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Civil Society and Gender Equality: A Theoretical Approach

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Abstract

The aim of this paper is to examine two concepts, gender equality and civil society, in order to understand what kind of relationship, if any, there is between them, and to observe how the feminist agenda might gain from such a relationship.

In the revision of feminist history, the link between civil society, citizenship and state appears as the logical development in the struggle for feminist demands.

Late 19th century and early 20th century feminist groups are a good example of how women have been very successful in forming associational groups as part of civil society and have claimed the rights that states have finally incorporated through equality policies and laws. Current democratic states have achieved a high level of legal equality, mainly through the mechanism of citizenship, but this mechanism does not seem empowered to undo other constraints that women suffer, especially cultural, social and economic constraints. In searching these inequalities we may find that the civil society arena is much tougher than that represented by a democratic state.

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1. Introduction

The aim of this paper is to examine two concepts, gender equality and civil society, in order to understand what kind of relationship, if any, there is between them, and to observe how the feminist agenda might gain from such a relationship.

Exploration of the link between these two concepts is still scarce, despite the fact that in recent decades they have both become, each in their own right, very powerful and widespread in the analysis and comprehension of social realities and dynamics. Currently, both terms are used separately by any social approach that attempts to understand how individual, social, cultural, political and economic spaces are structured in different communities and societies. The questions to be posed when entering this research field, therefore, are “why has there been no interest in connecting the two concepts?”, “why have feminism and feminist theory not paid attention to the possibilities that the concept of civil society could bring to their claims for gender equality?” and “why have political scientists not introduced the gender axis when studying the concept and potentialities of civil society?”¹

When I first set out to analyse the link between gender equality and civil society, I imagined there would be a good deal of in-depth discussions and debates surrounding the issue because of the nature of the two concepts. However, this is not the case; in fact very little has been published on the subject. To date, the most important insights in the theoretical exploration of this field are those of Jude Howell (with D.Mulligan 2004, 2005), Ann Phillips (1999, 2002), Alison Jaggar (2005), and Nancy Fraser (1992, 1997)². From my own understanding of these writings, part of the answer to the questions posed above lies in the fact that the concept of civil society is strongly linked to the concept of citizenship and citizen rights, a concept conceived in and from a highly patriarchal structure.

When analysing the concept of civil society, we have to agree with Carole Pateman (1988a, 1988b, 1989) that the story of civil society is one of masculine political birth. The revision of the concept of civil society through its history from the Scottish

Enlightenment onwards shows the patriarchal structure in which Western political thought has been framed. This patriarchal bias explains why there has been no interest from political scientists in the concept of gender in relation to civil society. However, for feminist theory this link should have been taken up as an important issue for analysis. The lack of interest in exploring the link may be explained by the fact that for the feminist agenda the “natural” target in the negotiation of citizenship has for many years been the state.

As some theorists have pointed out, part of the explanation probably lies in the obvious interest for feminism in the divide between public and private spheres and the importance of tearing down that sharp barrier in order to analyse the ways in which women’s groups can influence state decisions to promote egalitarian public policies. The focus that feminism has placed on the role of the state in the advancement of the egalitarian agenda is seen as the reason why the influence of civil society has been left off that very agenda. The fact that the democratic state has incorporated many of the feminist claims through laws has given rise to a new reality: the time has come to end inequality in real and material life; in other words, the inequalities that go beyond laws and are experienced daily in all social practices, in people’s minds and hearts, and that are becoming increasingly visible in civil society.

The obvious delay in achieving equality in real life shows not only the failure of laws, but a lack of new strategies that point to spaces of action beyond the state and the legal system. The spaces to target should be the family and civil society.

Only today, in a scenario of a shrinking state, a process of globalisation, a stronger and wider civil society, and a new negotiation of citizenship (clearly in the EU, but also on a global scale) does the need become obvious for feminist theory to study and understand the nature and scope of civil society in relation to its own agenda.

I also consider that by explaining the lack of interest in linking the concepts of civil society and gender we will also gain an understanding of where feminist theory must address its agenda in order to comprehend the dynamics of interrelation needed to

allow a change in the conception of three key concepts: civil society, citizenship and state. Clearly, the remodelling of these three concepts into a non-patriarchal structure is a mammoth and slow task, although no less necessary for that; such serious issues as gender equality and the revitalisation of democracy depend on this reconceptualisation.

2. Gender, Civil Society and the State

Part of my research follows the relationship between the concept of civil society and the concept of gender through the history of political thought, essentially from the Scottish Enlightenment to the present day. However, this would require a whole book on its own, and would leave no space for the main discussion of how feminism relates to civil society today. I therefore limit the focus of this paper to civil society as the process of negotiating the social contract³.

It is important to realise that in this sense, civil society does not equate to citizenship. In effect, the concept of civil society has greater scope than that of citizenship, because citizenship only encompasses members of society that are officially recognised as citizens. As Vaclav Havel (2001) states, civil society can be seen as “the power of the powerless”. This aspect should not be forgotten in our understanding that women started the fight for equality in civil society without having citizen status. Thus, in organising themselves around the right to vote, the feminist civil society was extending the boundaries of politics, since by using the rights of civil society and association, they obtained the rights of citizenship. As a result of feminist actions, women in different countries were granted citizenship by their states⁴. This, by itself, shows the importance of the concept of civil society and its significant role in the promotion of gender equality. Therefore, from feminist history it is clear that civil society is not only a site of strategic opportunity, as Antonio Gramsci defines it, but of liberation.

