Women’s Movements and Bodily Integrity: towards a dynamic institutionalist approach

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Paper prepared for the Workshop
Gender, Politics and Institutions: Towards a Feminist Institutionalism?
Joint Sessions of Workshop
Rennes, 11-16 April 2008

FIRST DRAFT
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I Introduction

European states vary widely in the extent to which they grant control to women over their own bodies and in guaranteeing the basic human right of integrity of the body. The female body has always a contested site, and in the past states played a major role in institutionalising control over women’s bodies, a phenomenon not overcome with the establishment of liberal democracy and human rights. Re-politicising the body has therefore been a, if not the defining characteristic, of the new women’s movements of the 1960s and 1970s, and the issue is still a central concern for women in general today. Women have argued that lack of self-determination about matters concerning the body is a major impediment for women to full citizenship and that the integrity of the (female) body is an essential condition for the full enjoyment of human rights.

Although the framing of the issues concerning the female body has varied across time and place in Europe, the common denominator for women’s demands has been the concept of self-determination, which challenged the traditional political, legal and social control over women’s bodies. It allowed for a broad range of demands to the national governments of most members states. Issues raised were abortion and contraceptive rights, domestic violence, sexual violence - in particular rape, incest, sexual harassment and pornography - and female sexualities, including sexual orientation, prostitution and trafficking of women. Research on women’s movements suggests that different national political contexts have led to diverse movement trajectories and have affected the timing, the life course and policy frames, which were also issue-dependent (see for instance, Mazur, 2001; Stetson, 2001; Outshoorn, 2004; Lovenduski, 2005; Haussman and Sauer, 2007). This is notable especially in the ‘new democracies’ in Europe where, prior to transition, second wave feminism did not take hold. Transition created new political regimes, actors and discourses, but also dislocated a number of women’s rights, most notably in the area of abortion, and has left other issues untouched (Gal and Kligman, 2000; True, 2003).

The outcomes of these issues differ greatly across European states and progress has been markedly uneven. A number of body issues remains controversial and unsettled;
opposition to women’s demands often being entrenched within important institutions and powerful discourses. Moreover, processes such as the increasing importance of the European Union for member-states can simultaneously provide new space for furthering women’s demands as well as call into question women’s achievements of previous decades. Many body issues explicitly fall under national law, although there are regular attempts to address and redress them at the EU level. Body issues therefore can challenge the principles of national sovereignty but also the principle of subsidiarity, which holds that what can be regulated satisfactorily at a lower level, should not be settled at the supra-national level. The process of European integration itself may well be leading to new competing discourses about the female body. This also goes for the emergence of multicultural societies in Europe and the increasing migration from other continents, which are challenging second wave feminist discourses about the body that are historically centred on ethnically white women. Multiculturalism also challenges the issue of representation of women’s ‘interests’: calling into question who the woman is and how women’s movements are claiming to be representing.

This paper comes out of the new research project FEMCIT¹, whose overall aim is to analyze the contributions of women’s movements towards a gendered citizenship in Europe over the past decades. One of its themes is to examine the relationship between citizenship and the body and sexuality, as current conceptualisations of citizenship have not come to terms with bodily integrity or with gender difference. This theme intends to analyse how the new women’s movements of the past decades have been able to reshape the terms of political discourse and citizenship around the female body. How have women’s movements contested dominant political discourses around the body and changed problem definition and policies impeding the control over their bodies and sexualities as a necessary condition for women’s full citizenship? How are the issues of Europeanisation and multiculturalism affecting the continuing debate on the autonomy of the female body and the opportunities for further progress in securing women’s right to bodily integrity?

To answer these questions, a cross-national comparative research proposal has been designed to analyse two ‘body issues’, abortion and prostitution/trafficking, in four European nations: the Czech Republic, the Netherlands, Portugal and Sweden.² The women’s movements’ discourses and activities are the level of analysis, but underlying the research design is the political process approach of social movement theory (for this approach: McAdam, McCarthy and Zald, 1996; Tarrow 1994, 1998, 2005). This is a structure-based approach, fore-fronting political institutions as determining the opportunities for and barriers to mobilization of social movements, their strategies and impact. However, to counteract its
slant to determinism, the research design also incorporates public discourses and framing to take into account the cultural environment in which movements develop, flourish or perish.

This paper will tease out the implications of the underlying approach for the current research, the point of departure being that this is an essential operation to ensure comparability in the fieldwork and to compare the findings of the case studies cross-nationally. The most important strength of the political process approach is that it offers a framework for such comparative work, across nation-states but also across social movements. To provide the background to the study, I first will discuss the status of the body in feminist theory, to argue that there is no unified women’s or feminist discourse on body issues. This means that a variety of feminist and non-feminist women’s movement organisations have organised around the issues, with diverse and often conflicting discourses. Here I also discuss the highly controversial issue of how to distinguish feminist from women’s movements. Secondly, the link between social movement theory and institutionalism will be discussed, and the shortcomings of its key concept of ‘political opportunity structure brought to the fore. I will also discuss the concept of ‘discursive opportunity structure’, which was developed to remedy the neglect of the role of ideas and culture in the original theory. I will then outline the choice of issues and country-cases of the ‘body and sexuality’ project, and discuss the common questions deriving from the theoretical framework and further sub-questions to answer the major research questions. Finally I will present some preliminary findings on the two selected issues in the case of the Netherlands.

II Body issues in feminist theory

Although issues concerning the body have always been defined as a site of patriarchal practices by feminists of the ‘second wave’, it is a contested area in feminist theory and in women’s movement politics. Many feminists distrust grounding a politics on ‘biology’ because of its closeness to patriarchal discourse, which links women to the natural and psychology to biology, denigrating the female body and justifying women’s secondary position. Other feminists, in a reversal of patriarchal discourse, valorise the female body, running the risk of positing an essential and a-historical subject which can deny diversity in identities and social location. It is therefore not surprising that second wave feminism has produced several discourses about the body which have led to different political positions. Egalitarian feminists tend to see the female body, with its particular phenomena as menstruation, pregnancy and maternity, as a barrier to full equality. Its politics aim at minimizing the ‘handicaps’ of the female body, and tend to relegate bodily differences to the
sphere of the private. Radical feminists, not all into glorifying maternity, have attempted to construct a common feminist political platform around the body. This has been quite successful in setting issues of (sexual) violence on the political agenda, but it could not unify around issues of sexuality such as sexual orientation and sexual pleasure. Social constructionists have not put the body into question by their distinction between sex (the body) and gender. For them, the body is the base for the social and cultural processes producing gender, which in turn are based on sex difference. Gender then becomes malleable; the politics are sex-role change, with fathers also caring and mothers working, leading to new ideologies and identities, producing gender equality. The body is a non-issue and cannot be the ground for a common platform or identity. More recent feminist theorising develops a sexual difference position which as yet has not been articulated in a conventional political sense; it has served founding the claim of parity in political representation in Italy in the 1990s.

