



Sheila Lawlor

Forever Enslaved?

**Female Dependency
and the State**

POLITEIA

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I

Introduction

‘Women’ or ‘People’?

Over the last twenty to thirty years, legislation has, superficially at least, reflected the growth and acceptance of feminism. In particular, in three central areas, it has aimed to redress the inferior position of women and make them fully equal to men. Yet the picture is really more complicated. There are two strands in 20th and 21st century feminism. One variety stresses that women are human beings and should be allowed to enjoy their full humanity, which male dominance has often made impossible in the past. The other underlines the apartness of women, their unlikeness to males and their need to see themselves as a special group, with its own particular needs. In recent years, it has been this second sort of feminism that has provided the theoretical underpinning and set the rationale for legislation concerning women. And this should be no surprise. One of the hallmarks of much social and economic policy in the last decade has been the tendency to single out various special (usually minority) groups and institute particular treatment for them designed supposedly to meet their needs. Women – though not a minority group – have been put into the same category. But is legislation which builds on female apartness, and sees females as a special interest group, in fact the best instrument to serve the long-term interests of women?

The struggle of the sisterhood has been couched in ambiguity. From the early 20th century when the suffragettes campaigned for the vote, to the 1960s and 1970s, when the battle was pitched against the bastions of patriarchy, the central question has been: Is the struggle particular to women? Or, has it been part of a wider history, where different people, including women, have taken their part in the unfolding pattern of the past? Take the suffragettes, were they fanatical feminists whose concern was limited to women’s votes, rather than the widening of the franchise in general? Or, was theirs the next act in the politics of an ever-widening franchise, to which they, like others before the First World War, brought the violence deployed against an all-mighty Liberal Government?

The vote may have been won, but to the question of ‘women or people?’ the 20th century brought no clear answer. Between the late 1940s and the early 1960s two influential protagonists set the tone for what was later in the century to become a far shriller debate. For women, it was not ‘a question of asserting themselves as women but of becoming full-scale human beings’, said Simone de Beauvoir.¹ Equality had not yet happened because of a perception going back to Aristotle, where man was the absolute, the *self*, and she was the *other*. Conditioned to that role, women were the heirs of a burdensome past, though their lot was not an inevitable one. From the United States, for Betty Friedan, the problem was women’s failure ‘to realize their human selves’², seeing themselves not as human beings, but as women. Having

¹ Simone de Beauvoir, *The Second Sex*, f.p. Gallimard, 1949, Vintage edition, 1997.

² Betty Friedan, *The Feminine Mystique*, f.p. W.W. Norton, 1963, Penguin edition, 1992.

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retreated since World War 2, into an idea of 'femininity' at variance with the American experience of strong, pioneering women, they now pursued an illusory ideal at the cost of personal neuroses and misery to themselves and their families, that fulfilment would come through marriage, children and (mainly suburban) households.

By the 1960s and 1970s the 'second wave' feminists were still divided. Some continued to think of the woman as not yet having taken her full place as a person or realising her full human potential. Though she belonged to a wider historical context, circumstances and a framework of law and perception continued to constrain her. Nonetheless the pattern could evolve to allow her to play her full part as a human being. But, at a time when victimhood and mass demonstration characterised political culture, an increasing number of protagonists of 'women's liberation' saw woman as a species apart, a victim of a world run by men for men. Her needs, aspirations and aims were seen to conflict with those of man; and her position was rendered inferior to, and dependent on, the patriarchy, itself a political institution where men held power. For women to flourish, the order must be overturned. The tone of the new militancy was captured by Germaine Greer's polemic, urging women to cast off the burden of their lives, their pursuit of the male idea of beauty, physical relations, their binding marriages and resist demands to 'fight' for reforms, which were invariably retrogressive. 'The old process must be broken, not made new.'³

The tension between the strands was not to be resolved. But in the last decades of the 20th century the idea of victimised woman was to gain ground. To the story of dependency or of denied rights – to the franchise, ownership (if married), employment, education – was added a vigorous assault on the societal framework at whose hands women had been exploited and degraded. No longer was it enough for the law to prohibit discrimination in areas common to men and women, such as employment, where two major pieces of legislation outlawed discrimination in the UK in the 1970s.⁴ The state was to abandon its neutral stance and increasingly treat women as a separate, institutionally oppressed, group. In a political culture which had begun to promote distinct groups, women were to become a favoured target group.

The upshot is that today women are living under a new order of official measures or initiatives devoted to promoting the cause of the oppressed species across the remit of departmental government. Their lives have become the object of political interest and action, the species subject to the politics of rights and minorities, which arrived and went out of intellectual fashion in the 1960s and 1970s. Though the effects have spread across the spectrum of law and policy, there are three particular areas which will ultimately shape the woman's destiny, education, employment and welfare.

Education remains the foundation of a woman's future, on which she will build the other areas of work, family life and wider interests. The pattern established in the early stage will often determine the remainder of her life's cycle. Where there is failure, she may find it difficult to avoid a downward spiral of dependency throughout her middle, later and retirement years.

³ Germaine Greer, *The Female Eunuch*, f.p. MacGibbon & Kee Ltd, 1970, Flamingo edition, 1999

⁴ *The Equal Pay Act, 1970; The Sex Discrimination Act, 1975*

What then is the true picture of women's educational aspiration and achievement? How far does it lead to fulfilling and challenging employment and to the conditions which allow a woman to take her place equally with men, with dignity and independence, and freedom, in work or in family life? Contemporary politics has singled out the promotion of women by prioritizing education and measures for 'work life balance' and 'quality of life issues'. But how far women have been helped, or how far their best interests are in the short or longer terms served, is not clear.