In this sense, and without getting bogged down in the debate around concept, my understanding of civil society is a three-way understanding: as associational life (Putnam 1993), as good society, and as public sphere (Habermas 1991). Following Michael Edwards’ (2005a, 2005b) theoretical proposal on this concept, civil society is

three things simultaneously: collective action through the associational fabric; creative action in providing proposals and consensus that take us away from the cynicism of formal contemporary politics; and thirdly, the promotion of values-based actions that can act as alternatives to the fierce individualism and extreme consumerism in our current societies. In democracy, these three aspects need a context of debate and communication situated in the public sphere, which is an important part of what civil society is.

It is in this sense that I defend a concept of civil society that can allow us to continue promoting alternatives for social change that lead not only to more democratic and participative societies, but also to more just and freer societies. I believe this is the theoretical approach that is most in tune with all feminisms (Reverter-Bañón 2003). This way of understanding civil society is not only a space for informal politics, but provides the best way to influence formal politics⁵.

In the revision of feminist history, the link between civil society, citizenship and state appears as the logical development in the struggle for feminist demands. We could say that feminist organisations particularly address their actions to making claims on the state while campaigning for an awareness in the population on specific topics (i.e. suffrage, divorce, abortion, reproductive rights, violence, non-sexist education, equal pay, non-paid work, etc). The feminist movement, as a significant part of civil society, can be seen as the constant reconstruction of citizenship, and it is because of this that it needs to maintain a permanent and strong link with formal politics and the state.

As mentioned above, the concept of civil society should be viewed by feminists as a site not only of strategic opportunity, but also of liberation; a realm in which citizenship is forged in a complementary way to the state. Civil society has no meaning unless it is conceived of in relation to the state, and precisely because of the erosion of the latter there has been an enthusiasm for the former. Nevertheless, the role of civil society as an antidote to inequality is unclear. Civil society is no guarantor of liberty or equality unless it relates to an effective state. In my research, I intend to analyse how states have incorporated the claims and demands of feminist groups. Inversely, I also

address how feminist groups, as a significant part of civil society in some countries since the end of the 19th century, have organised themselves to mobilise the concerns of state and society to incorporate some of these demands.

One of the first issues to be resolved is the notion of civil society's role in democracy and social policy in a context in which neither the state-centred nor market-oriented traditions have conceptualised workable responses to gender inequalities.

Late 19th century and early 20th century feminist groups are a good example of how women have been very successful in forming associational groups as part of civil society and have claimed the rights that states have finally incorporated through equality policies and laws. While law and state policy has shown, after decades, that equality between men and women is something a democratic state must incorporate, the change in the morals, values and social and cultural roles of people and communities has proven to be a much more difficult arena for equality. As Phillips (2002) notes, civil society is an unregulated field, more so if we compare it with the state, which means that it is more vulnerable to sexist and discriminatory practices.

Current democratic states have achieved a high level of legal equality, mainly through the mechanism of citizenship, but this mechanism does not seem empowered to undo other constraints that women suffer, especially cultural, social and economic constraints.

The feminist struggle against these inequalities may find that the civil society arena is much tougher than that represented by a democratic state. To quote Phillips (2002, p. 87):

“Celebrating civil society as the sphere of freedom and autonomy is not really an option for feminism, given the inequalities that so often mar the cosy associational world”.

Horizontal relations between citizens can be sites of perpetual inequalities and it is precisely because civil society is an unregulated space that these inequalities and anti-social capital behaviour can be perpetuated. (The idea of social capital, as described by

Robert Putnam, is that relations between citizens and the traditions which shape them can act as an important resource in the attempt to achieve democratic governance and effective social policy.)

The pressure of civil society in this regard can only play its role if the state enjoys sufficient capacity to respond. And with its response, the state must show the capacity to arbitrate between the competing demands within it. In a democratic state, that should imply fulfilling claims that are more attuned with equality.

Jaggar (2005, p.17) notes how civil society is not the sphere of a higher ethical consciousness, so it is not necessarily purer or more virtuous than activism in formal politics. However, we should not judge civil society as an improper arena for feminist action because, as Jaggar (2005) points out, the empowerment of women as citizens will depend more on their own agenda and work than on the arena they choose, whether this is in formal politics or civil society.

However, it is important to consider the kind of association we are referring to when we think about feminist movements, since they will determine the type of targets feminist groups are aiming at. A possible typology can be broached by following Iris M. Young's (2000) distinction between possible associations of civil society, namely:

- 1-Private associations, like families and social clubs, that exist primarily for the benefits of their members.
- 2-Civic associations, whose aim is to improve the collective life of the different communities.
- 3-Political associations, which focus on claims about what the social collective ought to do. Hence, this is the universal level.

In analysing the three types of associations proposed by Iris M. Young, I believe we can enrich the theoretical debate on the model by incorporating Kohlberg's stages of moral development, which Habermas took further in his theory of communicative ethics. It should not be forgotten, as most social and political theorists working on this concept recognise, that civil society is essentially grounded on communication. Civil

society is basically understood as a space predominantly of conflict and of communication aiming to reach consensus. Hence, in democratic societies civil society moves in a public sphere that is open to discourse processes that inform and may modify social norms and political cultures. For this reason, the agenda and scope of the targets set by each group or association in civil society will be decisive to any understanding of the dynamics of a specific civil society, as well as the relations among the various groups and the relations these groups have with the state. In a society essentially made up of private associations (type 1), the configuration of the public sphere, the conception of citizenship and their relation with the state will be very different from those of a society in which there is a broad pluralism of political associations (type 3), with a clear universal interest.