The major consequence of these diverging views on the female body concerning us here is that the body could never be a common ground for defining or unifying women’s interests; various women’s movements have come up with widely varying and even competing framings of women’s body issues. Alliances have formed, but so have contending women’s groups on the same territory. To analyse how women’s movements’ discourses around the body have reshaped the political discourse around the body and possibly expanded the notion of citizenship to include feminist framings, it is necessary to establish what women’s movements and feminist movements are. Here our research project follows the definitions of the Research Network on Gender Politics and the State (RNGS, 2007), which enable us to distinguish empirically between feminist and women’s movements and to identify them in any given context. Defining element are their discourses: both feminist and women’s movements discourses ‘express explicitly identity with women as a group, a form of explicit gender consciousness’ and are explicitly gendered, referring to women as distinct from men. Gendered references include the following: images of women and what they are like; how women are different from men; how women are different from each other; the ways gender differences shape identities. They also express their ideas in terms of representing women as women in public life.

But feminist movement discourse also includes two other elements. First of all, feminist movements hold that there is something wrong with the treatment and status of women, presenting goals that will advance the status of women. Secondly, they explicitly or implicitly express views ‘that challenge gender hierarchies and forms of women’s
subordination’ (RNGS, p. 137). Feminist movements are thus a specific subset of the total population of women’s movements, which corresponds with similar arguments made by Beckwith (2000), Ferree and Mueller (2004), and Ferree and Tripp (2006). Summing up, in the words of the RNGS project, ‘all feminist movements are women’s movements, but not all women’s movement actors express feminist aspirations’ (RNGS, p. 137).

II The Institutional background of social movement theory

The ‘social movement paradigm’ (Tarrow, 2005:23) is predicated on institutionalist assumptions, shown by its strong emphasis on the political context for shaping opportunities for mobilization, strategies and goal attainment of social movement organisations (SMOs), and its eye for the importance of the sequence of events. Within this paradigm, the political process approach particularly stresses the importance of timing and sequence of events and path dependency to explain movement development and impact. In this way it distanced itself from its immediate predecessor in theories about social movements, resource mobilization. While sharing the latter’s rationalist assumption that people will not easily resort to protest if repression or lack of success is likely, the political process approach emphasizes structure more than agency while being critical of the voluntarist assumptions underlying resource mobilization theory. The subsequently emerging social movement paradigm has retained the centrality of the political context for the development of social movements. The basic assumption is that they are shaped by ‘the broader set of political constraints and opportunities unique to the national context in which they are embedded’ (McAdam, McCarthy and Zald, 1996:3).

To map the political context of social movements, scholars working within this tradition developed the concept of ‘political opportunity structure’ (POS), which enable or constrain social movements in their development. Many scholars have generated diverse operationalisations of this concept (see e.g. Kitchelt, 1986; Kriesi et al, 1995; Tarrow, 1996; Kriesi, 2004), usually distinguishing long term and formal aspects, notably political institutions and political culture, from shorter term, more volatile aspects such as political alignments of elites and conflicts among them. However, although the political process approach has more or less become hegemonic in social movement studies (Kriesi 2004:68), it has come under fire in the last decade. The critique usually holds that it overemphasizes the importance of political institutions and neglects the cultural context. It is held to be too deterministic, not taking into account that social movements themselves help shape the context by affecting the structure of political opportunities through activities such as framing
(e.g. McAdam, 1996:37; Tarrow, 1996:58; Gamson and Meyer, 1996: 276). It is also held to be too state-centred, assuming a closed polity, which, given increasing interdependency at the global level, can lead to ignoring international impact (McAdam, 1996: 34-5).

The political opportunity structure

The key concept, the political opportunity structure, has also generated considerable controversy. In his 2004 overview article Kriesi pointed out that the mere popularity of the concept has led to many different interpretations of its components, so that it can suffer from imprecise definition and, in Sartori’s terms, conceptual stretching, which detract from the value of the approach (2004:69). The major objections are threefold.

First of all, given the circumstance that researchers have tended to add new factors to the original concept, it has become a container concept, a ‘dustbin’ in the words of Della Porta and Diani (2006:17) into which variables from various other theories are deposited. Gamson and Meyer already noted this tendency in their pioneer critique of POS, writing that the concept ‘soaks up virtually every aspect of the social movement environment –political institutions and culture, crises of various sorts, political alliances, and policy shifts’ (1996:275). This container makes it very difficult to isolate the determining factors to explain variation in outcomes.

Secondly, the usual operationalisation of political opportunity underplays cultural components. Opportunities, though, are not only ‘deeply embedded’ in political institutions, but also in culture (Gamson and Meyer, 1996:277). Culture is a ‘storehouse’ (Williams, 2004:101), setting boundaries, but also providing resources on which movements draw. As shared elements in culture are never homogenous or coherent, movements can use elements that will resonate among a larger public. The issue here has been how to conceptualize this cultural environment. Snow points out that culturalist authors use the term ‘discursive field’ to denote the terrain, while structuralists (e.g. Koopmans and Statham, 1999) use ‘discourse opportunity structures’ (Snow, 2004: 402) to capture this dimension. Gamson (2004: 249) later described it as a ‘playing field’ where the contest between framings takes place. In his words, ‘what the political opportunity structure is to policy outcome, the discursive opportunity structure is to the outcome of framing contests’ (1996:249). Both concepts allow taking into account the goals and ideas of social movements. This turn to discourse in the social movement paradigm, parallels the turn to ideas in historical institutionalism to remedy its shortcomings in accounting for change. As Blyth (2002) has convincingly argued, introducing ideas into historical institutionalism to provide for more convincing explanations
of changes, is a solution which is commensurable to its basic ontology. I would argue this is also the case when one introduces discursive political opportunity structures into the political process approach.

