implicitly posed on gender equality provisions to solve all inequality problems through one single measure – that was perhaps aimed at a specific issue, such as the sanctioning of perpetrators.

The structural criterion, which shows a strict interconnection with the gendering criterion, is crucial for assessing equality policies that should tackle the roots of the problem. Gender policies that adopt a structural approach address both the structural power hierarchies that are at the core of group inequalities and the individual discriminations

that systematically occur within such structural inequalities (Walby, 2009; Weldon, 2009). However, as the dilemma shows, assessment of this criterion is complex, since gender equality policies can empower individual women while they do not directly address structural elements, and still be considered 'good' policies.

Content criteria: Intersectional

Feminist scholars in the last two decades have insisted on the relevance of paying attention to intersections between inequalities (Collins, 1998; Crenshaw, 1991; Ferree, 2009; McCall, 2005; Verloo, 2006; Walby, 2009). The main argument is that gender policies that fail to incorporate an intersectional dimension exclude people at points of intersection between inequalities – as Afro-American women in Crenshaw's (1991) account – from the possibility of benefiting from policy measures as more privileged women and men do. We suggest intersectionality as a quality criterion for gender equality policies as it potentially improves the design of gender policies by making them more inclusive (Lombardo and Rolandsen, 2011).

The relevance of the quality criterion of intersectionality can better be grasped by considering existing policies from an intersectional perspective. To what extent do policies take into account the needs of migrant undocumented women? In Spain, until recent progress in the protection of migrant women's rights (Immigration Law 10/2011), migrant women who were undocumented or dependent on their partner for documentation risked being expelled from the country if they denounced the perpetrator on whom they depend for their residence permit (Alarcón and Alonso, 2010). The lack of intersectional design of the gender violence law and its disconnection with migration laws left migrant women less protected from violence.

Intersectionality as a quality criterion for gender equality policies raises a number of dilemmas especially concerning its practical application. First, how should intersectionality be addressed in the content of policies? Are some intersections more relevant depending on the policy issue at stake – as Htun and Weldon (2010) argue – so that class would be more relevant for parental leave and less relevant for violence policies? Second, to what extent is it possible to promote intersectional policies in the context of the existing EU focus on multiple discriminations that privileges a separate treatment of inequalities (Lombardo and Verloo, 2009)? Third, regarding consultation processes, what are the criteria for and implications of including or excluding some inequalities (Kantola and Nousiainen, 2009)? Moreover, in former analyses we have detected that gender tends to disappear when other groups are discussed, be they young, elderly or disabled people (Lombardo and Rolandsen, 2011). We also found that biases tend to emerge in policies when gender intersects with other inequalities, as in the case of stereotypes against migrant women (Roggeband and Verloo, 2007). Thus a fourth dilemma that links the intersectional with the gendering criterion is: how to avoid that a policy that focuses on a specific inequality leads to gender dilution and biases against other inequalities?

A final dilemma is, at which stage of the policy process does intersectionality come in as a quality criterion? Intersectionality often brings problems at the level of implementation. Restraining orders for domestic violence are key tools for domestic violence policy (United Nations, 2010). Yet their consistent implementation may have unintended

consequences (Bogard, 2005; Crenshaw, 1991) on marginalized minorities, such as Roma women. Implementation of domestic violence laws is embedded in patterns of racist structural violence. Restraining orders trigger police and judiciary action, create criminal records which might lead to further victimization of battered women in the context of ethnically biased police and judiciary practices (Bogard, 2005; European Roma Rights Centre, 2007). While having efficient restraining order measures improves the quality of domestic violence policy, intersectionally blind implementation processes can lead to results that fall short on intersectionality. The intersectional reading of the problems should then come at the implementation more than at the regulation level: better quality implementation processes will be able to better respond to the intersectionality criteria (Verloo, 2011).

The intersectional criterion shows interconnections not only with the structural and gendering criteria, but also with fields other than equality policies. Its main dilemmas are at the implementation level.

Process criteria

Two quality criteria emerge from a process approach: empowerment through the inclusion of women's groups at all stages of the policy process, and incremental transformation, that is transformation of gender relations with reference to contextual legacies. With the first we mean that inclusive policy processes and participatory implementation processes, which give political authority to women, not only contribute to better quality of the policy content but also are a quality element per se. With incrementality we mean that quality needs to be assessed in the context of the previous status quo, since what is perceived as transformation may vary across countries depending on institutional and contextual legacies of the equality policy regime, and the given point of time in the process of gender policy development.