Habermas draws our attention to the emergence of the public sphere as an expression of civil society itself in which spaces for discussion are formed and institutionalised. Thus, I propose to complement Iris M. Young's levels of association with the levels of moral commitment in communication put forward by Habermas, to give us the following:

- 1-Private associations- pre-conventional level;
- 2-Civic associations- conventional level; and
- 3-Political associations- post-conventional level.

The advantage this analytical model provides for the different types of associations in civil society is that we can map out the different types of associations and their interests in relation to the type of commitment and moral interest they aim at, and therefore, to the level of institutionalisation they target in promoting their agendas in the public sphere. This also gives us an understanding of the different agendas of the various types of associative movements in relation to the level of communication in the public sphere implied by each of the three levels of moral commitment.

I believe it will be highly important for the feminist agenda to work at all three levels in order to achieve full citizenship for women. Numerous studies have been published on the different types of feminist associations to be found. Cohen and Arato (1994) refer to "at least" five types of feminist groups: "mass-membership organizations;

specialized feminist organizations including litigation and research groups; professional lobbies; single issue groups; traditional women's groups; and an electoral campaign sector that includes PAC's and groups operating within the framework of the Democratic party" (1994, p. 729).

Clearly, the debate surrounding each of the types presented by Cohen and Arato could lead us to investigate the differences in the agendas, vocations, strategies and interests of each of these groups⁶. However, in order to centre the argumentation on the three levels proposed above, the conclusion Cohen and Arato reach is especially pertinent: "Despite the apparent decline in spectacular mass collective actions, the feminist movement continues to target the public sphere to influence consciousness and alter gender norms" (1994, p. 729).

To my mind, there are no doubts about the scope of the moral commitment and communicative strategy of a movement whose target is to "influence consciousness and alter gender norms". Without doubt, and assuming that this target can be related to the three types of associations at the same time, it is clearly involved in a post-conventional moral commitment that intrinsically requires political action. I believe this to mean that the end strategy of the targets of the feminist movement, whatever the form of association they take on, is as fundamental as the transformation of gender consciousness and norms. And consequently, feminist agendas are principally located in the universal level of interest. This very aspect is what I believe clearly links the feminist movement and the various groups formed from it in the need for a continuous relation with the state; therefore, a change such as that claimed by feminists is obviously impossible if there is not an extraordinary alliance and collaboration on the part of the state to become involved in a transformation of the norms that govern not only the way society coexists, but also the very activity of civil society, and even the entire structure of the state institutions themselves. In the words of Cohen and Arato (1994, p. 508):

"(...) the feminist movement, (...), takes clear aim at patriarchal institutions in civil society and works for cultural and normative change as much as for political and economic power".

As Cohen and Arato (1994, p. 492-563) highlight in their study of the feminist movement, it must be considered both as an actor in civil society aiming towards resource mobilization, and a new social movement interested in social norm and collective identity.

We can therefore say that the feminist movement is interested both in the conflicts that arise among various sectors and groups in civil society, and in becoming a strong interlocutor with the state, demanding that it provides an action framework for civil society that promotes gender equality as a crucial aspect in the actions of all groups and associations. Obviously, the autonomy of civil society must be preserved, and this must incite the state to remain separate from civil society, as defended by liberal theory. But this autonomy must not be interpreted as the state's abandoning of the action framework in which civil society must work, which in a democratic society must be an egalitarian framework; in other words, the absence of relations of dominance must be guaranteed.

So we could say that the growth of civil society and the state's capacity to adapt should be complementary, not antagonistic (keeping in mind that civil society is not an alternative to the state). As Cohen and Arato note in their study (1994, p. 23), the slogan "society against the state" can have deeply conservative connotations, if it is grounded on a model of civil society "equivalent to market or bourgeois society".

Activism in civil society is not an exclusive alternative to state-centred politics, in the same way, as Jaggar (2005) claims, that global feminist citizenship is not an alternative to national citizenship. As Nancy Fraser (1992) says, in the absence of social equality, formal political equality is not enough for women to make their voices heard. In light of all the above, we might say that the promotion of the feminist agenda requires the combination of collective action and state action.

I believe that it is highly relevant for the feminist agenda to inquire how civil society and state effectiveness are enhanced in tandem, and that for feminism, neither the state alone nor civil society by itself can work to fulfil feminist demands. Neither should

substitute or subjugate the other. As Walzer argues, “Only a democratic state can create a democratic civil society; only a democratic civil society can sustain a democratic state” (1992, p. 104; in McLaverty 2002, p. 311). The right direction is then to recognise that civil society is not necessarily democratic, as Anne Phillips has clearly posited in various works (1999, 2002). McLaverty (2002, p. 314) states that while civil society organisations may represent important democratic initiatives, in reality they often fall short of democratic principles. Part of what democracy is should be to enhance inclusive and egalitarian public spheres. From a feminist point of view this is particularly necessary because we have enough experience of how the dynamics in social relations and material life in society are especially difficult to change if we do not promote state intervention in those concerns. The creation and development of an inclusive public sphere should be created “artificially” (as McLaverty says, 2002, p. 14) rather than be left to “develop” organically (more so if we accept that the concepts of civil society and social capital are prescriptive, and not only descriptive). In doing so we have to remember that the family is a privileged place in which to work out the creation of democratic and egalitarian values, as Jude Howell affirms (2004, 2005).