Thirdly, ‘objective reality’ by itself does not lead to a social problem or protest; people have to perceive opportunities (Gamson and Meyer, 1996:283; Della Porta and Diani, 2006:17) and then socially construct these in terms which can mobilise others, thus adding an agentic dimension to the often static and deterministic conceptions of the political opportunity structure. Framing is a conscious activity for social movements, and frames will have to include diagnostic and motivational elements if mobilization is to be successful and maintained (Snow and Benford, 1988, as quoted in Gerhards and Rucht, 1992: 579-83), but, as noted above, the process is bounded by the universe of cultural and symbolic elements in a given context. To me, the most promising way of studying framing within the context of political opportunities, is the concept of ‘discursive opportunity structure’, which Koopmans and Statham (1999) developed in their first article on comparing ethnic and civil conceptions of nationhood and the extreme right in Italy and Germany. They point out that frames by themselves do not explain why some work and others don’t, but that it is more fruitful to focus on the fit of movement frames with the wider political culture of a political system (idem, p. 228). The discursive political opportunity structure determines ‘which ideas are considered “sensible”, which constructions of reality are seen as “realistic”, and which claims are held as “legitimate” within a certain polity at a specific time’ (idem, 228). They worked out a substantive operationalisation of the concept by drawing on conceptions of citizenship and nationhood; in our research further thought is required to outline the discursive opportunities and barriers for feminist movements bent on politicising the body.

Advantages of the (amended) approach

Notwithstanding this critique, the political process approach has two major advantages. Firstly, the concepts of political and discursive opportunities, if well-defined operationally, can provide a systematic and fruitful framework to take on comparative work on social movements. Tarrow, although critical of the static character of the concept as used in cross-national comparison, maintains it offers a ‘useful grid’ for interpretation and prediction of national variations in emergence and structuring of social movements (1996:50). Kriesi, too, emphasizes that it can best be seen as a framework of analysis or ‘toolkit’ from which one can develop hypotheses, but which does not explain in itself (2004:70). With Kriesi (2004:77) I agree ‘that ’nothing in the general approach’ stands in the way of bringing in subjective
interpretations of actors or of processual elements in the framework to take into account interaction between actors to counteract the static and determinist character of the approach. When taking into account the cultural context and the agency of actors in interpreting and giving meaning to opportunities, it becomes possible to assess the extent to which a given movement has managed, in a number of countries, to reshape the terms of public discourse (cf. McAdam, McCarthy and Zald, 1996: 19-20).

Secondly, the approach is to be preferred as it takes ‘time seriously’, to quote Pierson and Skocpol (2002:695) from their discussion on historical institutionalism. They write: ‘Specifying sequences and tracing transformations and processes of varying scale and temporality’ are at the core of historical institutionalism as it tries to account for why something happened’ (idem, 696). This core also underlies the social movement paradigm; path dependency, the timing of events and their sequencing create barriers and opportunities for social movements to mobilize and achieve gains. In a later work Pierson argues that sequence not only matters as events in time are irreversible, but also matters as ‘some groups are able to consolidate their position before others even arrive at the scene’ (…) the early emergence of certain kind of players forecloses the possible emergence of other kinds of players (…)’ (Pierson 2004:62-3). Historical institutionalism maintains that ‘it is not just a matter of what happened, but when it happened’ (idem, 71, emph. in orig.). With Pierson (idem, 78) I think that the key notions of timing, sequences and path dependency can also be applicable to ‘micro-processes’ of collection action and policy formation.

The importance of sequencing
Following the seminal work of Lipset and Rokkan (1967) we know that social, economic and religious differences have been converted into lasting political cleavages, grounding the party systems in Western Europe. The sequence of mobilization along cleavage lines determined the political space left for later mobilizations to a large extent. For instance, if religious differences were translated first into a political cleavage and party formation, socialists mobilising later had a harder time developing mass membership along class lines. Later, Kriesi et al (1995) have shown that where class cleavages were not pacified in the course of the 20th century, a split between socialists and communists remained alive and well, leaving little space for new social movements to mobilise in the 1960s. The mobilization capacity of social movements depends on the ‘remaining mobilization potential’ of the traditional political conflicts (Kriesi 2004:73). Likewise, Ferree and Mueller observe that the struggle between class and gender priorities ‘remains visible today in the different gender
mobilizations and issues prioritised in places where socialist party politics have shaped the political field and those where the political field follow other lines of conflict’ (2004:583). It seems, for instance, that the second wave of feminism was not able to politicise body issues in Sweden given the sway of social-democratic discourse with its emphasis on social-economic equality. Such suggestions about sequencing are a rich source for developing hypotheses about mobilization of women’s and feminist movements in different countries.

Koopmans and Statham (1999:227) have pointed out that different movements face different political opportunity structures, a point suggested in earlier comparative research across new social movements in four countries (Kriesi et al, 1995; Tarrow, 1996:50) This is the opening for a feminist critique of the political process approach going beyond the fact that women’s movements have not figured largely in the theory. Ferree and Mueller have suggested that the political opportunity structure itself is gendered, giving men and women ‘different advantages in mobilizing, at any given point’ (2004:590). This point is borne by recent research employing RNGS data from showing that the life cycle of women’s movements indeed does not run parallel to the general protest cycle described for the other social movements of the same period (Outshoorn, forthcoming).

The social movement paradigm is solidly rooted in the tradition of privileging social structure above agency, in which it is akin to historical institutionalism. However, to address its shortcomings, it will be necessary to draw on the concept of discursive opportunity structure to examine the ‘storehouse’ of available cultural discourses and to see how women’s and feminist movements utilise these to craft new framings and bring new elements into the public discourse – in our case on citizenship and women’s body issues. As the concept is not as well-developed as that of political opportunity structure, it will need further reflection on how to study it in the fieldwork. It will bring in actors actively involved in shaping opportunities by drafting new meanings and inserting these in public discourses and in policy outcomes.

