



# ***Gender justice in the European Union***

## ***The normative subtext of methodological choices***

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## **Abstract**

The efforts of the EU to facilitate gender justice, have been substantial historically, and are ongoing. An EU gender justice index is to be launched in the near future, adding to other efforts. The index is to be based on recommendations in the Commission funded report towards an EU gender equality index. The paper is a critical discussion of the normative assumptions of this report. It is argued that a full citizenship index should focus on justice, not on productivity; on individual opportunities, not on group-level outcomes; and on equality, but also on liberty and democracy. Two general recommendations are given for index-making. (i) Indicators should be chosen with an eye to the free choice problem. (ii) A justice index should be composed of independent, not dependent, variables.

## Introduction<sup>1</sup>

How can we obtain knowledge about gender injustice? This question is often thought of as a question of how we can measure gender injustice. And an increasingly popular answer to *this* question is: by means of a gender justice index.

A gender justice index is an index composed of different indicators of gender justice. Units are given scores on the index based on their scores on the indicators, i.e. the overall index score of a unit, for example a state, equals its scores on the different indicators divided by the number of indicators.<sup>2</sup>

The two most well-known gender justice indexes are the Gender-Related Development Index (GDI)<sup>3</sup> and the Gender Empowerment Measure (GEM)<sup>4</sup> developed by the United Nations Development Program (UNDP). The UN-indexes are used to compare and rank member states with regard to gender justice performance. However, competing indexes are available, provided by organizations such as the OECD and World Economic Forum. In addition, there are national gender justice indexes that measure the state of affairs and performance over time in a single country. Providers of these indexes are

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<sup>1</sup> Previous drafts have been presented at ARENA – Centre of European Studies and at the Department of Sociology and Human Geography, University of Oslo, at Oslo University College, at the RECON WP4 workshop in Belfast in 2007, and at the Politics of Methodology session at the Philosophy and Social Sciences Colloquium in Prague in 2008. I thank participants on these occasions for comments. Thanks in particular to Marina Calloni, Anne Lise Ellingsæter, Erik Oddvar Eriksen, Yvonne Galligan and Beatrice Halsaa for their thoughtful prepared/written comments, and to Sara Clavero, Jon Elster, Fredrik Engelstad, John Erik Fossum, Daniel Gaus, Christer Gulbrandsen, Agnes Hubert, Silje Langvatn, Ulrike Liebert, Espen Olsen, Trond Petersen, Guri Rosén and Anne Elizabeth Stie for valuable remarks on more detailed points.

<sup>2</sup> This is just to state the general idea behind a gender justice index. Calculating scores on real world indexes is often less straightforward. On some indexes some indicators are given more weight than others. Other indexes give a bonus to units where the general welfare level is high. There are also other complicating factors, often related to standardization and missing data.

<sup>3</sup> The GDI-indicators are life expectancy, educational attainment, and access to resources. The three indicators were originally developed for UNDP's Human Development Index (HDI).

<sup>4</sup> The three GEM-indicators are the female share in parliament, the female share in professional and technical positions combined with the female share in administrative and management positions, and the female share in earned income.

typically state feminist machineries<sup>5</sup> or other governmental agencies.<sup>6</sup> Finally, there are gender justice index proposals circulating in the research community, in particular among economists.<sup>7</sup>

The European Union (EU) is to launch a European gender justice index in the near future. The exact date for its launch is not set. It remains, moreover, to be seen what the index will look like in the end. However, this much we know already: The index-makers are to base their work on recommendations made in the Commission funded report *Towards an EU gender equality index. Feasibility study commissioned by and presented to the European Commission* (Platenga et al. 2003). This report – I will refer to it as the Platenga report – will be my point of departure in this paper.

The Platenga report focuses on methodological and technical questions. Which set of indicators would best capture the member states' gender justice performance given the current data situation? How are the states' scores, on the different indicators, and on the index, to be decided? What is to be measured, and how is it to be measured, in more concrete terms?

When constructing a gender justice index, questions like these are hardly unimportant. However, there are other equally important questions. For example, if we are to measure gender injustice, we must have an idea of what we are to measure. When can we say that something is unjust? How is gender injustice – and gender justice – to be defined? When assessing something as being unjust from a gender perspective, we implicitly rely on a standard of gender justice. The question is which one – and whether it is the right one. The latter is a normative question.

The discussions in the Platenga report are seldom normative in a very explicit way. Normative statements are made, however – the report starts out with an explicit description of what an ideal world would look like from a gender perspective. Moreover, several of the report's methodological and technical

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<sup>5</sup> An example is the gender justice index made by the Norwegian Equality and Anti-Discrimination Ombud. The Ombud is professionally independent, but administratively placed under the Ministry of Children and Equality.

<sup>6</sup> An example is the gender justice index made by Statistics Sweden, the Swedish central government authority for official and government statistics.

<sup>7</sup> Platenga et. al mention for example Platenga & Hansen 1999, Dijkstra & Hanmer 2000, Kjelstad & Kristiansen 2001 and Dijkstra 2002. An interesting part of the research literature on index-making focuses on how particular normative positions could be operationalized as indexes. An example is the growing literature on how to put Amartya Sen's capabilities approach into practice (for an overview, see Robeyns 2006).

discussions have a normative subtext. Between the lines a lot is said about what gender justice means and implies. This should come as no surprise. Even a strictly methodological or technical discussion of justice will rely on certain normative ideas of the 'something' that is being discussed. However, normative ideas are more or less valid. A problem with the Platenga report is its reliance on normative assumptions and statements that are, arguably, questionable. Furthermore, controversial ideas about justice are not made explicit. This is problematic, I think, because the very implicitness of core normative assumptions renders them less visible, even invisible, to readers primarily preoccupied with the report's technical and methodological message. And what cannot be 'seen', cannot easily be identified, reflected upon – and criticized.

It may be that Platenga et al. do not consider their normative points of views controversial. This would explain their relative silence on normative matters. Normative questions are, however, seldom beyond controversy. Even if we restrict ourselves to discussions among feminist political theorists, we find substantial normative disagreement. What gender justice requires is very much up for discussion, generally, as well as within the feminist camp.

In the following I will first present the gender justice index defended in the Platenga report. I will then spell out and criticize some of the report's normative statements and assumptions. An alternative and more defensible normative basis will be sketched as I go along. In a concluding section I sum up some implications for future index-making in the EU and generally.

## **'Towards an EU gender equality index': the Platenga report**

### **Background**

How did the idea of making an EU gender justice index come up in the first place? Platenga et al. present a threefold background. To begin with, they connect the index-making to EU employment policies and the need to monitor the effectiveness of these policies relative to their objectives. 'Gender equality' is not one of the 'overarching objectives' of these policies, but is, they say, acknowledged as 'vital for making progress towards [...] [these] objectives' (Platenga et al. 2003: 2). Monitoring gender equality is crucial, then, when assessing employment policy effectiveness.