If we say that civil society is prescriptive we mean that it is not an organic entity possessed of a single mind and will, but on the contrary, it is a site of difference, conflict and unequal capacity. The debates over different interests among diverse associations and groups are part of what a democratic public life is. In this sense participation in civil society fosters democratic norms, and it provides a necessary check on the state. This interaction reinforces democracy by encouraging and entrenching the pursuit of sectional interest through generally agreed norms. Because of that we can say that a true civil society is more than capacity of association: it has to have the ability to foster links with the state and to work as a vehicle of social policies⁷. This has the effect of civilising citizens. This approach to civil society comprises both the virtuous and the vicious. Civil society, understood as a realm of associations, does not have the property of being representative of all society.

One of the questions that arises now is: should civil society be “controlled” so as to make sure it is democratic and egalitarian? Or, on the contrary, should it be left to its own devices?

If we agree that it is a normative concept (Peter McLaverty 2002), then we also have to accept that civil society needs regulation. By saying that it is a normative concept we are saying that it is a prescriptive notion (not only descriptive), and so with this definition we regulate and value it (similar to the concept of social capital). As stated above, authors like Phillips or Laverty argue that there is nothing inherently democratic about “civil society” or about the voluntary organisations that are found within it. The links between “civil society” organisations and “democracy”, defined in terms of political equality and popular control, need to be clearly defined. We can see in everyday examples that civil society does not always promote democracy and equality. In fact, a part of civil society can be said to be formed by “uncivil movements”, for example those promoting anti-liberal and anti-democratic agendas, such as the various “mafias” spreading around Europe, racist groups, certain excluding nationalist movements and of course, anti-egalitarian associations and clubs that are especially active against women’s rights to equality. The problem is that this uncivil part of civil society is prescriptive, just like the concept of civil society; and that means that it is constantly defined and redefined by the established values in a society. Existing in a strong patriarchal framework translates into a society that does not see patriarchal behaviour as “uncivil”. In all likelihood, this ends up concealing unequal behaviour towards women, passing it off as “normal”, “civil” behaviour. In this respect, the progress made in the fight against violent behaviours towards women has been very significant in the last decade, but some less obvious or more subtle attitudes still show a patently patriarchal pattern in valuing what is civil or uncivil in a society. Feminist movements have been the leading factor in turning gender and domestic violence into a public question, and mobilising society and the state to end it. This is a good example of how something “private” becomes “public”.

Most damaging is the fact that some associations and movements in Europe that are leading associations and true representatives of civil society have traditional values

embedded in their agendas that promote a patriarchal model of women and families, along with obsolete forms of conceptualising education, sexuality and personal development (such as the Catholic church, which condemns homosexuality, or the use of condom and contraceptives; or Muslim associations proclaiming certain traditional values as values of respect for women when the point where respect ends and subjugation starts is far from clear; or the media leaders campaigning against the liberation of women from the perspective of “proper” parenting, instead of blaming the social and labour systems for being incapable of reconciling a healthy family life with women’s professional careers⁸). In many ways women’s subordination is still “perceived neither as a central element of crisis affecting our democracies nor as an unacceptable failing of democracy”, as Eliane Vogel-Polsky states (2000, p. 70; in Amy Elman 2001, p. 51).

This is what leads some theoreticians to search for systematic ways in which the public can exercise power over the state, and, at the same time require the state to promote a truly egalitarian and democratic public space. This would be the around the clock circulation of democratisation of different institutions and participants in society. As Cohen and Arato (1994) and Jaggar (2005) describe, civil society is not controlled by the state, but exists within the regulative framework that the state provides.

The mechanism of citizenship is not empowered to undo certain constraints that women suffer, such as socio-economic constraints. For this reason, civil society alone may fail to achieve a high level of equality. There is a need for all different agents, market economies, states, and supra-state institutions, like the EU or the UN, to unite and work together towards gender equality.

A new conception of citizenship with a more “active” consideration of its responsibilities will need to open up the space of public participation while at the same time enlarging this public space to include so called “private issues” that are unsurprisingly related to women, family and caring (Lister, 1997). This will translate into the idea that civil society is an arena of citizenship that feminists need to use now, because as Anne Phillips states (1999, p. 58):

“The battle for sexual equality has to be won in civil society, for there is a limit to what can be achieved through the ‘right’ legislation alone”.

This is increasingly becoming the case since the liberal state is shrinking and leaving some social responsibilities in the hands of civil society. At the same time we should not forget that elements of the social agenda which the state is handing over to the private sector are carried out by women as part of their “unpaid work”. In effect, this is what has been called the depoliticisation of certain areas of social action. As some critics have pointed out, when social problems are addressed through private rather than public channels the poor and the excluded become depoliticised. Jaggar states (2005, p. 14) that “involvement in ‘self-help’ micro-projects encourages poor women to exhaust their scarce energies in developing ad hoc services or products for the informal economy, rather than mobilizing as citizens to demand that the state utilize their tax monies for the provision of public services”. With this argument Jaggar expresses the concern that “undue emphasis on activism in civil society may sometimes restrict rather than expand women’s empowerment as citizens” (2005, p. 10). In this vein, Jaggar points to the fact that many NGOs have to be accountable to their donors, which limits their goals and their internal democracy and ends up replicating the corporate model of organisation (the so called “process of clientisation”). The professionalisation of NGO services also transforms women into clients of others, and even reproduces class inequalities. Jaggar also argues against the new form of colonialism forged by foreign-funded NGOs: “...they create dependence on non-elected overseas funders and their locally appointed officials, undermining the development of social programs administered by elected officials accountable to local people” (2005, p. 14).