III Researching women’s movements on the issue of bodily integrity and reproductive rights

To research how women’s movements have contested the dominant political discourses around the body and have been able to change problem definition and the policies impeding the control over their bodies and sexualities, the research design follows an institutional approach, choosing the framework of social movement theory as outlined above. In this way, analyzing in how far Europeanization - ‘the process in which domestic politics, policies and
polities are changed through the engagement with the EU system’ (Bache and George 2006:57) and the increasing pluriformity of European societies are affecting the continuing debate on the autonomy of the female body and women’s right to bodily integrity, will also be addressed. We have decided to focus on reproductive freedom, notably abortion, which arguably has been the major issue for women’s movements of the second wave (Lovenduski and Outshoorn, 1986; McBride 2001) and prostitution and trafficking (Outshoorn, 2004).

Many countries reformed their abortion laws in the 1970s and 1980s (Outshoorn 1996), but the issue has remained topical because of new reproductive technologies touching on the abortion issue, such as prenatal testing, selective abortion and embryo research. Prostitution and trafficking are widely prevalent, and have a long history of women’s movements involvement. Historically, both were linked together in the latter part of the 19th century; much of the debate today centres on their interconnection. Prostitution touches on questions of sexuality and self-determination, power, intimate relationships and work. In contrast to abortion, feminists have been highly divided about prostitution, giving rise to contesting discourses (Outshoorn, 2005). From earlier research we know that both abortion and prostitution touch on the religious/secular divide in the party-systems of Europe, cross-cutting the dominant socio-economic left-right divide, which is likely to have consequences for the political opportunities for women’s movements.

Furthermore, we have decided to adopt a comparative approach of these issues, selecting four quite different EU countries. Comparison is a strong approach to gain insight into opportunity structures and sequencing and to develop hypotheses about outcomes, as well as a valuable way of counteracting national biases often found in single case-studies and coming to new research questions. Following a most different case design for the cross-national comparison will highlight the different routes of movement development and sequences, most different case design being attractive if one wants to check if relationships between two phenomena found in one or two (country) cases also occur in other countries (i.e. if these are robust). From previous research we know that women’s movements have been successful in impacting policy and gaining access to the decision-making arena when they have been unified on issues and if they gave these priority. If their framings were compatible to the dominant discourse and if they formed alliances with women’s policy agencies within the national government, it also contributed to success (McBride et al, forthcoming).

Our selected countries, the Czech Republic, the Netherlands, Portugal and Sweden, are from four different European regions: the Nordic region, and the West, Middle and Southern Europe. The Netherlands and Sweden are long-established liberal democracies; Portugal
adopted democracy after 1974-76, and the Czech Republic after 1989. They became members of the EU at different points in time; the Netherlands was a founder EU state; Portugal in 1986, Sweden in 1995, and the Czech Republic in 2004. Three of the four countries can be classified as secular although religion does express itself in the party system, notably in the Netherlands, while the fourth, Portugal, is a Catholic country. These differences will create variation in the life cycle of the women’s movements and in issue-trajectories. An additional pragmatic reason for the inclusion of Portugal is that it is relatively under-researched on issues relating to the women’s movements.

In the two older democracies, Sweden and the Netherlands, despite progress made on both issues by women’s and feminist movements, abortion and prostitution/trafficking continue to be debated. Abortion has been legalised, women do take the decision to have an abortion and they have access to decent facilities, but recent developments in reproductive genetics are leading to new debates. On prostitution and trafficking both countries take diametrically opposed positions; Sweden taking an abolitionist position and criminalizing clients (Svanstrom, 2004); the Netherlands defining prostitution as sex work, legalizing brothels and only cracking down on human trafficking, which encompasses forced prostitution (Outshoorn 2004b).

In the Czech Republic abortion has not been the central issue for women’s and feminist organisations since transition, although access to abortion has been limited to stop ‘abortion tourism’ from neighbouring countries, notably Poland, but which has also reduced national abortion rates (True, 2003:60-61). Women’s groups also seem not to have taken positions on new reproductive technologies, raising questions why this is not the case. The Czech case also raises crucial questions about the reproductive rights of Roma women, given the past incidence of involuntary sterilization. Under communism prostitution was defined as social parasitism and forbidden, but since 1996 the state became interested in regulation and taxation of sex workers’ earnings, Trafficking have been hotly debated since 1990, with new intensity since the Czechs joined the EU, becoming a transition point for the trafficking of women (True, 2003: 93-95).

In Portugal abortion law reform has been slow to materialise - for years it has one of the strictest laws in Europe, making women cross the border to Spain and elsewhere to obtain an abortion. Strong opposition from the Catholic Church and the opposition of Christian Democrats and other right wing parties stood in the way. It was only legalised in March 2007 when parliament voted in favour of a more liberal law allowing abortion in the first ten weeks of pregnancy. Portugal takes an abolitionist position on the issue of prostitution, although
widely prevalent, the issue, along with trafficking of women, only recently receiving public attention. It will provide us with the opportunity to study the emergence of a ‘new’ issue and see if women’s movement groups are joining in the debate and challenging the prevailing discourses.

The prostitution/trafficking issue is a field in which international dimensions are prominent. Many working in the sex-industry are non-nationals, often of a different ethnicity than the majority of the population, raising questions whether women’s movements are taking this into account. Prostitution is a matter of national states within the EU, but trafficking of women, with its trans-national character, is within the competencies of the EU (Outshoorn, 2005:151-52). This gives rise to multi-level games, with women’s and feminist groups who disagree with their national governments trying to set prostitution on the agenda of EU institutions, which is opposed by other feminist groups who disconnect prostitution and trafficking, framing the latter as a matter of migration and forced labour. These international dimensions makes it particularly suitable for studying both Europeanization and issues of ethnic diversity.

The major questions of the research design - how have women’s movements contested dominant political discourses around the body and changed problem definition and policies impeding the control over their bodies and sexualities as a necessary condition for women’s full citizenship; how are the issues of Europeanisation and multiculturalism affecting the continuing debate on the autonomy of the female body and the opportunities for further progress in securing women’s right to bodily integrity – have been elaborated in a number of sub-questions for the fieldwork. Following the discussion of the political and discursive opportunity structure, both will be mapped carefully for each case.