Secondly, making the index is presented as part of implementing the Platform of Action agreed upon at the UN Fourth World Conference on Women in Beijing in 1995:

In 1998 the Council agreed that the annual assessment of the implementation of the Platform for Action would include a proposal on a simple set of quantitative and qualitative indicators and benchmarks. The Council subsequently adopted conclusions concerning reconciliation of family life and working life in 2000 and unequal pay in 2001. In 2002 indicators with regard to violence against women were developed.

(Platenga et al. 2003: 5)

The proposed EU Gender Equality Index is thus positioned within the larger benchmarking process taking place after the Beijing Conference. In this process different gender justice performance 'indicators and benchmarks' have been agreed to by the Council. An index in the form of a single composite measure of gender justice performance would take this process to another level.

Thirdly, the Platenga report mentions other recently made indexes as 'source[s] of inspiration', in particular the UN-indexes (Platenga et al. 2003: 5). In addition, there have been interesting 'national attempts to evaluate and assess the current practices with regard to equal opportunities' (Platenga et al. 2003: 6). In short, the proposed EU Gender Equality Index is contextualized as belonging to a broader turn towards benchmarking and index-making in policy-making.

## Overview of the report

Having presented the background of the index proposal, the report goes on to define gender equality (section 1.1), before it presents some practical requirements that should be taken into account when making indexes (section 1.2). After this discussion, the strengths and weaknesses of the UN-indexes and a set of equal opportunities indicators proposed 'in the context of the EU Employment Strategy' (the so-called EO-indicators) are discussed (part 2 and 3 of the report). Part 4 is where the authors' own index-proposal is introduced and discussed, while part 5 is a summary.<sup>8</sup>

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<sup>8</sup> In addition, there are six appendices: A) contains information on other existing gender justice indexes apart from the UN-indexes. B) discusses how the indicators of the proposed index could be standardized, and how to best tackle the problem of missing data. C) presents a ranking of member states based on their score in the EO-indicators. D) contains discussions of technical and methodological problems the authors have been confronted with in the process of operationalizing the proposed index indicators as well as rankings of the member state on the index' different sub-dimensions. E) contains rankings of member states over time on some of the index indicators. F) is an overview of sources and availability of the data needed to give

Section 1.1 in the report contains the most explicit statements about the normative yardstick of the report. The term 'gender equality' is taken as point of departure, and a distinction is made between what the authors refer to as 'formal equality [...] centering on equal starting points' and – the more preferable – notion of 'equal results' (Platenga et al. 2003: 6). The latter shifts the focus 'from procedures to outcomes, asking not where people start out, but where they end up' (Platenga et al. 2003: 6). Particularly promising is Nancy Fraser's outcome-oriented idea of 'gender equity' (Platenga et al. 2003: 7).<sup>9</sup> Fraser argues that gender equity can be achieved by considering "the universal caregiver model' as norm, entailing that 'women's current life-patterns' should be made 'the norm for everyone': 'men should change their life styles and should be induced to become more like most women are now, i.e. they should work less and should take up more of their care responsibilities' (Platenga et al. 2003: 7). Fraser herself is quoted. 'The trick', according to Fraser, 'is to imagine a social world in which citizens' lives integrate wage earning, care giving, community activism, political participation and involvement in the associational life of civil society – while also leaving time for some fun' (Platenga et al. 2003: 7). It is on the basis of this imagined social world that Platenga et al. construct their definition of gender equality as a 'broadly' conceptualized term implying 'equal sharing of paid work, money, decision-making power, knowledge and time' (Platenga et al. 2003: 7). Due to this broad conceptualization, the proposed index could be referred to 'as a full citizenship index': It involves 'all important aspects of human life' (Platenga et al. 2003: 7).

In addition to this ideal requirement, i.e. that the index should be a full citizenship index related to a broad, outcome-oriented notion of gender equity, there are, however, certain practical requirements. These are briefly listed in section 1.2 of the report. Firstly, the index should spur member states 'to pay more attention to gender equality' (Platenga et al. 2003: 8). The selected indicators must thus be 'easy to read, meaningful and consistent' and not too many, so they allow 'easy monitoring of current trends' (Platenga et al. 2003: 8). Secondly, data availability must be considered. The focus should be on indicators that member states could get scores on, on the basis of data that are already available or relatively easy provided. Thirdly, the index should take into account the equal opportunities indicators (EO-indicators) of the European Employment Strategy: The new index should be connected to other 'current efforts to reinforce equal opportunities' within the EU (Platenga et al. 2003: 8).

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member states indicator scores.

<sup>9</sup> Platenga et al. refer to Nancy Fraser's (1997a) elaboration of this idea in her article 'After the family wage: a postindustrial thought experiment'.

The EO-indicators are, for this reason, more thoroughly considered in part 3 of the report, following the discussion of the UN-indexes in part 2. According to the authors, there are two basic problems with the UN-indexes. For one thing, what is measured is a 'combination of absolute well-being and inequality' and not gender equality (Platenga et al. 2003: 15).<sup>10</sup> An EU index should focus on the latter. Furthermore, the scope of the UN-indexes is too narrow. They are, in short, not full citizenship indexes. The EO-indicators are: Absolute unemployment gender gap (EO1),<sup>11</sup> absolute employment gender gap (EO2),<sup>12</sup> index of gender segregation in occupations (EO3),<sup>13</sup> index of gender segregation in sectors (EO4),<sup>14</sup> gender pay gap (EO5),<sup>15</sup> gender gap in the employment impact of parenthood (EO6),<sup>16</sup> and employment impact of parenthood (EO7).<sup>17</sup> Once more, the set of indicators chosen are inadequate, as they do not add up to a full citizenship index, but reflect the 'paid work dimension' only (Platenga et al. 2003: 18). Moreover, 'two out of seven indicators measure segregation', EO3 and EO4 (Platenga et al. 2003: 18). This is problematic, Platenga et al. say, because:

[...] it is not clear whether segregation indeed refers to an aspect of gender (in)equality. If it does, segregation is implicitly connected with restrictions and the impossibilities of making a free choice. It is not

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<sup>10</sup> More specifically, this is the problem with the GDI: 'Countries may have high gender equality but low absolute levels of well-being and as a result get a low score on the GDI. Or, rather, countries may have low gender equality, but high absolute levels of well-being and as result get a high score on the GDI. Therefore, a major criticism of the GDI is that it does not measure gender equality in itself, but a combination of gender inequality and levels of achievement. If the focus is on gender equality as such, the GDI is less relevant' (Platenga et al. 2003: 14-15).

<sup>11</sup> The difference in unemployment rates between women and men in absolute figures.

<sup>12</sup> The difference in employment rates between women and men in absolute figures.

<sup>13</sup> The average national share of employment for women and men is applied to each *occupation*, the differences are added up to produce an amount of gender imbalance. This figure is presented as proportion of total employment.

<sup>14</sup> The average national share of employment for women and men is applied to each *sector*, the differences are added up to produce an amount of gender imbalance. This figure is presented as proportion of total employment.

<sup>15</sup> The ratio of women's hourly gross earnings index to men's for paid employees working at least 15 hours.

<sup>16</sup> The ratio between employment rates of men, with and without children, and employment rates of women, with or without children, age group 20-25. Children from 0-6 years are included.