The official figures may suggest a picture of women forging ahead where the great departments of state determine. But in the areas of education, employment, earnings or welfare dependency, the indices of success remain patchy. If anything the trend has appeared of women shifting from a historic condition of relative inequality and dependency to a different one, dependency for far too many on the state, one established during formative years, setting a pattern which will blight life long after. If anything, the evidence does not bear out a picture of women making their way successfully, on terms equal to men. Rather the trends are worrying. In education the figures given to suggest success may be misleading; in the labour market women seem to be providing an army of new serfs, comparatively poor in income and also in freedom, increasingly bound to officialdom for the conditions and benefits awarded by the state as they grapple with the problematic consequences for their many commitments. Earnings or take-home income may depend not on their agreement with their employer, but on the often arbitrary rules laid down by officials: the number of children they have, their childcare arrangements, the hours they work. So too when they give birth, they become part of an orderly state production machine, expected to be out for so long, and then to return to the labour market.

The danger is of a trend emerging where women may be less likely to establish the foundations needed for a fulfilling and successful life, and one led equally with men.

Women may have won the vote. They may have won equality before the law. But have they, in the course of the last decades, exchanged the patriarchy of men for a more oppressive master? The chapters which follow address some of the areas where a new dependency appears to have emerged under a state which treats women in the manner anticipated by one strand of 20th century feminism - not as people, but as a species apart. That course has done little to help, and may have done much to promote dependency. The hope is that the UK Government will abandon a course of policy which treats women, not as part of the human race, but as a case distinct. Women must be freed from such debilitating policies, so they no longer ignore their own interests or avoid the difficult decisions needed to reconcile conflicting commitments. Unless they do, they will forever be enslaved.

II

Education

Women today, we hear, are better educated than ever before. In increasing numbers, they stay on at school after 16. At A-level they outperform boys in most subjects.⁵ They go on to higher education where they outnumber and outperform men. And not only are the majority of graduates female: women, it appears, gain better degrees than men.⁶ Even in traditionally male subjects like science and engineering, the percentage of women graduates has increased.⁷ Women are on the march through schools and universities; the educational bastions of the patriarchy have fallen to them.

Women's changing fortunes in education, and elsewhere, have been keeping the Government busy. Female progress preoccupies the equality and gender bodies across the various Departments of Her Majesty's Government as they busy themselves in charting, as well as devising, measures to promote this progress.⁸ One central educational concern has been to challenge female stereotyping, girls' choices of subjects and boys' 'dominat[ing] in maths, science and technology at A-level' with more of them going on to study these in higher education.⁹ As a result the tone of satisfaction in official pronouncements at the numbers of girls at each stage of education is linked to a gender-specific mission, to convert girls to the subjects that do not fit their gender stereotype.

But is this drum beating at female success justified by the evidence? It may in fact not be the case that girls are being better educated now than before, or even to the same standard as they were ten years ago. They may, to a greater extent than ever before, be failing to keep up with boys. If this is the case, the Government's well-intentioned interventions will have backfired. Far from helping girls, they may be hindering them.

First, are girls now better educated? If anything, the evidence suggests the reverse. Consider the subject choices, where despite the pressure and increase in female

⁵ DfES, explains that 'females out perform males (in A-E pass rate)...in every subject except Accounting...' (see 'the Standards Site': <http://www.standards.dfes.gov.uk/genderandachievement/understanding/analysis/>).

⁶ Ibid., 'the Standards Site', DfES, Higher Education, notes that women accounted for 56 per cent of HE students in 2002 compared to 38 per cent in 1982; that the majority of graduates are women – 56 per cent (2003 figures); that in Higher Education, women 'get better degrees than men – 58 per cent get first/upper seconds, compared to 31 per cent of men'.

⁷ dti: gender and innovation – statistics' suggest, 'the number of female SET (science, engineering, technology) graduates increased.' by 55 per cent over the 1992/2002 period, compared with a 29 per cent increase in male graduates; the percentage of females undertaking postgraduate qualifications over the 1994/2001 period has also increased from 35 per cent to 55 per cent.

⁸ From the cross-governmental units like the 'Women and Equality Unit' (which co-ordinates 'work on equality' across HMG, developing the policies of the equality bodies) to individual departmental bodies such as the dti's 'Gender and Innovation [unit]: Promoting Science, Engineering and Technology for Women'. For these see:

<http://www.womenandequalityunit.gov.uk/about/index.htm> and

http://www.setwomenstats.org.uk/set4statistics/set_occupations.htm.

For the DfES see 'Gender and Achievement' section of 'the Standards Site',

<http://www.standards.dfes.gov.uk/genderandachievement/understanding/analysis/>

⁹ The DfES warns that this has 'significant implications for...career choices and future earnings', and 60 per cent of working women are in only 10 per cent of occupations. See the DfES, 'The Standards Site', 'gender and subject choice'. <http://www.standards.dfes.gov.uk/genderandachievement/understanding/analysis/>

participation, far fewer girls than boys take the more rigorous subjects, and where the overall number of girls taking such subjects has fallen dramatically.

In maths and science, although girls take the same core subjects as boys at GCSE, they are more likely to drop the more rigorous ones. Fewer girls than boys continue after GCSE in maths and science to A-level. After 16 the number of girls taking maths or physics is far smaller than the number of boys, though in chemistry the difference is not so striking. Moreover, the number of girls taking maths and physics has shrunk in the last ten years – despite the fact that around 25,000 more girls are staying on to A-level.¹⁰ (Table 1.) A smaller number of girls than boys get the highest grade, though, as one might expect, of those who do take the subjects a higher percentage do better.¹¹ (Table 2.)