Through all this clientelism, women’s NGO’s are clearly losing radicalism and transformative power: “The use of language of inclusion, empowerment and grassroots democracy provides no guarantee that in practice they empower local women as citizens, enhance their political influence or promote feminist goals” (Jaggar, 2005, p. 15). This *modus operandi* can actually disempower women by making them think that their struggle is no longer conceived as a struggle for citizenship rights but framed as

disputes for private resources. It is in this sense that Silliman says that “expanding civil society may shrink political spaces” (1999, in Jaggar, 2005, p. 15). In these circumstances, participation in civil society does not necessarily enhance women’s citizenship.

However, Jaggar does not conclude from this that the work of feminists in civil society should be curtailed and a more traditional state-centred practice of citizenship returned to. Rather, she claims that civil society, the state and the economy are quite heterogeneous, but they are not separate from each other.

Civil society is intertwined:

- with the market, so civil society organisations (profit and non-profit) develop a corporate culture to compete with each other for funding (developing publications, workshops, media attention...); and
- with the state, so civil society is in constant interrelation with the state, because funding turns organisations into vehicles for the delivery of state services or because civil society’s main goal is to influence the state.

I believe this dual mechanism of civil society with the state and the economy⁹ is absolutely essential if the gender equality agenda is to be completely developed, without becoming paralysed or slowed down by the current limits presented by a reality that is not automatically modified by laws, and an economic-financial system that is totally blind to changes that are not compatible with short-term gain expectations¹⁰.

The idea defended in this paper of the need for a certain “regulation” of civil society by the state is clearly not only theoretically relevant, but also probably contested from various fronts.

An initial approach to the various angles on this question among feminist theories may be summarised in two positions. Current feminist theories generally take two different approaches in relation to the state: an independentist vision and an interventionist vision. Feminists will defend one or the other depending on how they understand the aims of feminism. As Rosenblum says (2002, p. 155):

“Feminist theorists have a distinctive approach to locating and patrolling the civil society/government boundary, then. Freedom for association argues for independence from government intervention, but the need to enforce equal protection laws and the desirability of various forms of state support for groups argue for intervention”.

From the independentist position (which can unite feminisms ranging from liberal to radical) the state is seen as the maximum representative of the patriarchal system, and therefore, this position is sceptical about the discourse of government impartiality. In fact, this approach understands that the abysmal difference that still exists between legal and real equality is a sign of the true patriarchal nature of law, state and governments.

From the interventionist position, government protection of gender equality and regulation of civil society is seen as necessary, (social democrats, socialists and egalitarian liberals would follow this line of thought). They understand that although the state can be patriarchal, civil society can be even more so, and consequently civil society cannot be left to regulate itself. Therefore civil society and government are mutually dependent (Chandhoke 2001) and more so if the target is gender equality.

The history of the relation between feminism and the state has led to an improvement in legal equality through legislation such as anti-discrimination law, positive action, laws against violence against women, etc. We cannot deny that the achievements in gender equality reveal the relation between the feminist movement and the state to have been very fruitful. In contrast however, we cannot affirm that civil society in general has been willing to incorporate the claim for and defence of gender equality into its diverse agendas. When civil society has done so, it has been mainly due to state regulation of egalitarian policies. It is because of this reality that I believe we can defend the idea that, in general, changes in civil society on issues of gender equality have been promoted by governments that have incorporated feminist demands to resolve extreme situations of gender discrimination.

From the independentist position, feminist theory points to what Carole Pateman (1988a, 1988b) called “the patriarchal welfare state” and the clientelism, and therefore

disempowerment, that this is creating among women. However, it is still true that to leave public welfare policies out of the state does not generally benefit women, who are those who take on the work that the welfare state does not do. It seems, then, that the theory of a weak state with a strong civil society does not guarantee an improvement in gender equality¹¹.

I believe that in general we can defend the need for the dialectic relation between feminist civil society and state in order to preserve the basic rights of women and advance the agenda of gender equality.

In this vein, Susan Moller Okin (2002, p. 180) points to an issue for the feminist agenda:

“...that the state, in order to promote equality for women, should play a larger role both in regulating civil society and the family and in ensuring that women are represented more fairly in politics”.

The question now is: How can we make the rest of civil society incorporate the ideal of gender equality as part of its basic principles?

Despite the legislative function of the government, the redistributive role is modest in its interventions, and therefore it has a limited capacity to alter or change practices of inequality that different groups in society may be subject to. The government, through the tax system and subsidies, can help to redress inequalities, helping groups by acting according to the interests of the egalitarian agenda. All these measures and programmes taken together have the capacity to affect certain aspects that laws do not reach. In accordance with the petitions of groups committed to egalitarianism, the liberal state should not give public recognition and privilege to any institution of civil society that is hostile to women's equality (Okin, 2002, p. 183).