<sup>17</sup> The absolute difference in employment rates without the presence of any children and with the presence of a child aged 0-6 (age group 20-50), by gender.

clear, however, whether this is indeed the case and whether in a real 'gender equal' world all segregation should vanish.

(Platenga et al. 2003: 18)

In other words, it is not obvious, according to the authors, that horizontal gender segregation necessarily constitutes a problem from the perspective of equality or justice, as it may or may not reflect actors' actual preferences. With all this in mind, Platenga et al. go on to present their own index proposal.

## **The EU Gender Equality index: dimensions, sub-dimensions and indicators**

The proposed index is to consist of five dimensions, counting in all 'relevant aspects of civil life' (Platenga et al. 2003: 23): Equal sharing of paid work (D1) with the sub-dimensions labor force participation (SD1a) and unemployment (SD1b), equal sharing of money (D2) with the sub-dimensions pay (SD2a) and income (SD2b), equal sharing of decision-making power (D3) with the sub-dimensions political power (SD3a) and socio-economic power (SD3b), equal sharing of knowledge (D4) with the sub-dimensions participation in education (SD4a) and training and educational attainment (SD4b), and equal sharing of unpaid time (D5), with the sub-dimensions caring time (SD5a) and leisure (SD5b).

The dimensions' two different sub-dimensions are then operationalized into more concrete indicators. SD1a (corresponding to EO2) will be measured by the difference in absolute employment rates between women and men (the gender employment gap), SD1b (corresponding to EO1) by the difference in unemployment rates (the gender unemployment gap). SD2a (corresponding to EO5) will be measured by the ratio of women's gross hourly earnings to men's for paid employees who work at least 15 hours (the gender pay gap), SD2b by the proportion of single women under the low income threshold (set at 60 percent of the median net annual equivalised income) minus the proportion of single men under the low income threshold (the gender poverty gap). SD3a (corresponding to one of the three GEM-indicators) will be measured by the share of women in parliament (gender gap in political power), SD3b by the share of women among legislators, senior officials and managers (gender gap in socio-economic power). SD4a will be measured by the difference between the share of women and men in working-age population participating in education and training (the gender gap in educational participation), SD4b by the difference between the share of women and men of working age population having achieved at least upper secondary education (the gender gap in educational attainment). And finally, SD5a will be measured by the difference in average time of men and women aged 20-49 spent on providing

care for children (the gender gap in caring time), whereas SD5b will be measured by the ratio of women's leisure time to the leisure time of men (the gender gap in leisure time).

## **The normative basis**

In short, several methodological and technical choices are made; indicators are selected, elaborated and operationalized. These choices could be studied and discussed as such. However, as already indicated, this is not what I will do. My aim in the pages to come is rather to discuss some problematic facets of the Platenga report's normative basis. Obviously, paragraphs on methodology and technicalities must then be scrutinized, but for this purpose, and for this purpose only. Furthermore, I will sketch, throughout the paper, a different and more defensible normative basis for EU initiatives in the field of gender politics. I will not construct an alternative index on this basis. This is a huge task, and must be left for another occasion. I will, however, give some general recommendations for future index-making.

## **Equality and productivity**

It is easy to assume that an index named 'gender equality index' simply measures the degree of compliance with a gender equality norm. However, in this case this would be an inaccurate assumption. In the Platenga report the term gender equality index refers to an index that is supposed to measure both gender equality performance and employment policies effectiveness at the same time.<sup>18</sup>

As highlighted by the authors themselves, the idea from the very beginning was to make an index that would also fit into the European Employment Strategy with its three 'overarching objectives', 'full employment, quality and productivity at work, and social cohesion and inclusion' (Platenga et al. 2003: 2). The ambition was to make 'an EU index based on a broad definition of gender equality', while keeping in mind the aims of EU employment policies (Platenga et al. 2003: 6); the index was to 'further the goals of the European Employment Strategy' (Platenga et al. 2003: 2). Some of the index indicators are also explicitly included for this reason – SD1a, SD1b, SD4a and SD4b: Both decreasing the gender employment and unemployment gaps as well as equal

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<sup>18</sup> Jane Lewis (2006) has analyzed recent changes in work/family reconciliation, equal opportunities and social policies at the EU-level. She argues that gender equality in EU policy-making is more and more thought of as 'an instrument of the wider agenda on employment and economic growth' (Lewis 2006: 433). The double concern of the Platenga report belongs thus to a broader pattern.

sharing of knowledge, are presented as directly serving EU employment policies objectives (Platenga et al. 2003: 23, 31). The latter dimension is even connected to the Lisbon strategy:

The achievement of a successful transition to a knowledge-based society, at the heart of the EU Lisbon strategy, is critically dependent upon the mobilization of skills and talents. Continuous upgrading of labor force skills and life-long learning are important strategies in this respect.

(Platenga et al. 2003: 31)

The question is whether it is necessarily problematic that an index called 'the EU gender equality index' is measuring not only gender equality performance but also the effectiveness of EU employment policies. To be sure, it would not be problematic at all if it was always the case that that which indicated gender equality also indicated employment policies' effectiveness.

However, this is not generally the case. One could perhaps talk of a causal relationship between some of the selected indicators, such as the gender gap in educational attainment, and some of the employment policies objectives, for example productivity. However, one could also think of several factors facilitating gender equality that are not at the same time factors necessarily facilitating productivity and the Lisbon strategy aim of increasing EU competitiveness more generally. For example, whereas slimming welfare states and lowering taxes might increase productivity, at least in the short term, gender equality might require the exact opposite. When one's focus is on both gender equality and productivity, instead of on gender equality exclusively, one will easily end up looking for factors that could work as indicators for both concerns at the same time - possibly at the expense of gender equality facilitating factors that might decrease short-term productivity and competitiveness. Consider for example the paid work dimension (D1) of the Platenga index. From the point of view of gender equality, what is of importance is not only that women are integrated in the labor market, but that they are integrated in the labor market in a way that is compatible with gender equality. To highlight this, one could perhaps have kept SD1b (i.e. measured the gender unemployment gap), recognizing that there is a general connection between women's integration in the labor market and gender equality, but substitute SD1a (the gender employment gap)<sup>19</sup> with an indicator that

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<sup>19</sup> The problem with this indicator (in contrast to SD1b) is also that it does not capture whether being non-employed is something one has opted for, to take care of children, to increase leisure time etc. To freely drop out of the labour market, not necessarily permanently but for some time, to give priority to a family caring role, for

measured the difference in female and male participation in non-voluntary part-time work, or the difference between the share of women and the share of men inhabiting non-voluntarily non-permanent positions – or another indicator that captured not only *that* women are integrated in the labor market, but *how*, on what terms. This would, however, be to substitute a possible productivity indicator (the gender employment gap), with an indicator that might be negatively correlated to productivity (or not correlated to productivity at all). If one's exclusive concern is to measure gender equality, this is, however, not a problem. If this is the case, one is instead required to search for the optimal gender equality indicators, without productivity concerns in mind. For Platenga et al. the case is different. The index they have constructed is not a gender equality index but a gender equality and productivity index.