IV The Netherlands

The Political context

Political opportunities for social movements in the Netherlands have been analysed by several authors at different points in time, enabling us to map change over time (Duyvendak et al, 1992; Kriesi et al 1995). There are also several studies of the women’s movement using the political opportunity approach (Van Rossum 1992; Outshoorn 2000; Roggeband, 2003; 2004), making it possible to analyse in how far the political opportunity structure is indeed gendered, with a different pattern of mobilization and life cycle for the women’s movement. It is also likely that the political space to raise issues around the body occurs at different moments than
other issues of the women’s movements, but at this stage of the empirical work it is too early to pronounce on these questions.

The empirical work done so far has concentrated on tracing the life-cycle of the two issues, from their (renewed) emergence and subsequent agenda-status at the national level, charting the women’s and feminist movement groups active on the issues and looking at the framings which have entered into public discourse. Both issues have been prohibited in the Penal Code since when the new majority of Christian (confessionalist) parties were able to dominate government and outlaw them in the Morality Laws of 1911. Abortion was hardly an issue for the women’s movement of the time (but see Outshoorn 1986), but the ban on brothels and criminalizing pimping, which changed the Netherlands from a country regulating prostitution into an abolitionist one, had been part of the agenda of women’s movements since the 1880s and they were in favour of the change (De Vries 1997). Neither abortion nor prostitution were eliminated; abortion went underground, performed by backstreet abortionists (not all incompetent), and prostitution was condoned, mainly in the big ports and garrison towns, with the law at hand when things got out of hand.

Until the 1960s there were no attempts to change the Morality Laws; the religious parties, both Protestant and Catholic, maintained their majority in parliament till 1967 and would have blocked any such amendments. The Netherlands has a multiparty system (linked to proportional representation) in which no party by itself has a majority, but has to form a coalition cabinet in order to govern. After 1967 the religious parties retained the pivotal position; they could govern either with the Social Democrats and the Liberals, as long as the latter two refused to ally within one cabinet (which was the case till 1994 to 2002). The party system is based on two dimensions: the left right social-economic divide and the religious-secular divide. The consequence was that the religious parties (of which the big Catholic and Protestants merged to form the Christian Democrat Action – CDA in 1977) could still block any bill not to their liking which touched on the religious-secular divide.

Body issues relating to sexuality that were encoded as moral offences in the Penal Code, proved extremely resistant to reform, as is indicated by the long and often tortuous route to reform of the abortion law and the laws pertaining to prostitution (see Appendix 1 and Appendix 2). However, when the religious parties lost their parliamentary majority in 1967, the Morality Laws were under attack. Framing the debates in terms of unnecessary state intervention in private life, a wide range of actors started to remove for their repeal. Reform of abortion law started in the mid 1960s by doctors, who first framed it as a psychiatric problem and later as a medical issue, while opponents stuck to a religious framing. It was not
till 1984 before a new liberal law took effect. Since then matters were relatively pacific, with occasional parliamentary questions by the Christian right on incidental events. The prostitution debate started in the late 1970s, when it became defined as a problem of law-and-order, and legalisation was only accomplished in 2000. Here issue pacification has not been achieved. Since 2002, when the first official assessment of the new laws became available (Daalder 2002), debates on whether the reform is effective in attaining its goals, such as cleaning up the sex industry and strengthening the position of sex workers, have been frequent. Both prostitution and trafficking issues are currently again on the political agenda; one important reason being the opening of opportunities for challengers of the new law since the pivotal elections of 2002 and more recently by the accession of the new cabinet of Christian Democrats, the orthodox Christian Union and the Social Democrats in 2007. Trafficking is less controversial, although there was an intensive but often technical debate about its definition, it is at heart a valence issue, with everybody agreeing on the goal – eliminating trafficking – if not on how to do so, the means. The dominant framing is now in terms of human rights. In 2005 the Penal Code article on trafficking was broadened to adjust to UN Protocol Against Trafficking.

The second wave feminist movement was an early riser in Europe, with the first feminist groups forming in the late 1960s. By the mid 1970s it had developed into a broad movement whose political demands already found their way to the political agenda of the national government by 1974 (facilitated by a Left-dominated coalition). The high point in mobilization, as measured by the number of women’s movement organisations involved in political debate, was in the period of 1982-1986, with another high point in 1989-1990. Since the 1994 we see levels of mobilization dropping below the numbers of the early 1970s. Taking a closer look at feminist activity on the two issues, it is striking to see the difference in priorities of the issues for the women’s movement. The abortion issue became top priority for all the new feminist groups emerging in the late 1960s and 1970s and remained so right into the mid 1980s. These groups formed a broad alliance with party political women’s organisations in 1974, We Women Demand (Wij Vrouwen Eisen – WVE). This platform organisation crafted an extremely powerful framing of the issue in terms of women’s control over their bodies. Building on the original framing of Dolle Mina – Baas in eigen Buik – (Boss over our own bodies), they defined the issue in terms of women’s control; women should decide about an abortion. Along with the demands to have abortion funded by the
National Healthcare system and to have it removed from the Penal Code, women’s control became the touchstone for all actors (also for the ones opposed to reform) for judging all the bills (no less than 11) introduced to parliament.

In the decade of the 1990s abortion disappeared from the top five priorities of the women’s movement and no new mobilization of women’s groups took place until 1999, when Women on Waves, a Dutch based and financed feminist group, started its activities, but it focused on the international level, aiming at reform in conservative countries with no abortion law reform, such as Poland, Ireland and Portugal at that time. Recently, however, Women on Waves entered the national debate when the current cabinet stated its intent to look into the workings of the Abortion Act (see appendix 1). Feminist movement organisations were unified on the issue; other women’s organisations, organised along denominational and urban/rural lines were reluctant to take position on the issue, save for the secular rural women’s organisation who joined We Women Demand at its founding. At this stage of the research I have little insight in organisations of ethnic women around the issue of abortion.

