
Introduction: Gender Equality and Othering in the Swedish Welfare State

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The papers in this special section of *feminists@law* represent an attempt to acquaint an English speaking audience with some of the key issues currently occupying Swedish feminist legal scholars. This is not to say however, that the collection presented here should be seen as in any way a complete illustration of the Swedish feminist legal landscape. Rather, the idea is to allow the reader to catch some revealing glimpses of the workings of the Swedish feminist legal mind in the context of gender equality law. The validity of this endeavour therefore is not to be found in its comprehensiveness. It instead lies in its promoting an understanding of specifics of the feminist engagement with and critique of Swedish gender equality law and policy through contributors' discussions of major themes of western feminism - motherhood, labour, immigration, disability and sexual exploitation.

The Nordic countries have been widely commended for having achieved a high degree of gender equality, a reputation which has gained them the label of 'women-friendly societies'. Among them, Sweden has been particularly praised for its distinctive approach to gender equality; one which has resulted in the implementation of highly progressive and comparatively successful gender equality policies. More specifically, the Swedish approach to gender equality is one based upon values of social solidarity and citizenship and, as such, has been directed at the pursuit of both material and substantive equality through proactive rather than reactive measures (Svensson and Gunnarsson in this issue). In addition, for some decades now, equality has been regarded as an official objective of the Swedish state, with the structural integration of equality-related policies being seen as a fundamental responsibility of the welfare state. This approach stands in marked contrast with that which the ideology of liberalism fosters, an approach which the more politically liberal and neo-liberal countries, in particular the English-speaking, 'western' countries, have adopted: namely one grounded upon the valorisation of formal equality and individual rights.

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However, despite the undeniable successes and accolades won in progressing equality in many areas of society, as the papers presented here clearly demonstrate, it would be a mistake to idealise the situation of gender politics in Sweden. A number of ‘blind spots’ remain. To quote Eva-Maria Svensson and Åsa Gunnarsson from their comprehensive review and analysis of the Swedish equality framework:

.... in fact, the Swedish state has shown a lack of ambition to fully challenge the gendered segregation of the labour market, to change the uneven distribution of economic and political power in many sectors of society, and to fulfil the political goal of shared parental responsibilities (Svensson and Gunnarsson, pp.1-2).

In looking across this collection, two major themes emerge as being conducive to or productive of these ‘blind spots’. Perhaps the most obvious derives from new global conditions which have given rise to a number of intersectional issues not previously encountered within Swedish society; a society which, until quite recently, has been relatively homogenous in a cultural sense. As a result particular groups of marginalised women have been identified who do not enjoy the same fruits of gender equality policies as those in the mainstream, and for whom equality is presumed rather than proactively sought and defended. Examples are found in the way in which domestic violence and trafficking is dealt with in various areas of law. Sweden has taken an active and somewhat innovative approach to dealing with domestic violence within its criminal law, notably with the Women’s Peace Reform of 1999 (see Burman), and it has regarded domestic violence, as well as prostitution and trafficking (Yttergren), as being integrally connected to gender inequality. Yet such progressive developments are not always extended to embrace and address the needs of cultural ‘others’ present in Swedish society. Indeed, there appears to be significantly less willingness on the part of the law and the agencies of the welfare state to acknowledge the difficult situations in which culturally diverse groups of women find themselves; for instance, women who seek asylum because of domestic violence perpetrated against them in their home countries (Nilsson), or women who, having migrated to Sweden with residence rights that are reliant on the existence of a ‘marriage’ relationship with a man, are subsequently subjected to domestic violence within that relationship (Burman).

The other, perhaps somewhat unexpected, theme, yet one vividly illustrated by many of the articles in this collection, is the changing political and legal environment arising from the

country's participation in the European Union. What seems to emerge as a central concern in the papers exploring the 'collision' between the Swedish approach to gender equality and the liberal discourse on gender equality associated with the European Union, is that the more liberal, market-orientated EU legal discourse places a strain on particular aspects of the Swedish welfare and equality system. This, it is argued, serves to create a pattern of gendered differences that follows the conventional divisions between the sexes. Thus for example, it is argued that the current institution of more liberal and individualised workplace laws tends to favour men rather than women (Ulander-Wänman). Similarly, changes in the structure of welfare provision lead towards a less redistributive and needs-based system (Wennberg), and to a curtailing of positive discrimination or affirmative action measures (Svensson and Gunnarsson). Critical engagement with the liberal discourse on equality is however, not always seen in the negative, as the analysis of transport law for people with disabilities demonstrates (Pettersson). In engaging with the ways in which the Swedish law, in its pursuit of 'universal' welfare and equality relies upon and in turn constructs a certain understanding of 'the normal', Pettersson's paper clearly highlights the tensions arising in the sphere of disability law between the Swedish conceptions of autonomy, freedom and rights, and those promoted by liberal jurisprudence.

Feminist legal scholars have returned relentlessly to discussions of equality and rights, and perhaps one could question the wisdom of providing yet one more such discussion. We believe however, that in introducing this collection of papers with their distinct critical focus, we are not committing the sin of repetition. The discursive space opened by the critical engagement with the history and current state of Swedish gender equality law and policy, should not be easily dismissed as either just another example of the same or as something of a curiosity, a place to meet a way of thinking from a different part of the world. Rather, it should be welcomed as a space which reminds us that we always have the possibility of thinking about gender equality otherwise.