My point here is not that productivity concerns are illegitimate, or that it is wrong to measure productivity. Also, I do not deny that a concern for gender equality sometimes might go together with a concern for productivity. The history of the EU itself contains, arguably, several examples of this.<sup>20</sup> My concern is that the two concerns do not always go together, and that it should be recognized that they don't. Moreover, it is preferable, I think, if the variables of an index that is referred to as a gender equality index, have been selected because they indicate gender equality, and not for some other reason.

It could be argued, of course, that the Platenga index also contains indicators that might be negatively correlated or not correlated to productivity. Accordingly, I do not argue that all the included indicators of the proposed index are problematic for the reason sketched here, but that some are.<sup>21</sup> Moreover, my main target is the general reflections in the Platenga report of the relationship between gender equality and productivity. The impression given is that the two concerns all in all do not conflict, i.e. typically, that the former leads to the latter. In fact, one could pick out some of the variables Platenga et al. themselves in the end have opted for to argue that the two concerns sometimes probably *do* conflict. For example, and again, at least in

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example, is not optimal for maximizing income and career opportunities. However, whether voluntary retreat from the labour market is a problem from the point of view of justice is a different matter. I return to this in the section 'Equality of opportunity and equality of outcome'.

<sup>20</sup> Consider for example the significant redistributive effects of the implementation of equal pay in the EU (Rubery 1998). One could of course argue that the equal pay principle, or some version of it, is a just principle, and that it should be implemented for this reason. However, equal pay is also a precondition for a well-functioning market. Already the Treaty of Rome included an equal pay paragraph (Article 119).

<sup>21</sup> See also my comment on this in the section 'Democracy'.

the short run, it is not obvious that a substantial reduction in the gender gap in caring time (SD5a) will increase productivity and competitiveness, at least not if the reduction has come about by a costly expansion of women-friendly welfare state arrangements.

Finally, it could be argued that Platenga et al. simply have taken some perfectly legitimate pragmatic concerns into account here. The point of their work has been to make an index that is easy to read and that only requires data that is already available or that could be produced without much difficulty. It is no coincidence that the Platenga index has several indicators in common with other indexes. This is the easiest option, of course; the indicators are already operationized, the relevant data is already in reach. I do not wish to deny the legitimacy of such pragmatic concerns. Furthermore, I do see that it may be reasonable to raise such concerns, both here,<sup>22</sup> as well as later in my discussions. However, pragmatic concerns with regard to data availability etc. are in the end secondary, and should not stop us from highlighting what would be preferable. Adequate data could be produced in the future, even in the short run, depending on priorities.

## **Equality and justice**

Another question is whether an index that is meant to be a full citizenship index could measure compliance with an equality standard<sup>23</sup> only. I think not. What citizens owe one another is not only equality, but also, and most fundamentally, justice.<sup>24</sup> If the EU gender equality index is to be a full citizenship index it must be an EU gender justice index.

This is in accordance with the views of Nancy Fraser. Platenga et al. (2003: 7) mention that Fraser in an earlier work replaced the term gender equality with the term gender equity, and described the ideal society as a society where everyone lives in accordance with the universal caregiver model. Since then Fraser (2003c) has developed her theory of justice. The fundamental norm that a society is to live up to is justice, meaning, Fraser says, 'participatory parity' or 'parity of participation': Justice requires social arrangements that permit all persons 'to interact with one another as peers' (Fraser 2003c: 47). And this

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<sup>22</sup> I suggest for example to replace the well-established gender equality indicator SD1a.

<sup>23</sup> The equality standard could be 'equal results', which is the standard Platenga et al. are defending, or 'equal opportunities', which is the standard I will defend in the next section.

<sup>24</sup> Of course, Platenga et al. could simply have opted for a gender equality index, and not a full citizenship index. They have, however, opted for the latter.

norm, Fraser's justice or parity norm, is meant to be a universally binding norm which 'like principles of Kantian *Moralität* [...] hold independently of actors' commitments to specific values' (Fraser 2003c: 43). In contrast to '[...] the canons of Hegelian *Sittlichkeit*' the legitimacy of participatory parity is not linked to a "culturally and historically specific horizons of value', particular non-universalizable ideas of self-realization and 'the good life', they are 'deontological and non-sectarian' (Fraser 2003c: 43). In the words of John Rawls (1971, 1993), just principles or norms are those that could be accepted by citizens with different reasonable comprehensive doctrines. This requirement, we could call it the requirement of impartiality,<sup>25</sup> must also be kept in mind when measuring gender justice: To measure gender justice is to measure compliance with a norm that could be impartially justified, in the sense argued by Fraser and Rawls. The impartiality requirement belongs thus among the requirements an EU gender justice index should 'ideally meet' (Platenga et al 2003: 16).<sup>26</sup>

In addition, what I have assumed so far is that justice requires equality – but also something more than equality. But what is this 'more'? Rawls has defended two principles of justice:

- 1) Each person has the same infeasible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all.
  
- 2) Social and economic inequalities are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity (2a); and, second, they are to be to the greatest benefit of the least advantaged (2b).

(Rawls 2001: 42-43)

In short, we could refer to 1) as the Liberty Principle and to 2a) as the Equal Opportunity Principle. 2b) is named the Difference Principle by Rawls. What justice requires more than equality (i.e. the Equal Opportunity Principle and the Difference Principle),<sup>27</sup> according to Rawls, are social arrangements regulated by the Liberty Principle. Citizens are to be granted equality, but also

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<sup>25</sup> I doubt that the norm 'all are required to live in accordance with the universal caregiver model' is in accordance with this requirement, i.e. I believe that Fraser's previous idea of gender equity represents an 'idea of the good life' that is more substantial than her parity norm. I return to this in the section 'Equality of opportunity and equality of results'.

<sup>26</sup> Platenga et al. list several ideal requirements, but not this one.

<sup>27</sup> I will return to the meaning of 'equal opportunities' in the next section. The Difference Principle and what this principle might imply in a benchmarking context, is a question I will have to leave for some other time.

freedom, i.e. 'equal basic liberties'. That justice also requires equal basic civil and political liberties is hardly disputed by anyone theorizing justice.<sup>28</sup> What concerns many feminists today, in Europe and elsewhere, are the many violations of women's right to sexual and reproductive freedom and to freedom from physical and sexual violence.<sup>29</sup> A gender justice index should also include indicators that could capture these and other violations of the Liberty Principle.<sup>30</sup>

Furthermore, from a perspective of justice, it does not seem right to disregard absolute well-being. Consider two states, A and B, scoring equally well on most of the Platenga index indicators. That is, in terms of gender gaps the two states did not differ much. However, A was also a welfare state which granted all citizens, women and men, certain universal social benefits as well as civil and political rights, whereas B did neither. However, according to Platenga et al., state of affairs in B would not, for this reason, be more of a problem than state of affairs in A, if our concern were gender equality or gender justice. I find this unconvincing. A state that grants its citizens basic civil, political and social rights seems to me to be more just than a state that does not, whether we consider it from a gender justice perspective or from any other justice perspective. B violates the Liberty Principle as well as the Equal Opportunity principle in a fundamental way that A does not, harming both female and