Prostitution and trafficking, however, were never a priority for the overall women’s movement. There were several small but very active feminist groups on the issue who were well placed to influence the women’s policy agency. The first one was the Working Group on Sex Tourism (Werkgroep tegen Sex Tourism) (1981) which focused on South East Asia and who were the first to raise the issue and connect it to prostitution in the Netherlands. The next year the feminist Minister of Women’s Emancipation Hedy d’Ancona (Social Democrat Party) organized the The Hague Conference on sexual violence and prostitution and trafficking are both on the agenda. Many feminist experts attended the conference, and three demands were framed: repeal of the brothel ban to improve the position of prostitutes; higher penalties for traffickers so that they can be held in remand custody and temporary residency permits for trafficked women so that they can testify in court. The next group to get involved was the Red Thread (Rode Draad), set up as a trade union for prostitutes, but in practice a lobby group. It was backed by a small group of feminists and funded by the women’s policy agency of the national government. In 1977 part of the sex tourism group transformed in the Foundation Against Trafficking of Women, which also received funding from the agency.

These groups provided the major lobbying on the parliamentary debates for years along with several feminist lawyers, promoting the sex work frame and pressuring for the residency permits for women testifying against their traffickers (granted in 1988) and higher penalty for traffickers (so that they could be held in remand custody). There was an alliance with other lobbies for the legalisation of prostitution, but it never became an issue of concern.
for a wider feminist audience. Nor was there a radical feminist group promoting another
feminist position embracing abolitionism and framing prostitution as the oppression of
women. Feminists were therefore unified on the issue; the wider women’s movement were
indifferent. At this stage of the research I have no data on ethnic women’s organisations and
their stand on prostitution and trafficking. Drawing on the wider discourse of rights, choice
and self-determination, the sex work framing of the feminist movement corresponded to the
dominant framing of the secular parties in parliament, and also with many others in the policy
network around the issues.

The issues also differed in their salience for national politics and the wider public.
Abortion was a divisive issue, not only along party lines, but also within political parties. It
made for tense relationships in cabinet coalitions and nearly caused cabinet crises in 1974 and
1976, as well as dogging the coalition talks in 1977, when the Social Democrats won the
elections but lost the coalition formation, being sidelined by the Christian Democrats and the
Liberals. Abortion divided the medical profession for a long time, and led to opposition to
reform among the churches and their adherents. A strong religious counter-movement
developed in the course of the 1970s which is still active, even though it is much less present
than twenty years ago. Prostitution never had this high political and public salience. It was left
to the parliamentary party specialists and controversy followed the religious divide, no
causing intra-party strife. These specialists though, were able to complicate the work of
several ministers. The public at large followed it from a distance, but was attracted by the
prurient nature of the issue, stimulated by press coverage with the usual ingredients of sex,
money, shady pimps and sorry victims. Counter-mobilization, mainly among Protestants, took
place within the local political parties affected by the legalisation, including lobbies on MPs,
and is alive and well in the current debate.

Some concluding comments
In this paper, which teases out the implicit assumptions of the comparative study of women’s
movements, the body and citizenship, I have argued that political process approach within
social movement theory provides a valuable framework for cross-national and cross-social
movement research, as it emphasizes the importance of the political context for mobilization
and of the timing and sequencing of events. I have also argued, however, that this approach
cannot deal adequately with the discursive elements of mobilization, and suggest developing
Koopmans and Statham’s concept of ‘discursive opportunity structure’ (1999), a concept
which focuses on how frames developed by social movements fit with the wider political
culture of a polity. A first examination of the two selected body issues in one of the cases, the
Netherlands, indicate that women’s and feminist movements have politicised the female body
in new ways, challenging older discourses about morality with new framings concerning
choice, rights and control. In how far this discourse is challenging prevailing conceptions of
citizenship, will be the further focus of our research.

Notes

1 This paper is part of the research project ‘Sexual and Bodily Citizenship and Feminist Body Politics in a
Multicultural Europe’; it is part of the FEMCIT project, of which the full title is ‘Gendered Citizenship in
Multicultural Europe: the Impact of the Contemporary Women’s Movements’, financed by the 6th Framework
Programme of the European Union, Priority 7, Networks of Excellence and Integrated Projects: Citizens and

2 The field research will be done by researchers from each country; current members are Teresa Kulawik, Karen
Lindelöf and Hana Haskova; three other researchers will be joining us over the next year. Workpackage leader is
Joyce Outshoorn. The original proposal written by Outshoorn; it has been revised after discussions of the team.
The paper presented here has been inspired by their observations for which I want to express my thanks; but does
not necessarily express their views.

3 These are:
1. What has been the life-course of the issues of abortion and prostitution since the rise of the new wave of
feminism in Europe, including policy outcomes and ongoing recent debates?
2. What have been the dominant discourses on the two issues in their life course, including the policy
outcomes?
3. Which women’s movement and feminist movement actors (including those of migrant women) have
been involved in the issues, what kind of actors were/are they and in how far did they achieve access
into the political arena?
4. What discourses were produced by movement actors and how did they frame their political demands on
the issues?
5. In how far did these include/exclude perspectives of migrant women?
6. What discourses did migrant women and migrant women’s movement actors produce on the issues and
to what political demands did these give rise?
7. In how far were movement actors’ discourse and framings adopted by the decision-makers and
incorporated in the outcomes of the issue?
8. How is Europeanisation affecting the issues? Are EU policy outputs affecting discourses on the issues
at the national level? How is the creation of an European space precluding or providing opportunities
for movement actors to further their demands and how are they responding to these changes?
9. How are the discourses on the issues affected by the ongoing debates on migration and the rise of
multicultural societies?

4 This tracing has been done on the basis of two earlier studies: Outshoorn, 1986; Outshoorn, 2004b, and a
subsequent compilation of later events, relevant sources. These will have to be completed by interviews with
relevant actors over the more recent period.

5 With thanks to Remco van der Laan, assistant researcher at the Department of Political Science, for providing
these data from the RNGS dataset.

6 For the Netherlands we have rankings of the priorities of the overall women’s movement for the period of 1968
till 2000, developed in the course of the RNGS project.