Table 1: Total Number of Entries for A-level students in Mathematics and Physics (England & Wales):

| Subject | 2005 | 1996 |
|---|--------------|--------------|
| Mathematics: Total | 46,037 | 54,125 |
| No. & % of Girls | 17,426 (38%) | 19,118 (35%) |
| No. & % of Boys | 28,611 (62%) | 35,007 (65%) |
| Physics: Total | 24,094 | 28,400 |
| No. & % of Girls | 5,174 (21%) | 5,957 (20%) |
| No. & % of Boys | 18,680 (79%) | 22,443 (80%) |
| http://www.dfes.gov.uk/rsgateway/DB/SFR/s000630/additionaltables_16.xls | | |

Table 2: Number and Percentage of Grade As at A-Level in Maths, Physics and Chemistry by Gender (England & Wales):

| 2005 | Boys: No. & % of Grade A's | Girls: No. & % of Grade A's |
|---|----------------------------|-----------------------------|
| Mathematics | 11,184 (39.1%) | 7,493 (43%) |
| Physics | 5,165 (27.3%) | 1,769 (34.2%) |
| Chemistry | 4,850 (28.9%) | 5,062 (30.9%) |
| http://www.dfes.gov.uk/rsgateway/DB/SFR/s000630/additionaltables_16.xls | | |

In the humanities, in subjects such as English, history and modern languages, the picture is the same. Apart from English, a subject which far more girls than boys tend to take, or history, which has declined slightly, only around half the number of girls take modern languages like French or German now as did ten years ago.¹² (Table 3.) Although overall standards demanded by AS and A2 may not be as high as in the past, nonetheless foreign languages and history, are probably more academically challenging than other 'softer' humanities subjects.

¹⁰ The latest figures (2005) suggest that of those staying on who took maths to A level, 38 per cent were girls, 62 per cent were boys; the figures for physics were 21 per cent girls and 79 per cent boys. The figure has shrunk over the past ten years. See Table 1.

¹¹ Around seven and a half thousand girls are awarded an A grade at maths A level by comparison with around 11,100 boys; in physics for the 1,769 A grades awarded to girls there are 5,165 boys. In chemistry more girls are awarded an A, (5,062) than boys, (4,850). See Table 2.

¹² Total Number of Entries for A level students in English, French, German, History and Economics (England & Wales). See A-level Table 3.

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Table 3: Total Number of Entries for A-level students in English, French, German and History (England & Wales):

| Subject | 2005 | 1996 |
|---|----------------|--------------|
| English: Total | 77,000 | 72,554 |
| No. & % of Girls | 53,241 (69%) | 50,115 (69%) |
| No. & % of Boys | 23,759 (31%) | 22,429 (31%) |
| French: Total | 11,965 | 22,718 |
| No. & % of Girls | 8,109 (68%) | 15,859 (70%) |
| No. & % of Boys | 3,856 (32%) | 6,859 (30%) |
| German: Total | 5,238 | 9,306 |
| No. & % of Girls | 3,271 (62%) | 6,451 (69%) |
| No. & % of Boys | 1,967 (38%) | 2,855 (31%) |
| History: Total | 39,199 | 36,294 |
| No. & % of Girls | 19,716 (50.8%) | 19,975 (55%) |
| No. & % of Boys | 19,483 (50.2%) | 16,319 (45%) |
| http://www.dfes.gov.uk/rsgateway/DB/SFR/s000630/addionaltables_16.xls | | |

By contrast, the 'soft options', the less academically challenging subjects such as media studies and drama, are growing, with more girls choosing these than boys. (Table 4.) Though the figures for both sexes have gone up, the increase has been greater for girls.

Table 4: Total Number of Entries for A-level students in Media/ Film & TV Studies and Drama (England & Wales)

| Subject | 2005 | 1996 |
|---|--------------|-------------|
| Media/ Film & TV Studies Total | 21,467 | 6,841 |
| No. & % of Girls | 12,244 (57%) | 3,814 (56%) |
| No. & % of Boys | 9,223 (43%) | 3,027 (44%) |
| Drama: Total | 14,468 | 7,897 |
| No & % of Girls | 10,274 (71%) | 5,820 (73%) |
| No. & % of Boys | 4,194 (29%) | 2,077 (27%) |
| http://www.dfes.gov.uk/rsgateway/DB/SFR/s000630/addionaltables_16.xls | | |

At A-level, therefore, the picture is disturbing. Fewer girls are taking tough subjects – maths or physics, modern languages like French and German – than 10 years ago, and more are taking the easy options. All in all maths and the mathematical sciences, languages and to an extent history, are amongst the most rigorous and demanding of the A-level subjects: less traditional subjects, e.g. media studies and drama, are less challenging. (This is a rough and ready guide. Exceptional work in any subject demands intelligence and discipline.)

In higher education, women now account for 59 per cent of students. But does this

mean that girls are doing better than boys? Does it mean that they are doing better than in the past?

Certainly the numbers of women going to the better universities suggests that admission rates for girls have improved. In Oxford and Cambridge, however the percentage of men admitted is slightly higher than that of women – 51 per cent for men and 49 per cent women (2004/5 figures). The numbers and percentages for women are up on a decade ago. The same is true of the Russell group as a whole, the association of ‘research intensive’ universities, where 53 per cent of admissions are female (up on a decade ago from 47 per cent). These universities account for 26 per cent of female students going on to higher education from school. The majority, 74 per cent of women, are in institutions which may be less academically rigorous or demanding.¹³

What about the subjects taken by women undergraduates? Do they continue with the academically rigorous – at least in the same numbers as at school? The evidence is not reassuring. The numbers of female students taking mathematical sciences and physics drops further at university, more dramatically than for boys (a number of whom will also be continuing with maths and physics in engineering where they predominate). Of the numbers taking maths to A-level, a tiny fraction continue at university. The contrast is even starker for physics. (See Table 5). The same also happens for modern languages, like French and German at single honours level, though the picture may be less stark for joint degrees.