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<sup>28</sup> What is disputed is Rawls' (1971: 38) so-called 'lexical' ordering of his principles. A lexical order is an order 'that requires us to satisfy the first principle in the ordering before we can move on to the second, the second before we can consider the third and so on. A principle does not come into play until those previous to it are either fully met or do not apply. [...] those earlier in the ordering have an absolute weight, so to speak, with respect to later ones, and hold without exception'. It has also been argued that justice requires more than freedom and equality in Rawls' sense, for example a cultural recognition of groups that exceeds what could be justified with reference to the Liberty Principle and the Equality of Opportunity Principle. I cannot go into this here. I do, however, think it is wrong to present Rawls as if he does not recognize that equal opportunities require the fulfilment of both material and cultural conditions (for feminist interpretations of Rawls in accordance with my view on this point, see Okin 1989, Cornell 1995, 1998 and Nussbaum 1999, 2000). Moreover, in the context of the Platenga index, it is the exclusion of freedom-indicators that is striking, whereas several of the indicators are included out of a concern for recognition, among other things. Platenga et al. connect for example the gender pay gap, the gender gap in political power and in educational participation and attainment to a lack of cultural recognition of women.

<sup>29</sup> Consider for example the maintaining problem of patriarchal violence in intimate relationships, and the growing problem of trafficking.

<sup>30</sup> Interestingly, Platenga et al. (2003: 4) refer to indicators that have been developed 'with regard to violence against women' as part of the EU implementation of the Beijing Platform of Action. These should, of course, be considered in this connection.

male citizens, and for this reason we should deem B as a worse performer. Of course, it could be the case that the explanation of the gender gaps in A was that A had failed to fulfil the social and cultural conditions necessary for securing equal opportunities for women. Gender justice might require more than securing all citizens basic rights. This is, however, a minimum condition. A state that does not fulfil even this minimum condition, should, I think, in contrast to what Platenga (2003: 8) et al. argue, be given 'a substantial discount' on any justice index.

## **Equality of opportunity and equality of outcome**

Yet another question is what kind of equality justice requires. At the outset, Platenga et al. (2003: 6) are mixing up the distinction between formal and substantial equality and that between equality of opportunity and equality of results, i.e. they write as if one either has to defend a formal notion of equal opportunities or a substantial notion of equal results. The defensible notion of equality is, however, none of these. The defensible notion is substantial equality of opportunities. The requirement should be, in Rawls' (1993) words, 'fair equal opportunities'.<sup>31</sup> Granting all equal opportunities will require transformation of both social and cultural conditions, both 'redistribution' and 'recognition', to quote Fraser (2003c).<sup>32</sup> On this point there is no disagreement between Platenga et al. and myself.

They, however, defend equality in a particular sense of 'equal results' or equality of outcome (Platenga et al. 2003: 6). In short, 'gender equality is conceptualized as the absence of gender gaps' (Platenga et al. 2003: 54). Any deviation from a 50/50 distribution between women and men of goods, burdens and positions are regarded as illegitimate gender inequalities that call for political measures, from the EU, from the member states or from both. Once more, Fraser is referred to, understandably, if we think of Fraser's (1997a) defense of the clearly outcome-oriented universal care giver model. In later works Fraser has, however, been distancing herself from a mechanical 50/50 thinking, a *parité*-feminism (that should not be confused with the parity-feminism she is now defending). *Parité*, Fraser (2003a: 238) says, is:

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<sup>31</sup> 'Further, the [...] principles express an egalitarian form of liberalism in virtue of three elements. These are a) the guarantee of the fair value of the political liberties, so that these are not purely formal; b) fair (and again not purely formal) equality of opportunity; and finally c) the so-called difference principle [...]' (Rawls 1993: 6).

<sup>32</sup> Fraser (2003c) refers to redistribution and recognition as the "objective" and 'intersubjective' condition of justice. In addition, she mentions a third, 'political' condition, which is democratization. The latter issue will be discussed in the section 'Democracy'.

[...] a law mandating that women occupy half of all the slots on electoral lists in campaign for seats in legislative assemblies. [...] it means [accordingly] strict numerical equality in gender representation in electoral contests. For me, in contrast, parity is not a matter of numbers. Rather, it is a qualitative condition, the condition of being a *peer*, of being on *par* with others, of interacting with them on an equal footing. That condition is not guaranteed by mere numbers [...]. To be sure, the severe under-representation of women in legislative assemblies and other formal political institutions usually signifies qualitative disparities of participation in social life. But numerical quotas are not necessarily or always the best solution. Thus, my conception deliberately leaves open (for democratic deliberation) the question exactly what degree of representation or level of equality is necessary to ensure participatory parity.<sup>33</sup>

Concerning the regulation of other areas of society, Fraser (2003a: 239) notes the following about the *parité*-approach:

[...] justice requires parity of participation in a multiplicity of interaction arenas, including labour markets, sexual relations, family life, public spheres, and voluntary associations in civil society. In each arena, however, participation means something different. [...] No single formula, quantitative or otherwise, can suffice for every case. What precisely is required to achieve participatory parity depends in part on the nature of the social interaction in question.

To be sure, not all feminists theorizing equality and justice agree with Fraser. A feminist theorist that Platenga et al. could have referred to is Anne Phillips. Phillips (2004: 6) considers 'equality of outcome' as 'a key measure of equality of opportunity'. In other words, even Phillips does not distance herself from the Equal Opportunities Principle. What she does, rather, is interpret the norm of equal opportunities as meaning equal results. This is in fact also what Platenga et al. end up doing. Gender gaps are problematic, they say, because they indicate less than equal opportunities (Platenga et al. 2003: 47); the term equal opportunities are used several times throughout the report, despite the initial insistence on shifting the focus to 'outcomes' (Platenga et al. 2003: 6).

Perhaps Phillips and Platenga et al. are correct? 'When outcomes are 'different' (read unequal), the better explanation is that the opportunities were themselves unequal', Phillips says (2004: 6). Equality of opportunities of

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<sup>33</sup> To the best of my knowledge, the paper I refer to here is published in Swedish and French, but not in English.

individual women and men can be measured by looking at group-level distributions between women and men. Any deviation from 'proportional' equality – meaning a situation where women have 50 percent of societal goods, burdens and positions corresponding to the fact that there are 50 percent female citizens in society – signals unequal opportunities (Phillips 2004: 8). Is this not so? 'If nothing were stopping people', 'if nothing got in their way', could we not expect 'a roughly random distribution' of goods, burdens and positions among 'all citizens' (Phillips 2004: 8)? '[I]f the outcome is not equal', could we not be 'reasonably certain that the opportunities were not so' (Phillips 2004: 8)? As Phillips (2004: 13) also notes:

[t]his [to consider any disparity in outcome as a sign of inequality in initial opportunities] is indeed the standard presumption in studies of racial and sexual discrimination, where an under- or overrepresentation in particular categories of work is usually taken as prima facie evidence of discrimination, even if there is no supporting material documenting deliberate exclusion.