As stated above, many groups in civil society represent a problem for the advancement of gender equality. Rosenblum notes that “civil society poses a liability to the extent that groups effectively block or undermine the interests of women that democratic government is formally committed to advancing” (2002, p. 163).

The two approaches that explain how the relationship between civil society and state should be range, as we have seen:

- from the refusal of any government pressure, so as not to endanger civil liberties or avoid the influence of the patriarchal state in the feminist agenda;
- to the demand for state regulation to ensure that gender equality can improve (in its extreme, this position may defend government censorship of pornography or prostitution).

I believe that we need to find a compromise between the two that can establish an appropriate and fruitful dialectics in favour of the agenda of equality of opportunities for women and men. The main part of my current and future research aims to show the dialectical nature of the relation between the state and civil society, as can be understood from a clarifying quote by Michael Walzer (2002, p. 43):

“No significant move toward greater equality has ever been made without state action, but states do not act in egalitarian ways unless they are pressed to do so by mobilizations that can take place only in civil society- and that already represent a move toward greater equality”.

As this paper is a work in progress, we can conclude, up to this point, that civil society and state must act as mutually corrective forces. In that corrective function, two extremes must be avoided:

- Margins of action for civil society that are so wide and vague as to allow chaos and probably tyranny of the most powerful groups and individuals over the others.
- Margins of action for civil society that are so narrow and so controlled by the state that they do not allow pluralism, difference and criticism to flourish.

From a feminist point of view, both extremes lead us to the same result: the permanency of patriarchal values and the subjugation of the groups with the fewest opportunities, among them women. This would eventually mean the weakening of the citizenship contract and of democracy.

3. Family, Citizens and Civil Society

As pointed out above, a great deal of the theoretical research on civil society has been and still is devoted to clarifying the concept of civil society itself. An extensive bibliography has attempted to define this concept. The position of the various feminist approaches to this theoretical debate is united in claiming the incorporation of the family into civil society. In classic political theory we find a diversity of opinions in this respect, although it can be said that more authors place the family outside civil society, since they understand the family as a space of love and solidarity, and not of interests (which is what defines civil society).

A key aspect in the debate is the clarification of this point from the feminist perspective, since it is understood that the conception of the family is precisely what comes from a patriarchal idea in which “love” encompasses a distribution of roles that simultaneously encompass the domination of men over women. And this directly affects the roles and opportunities women have in the public sphere, outside the family. I believe this theoretical debate has advanced rapidly within feminist theory due to the wealth of theory that has emerged from long decades of feminist analysis of the division between the public and the private spheres.

From a variety of political positions, feminist theory advocates the conception of the family as a significant part of civil society. This perspective has the advantage of opening up the family to the scope of contestation and negotiation and with it the possibility of reconceptualisation of the roles assigned to men and women within it. As Jude Howell posits (2005, p. 8):

“By treating the family as of only residual interest in the pursuit of understanding the more important and higher-level relations between state, civil society and market, civil society theorists have failed to grasp the engendering effects of conceptual categories and of civil society in particular”.

The different streams of feminist theory coincide in believing that the criticism of the divide between the public and private spheres is what makes the main strategies of

subordination of the patriarchal system visible. All these strategies work in a complex web that goes from the constitution of the subject to the constitution of the political subject (and therefore “the personal is political”, the famous feminist slogan of the seventies coined by Kate Millet). On the way from one to the other, it is the patriarchal family itself that serves as a pivotal element. In order to break up this structure of understanding the subject, we need to dismantle the patriarchal family, and for this reason a decisive step is to pull the family out of its private realm and expose it to negotiation within the communicative frame that civil society normally involves. The family institution, like any other, requires public affirmation, even if it is associated with intimacy, privacy, and domesticity. The idea and model of the family, as with the individual, shape ideas of nationhood, citizenship and gender. Identity is still largely embedded in heterosexual marriage (or the lack thereof) in such a naturalised way that it is also deeply embedded in political assumptions, overlapping with common sense (Butler, 1990).

The idea of heterosexual marriage also has political and economic implications in the model it sets, since until very recent times the wife has been absorbed and represented socially, politically and economically by her husband.

In the words of Nancy Cott (2000, p. 3, quoted in Feldstein 2002, p. 109):

“The whole system of attribution and meaning that we call gender relies on and to a great extent derives from the structuring provided by marriage. Turning men and women into husbands and wives, marriage has designated the way both sexes act in the world”.

Marriage laws produce meanings of citizenship and structure life and production of meaning in many societies. Since the sixties, many societies have experienced what can be called “disestablishment” of an “officially supported” marriage model, giving rise to different marriage and family types.

From a feminist point of view the need to negotiate the social contract for women and men not only has to address the concept of the individual, but also the family, because as Pateman states in *The sexual contract* (1988a), it is under the concept of the

individual that, as a subtext of the social contract, the concept of family and the relations between man and woman are hidden.

As a collective group, families are ideological and material constructions whose imperatives have been revealed as especially demanding for women. The moral imperative which interprets the “good of the family” (as with “the good of the community”) is usually an extremely conservative ideology.

With the spread of other family models across societies, the traditional heterosexual and monogamous model of the family needs to be reconstructed in a non-patriarchal way. At the same time, new forms of gendered subjugation among individuals often emerge in new models of families (divorced parents, mono-parental, homosexual, non-monogamous)¹².