Table 5: Higher Education Subjects by Gender 2004/5

| Subject | Total | Females | Males |
|-------------------------------------|-------|-------------|-------------|
| Mathematical Sciences ¹⁴ | 4,260 | 1,560 (37%) | 2,700 (63%) |
| Physics | 1,955 | 330 (17%) | 1,625 (83%) |
| French (Single Honours) | 1,495 | 1,055 (71%) | 440 (29%) |
| German (Single Honours) | 575 | 375 (65%) | 200 (35%) |

Source: HESA (Higher Education Statistics Agency): First Year English and Welsh domiciled students aged 18 and 19 entering Higher Education with ‘A’ level equivalent qualification by specified subject of study.

What is the picture then of female educational achievement? Though the numbers of girls staying on at school, going into higher education and taking degrees has gone up, the numbers taking the academically more rigorous subjects at every stage after GCSE is declining. Certainly the gender specific measures aimed at changing the subject choices of girls – many of which go back over three decades – have not been

¹³ First Year English and Welsh domiciled students aged 18 and 19 entering higher education with A-level equivalent qualification. Supplied by HESA (Higher Education Statistics Agency). See Appendix A for table.

¹⁴ *Please note that Mathematical sciences include following subjects of study:
 Broadly-based programmes within mathematical sciences
 Mathematics
 Operational research
 Statistics
 Others in mathematical & computing sciences
 Others in mathematical sciences
 HESA

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effective, either at school or university. Fewer women than men are taking maths or physics, and fewer women take these subjects than did a decade ago. Even in the female heartlands – the humanities and modern languages – the picture is of a decline in female participation over the decade. The specific attempts to change gender stereotyping have not merely failed in terms of targeting women, but the culture of numbers and targets masks the comparative poverty and aspiration of women, academically and intellectually. We may be seeing the start of a worrying trend, where women abandon the more rigorous subjects at school and university. The danger is of an increasingly higher proportion being marginalised in less academically challenging subjects and forming an academic ghetto which will make it more and more difficult for them to take their full and equal place alongside men.

Does this mean that the measures have failed to make an impact on teachers or their pupils and the state needs to go far further? On the contrary! Crude manpower planning does not work, nor does its female equivalent. Society, is not only the poorer, when officials attempt to determine areas more properly left to the individuals (and those who know their aptitudes, talents and interests), but the policy of treating women as a separate species may make for lower educational achievement and aspiration. For the policy has prompted a culture of targets and numbers designed to measure and prove female success, but it may also conceal a worrying trend. Women's aspirations do not appear to be as high as they were a decade ago, nor as high as men's, in terms of taking the academically rigorous subjects at school or university. If the trend develops, women, may, despite high participation rates, become part of a growing academic and intellectual ghetto.

III

Work

Today women make up practically half (46 per cent) of people in work. (Table 6.)¹⁵ By law they must be paid the same as men for the same work, and they must be treated equally with their male colleagues by employers. The accident of their sex is to be no bar to advancement at work, while at home their biological role as mothers is to be facilitated. (Recent law underlines this and the implications are discussed in the next chapter.) Women, like men, now earn more than they did a decade ago. (Table 7.)¹⁶ More work than did ten years ago (over 1.5 million more), including mothers of dependent children. (Table 8.)¹⁷ The increase of mothers in employment, whether married or cohabiting ('couple') or living alone, is one of the dramatic changes of the decade¹⁸

Table 6: Numbers of Men and Women in Employment

| 2006 (February – April 2006) | | 1995 (February – April 1995) | |
|--|---------------------|-------------------------------------|---------------------|
| Total numbers in employment | 28,937,000 | Total numbers in employment | 25,703,000 |
| Women: No. in, % of employment | 13,333,000 (46%) | Women: No. in % of employment | 11,642,000 (45%) |
| Men: No. in, % of the employment | 15,604,000 (54%) | Men: No. in % of employment | 14,061,000 (55%) |
| Total No. of Part-Time workers | | Total No. of Part-Time workers | |
| Women: No. Part-Time workers (%) | 5,676,000 (77%) | Women: No. Part-Time workers (%) | 5,140,000 (82%) |
| Men: No. Part-Time workers (%) | 1,650,000 (23%) | Men: No. Part-Time workers (%) | 1,124,000 (18%) |
| Source: Office of National Statistics (ONS) Latest available figures (Feb-Apr 2006 and Feb-April 1995) | | | |

Table 7: Men and Women Median full time weekly earnings

| Median gross earnings for full-time men and women 2005 and (1997)* | | | | | |
|---|---------------|-----------------------------------|----------------|---------------------------|----------------|
| Women's median earnings 2005 (1997) | | Men's median earnings 2005 (1997) | | Men and Women 2005 (1997) | |
| Hourly: | £9.86 (£6.98) | Hourly: | £11.44 (£8.52) | Hourly: | £10.79 (£7.92) |
| Weekly: | £372 (£265) | Weekly: | £472 (£357) | Weekly: | £431 (£320) |
| Annual: | £19,400 | Annual: | £25,100 | Annual: | £22,900 |
| *Source: ONS, Annual Survey of Hours and Earnings (2005 figures) 1997 Annual Survey of Hours and Earnings | | | | | |

¹⁵ National Statistics, *Labour market statistics: First Release*, 14 June 2006, See Table 6.

¹⁶ *Annual Survey of Hours and Earnings*, ONS: <http://www.statistics.gov.uk/cci/nugget.asp?id=409>, See Table 7.