Many theorists of justice, however, have argued that a just society differs from a society regulated by a norm of proportional distribution between groups.<sup>34</sup> This is how Fraser argues, as we have seen. Rawls argues that social arrangements should be regulated according to his 1), 2a) and 2b) principles. To simply accept proportional distribution as just because it has been a 'prima facie [...] standard presumption' in discrimination studies is to beg the question and to disregard most theorizing on justice and equality without further argument.

I fail to see why we should consider any deviation from a proportional distribution between groups as a violation of the equal opportunity norm without 'supporting material documenting deliberate' – or non-deliberate –

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<sup>34</sup> This is stressed by Phillips. She positions her equal results interpretation of the equal opportunity norm in opposition to most previous theorizing on justice and equality in political philosophy, be it liberal, communitarian or Marxist. Recently, the capabilities approach has received increased attention. Amartya Sen and Rawls are discussing the proper unit of equalization – is it primary goods (Rawls) or capabilities (Sen)? However, they both defend equality as equal opportunities (Sen 1993: 32, Alexander 2008: 55-61). Martha Nussbaum (2006) has developed a different version of the capabilities approach. She criticizes Sen for not making a concrete list of the central human capabilities that need protection. However, Sen's, and Rawls', notion of equality as equal opportunities is not in question. A theorist that does seem to defend similar views as Phillips is, however, Iris Marion Young (1990). For overviews of different theories of justice, see Forst (2002), Kymlicka (2002) and Brighouse (2004).

'exclusion'. Citizens can choose to act in ways that do not add up to a 50/50 distribution between women and men. Of course, how we choose to act is structured by different causal mechanisms; our choices are in this sense never fully 'free'. However, it does not make sense to say that we, for this reason, should not, in any situation, be regarded as relatively autonomous and responsible for how we act. If we did say this, we could never regard anyone as relatively autonomous and responsible for anything. In all societies individual action will be structured by different mechanisms. This is the case even in a just society.<sup>35</sup>

Furthermore, the exact outcomes of the workings of different causal mechanisms are not something we could predict – in any society.<sup>36</sup> There are very few, if any, law-like regularities in social life. Hence, we cannot predict that there will be a 'random' or proportional distribution of everything in a just society, just as we cannot predict any other particular distribution of everything. There could be equal outcomes, but there could also be unequal outcomes in a just society, and this inequality would then necessarily be caused by other things than unequal opportunities, since a just society is a society with equal opportunities. Accordingly, there might be a 50/50 distribution of all goods, burdens and positions between women and men in a just society – and again there might not, for reasons that cannot be traced back to any violation of the Equal Opportunity Principle. The 'standard presumption' of proportional distribution, assumed 'prima facie' by many social scientists, and defended, for this reason only seemingly by Phillips, is false.

Real life societies, such as EU member states, however, are not just, according to ideal standards. However, one cannot for this reason deem all deviations from a proportional distribution on group level in real world societies as unjust – or indeed deem distributions in accordance with a norm of proportional distribution as necessarily just. To be sure, in real world societies unequal outcomes can reflect unequal opportunity structures *or* other factors, or both. However, the actual causes of unequal outcomes, for example gender imbalances, cannot be identified without 'supporting material', just as we, without 'supporting material', cannot know whether a balanced distribution in fact reflects an equal opportunity structure. In contrast to what Platenga et al. and Phillips assume, when confronted with a gender gap (or a balanced distribution) in a real world society, we cannot, without further investigation

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<sup>35</sup> To claim otherwise, one would for example have to argue that there in a just society could be no cultural groups, since cultural groups could cause adaptive preference formation (Holst 2009).

<sup>36</sup> See Elster (2007) for an illuminating discussion.

and argument, say that the gap is illegitimate (or that the balanced distribution is legitimate) before we know more about what caused it. A gender gap is illegitimate only if it is caused by a violation of the equal opportunity norm.

Platenga et al. (2003: 8) argue that member states' 'index-score[s]' should 'induce research towards the causes of inequality'. However, the order of things must be the other way around. If gender gaps are to result in 'scores' on a gender justice index, one must *already* know about their causes, in the sense that one must know whether they are the outcome of an unequal opportunity structure. When in addition the ambition is to recommend EU and member state policies (Platenga et al. 2003: 8), it is even more important to establish whether and in what way a gender gap is caused by the fact that individuals have acted under unjust circumstances. For one thing, one should not recommend policies to mend gender gaps without 'supporting material'; it is generally difficult to address social problems without knowledge about their causes. Furthermore, governments should be careful to address a particular gender gap as a social problem in need of policies to solve it, before closer investigation has identified it as an illegitimate gap. Platenga et al. (2003: 8) consider a gender gap as 'an ethical problem as such'. They may, of course – they may regard gender balance as valuable, it may belong to their 'specific horizon of value' (Fraser 2003c: 43). The normative basis of state and EU policies should, however, not be a particular idea of the good life, but impartial justice norms.

Curiously, Platenga et al. (2003: 19, 38, 47) agree with me on this point when confronted with gender gaps that are seemingly in women's favour. In such cases, one should not jump prematurely to conclusions about causes and policies. Gender gaps that seem to be in women's favour are not, seemingly, 'ethical problems as such'; they must rather be further investigated and contextualized. My suggestion would simply be that this is done as a rule, also when confronted with gender gaps that are seemingly in men's favour.

It might be argued, of course, that there is already much 'material' showing that the Equal Opportunity Principle is violated in all EU countries; substantial equality of opportunity for all is, as for now, not fulfilled. However, if this conclusion is all that matters, it is not clear why the Commission would need to make an index at all. The point of making an index must be that it could possibly provide some new information about continuities and changes in gender justice performance that might be of importance for public deliberation and decision-making.

We are then, just as Platenga et al., confronted with the question of which indicators to prefer. I have suggested that the indicators should, if possible,

take into account the free choice problem. I mentioned for example the gender gap in non-voluntary part time work as a possible indicator. Such a gender gap is generally problematic from the point of view of justice. Voluntary part-time is something different in this context, and must be given separate treatment.

Another option would be to go for an index consisting of input instead of output variables. Platenga et al. (2003: 23) are using the terms 'instrumental'/'independent' and 'outcome'/'dependent'. Generally, they say 'dependent and independent variables should not be used within the same framework', because there is then 'real danger of double counting and of overestimating differences' (Platenga et al. 2003: 23). The Platenga index is a dependent variables or output index. Examples of independent variables could be 'child care facilities and flexible time arrangements' and other institutional arrangements, laws, policies, formal and informal structures, that could be regarded as 'important provisions' for 'promoting women's full participation' (Platenga et al. 2003: 23). To construct an input index, made up by such indicators, might be difficult from a methodological point of view. If such problem could be overcome, an input index would, however, take the free choice problem into account. A gender gap in caring time (an output variable) might be due, partly, to the fact that some women freely prefer to spend more time on caring. Lack of child care facilities (an input variable), means on the other hand that many women, and more women than men, in effect are deprived of the possibility to choose with regard to time spent on caring. Due to factors such as gender traditional norms, many women will not have equal opportunities in a society without enough free or affordable child care facilities. The availability of such facilities would make more women better off. From the point of view of justice, this would, however, probably not be enough. A set of social and cultural transformations must take place probably for all women to have real equal opportunities. Real world societies are not just. Should we for this reason avoid talking about 'voluntary' actions and 'free choices' in this context? As already noted, choices are never fully 'free' in the sense that they are not structured by causal mechanisms. Structuring of individual choices would take place even in a just society. We would anyway think of the citizens in this society as relatively autonomous and responsible.