List of references


Duyvendak, Jan Willem, Hein Anton van der Heijden, Ruud Koopmans and Luuk Wijmans (es.) Tussen verbeelding en macht. 25 jaar nieuwe sociale bewegingen in Nederland, Amsterdam:SUA


McAdam, Doug, John D. McCarthy and Mayer N. Zald (eds.) 1996. Comparative Perspectives on Social Movements. Political Opportunities, Mobilizing Structures, and Cultural Framings, Cambridge: Cambridge University Press.


Roggeband, Connie 2004. ‘Immediately I thought We Should Do the Same Thing’: International Inspiration and Exchange in Feminist Action against Sexual Violence’, European Journal of Women’s Studies, 11, 2 (May), 159-175.


Appendix 1

The Abortion issue in the Netherlands

- The Abortions Act of 1886/1911 criminalized all abortions, except for cases where woman’s life is endangered by the pregnancy.
- in the 1950s exception was extended to allow for medico-psychiatric grounds
- in the 1960s first demands for further reform, from medical profession and some legal scholars
- these are soon overtaken by women demanding total repeal, first framed as ‘the right to choose’, but soon as ‘the right to decide’.
- Start of ‘second wave’ feminism: Man-Vrouw-Maatschappij founded in 1968; Dolle Mina in 1970. Baas in eigen buik (control of one’s own body) becomes major demand. By the mid 1970s, many other women’s organisations took position, including auxiliaries of political parties and traditional women’s organisations.
- Progressive doctors start performing abortions using teams of experts to decide whether abortions are permissible, stretching the law.

Major events since then:

- 1970: first abortion clinics opened; united that same year as Stimezo, accepted women’s right to choose. These are condoned by the state while the issue is pending in parliament.
- 1970: Private Members Bill (Lambert-Roethof – Social Democrat Party), after refusal to reform by incumbent cabinet (Confessionalist/Liberal coalition, introduced in parliament, framing abortion as a matter for women and their doctors
- 1972: Confessionalist/Liberal/Democratic Socialist Cabinet proposal (Stuyt-Van Agt) comes with limited reform. Bill not voted on as cabinet falls on unrelated issue.
- 1974: autonomous feminists, groups and women’s organisations of the secular political parties form alliance: Wij Vrouwen Eisen WVE (We women demand): women should decide about an abortion (framing in terms of power), abortion should be removed from the Penal Code and funded by national health insurance.
• 1976: Feminists, later joined by many feminist groups and left-wing men occupy abortion clinic Bloemenhoven after attempt to close it by Minister of Justice. Leads to near-cabinet crisis and a speeding-up of parliamentary procedure.

• 1976: Second Chamber passes Social Democrat/Liberal proposal making for women’s right to decide by large majority, but First Chamber fails it after defection by several Liberal Party members in 1977.

• 1979: New Christian Democrat/Liberal cabinet coalition drafts new bill in which the woman and her doctor decide about an abortion, with safeguards for ‘conscientious decision-making’ but leaving open a number of technical details. Abortion is allowed if there is an ‘emergency situation’, to be determined by the woman and her doctor. WVE opposes bill as women have to take a five day ‘waiting period’ into account before having an abortion (clause in fact aimed at stopping women from abroad having abortions in the Netherlands).

• 1980/81: Second and First Chambers pass Cabinet bill with very narrow majorities.

• 1984: Abortion Act (Wet afbreking zwangerschap) takes effect after debate on details of implementation (licensing of clinics, conscience clauses).

• 1985: Funding of abortion finally included in national health insurance (not in the Ziekenfonds, but AWBZ)

• No attempts to amend the bill between 1985-2002, but regular parliamentary questions from religious right.

• 1996: Supreme Court rules on legal status of the ‘morning after pill’; it does not fall under the terms of the Act.

• 1999: Women on Waves starts as initiative by Dutch feminists: aims at helping to liberalize abortion laws in other countries; has an ‘abortion boat’ which can perform abortions outside of the three mile zone. Debate in NL whether boat falls under terms of the Abortion Act and can be licensed. License finally granted by Ministry of Health in 2002.

• 2000: As the Abortion Act does not specify the upper limit save in terms of ‘viability’ (in practice 24 weeks is observed), the Liberal/Socialist cabinet takes the position that abortion after this limit can be justified if the foetus is likely to die very soon after birth or is so severely impaired or in pain to make life unbearable. Following the development of guidelines by the medical profession, a commission to monitor this practice was finally appointed in 2006.

• 2002, 2003: during coalition talks following the national elections, the Christian Democrat party is back to power and inserts evaluation of the Abortion Act in the cabinet agreements.

• 2002: Embryo Act passed by parliament, to be evaluated in 2007. Allows for medical research on embryo’s remaining after IVF treatment (but not for creation of new embryo’s, cloning of humans, sex determination, cross-species (human-animal) experiments, change of DNA in gametes, use of stem-cells from embryo’s).

• 2005: Evaluation of Abortion Act: outcome is that the terms of the Act are well observed, but recommends that morning-after pill (can be taken up to 19 days after sexual intercourse) be brought under the terms of the Act.

• 2007: New coalition cabinet of Christian Democrats, Social Democrats and the Christian Union (religious right) includes clause in cabinet agreement: the morning after pill will fall under the terms of the Act; the definition of the ‘emergency situation’ in practice is to be analysed, as well as the psychological and social after-effects of an abortion.

• 2007: Cabinet decides not to change terms of the Embryo Act.

Notable points about abortion in the Netherlands:

• NL has one of the lowest rates of abortion in the world (8.7% of all women between 15-44), but has risen steadily since 1994 (was then 6.0%), mainly due to high rates of abortion among first generation migrant women

• Wide acceptance of terms of the Abortion Act 1984 among population, majority in favour of women’s right to decide, persistent minority of 15% of population opposed (mainly among orthodox Protestants). Anti-abortion groups remain active in the Netherlands.

• Selective abortion is permissible under terms of the Act, but is debated and contested, specially with the rise of prenatal screening, among various publics.