Feminist literature on the family is not only extensive, but also very diverse. My own research concern on this issue, however, is not to give a feminist conception on the family, but rather to point out the importance of this matter in the negotiation of the social contract. An interesting idea to take further in this area is Nira Yuval-Davies’ (1997) proposal to abandon the public/private distinction as promising for women and the feminist agenda, because it is from that divide that the engendering of the individual and society emerges. Yuval-Davies proposes differentiating between three distinct spheres: state, civil society and the domain of the family (i.e. kinship and other primary relationships). The three, however, interact in determining the social, political and civil rights of citizens.

The civil society debate, when understood as a process of negotiating the social contract, is a debate on citizenship. This debate must include an examination of the individual autonomy granted to each citizen (of both genders) *vis-à-vis* their families, civil organisations and state agencies. However, I believe it is especially important for women and the feminist agenda to negotiate the contract in such a way that women are recognised as individual subjects, and not as mothers and wives (although they may well also be). Traditionally, the family and household have been regarded as being

outside the collective political life. This has been understood as the sphere where individuals are autonomous citizens who are distanced from the state of nature and who are mainly guided by interests and rationality. In contrast, the family is regarded as the site of solidarity, love, care and blood links. This has resulted in the well-known separation of public and private spheres that has caused so much debate in feminist theory.

It is clear to all of us that individuals are not isolated from communities and family ties, so eventually the resignification of the individual subject of the contract will imply a resignification of the family and *vice versa*, but given the liberal and individualistic framework from which the social contract departs I think it can be more fruitful and straightforward to first resignify the individual subject. This would open up the concept of family to the individual choice of the autonomous individual.

I also believe that by taking the individual way we can escape from what Carole Pateman termed the “Wollstonecraft dilemma” (1988a, 1989). The dilemma presents the two different ways of extending citizenship to women:

-*via* equality- so women are introduced into citizenship as equal subjects to men, ignoring differences and therefore women becoming “as men”.

-*via* difference- women are introduced *qua* women and then their demands cannot be attended to within the legal and social framework of the current citizenship, and therefore women become “minor men”.

The dilemma has forced feminist theory to follow either one model of citizenship or the other, thereby becoming trapped in the dilemma of equality or difference, and for decades, leaving feminism caught between two supposedly irreconcilable positions.

The new agenda for feminist theory should not only find a way out of this trap, but must also negotiate a new concept of citizenship that deconstructs the patriarchal and current idea of subject. I see the resignification of these two concepts, citizenship and the individual subject, as the main conceptual challenge on the feminist agenda today. However it is true that with this resignification we will end up with a new concept of

the individual and citizen who is not removed (neither *a priori*) from her/his contextual experience. A new concept of the individual will precipitate the debate about a new concept of family (as indeed is happening now). In this conceptual resignification there will be no space for the “abstract subject” of the Enlightenment’s social contract, since this could only be abstract and devoid of any particular context due to the existence of a subordinated subject, (i.e. woman), and an institution, (i.e. family), and given that the male subject is the part needed to make the story complete. In this patriarchal picture, women and the family represent the experience of the ordinary, quotidian, material and historical. Thus it is clear from the patriarchal frame of thinking about the subject and the citizen, that the family is the hidden part of the very possibility of that subject. To dismantle this whole construction we will need to both detach women from the family model and detach men from the citizenship model. In this sense, the feminist response to the civil society debate seems to be torn between two apparently contradictory impulses:

- the impulse to deconstruct the “naturalised” relationship between women and affective labour; and
- the impulse to engage with the empirical evidence that women are frequently agents of affective labour, taking primary responsibility for caring, nurturing, cleaning and communicating, or subcontracting this work to other women.

Undoing both patriarchal models (individual and family) is a complex target, because it is a task that mainly requires what Judith Butler (2004) calls “undoing gender” and this means rethinking the pattern of constructing identities (individual and collective), which is at the very foundations of any culture. However, the task is not only possible but necessary and it is part of the constant creation of the world, in this case a more equal and just world.

It is now both necessary and urgent to incorporate the issue of “engendering civil society” into feminist debate and analysis, not only to advance the feminist agenda, but also to guarantee more democratic and egalitarian achievements in civil society, which as we have seen, can affect public as much as private space. Neither feminist nor political theory can afford to continue ignoring the necessary link between the

concepts of “gender” and “civil society”. The separate development of the two, together with their application in the diverse contexts of reality, have enabled us to envisage situations in the final decades of the 20th century in which the possibilities to perform democracy in a more participatory and egalitarian way have increased. Both the development of civil society and the application of the gender equality agenda have recently shown us the need to open up more spaces for debate to more agents, if we do not want to see the predicted death of ideologies followed by the agonies of democracy. The feminist equality agenda cannot move forward if civil society does not incorporate its demands; nor can civil society be truly representative of a society if it does not integrate gender and equality. Leaving out these two concepts at a theoretical level is a major mistake in political theory. Leaving them out of practical reality of current societies is a serious failing of democracy.

Notes

¹ In my view, the best explanation on these questions can be found in Jude Howell (2005) "Gender and Civil Society".