In all real world societies to think like this is more problematic, because real world societies are not just. Even in such contexts it does make sense, however, to talk about actions as more or less voluntary depending on to what extent the preconditions of justice, or parity in Fraser's sense, is fulfilled. It also makes sense, in such less-than-ideal societies, to talk about relative individual autonomy and responsibility. We do this when we justify democratic

government in such societies. It is impossible to justify democracy without assuming that citizens are to a certain extent autonomous and responsible. With this in mind it cannot be ruled out that even other choices than those we make as citizens in a political context could be relatively autonomous. Platenga et al. (2003: 18) recognize this in fact, when they correctly dismiss the EO-indicators that measure horizontal gender segregation, EO3 and EO4, because such segregation, or parts of it, may be the aggregate outcome of 'free choices'.

However, if this is a relevant concern here, it can be a relevant concern in other situations too. Some women, for example a middle class female EU resident with higher education, may be in a situation where it is reasonable to say that temporal retreat from the labor market or a gender traditional career track – contributing to an increase in several of the Platenga gender gaps – is not forced upon her. This is rather what she prefers,<sup>37</sup> despite what may be of well-known – also to her – unfortunate economic implications. Her choices are then her responsibility in the sense that she cannot, as far as I can see, expect economic compensation due to unjust treatment. Her actions might not be at all wise economically speaking, i.e. it might not be in her best interest in terms of material outcome, and if many follow her example gender gaps might increase substantially. The woman of our example has, however, not been unjustly treated. She had other options, she was aware of the economic implications of her choices, but chose the way she did anyway.

Work carried out by female-dominated welfare state professions and time spent on caring should, however, be more highly valued and better compensated. This could easily be argued from the point of view of justice. Both quality care-giving and a functioning welfare state are crucial for promoting social justice in modern societies. However, this justification for a policy of economic redistribution is different from a justification stressing that all women that are making gender traditional choices – under whatever conditions – with unfortunate economic implications, should be compensated due to unjust treatment.

## **Democracy**

Justice requires equal basic liberties and socio-economic redistribution, but also democracy: There is a political condition for participatory parity to be fulfilled which is democratization (Fraser 2003c). The Platenga index does

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<sup>37</sup> The woman of our example could be what Catherine Hakim (2001: 157-192) refers to as 'home-centred' or 'adaptive' (i.e. 'a woman who want to combine work and family').

include a democracy indicator: the share of women in parliament (SD3a). In the end this is, I think, a useful indicator, even if it is not undisputable. Member state parliaments are central bodies of political decision-making in the EU. They make decisions on behalf of the member state citizens, and should be representative. The distribution of interests and values among parliamentarians should ideally correspond, at least roughly, to the distribution of interests and values among citizens. The particular interests and values of female citizens, if there are such interests and values, should be represented in parliament just as the interests and values of other groups of citizens. Whether female citizens in fact have particular interests and/or values in common, is an empirical question.<sup>38</sup> I take it that at least a weak version of such an argument could be made, i.e. that a significant share of women in a significant amount of politically relevant cases could be said to have some common interests that they are more or less aware of.<sup>39</sup> Given this, it would be unjust if women had not a significant share of the parliament seats.

However, we cannot, on the basis of this, say that any deviation of a 50/50 distribution of seats between women and men is unjust. Furthermore, there would be a problem, of course, if many of the elected women had not interests many women arguably have,<sup>40</sup> or if they themselves had such interests, but were not aware of them. However, all in all, it would not be a huge pragmatic concession to accept SD3a. I say so, because, in this case, as far as I can see, the free choice problem would not occur. A 50/50 distribution of parliament seats would in this case not be considered just because it proved compliance with

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<sup>38</sup> Whether women could be said to have common interest or not depends of course also on how the concept of interest is defined. It is often distinguished between objective and subjective interests. If female citizens are considered to have objectively identifiable interests, the question arises whether such interests could not be defended equally well by male parliamentarians with 'a sense of justice' (Rawls 1971). Empirical evidence seems, however, to point in the opposite direction (consider the overview in Paxton & Hughes 2007: 191-216).

<sup>39</sup> This weak argument does not need a theory of a patriarchal system for its support. Moreover, it avoids the difficult question of whether women have particular female values in common. Finally, it talks of interests as something that could be objectively identified. Given certain values, for example that material outcomes matter, and given that many women have such values (even if they are not necessarily particular female values, because many men might have them as well), objectively identifiable common interests among a significant share of women could be identified due to the gendered structure of the labour market, of unpaid work, of citizens-state relations etc.

<sup>40</sup> This problem could, however, be partly addressed by taking other representative concerns into account, such as social class, ethnical background etc.

the equal opportunity norm. If this was the consideration, one would once more disregard the fact that individual preferences do not necessarily add up to a proportional group-level distribution, even when opportunities are equal. In contrast, the argument here is that a 50/50 distribution of seats is just because it contributes to fulfilling the idea of representative democracy, i.e. to an adequate representation of citizens' interests and values.

Another question is whether female citizens' interests and values are adequately represented in other parts of the political process within member states. The Platenga index does not include indicators measuring women's participation in civil society and public deliberation.

One reason for this may be the need to limit the number of indicators. The index includes, however, several indicators that are meant to measure social and economic equality. Could it not also have included more democracy indicators?

Another reason may be lack of already available data in the different member states about political participation outside parliament. However, if data about central societal concerns are not already available, it could be made a priority to produce them. Finally, it may be that Platenga et al. define democracy in a way that makes it legitimate to focus on representation in parliament exclusively. However, I find this unlikely. The central political-theoretical reference is Nancy Fraser. Fraser (1997b) is analyzing the public sphere as consisting of 'strong' and 'weak' publics, i.e. of both formal decision-making bodies, such as parliaments, and of less formalized publics where the more unbounded political mobilization, deliberation and 'struggle over needs' take place. One could thus reasonably expect indicators measuring participation both in strong and weak publics to be included in the Platenga index. On the other hand, Platenga et al. state that index indicators are chosen with an eye to the European Employment Strategy aim of employment policies effectiveness. From this perspective, measuring women's participation in civil society and public debates would be less relevant. If full citizenship is what is to be measured, and not only the paid work dimension – and this is what the report in the end is promising – it is, however, problematic to put so little weight on democracy. Once more, we see the difficulties of making a proper gender justice index which is at the same time a productivity index.

From the point of view of democracy, there is, moreover, a problem of scope (Fraser 2003b).<sup>41</sup> The units that are supposed to be given scores on the

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<sup>41</sup> For a fuller account of the problem of scope from a feminist theory of justice perspective, see O'Neill (2000).