Process criteria: Empowerment. Empowerment refers to who is involved in the policy-making process, and can be assessed by observing the extent to which policy-making processes include civil society and women's organizations, or give the authority to women's voices. It has to do with participatory policy-making processes, which feminist experts and activists point as a criterion for good quality policies (Ferree et al., 2002; Fraser, 1989; Goetz, 2009; Verloo, 2005). This is so not only because participatory policy processes lead to better quality policy outputs (Outshoorn and Kantola, 2007; McBride Stetson and Mazur, 1995; Weldon, 2002a), but also because giving voice and standing to women to speak about issues of concern for them increases their political authority and as such leads to empowerment (Ferree and Gamson, 2003; McBride and Mazur, 2010).

The inclusion of different civil society perspectives increases the possibility that policy-makers become more aware of their own biases, and can favour greater consideration for the intersection between inequalities (Bacchi, 2009). Moreover, empirical data from frame analysis research show that policies developed with the participation of civil society tend to be framed in more transformative ways (Krizsan et al., 2009; Lombardo and Rolandsen, 2011; Verloo, 2007). Finally, inclusive processes in which

women's groups have standing at all levels of policy-making, monitoring policies and playing an active role in their implementation, give women's groups the possibility of gaining ownership over processes of policy-making on issues of concern for them, and as such improve autonomy and self-determination (Ferree et al., 2002).

QUING research shows that, in domestic violence, similarly framed policies fare as better policies in cases where empowerment of women's rights advocates extends from the development of the policy towards its monitoring and implementation (Krizsan and Popa, 2011). Bulgarian, Croatian or Austrian domestic violence policy processes illustrate well the quality relevance of gendered implementation. While domestic violence laws in these countries are not explicitly gendered, feminist activists and experts nevertheless consider these laws as quality pieces of legislation. Notwithstanding the gender-neutral framing of these laws, the active and sustained involvement of women's NGOs throughout the entire policy process, from agenda-setting, through policy development, monitoring and implementation, managed to gender the interpretation of the law (Krizsan and Popa, 2011).

Despite the feminist general support for inclusive policy-making, a number of dilemmas emerge. One is a possible 'feminist taboo' about participatory processes as if these were the only way of ensuring the quality of gender equality policies (Lombardo et al., 2010). Yet, policy practice shows that quality gender equality policies have also emerged from policy-making contexts that did not recur to consultation practices. The aforementioned Spanish gender violence law shows progress in its content although it was not based on consultation practices. The 2010 amendment of the Polish domestic violence law, though praised for its quality, has been developed and passed with little participation of feminist NGOs. Linking the empowerment with the gendering criterion, these examples show that, despite evidence of successful strategic framing by women's movements in achieving their goals (McBride and Mazur, 2010; Whitten, 2008), strategic decisions of civil society actors to use gender-neutral framing of violence could also expose gender policies to the risk of being superseded by other policy objectives that are not gendered or are even anti-equality (Krizsan and Popa, 2011). For instance, domestic violence laws framed in general human rights terms are co-opted in the process of implementation by child and family protection advocates in Hungary.

Another dilemma is the question of 'who' should be consulted, since some civil society groups could enjoy a privileged position due to material or symbolic resources. Alternative CEDAW (Convention on the Elimination of All Forms of Discrimination against Women) shadow reports written by Roma women's groups in several Central European countries or by LGBT (lesbian, gay, bisexual and transgender) groups in Slovenia show uneven consultation processes, where marginalized women's groups find it necessary to separately assert their views.

The empowerment criterion makes a strong addition to content criteria, while the dilemmas it brings highlight that it has to be looked upon in relation to the other criteria discussed in the article.

Process criteria: Incremental transformation. Linking quality criteria to incremental change in relation to institutional and contextual legacies in place is an attempt to contextualize quality criteria, since we cannot establish absolute criteria for assessing

transformation but rather capture change through the detection of ‘incremental progress’ on equality in specific contexts. Incremental change refers to the idea that quality of gender equality policies might imply different policies depending on the status quo compared to which the new policies are adopted.⁴ It means that an embryonic equality policy regime may see major transformation with the introduction of, for example, anti-discrimination measures, considered in other contexts as minimum thresholds. By contrast, in another context where gender equality policies have been more consolidated through the years, the assessment of what a quality gender equality policy is will probably be different from the former context, as transformation will be assessed on the basis of contextual legacies. In both cases the aim for gender advocates is that of transforming unequal gender relations, but the assessment of what is quality needs to be contextualized and understood in relation to the state of equality politics and institutionalization in specific contexts.