¹⁷ ONS, *Labour Force Survey*, January 2006. See Table 8.

<http://www.statistics.gov.uk/CCI/nugget.asp?ID=1163&Pos=4&ColRank=2&Rank=224>

<http://www.statistics.gov.uk/CCI/nugget.asp?ID=436&Pos=3&ColRank=2&Rank=896>

¹⁸ The rise in employment for couple mothers from 1994 to 2004 was 7 per cent that for lone mothers was 13 per cent - compared with a 2 per cent rise for women without children. See Appendix B.

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Table 8: Numbers/ percentages of mothers of dependent children (0-16/18) 2005 and 1995

| 2005 | 1995 |
|---|---|
| Total No. of mothers with dependent children: 7.2 million | Total No. of mothers with dependent children: 7.1 million |
| No. and % working: 4.9 million (67.8%) | No. and % working: 4.3 million (60.8%) |
| Sources: ONS, Labour Force Survey | |

The feminisation of the labour force has been promoted by the Government, which has also sought through law to anticipate potential conflicting demands. The 'family friendly' and 'work-life balance' campaigns encourage mothers of younger children to join the labour market, return to it, or stay in it: flexible hours and the extended parental rights, introduced in 2003 are all supposed to play their part. At the same time, the Government takes pride in its record on lone parents, just over half of whom – around one million – work.¹⁹ All of this is, we hear, good for women, good for their families and good for the country too. And, what is more, the women appear to like it: they would work even 'if they did not have to'.²⁰

But there is cause for concern. The female saturation of the labour market may have led to more women in the workplace, but not to female equality in the workplace, nor, for that matter, to women taking their place as full and equal members of the human race.

Though almost half the labour force is female and more mothers of dependent children work, the amount, levels and pattern of earnings suggest women are a menialised subset of the labour force. Average earnings for women are not only lower than the average for men (though, yes, the gap has narrowed over the past decade): the difference between men's and women's full-time median hourly earnings (known as the gender pay gap) is 13 per cent, which means on average women are paid 87 per cent of men's hourly pay. But right across the earnings spectrum the disparity is striking: women overall earn less than men and a smaller proportion of women is in above average or higher salary jobs.²¹ A higher percentage

¹⁹ The percentage is 54.8 per cent. For example, the Government's 'work-life balance' campaign which has been supported by measures to give employees the rights to work flexible hours, briefs that this will help parents of dependent children to work, will lead to an increase in mothers entering the labour market as well as to new mothers returning to work. The Women and Equality Unit's 'working and living: key facts', (updated 2004 [sic] statement), also links such measures to the 2003 maternity and paternity rights measures. http://www.womenandequalityunit.gov.uk/work_life/key_facts.htm.

The Women and Work Commission, appointed in 2004, 'to examine the problem of the gender pay gap and other issues affecting women's employment', to take into account 'the importance of promoting employability, the wider benefits to the economy and the impact on employers and public expenditure' and consider 'the DTI review of maternity, paternity and flexible working legislation in shaping its recommendations', reported in 2006. Chairing the Commission was Baroness Prosser, former president of the TUC. See: http://www.ogc.gov.uk/index.asp?docid=1004285_OGC_2006_Equality_brief http://www.womenandequalityunit.gov.uk/publications/www_shaping_fairer_future06.pdf

²⁰ As well as the economic benefit to the country (WWC Report, February 2006, *ibid*), women, especially mothers, have, we are led to believe, through work, come of age. For the Women and Equality Unit 'women's importance in the labour market is growing and the future success of the UK economy depends on women being able to reach their full potential. We want to ensure that women have the opportunity to work when they want and that they can balance work with other family responsibilities'. One claim is that 'women work because they want to – 7 out of 10 mums working full time say they would work even if they didn't have to' and 'over 50% of mums with children under five work. 44% of lone parents go out to work'. The figures appear to be for 2002 though the site was updated in March 2004.

The Treasury emphasises the economic, social, cultural and familial impact of working, especially for lone parents, where children's educational attainment benefits as their employment prospects later on do [4.21] see HMT, Tax credits: reforming financial support for families, March 2005.

²¹ ONS, *Annual Survey of Hours and Earnings*, 2005. See Appendix B.

of men is employed in the better paid or more prestigious jobs, such as chief executives and directors, financial managers, management consultants, actuaries, economists, senior managers and in the professions or as higher education teaching professionals. (In fact, only in personnel management is the trend reversed.) By contrast, women appear to be stubbornly stuck in the lower-paid, lower-level occupations towards the bottom end of the earnings scale (where in only two of the lower-paid occupations, sports assistants and packers, are the male/female proportions roughly equal).²² In addition occupational segregation, remains with concentrations in certain types of job, e.g. 60 per cent women are in 10 occupations.²³

If the lower levels of pay are endemic to the kind of work which women do and are not the result of discrimination, the question must be why so many women are in such jobs? We are told by way of explanation that historical differences in qualifications remain and that women's family commitments shape patterns of working life. They can commit less time to their job (hence they work part-time or take breaks) or for commuting to work. But these things do not lead all women to make the same decisions. Nor is there any clear pattern of difference in background or circumstances that would explain these different decisions. (Moreover, the fact that there are certain professions, such as law and personnel management, where there are as many women as men, suggests that there gender need not be a bar to progress at work.) Why then does the woman's destiny appear still to be the lower-level, lower-paid job? Social and cultural expectations, the legacy of the past and the particular responsibilities which women have as mothers, especially when their children are young, may all play a part. But official policy and rhetoric, where low-earners and those with children are treated as special cases by governmental measures, may reinforce expectation.