Platenga index are member states. What is to be measured, compared and assessed are 'national situations' (Platenga et al. 2003: 2). It follows from this approach, that the democratic qualities both of the formal EU institutions, such as the European Parliament, the Council, the Commission and the Court of Justice, and of the transnational weak publics of the EU cannot easily be considered. This is a limitation given the substantial decision-making power of EU institutions and the increased significance of transnational political participation and deliberation. An alternative would be to make an index with the EU as the unit, measuring levels of and changes in gender justice performance in the EU from one year to the next. With such an approach, indicators measuring women's participation in EU bodies and transnational weak publics could be included. The limitation of such an index would be, obviously, that national variations and changes in gender justice performance would not be considered. Given the substantial decision-making power of member state institutions this would be a problem. Hence, it is difficult, seemingly, to have it both ways.<sup>42</sup> One has to opt for either member states as units or the EU as unit, and either way relevant information about compliance with the norm of democracy in the EU would get lost.

This is part of a more general point: There are limits to what can be achieved by means of a gender justice index, in whatever version. A units' score on a gender justice index, however sophisticated, would never tell the full story of its gender justice performance. There are limits to what could be measured: We can obtain knowledge about gender injustice by means of a gender justice index, but it will not give us information about all there is to know. The Platenga report goes very far in giving its readers the impression that the proposed index will give a complete picture.<sup>43</sup> Scores on their proposed index indicate, we are told, 'the actual distance towards a situation of full gender equality' (Platenga et al. 2003: 47), whereas 'a maximum score [...] corresponds to a situation of complete gender equality' (Platenga et al. 2003:

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<sup>42</sup> One could, of course, imagine an index where member states were given scores on indicators such as share of women in the member state's group in the European Parliament. But even then, the picture given would be limited, since the unit's democracy performance, from a gender perspective, also would depend in complex ways on variables such as the share of women in the European Parliament generally, on the female share of position-holders in the Commission, in specialized EU bodies and agencies, in influential lobby organizations etc. To measure adequately the level of democracy from a gender perspective on the basis of these interconnections and dependencies, that by the way would be different from member state to member state, would be very complicated, if not impossible.

<sup>43</sup> As already noted, there is an exception to this which is when we are confronted with gender gaps that are seemingly in women's favour. In such cases, there is need for 'further research' and 'contextualization' (Platenga et al. (2003): 19, 38, 47).

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There are several reasons why there can never be such a perfect fit. For one thing, as already indicated, there could be scope complexities: Relevant information is lost by focusing on one kind of unit instead of another. Secondly, producing data on relevant indicators may be technically, economically or ethically difficult or even impossible. Such pragmatic concerns are indeed recognized by Platenga et al. Despite this, they end up presenting their index as being able to tell us a 'full' and 'complete' story. Thirdly, there could of course be relevant theoretical gender justice variables we have not yet thought of, and other and better interpretations of the theoretical variables we have thought of. Fourthly, there will unavoidably be gaps between theoretical and operational variables.<sup>44</sup> This is, in part, due to the fact that theoretical variables cannot be transformed into quantitative indicators without information getting lost.

But even an expert qualitative outline of what gender justice means will not be complete. There are several reasons for this. One of them is normative. In the end, it is the task of citizens to define what gender justice requires (Squires 2007, Galligan & Clavero 2008): Government must be democratic. Impartial principles of justice, such as the Liberty Principle and the Equal Opportunities Principle, must be institutionalized if citizens are to participate in deliberation and decision-making on equal terms. Justice is, on the one hand, a precondition for democracy. On the other, as emphasized by Fraser, democracy is a precondition for justice. Ultimately, a just society leaves the justification and interpretation of its principles and the discussion and choice of policies to its citizens.<sup>45</sup> To be sure, experts, be they social scientists or philosophers, could legitimately participate in such deliberations. Moreover, as far as experts' expertise is real, i.e. as far as their advice is well-founded, it would be in citizens' best interest to encourage and lend an ear to expert deliberations on normative principles, on the measurement of normative achievements, and on policy-options.<sup>46</sup> There are, for example, good reasons for citizens to take seriously their government's score on an expert-made,

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<sup>44</sup> Obviously, indicator SD3b in the Platenga index, defined as the share of women among legislators, senior officials and managers, does not capture all there is to say about gender and socio-economic power from the point of view of justice, SD2a does not capture all there is to say about gender and poverty etc.

<sup>45</sup> See also Habermas (1992).

<sup>46</sup> See also Fraser (2003c) on the relationship between the 'Aristotelian' and the 'Platonic' stance in political philosophy. Normative political philosophy is a legitimate exercise; at its best it can even be important. However, contrary to what Plato suggested, philosophers are not to conceive of themselves as 'kings'. Ultimately, government is the task of citizens, as Aristotle suggested.

normatively and methodologically well-founded, gender justice index. The score gives, however, not the 'full' and 'complete' picture of the gender justice situation in the political unit in question, independent of citizens' evaluations. Expert inputs are legitimate and important, but must be contextualized as part of a broader, democratic setting.

And we are once more confronted with scope complexities: How broadly are we to conceive of our setting? Which are the adequate political units? Above I stressed scope complexities of a cognitive sort. However, there are also scope complexities of a normative sort: Which unit is focused upon – in this case, the member states or the EU – is also a normative question.<sup>47</sup> The Platenga report focuses on how 'national practices' could be measured and compared by means of an index so as to 'induce member states to take specific actions' (Platenga et al. 2003: 2). An alternative would be to 'induce' EU institutions, such as the Commission or the Parliament, to take further action to facilitate gender justice.<sup>48</sup> This is the route forward recommended by many feminists in Europe today.<sup>49</sup>

## **Concluding remarks: Implications for index-making**

The efforts of the EU to facilitate gender justice, have been substantial historically, and are ongoing. An EU gender justice index is to be launched in the near future, adding to other efforts. The aim is to provide EU-institutions, member-states and citizens with a picture of the actual state of affairs with regard to gender justice. High-quality research on gender and dissemination of gender research are already encouraged by the EU, and should be further encouraged. The index could, however, serve as a valuable supplement. Index-scores and index-rankings have the quality of catching public attention. Hence, launching an EU gender justice index could result in a real increase in citizens' and governments' awareness of current gender injustices in Europe.

When making a gender justice index, there are methodological and technical questions that need to be addressed, but also normative. In this paper, I have argued that a proper gender justice index should have a different normative basis than that of the EU Gender Equality Index defended in the Platenga report. A full citizenship index should focus on justice, not on productivity; on individual opportunities, not on group-level outcomes; and on equality, obviously, but also on liberty and democracy.

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<sup>47</sup> See Eriksen & Fossum (2007).

<sup>48</sup> For a recent informative overview of the role of the member states and different EU institutions in EU gender equality politics, see van der Vleuten (2007).

<sup>49</sup> See Galligan & Clavero (2008) for extensive references.

Moreover, I have given two general recommendations for index-making. (i) Indicators should be chosen with an eye to the free choice problem. This speaks for: (ii) making an index composed of independent variables. An index faithful to i) and ii) would, I think, stand a better chance of distinguishing between gender injustices and gendered patterns generally.

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