The same policy steps fare very differently in different polities, depending on the incremental change that they bring as a way forward towards better quality gender equality policy. For example criminalizing marital rape or domestic violence as a crime per se in penal codes is still a major stake in domestic violence policy debates in several CEE countries, and as such adoption of criminal code clauses along these lines would qualify as highly transformative in some countries. Meanwhile, in much of the rest of Europe debates about domestic violence policies concern the introduction of and technicalities of restraining orders, as criminal recognition of the crime has already happened. Quality policy developments can be interpreted as different in the two cases.

The criterion of incremental change challenges the possibility of a universal assessment of quality in gender equality policies. Quality policy change can only be assessed in relation to the former status quo and the pre-existing historically shaped, institutional and contextual legacies of a given context.

Conclusions

The search for quality gender equality policies is a central endeavour for feminist researchers and activists concerned about women’s rights. Yet, the definition of quality is a contested issue. Coming from a discursive politics approach, our meta-criterion for assessing the quality of policies on gender equality is that of keeping quality criteria open to deliberation over their meaning and to new, context-sensitive empirical findings. Quality criteria defined theoretically find different applications if brought closer to policy practice and become meaningful in contextual and often interconnected ways. Thus, we point to some ‘relative’ rather than ‘absolute norms’ for assessing the quality of policies (Bustelo, 2003).

Scholarly debates and empirical practice tell us that both the content of policies and the process of their making and implementation are key to assess quality. Drawing on feminist literature and empirical studies reflecting on quality of gender equality policies across Europe, we develop a matrix of criteria for assessing quality that includes procedural criteria such as empowerment and transformation relative to contextual legacies, as well as substantive criteria such as gendering, structural, and intersectional dimensions.

We showed how on the one hand these criteria have quality relevance in the feminist literature, and on the other hand their presence should be looked at in context and in relation to each other. The different criteria are interconnected, so that to assess quality it seems necessary to take them into account in specific combinations. Gendering and structural criteria are interconnected in that gender policies that are positively gendered also tend to address the structural causes of gender inequality. The intersectional criterion is connected with the structural and gendering criteria as it concerns the relation between gender and other inequalities that have a structural component. Process criteria of empowerment and incremental change cut across content criteria horizontally: they may explain improvement in quality of policies, and the sustainability of such improvement along all the content dimensions.

Dilemmas on what is quality and how to assess it arise repeatedly if the starting point is gender equality as a contested concept in continuous transformation. The very process of posing dilemmas and opening them up for deliberation promotes gender policy transformations that can push towards better quality. This is why we suggest a 'change- and context-sensitive' and, at the same time, deliberative approach to quality criteria. In our analysis we find context-specific examples of quality gender equality policies. Some cases show greater quality in policy formulation, others in implementation. The same policies may fare very differently in different contexts and at different times, depending on how they are embedded in the wider policy context, in paths of policy development, implementation and civil society inclusion processes. Comparative policy analysis needs to be contextualized and should be careful about the use of stereotypical country clustering. Regardless of large or small *N* comparisons, factoring in context and contextually embedded contestation within the analysis may be needed. Whereas larger scale comparison helps both situating countries and the quality of the gender policies on a wider spectrum and identifying outliers, it is smaller scale in-depth comparative analysis that will help explain quality and place it into context.

While we argue here that the combination of procedural and content criteria helps us to better assess the quality of policies, we deem important to acknowledge all steps forward in gender-equal policy-making, not undervaluing partial successes in either formulation or implementation. Finally, while the need to adapt to different and changing situations brings evidence in favour of the adoption of 'relative norms' on quality, the appeal to 'absolute norms' is needed when dealing with unfavourable political contexts, such as limited democracies. Openness to contestation of quality criteria that allows them to adapt to change and context indeed needs to recognize democracy as a precondition for the quality of gender equality policies.

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Notes

1. 'Gender+' is an expression employed in the QUING project to refer to the intersection of gender with other inequalities such as ethnicity, social class, age, disability or sexual orientation and the manifestation of these intersections in policies. In the text when we write gender we mean gender+.
2. We have oversimplified existing scholarly approaches here for argument purposes but these are of course much more diversified and inclusive of many more studies than our examples suggest.
3. See Law 1/2004 against Gender Violence, the 2006 National Plan for social awareness and prevention of gender violence and the Parliamentary Plenary Session No. 57 of 22 December 2004.
4. Thanks to Mieke Verloo for the idea of this criterion.

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