That the Government acknowledges the problem is evident from the commissions and units appointed to tackle it. But it may be that official policies entrench the position so rightly deplored, by creating a cycle of female dependency for the future, with low pay, low-level jobs and low aspirations. These may be encouraged by the expectation that women will join the labour market, or remain there, at a level lower than their qualifications and talents would suggest given that other responsibilities prevent a full-time or fully professional commitment. Here, the means tested tax credit policy and the 'women friendly' measures may themselves have exacerbated the historic imbalance in the labour market, and helped contribute to, or create, a new dependency trap.

Two benefits in particular affect women, though the first, the Working Tax Credit (WTC), is aimed more generally at low-paid people, and the second, the Child Tax Credit (CTC), is directed at families with children, in or out of work. Each has an element paid to the 'main carer'.

²² Equal Opportunities Commission Report, *Facts About Men and Women in Great Britain 2006* – Table was prepared by the EOC in this report and data is for 2005. ONS, *Annual Survey of Hours and Earnings*, 2005. See Appendix B.

²³ Women and Equality Unit 'Women's Work and Pay' draws on Government research published in December 2001, *The Gender Pay Gap* which 'authoritatively identifies the key drivers behind the gender pay gap'. http://www.womenandequalityunit.go.uk/pay/pay_facts.htm

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Though the WTC is specifically for low-paid people, many women are eligible and qualify for the benefit and far more receive it than do men.²⁴ Aimed at working families with children, couples and individuals without children over 25 (as well as disabled people or the over 50s returning to work), it includes elements for a second adult, a lone parent, childcare (in addition to the basic element paid to everyone entitled to the Tax Credit). The Government sees it as a way of enhancing 'work incentives for second earners' and for reducing 'the number of working families in the poverty trap'. Given that far more females are on this benefit than males, does it contribute to setting a ceiling on women's job and earnings aspirations?

Table 10: Working Tax Credit recipients by Gender

| | Total | Couples | | | Singles | |
|----------------------------------|-----------|---------------------|-------------------|----------------------|---------|--------|
| | | Female sole worker* | Male sole worker* | Both adults in work* | Female | Male |
| Receiving WTC (as well as CTC) | 1,564,800 | 97,500 | 443,300 | 166,700 | 812,900 | 44,400 |
| Receiving WTC (without children) | 318,600 | 22,600 | 46,400 | 25,100 | 126,400 | 98,100 |

* 'worker' here means an adult working for at least 16 hours per week
HM Revenue & Customs *Child and Working Tax Credits Statistics* April 2006

A similar sort of question is raised by the Child Tax Credit (CTC), awarded to c.6 million families (around nine out of ten families are eligible). It aims to provide 'a single system of support for families with children, which is independent of the parents' employment status...as parents move into work, easing the transition to paid employment'. Though not aimed at working people specifically, it seeks to support those moving into work and has a childcare element. Child Tax Credit is paid directly to the main carer for all the children in the family, and of the six million or so beneficiaries, mostly couples and some lone parents, most recipients of the benefit are female.

Table 11: Child Tax Credit recipients by Gender

| 2006 | Total | Couples | | Singles | |
|----------------------------|-----------|---------------|-------------|---------|--------|
| | | Female Payee* | Male Payee* | Female | Male |
| All families receiving CTC | 4,282,300 | 2,793,800 | 419,400 | 985,400 | 83,600 |

*The main carer of the children as nominated in the claim
HM Revenue & Customs *Child and Working Tax Credits Statistics* April 2006

How far potential recipients may be encouraged to join the labour market, no matter how dead-end the prospects are, needs investigation – especially in the cases where they have less need to weigh in the balance, childcare, (especially of pre-school age

²⁴ Working Tax Credit is for low-paid couples with children, who work at least 16 hours a week, or couples or individuals over 25 who work at least 30 hours a week. It is also for disabled people or the over 50s who have recently returned to work and who work at least 16 hours a week. It is paid directly into the recipient's bank, pay packet or other account, and couples who work 16 or 30 hours a week must decide who gets the WTC payments. The childcare element of WTC is paid to the main carer along with the Child Tax Credit. Extra money is available to those who pay for childcare, work 30 or more hours a week, are disabled or aged 50 or over and returning to work after being on benefit.

children) a major factor. What we do know is that the majority of those receiving this benefit are women with children.

There is a danger that women will take any job given the pressures to which they are now subject. The rhetoric of flexibility, of economic gain, the insistence that the demands of work and family life can be balanced simultaneously (whatever the job, circumstances or means) and the practical or financial inducements of childcare and benefit, may deter them from considering the long-term interests of a lifetime. As a result they may, as female workers, find themselves trapped in lower-level, part-or-flexi-time jobs, and pay the price of comparative long-term dependency for premature choice.

The official culture of compensation may, in such cases, reinforce, or perversely affect, low female aspiration, especially when family responsibilities weigh heavily. Instead of trying to improve the present flawed system, why not concede that different choices will have to be made on account of different circumstances – education, work, family support and means? Whatever the decision reached, the care of young children, a relatively full-time commitment, which may or may not be devolved to others, is nonetheless a short-term one across the full cycle of life and must be set against the longer term working life and professional advancement of women, right into their late 60s.

Women do not need low-level, part-time, poorly paid jobs, nor should they be induced into taking them by the patronizing pin money of the state. If they are to take their place equally with men in employment, they must aspire to the demands, as well as the rewards, of grown-up posts, and look to the long term.

IV

Motherhood

Women, no less than men, are rent by the conflicts which so often shape life's direction – though these conflicts also bring much of life's richness. The struggle between maternity and a woman's other responsibilities, loves, commitments, aspirations are all part of her destiny. In literature over the past century it has been a conflict rarely resolved except in death, and perhaps not even then. Tolstoy's mothers were torn between joy in their children and the anguish love brought, especially the conflict between child-bearing and the pursuit of romantic love. For Freud the mother, whose function was primarily biological, found fulfilment in producing a male child. For Joyce, the self-effacing (autobiographical) mother found child-bearing small consolation for her husband's dissolute character, and the alluring Molly remained haunted by the loss of her baby, ever the symbolic reminder of life and loves unfulfilled.