• Of the major feminist movement actors, WVE and WoW still closely follow debates on abortion and related issues. MVM was disbanded in 1988; Dolle Mina dissolved in the mid 1980s.
Appendix 2
Prostitution and trafficking in The Netherlands

Situation at take-off of the new debate

- 1911: Morality Acts ban brothels, takes abolitionist stand on prostitution after 19th century system of regulated prostitution. Prostitutes are not liable to prosecution, but pimps are (living off the earnings of prostitution) In actual fact brothels are condoned unless they disturb the peace.
- 1948: The Netherlands does not ratify the abolitionist UN Convention against the trafficking of persons, main reason: existing state-regulated brothels for the military in the Dutch West Indies.
- 1977: Revision of Morality Acts maintains ban on brothels and criminalisation of pimps

New debate on reform

- 1970s sees rise of new sex industry, expanding beyond traditional red light districts. Signs of trafficking of women. Responding to complaints by citizens, Rotterdam tries zoning and concentration of prostitution, but courts strike down policies. This leads to demands by the VNG (Association of Dutch Municipalities) to parliament to repeal the ban.
- 1981: Working groups Against Sex Tourism set up by women, targeting Thailand and the Philippines
- 1982: Feminist Minister of Women’s Emancipation Hedy d’Ancona (Social Democrat Party) organizes The Hague Conference on sexual violence. Prostitution and trafficking are both on the agenda. Attended by many feminists. Three demands ensue: repeal of the brothel ban to improve the position of prostitutes; higher penalties for traffickers so that they can be held in remand custody; temporary residency permits for trafficked women so that they can testify in court.
- 1983: Liberal/CDA Cabinet (Lubbers I) bill to modernise Penal Code and do away with penalty of ‘reform camps’ for pimps (which no longer existed); Christian Democrat initiative to remove ban on brothels in order to make for better regulation (response to Rotterdam problems).
- 1984: Cabinet Paper on Sexual Violence (Nota Bestrijding Seksueel Geweld) calls for lift of the ban on brothels. Drafted by the women’s policy agency DCE which was inspired by the three demands, the paper makes distinction between voluntary prostitution (regarded as sex work) and forced prostitution (e.g. when trafficking is involved). Later also inserted in Beleidsplan Emancipatie (1985), the major document on women’s emancipation policy
- 1985: Major research commissioned by DCE on prostitution published; subsidizes First World Whores Congress in Amsterdam.
- 1985: Cabinet comes with far-reaching revision of the 1983 proposal, taking up position of Paper on Sexual Violence on distinction between voluntary and forced prostitution, and lifting the ban on brothels (no. 18202)
- 1986: Red Thread – trade union for sex workers- set up with funding from DCE.
- 1986: Red Thread – trade union for sex workers- set up with funding from DCE. Later the Pink Thread was formed as a feminist support group for the Red Thread
- 1987: Establishment of Foundation Against Trafficking of Women (also funded by DCE).
- 1987: Cabinet Proposal 18202 debated by Second Chamber and passed; with only orthodox protestant parties voting against.1988: Residency permits for trafficked women allowed by Procureurs- Generaal (top of public prosecutors).
- 1988: Cabinet (Lubbers II, again Liberal/CDA) proposal to revise definition of trafficking (no. 21027). It follows the distinction between voluntary/forced prostitution.
- 1989: First Chamber sends proposal 18202 back to Second Chamber, as Christian Democrats object to sex work frame and secular parties point out discrepancies about ‘coercion’ between Penal Code, 18202 and proposal 21027.
- 1989: New cabinet (Kok I) (CDA/Social Democrats Party): new minister of justice (CDA) amends proposal 21207, eliminating the distinction and assuming that all women sex workers from outside the EU are trafficked. Also created opening for local municipalities to re-instate ban on brothels, while removing it from the Penal Code.
- 1992: Second Chamber passes 21027, with the Social Democrats Party, under threat of a cabinet crisis, voting in favour.
• 1993: First Chamber, debating 21027 and 18202, threatens to fail both, forcing Minister to retract 18202 (lift of the ban), while the anti-trafficking 21207 bill with higher penalties and better definition of the crime is passed.

New Attempt to lift ban on brothels

• 1990s (CHECK) Clara Wichman Institute (for women’s legal issues) and the feminist legal journal Nemesis
• 1994: New cabinet Kok II (Liberals/Social Liberals/Social Democrats).
• 1997: EU conference on trafficking (during Dutch presidency) in The Hague; The Hague Declaration calling for national rapporteurs on the issue.
• 1997: New Cabinet bill to lift ban on brothels (no. 25437) reinstates distinction between forced and voluntary prostitution, leaving licensing of the latter to the local level, thus allowing for regulation.
• 1999: Second Chamber passes bill, with Christian Democrats and orthodox protestant parties voting against; First Chamber passes it that same year. Only concession: bill will take effect later (July 2000, later postponed to October, so that local authorities have time to comply).

After legalisation

• 2000: New bill takes effect
• 2000s: Debates emerge whether new prostitution regime is working
• 2001 Ratification of 2000 UN Trafficking Protocol by the Netherlands
• 2004: Karina Schaapman, former sex worker, member of Amsterdam City Council for Social Democrats, published book on her former life.
• 2005 Amendment of Penal Code of article on trafficking to adjust to UN protocol (article 250a replaced by new article 273a, criminalizing not just sexual exploitation, but also other types, including trafficking in organs, and a broader definition of behaviours involved in exploitation, such as force, violence, fraud, deception, abusing another’s vulnerable position, receiving payment/favours for helping a person to exploit another person (CHECK Rapporteur 2002, p. 44, 2004).
• 2005 Report Karina Schaapman and Asante on prostitution in Amsterdam pamphlet against clients. New framing?
• 2006: Book Bovenkerk et al on modern pimping (Loverboys); Rapport Rode Draad, Rechten van prostituees (Sietske Altink en Sylvia Bokelman; Evaluatie Opheffing Bordeelverbod. De sociale positie van prostituees, Helga Dekker et al.; Verboden bordelen; evaluatie opheffing bordeelverbod: niet-legale prostitutie (Biesma, S en R. van der Stoep et al, Groningen, Interal.).
• 2007 Renewed debate in Amsterdam when local Social Democrat Party in Council proposed to clean up Red Light District. (Nota Oud beroep, nieuw beleid? Nota prostitutie 2007-2010 (Gemeente Amsterdam) New framing?