² By comparison, a larger body of work analyses the specific experiences of associations or groups in civil society and includes gender or women's issues. For example, many works have been published in the last ten years that directly or indirectly deal with the subject of the importance of women and women's associations in the public debate of civil society in the former communist countries. Studies on the importance of women's mobilisation as civil society in the new Latin American democracies are also prevalent. However, I am referring here specifically to the scope of my own research, which for the moment is limited to a theoretical approach to the relationship between the concepts of civil society and gender. It is in this field that the literature is still very scarce.

³ I am aware that by choosing this point of departure, I may be limiting the debate to essentially Western societies, which are those that have developed a political model based on the concept of the "social contract", which in turn is based on the idea of property owning individuals. The history of the social contract, as demonstrated in various studies (among which the most important is still Pateman, 1988a, 1988b) takes us back to a Western liberal notion of the liberal as male, individualised and owner, first of himself, and then of other properties. The modern patriarch begins precisely with the exclusion of women as individual owners of themselves. This is the patriarchy of brotherhood between male citizens. This liberal model of modern Western citizenship, significantly based on individuality and property, is far removed from other types of societies with a more communitarian base and in which individual property is not the axis that determines citizenship. As Suad Joseph (1993, p. 24) cautions: "The individual citizen, as an autonomous, contract-making self, is a peculiarly modern and Western discourse, a discourse that's become hegemonic. It is important to look at what these notions of civil society and citizenship are based on in Western discourse, and the problems created by their uncritical application to Third World societies".

Bearing in mind this consideration, and despite the limitation it implies, I continue my analysis in this paper from the Western model, since it has probably had the greatest influence on the feminist struggle to obtain citizenship and equal rights for women.

⁴ The difference between civil society and citizenship has been developed by some authors, like Yoav Peled (1992), who criticise the fact that this difference has resulted in a double system of citizenship; this being

-civil society, on the hand, and

-a national collectivity, on the other.

This model dichotomises the population into two homogeneous collectivities: those who are in the national collectivity and those who are outside. As Nira Yuval-Davis states (1997, p. 7), this divide does not pay attention to other dimensions of social divisions and social positioning, such as gender or sexuality, which are crucial to understanding citizenship.

⁵ I am aware that I am starting from the optimistic hypothesis that greater participation in civil society and citizenship leads to greater the moral quality, and therefore greater decision-making capacity. The opposite argumentation could be coherently presented, that greater participation goes hand in hand with greater egoism, since it is a strategic action of collective appropriation that can motivate participation. In general, this is the old clash between Rousseau's vision of politicising citizen's interests so they will be less vulnerable to the dangers of egoism; and Locke's vision, according to which only the strength of individual interests fosters the sense of personal responsibility. See Claus Offe and Ulrich Preub (1991) for a debate on the moral resources in participation.

⁶ This would lead us, as in Cohen and Arato's book (1994), to evaluate the stage model applied to the feminist movement by Costain and Costain (1987) in "Strategy and Tactics of the Women's Movement in the United States", or Claus Offe (1990) in "Reflections on the Institutional Self-Transformation of Movement Politics: A Tentative Stage Model". Although this reflection goes beyond the scope of the present paper, it does form part of the research I plan to undertake in the future.

⁷ This is what Linz and Stepan call "usable state". See Steven Friedman 2003, 13.

⁸ In this respect, it is important to point to the fact that if family life and children's education have suffered from the incorporation of women into the labour force, it is largely because education or other kinds of planned policies to promote shared housework have been totally lacking.

⁹ Of interest in this vein are the criticisms of Habermas from various fronts, for maintaining civil society as the empire of communicative rationality, and consequently, as "the other" with regard to the state and the market. In contrast, we might, in general, understand civil society as defined by others such as Adam Smith, Ferguson and Hegel, as the effect of the tension between the market and the state. See Nancy Fraser (1985, 1992) for a critique from a feminist standpoint.

¹⁰ This economic system also tends to make the importance of the domestic invisible. As Jude Howell (2005) stresses, for an engendered vision of civil society we will need to develop a conceptual framework of economy that introduces the domestic in the organisation of production. More so if we take account of the values that feed the different sectors of the economy circuits. For this issue, the work of Diane Elson is, as Howell tells us, "insightful and novel" (Howell, 2005, p. 14).

¹¹ It is true that the gender/state relation needs to be contextualised within the dynamics and history of each society; it therefore makes little sense to provide a unified model on how the dialectics of the relation unfolds. Levels of patriarchal domination vary from one society to another and all have very different patriarchal traditions. In some societies, patriarchal pressure from the family and society is much stronger than that of state institutions; in other societies, women's equality commands greater respect in the family and the community, while the state acts as the patriarchal repressor. The traditions of states and civil societies are very different, although in general state and civil society normally maintain a continual point of conflict in their postures that can benefit and enrich public debate and the development of new democratic agendas. On the specific subject of the agenda of gender equality, we can find societies in which women have achieved greater equality by detaching themselves from the community to ally with the state, which they consider a more secure guarantor of their demands (countries with traditionally male chauvinist cultures in the European area such as Spain, Italy, Portugal, Greece or Turkey). However, it is also true that if the women's struggle has enjoyed the support of the community and has challenged the state, the state regards the independence achieved as a threat (for example, in the former communist countries in Europe). We must be sensitive to these differences when setting out the agenda and strategies aimed to achieve gender equality. See the interview with Suad Joseph for an insightful view on this topic, (1993).

¹² The fact that the family is an institution that needs public affirmation implies that these "new" family models need to be assumed by the state and society in order to embody new and more equal gender patterns.

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