Mothers and their babies are no simple matter. They never have been. Today to the conflict between the demands of love (romantic, familial, filial) and interests (intellectual, artistic, vocational), has been added employment. To the protagonists of the women's cause over the 20th century maternity remained as problematic as it was for writers. There has been little agreement on how far to acknowledge, address, suppress or ignore this uniquely female function.

No such doubts plague the UK Government, nor, indeed other Western or EU powers: maternity has become politicised and bureaucratised – to be regulated, promoted, repressed and accommodated, according to the Whitehall Department calling the shots or the political rhetoric of the hour. The harnessing of maternity to employment is today a political aim of the first order, part of a neo-utopian campaign for 'work life balance'. Extended rights for maternity leave and other parental employment rights have become a central part of the political agenda, following the recent 2002 Employment Act and the previous measures (see (3) below).

Where does it leave the woman?

Under the measures now in place, for the expectant or new mother, life for the first six months or a year after the birth should be simplified, and after that many of the normal difficulties will be ironed out by other 'work life balance' measures. The employee will be awarded 6 months' leave and paid for the first six weeks at 90 per cent of weekly earnings, though after that at £108.85 per week. (Mothers who do not qualify will be awarded a Maternity Allowance.) New mothers who qualify may extend the leave to a year, though the second six months leave is unpaid.²⁵ Their own job (or a similar job) will be kept open for their return.

²⁵ Pregnant employees are entitled to 26 weeks' ordinary maternity leave (OML) regardless of how long they have worked for their employer. Most will be paid statutory maternity pay, of 90 per cent of salary for first six weeks and £108.85 per week or 90 per cent of weekly earnings (whichever is the smaller) for the second 20. Those who have completed 26 weeks' continuous service with the employer qualify for Additional Leave of six months (AML) which is unpaid. Women may, however, have different contractual rights to pay during pregnancy but they will not be for less than the statutory amounts.

The Government has made much of the success of the changes in terms of take-up. The result of a specially commissioned survey (published earlier this year), showed a 'positive culture change in the home and workplace.' The Trade and Industry Secretary announced 'the real benefits' experienced by 'mums and dads... as a result of family friendly legislation' introduced since 2002, in terms of benefit and time off. 'Three quarters of mums ... [were taking] full entitlement to maternity pay, up from two thirds in 2002' and also 'more time off', with the average period of maternity leave now six months, up from four in 2002. Not only were the mums doing better, but so it seems, were the employers too, whose education had been completed on these matters. A 'key reason for the success' was, we were told, the Government's taking account of the 'views of business': employers, apparently, now recognised 'the benefits of better enabling employees to balance work and home lives, saving time and money on recruitment and training while ensuring they keep the staff.'²⁶

Things look set to become apparently even simpler and more attractive for mothers-to-be next year as maternity leave, for the most part paid, is to be extended to a full 9 months whatever length of time the woman has been in the job. And, by the end of the decade the goal is one year.²⁷

In reality, the picture is not as rosy as the Government maintains, and the gain to women may be illusory.

Employers are, to put it mildly, chary. The Government's hymn sheet is not theirs: ever growing maternity rights – as well as the wider package of employee rights – have become expensive and damaging, reducing flexibility, and growth. For women, the message is a worrying one: the more maternity rights are extended, the less attractive for recruitment do women of child-bearing age become to their employers.

²⁶ Friday 31 March 2006 14:26 , press release and statement; *Maternity and Paternity Rights and Benefits: Survey of Parents 2005*, commissioned by the Department of Trade and Industry and the Department of Work and Pensions, employment relations research series no 50 (DWP 2006).

The survey 'assessed the impact of the significant legislative changes to mothers' and fathers' rights and benefits introduced since 2002, when the last survey was conducted. These include: increased maternity pay, longer maternity leave, introduction of paternity pay and leave and the right to request flexible working for parents of young or disabled children'. DTI 2006 press release, 31 March 06, *DTI Government NEWS (GNN)* 'New research reveals culture change for working parents'.

²⁷ Future changes will extend maternity and adoption pay from six to nine months from April 2007, towards the goal of a year's paid leave by 2010 as well as paternity rights up to 26 weeks' Additional Paternity Leave, some of which could be paid if the mother returns to work.

The 2002 Employment Act extended existing maternity rights and also gave parents of children under six or disabled children under 18, the right to request flexible working, with a statutory duty on employers to consider seriously their requests. (Also introduced were paternity leave, paid adoption leave and more generous maternity leave and pay.)

As matters now stand any employee is entitled to 26 weeks' ordinary maternity leave (for which they may be entitled to maternity pay) and one who has worked for the same employer for 26 years by the end of the 15th week before a baby is due is entitled to Additional Maternity Leave' which is unpaid unless the contract says otherwise, of 26 weeks, taking the total therefore, up to a year. The employer must be given notice of 15 weeks before the week the baby is expected and should the employee return early, 28 notice must be given to the employer.

Since the 1990s the right to maternity leave has been extended in terms of the amount of leave awarded and the qualifying period. The 1996 Employment Rights Act, gave right to maternity leave and time off for ante-natal care as well as parental leave and unpaid time off for dependants. The details of the rights were set out in the 1999 Maternity and Parental Leave Regulations, along with the circumstances prescribed in which a dismissal will be unfair for the purposes of the ERA (if related to pregnancy, childbirth, maternity leave, parental leave). The 1999 Employment Relations Act introduced a range of family friendly laws, extending maternity leave, reducing the qualifying length of service for maternity leave, and introducing right to further unpaid parental leave and leave for family reasons.

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Already in 2004 the 1,200 businesses surveyed by the British Chamber of Commerce, warned against fresh working rights and their 'damaging impact on ...[how] a boss runs [the]...company', and rejected the plan to extend paid maternity leave from 6 to 12 months. Businesses, they warned, 'cannot take any more'.²⁸ The problem was not a new one, though it had become worse. A 1998 survey of employers showed 45 per cent of respondents found women of prime child-bearing age less attractive to recruit than other groups; by 2001 (when the new measures had been announced) the figure was 67 per cent. By spring 2005, the Recruitment and Employment Confederation was warning against the impact that extending maternity pay could have on employers: they were already experiencing 'severe resourcing difficulties' and it was difficult to see how they could cope 'with more leave arrangements at a time of such acute resourcing difficulties'.²⁹ The rate of change was problematic with the introduction in 2002 of 18 weeks' paid maternity leave (and further unpaid maternity leave), then 26 weeks in 2003, with future plans for 9 months and then a year – as well as the various flexible working schemes. Employers would face problems managing the working patterns and the 'needs of ...business [would] be undermined', especially in a globalised market where the UK was competing with lower-cost countries. 99 per cent of UK business in the UK employed fewer than 50 people, and yet it was they who sustained the economy.³⁰ By late 2005 there was a sense amongst specialist employment law advisers that the law 'could be shifting too far in favour of family needs, bringing into question a basic principle of employment law that supports the employer's need for the "work to be done"'. Already the law was sufficient to allow for time off for family needs, but the 'the pendulum [was] swinging too far and the law must continue to support employers'. Already some organisations discriminated against employees who might become parents, something which was 'legally wrong', but the danger was of the trend increasing where employers feared they could not cope with more leave arrangements. Law firms were already warning of an increase in sex discrimination claims due to the new legislation. And a poll of recruitment agencies suggested 75 per cent had been told 'explicitly' by companies '...to avoid employing pregnant women or women of a child bearing age'. By 2006 the picture remained one of employer resistance to mothers returning to work in terms of pay and promotion differential, though the official data did not record discrimination.³¹

This was no misogyny. It was business. Women stand to lose out at the recruitment stage on account of the conflict between the Government's agenda and the interests of business. In today's highly competitive environment, labour supply must be matched

²⁸ BCC 2004 Employment Survey survey of 1,200. BCC Employment Survey, press release, Business rejects increased flexible working rights', 29 Nov 2004, <http://www.chamberonline.co.uk/common/print.aspx?a=83eb541>

²⁹ 'Women's Employment Rights and Implications for Employability', IOD February 2002; Personnel Today, 22 March 2005, where the response reported from business on the Budget was generally favourable, Gareth Osborne (MD, REC) was commenting on measures to extend maternity pay and transfer some maternity leave to fathers, www.personneltoday.com

³⁰ Personnel Today's member, employed more than five million people, 5 April 2005, <http://www.personneltoday.com/Articles/>

³¹ Statement from Richard Smith, employment services director and an expert adviser in employment law at Croner, a business consultancy, specialising in legal compliance, health and safety, environmental management, local and central government, education, trade and transport. Press releases, Croner, 21 October 2005, http://www.croner.co.uk/croner/jsp/CronerHome.do?cache=false&channelId=-238414&BV_UseBVCookie=No

The poll, commissioned by the REC, was a subject of the BBC2's money programme and reported in *The Guardian*, 25 and 29 November 2005.

The Guardian, 25 March, 2006, included a report of the DWP report and a statement by its co-author, Mike Brewer.

to customer demand and 'slack' in the system cannot be afforded. Earlier analyses of the impact of work life balance measures pointing to fears at a negative impact especially for small firms, and the more general administrative and legal effects, have been borne out. Despite the Government's suggestions to the contrary, business, especially small business, has yet to be convinced that the Government's work/life package, including extended maternity rights, are in the interests of business.³² In the meantime, the loss to business is the loss to women. Outside the public sector, women of child-bearing age are ceasing to be an attractive recruitment proposition.

Leave now, pay later

But even if the hurdle of recruitment is overcome, once in the job, the female employee is likely to fall victim to the state's maternity schemes and lose out both in income and professional advancement.

The aim of official policy is to get the female to fall in with the 'work life' state, at a cost for which she may pay throughout her entire working life. She will be expected to abandon her job for a fixed term of maternity leave (up to a year) and then return to it. During the leave she will, after the first six weeks (on almost full pay), be paid a retainer – a fixed weekly pay or allowance, pitched at a quarter of the national average wage; she will be encouraged to keep in touch with her employer; she can return to work with the promise that her job (or a similar one) will be kept for her; and she can then meet her new responsibilities with the 'flexi-time' which may be available to balance work with life, as well as a raft of additional supporting benefits and measures. The official pressure of policy and rhetoric, the award of benefit and fixed term leave, and the raft of statutory provisions, amount to a type of perverse incentive to pursue a course which may run counter to a woman's short-term instincts and long-term interests.

Why is this? Whether women work, or stop working through their baby's early years, is a difficult, rarely entirely happy, and particularly individual, decision. The variables are many: personal inclination, family income, circumstance, profession or job, costs at home and those of childcare. Each case differs. And though the law can set out general principles such as those of equal pay or outlawing discrimination, it cannot legislate for individual circumstance, the levels on earnings, help with caring, the logistics of a job and its demand, professional commitment, wider responsibilities and interests. Above all, no crude departmental 'work life balance' audit can resolve what for each woman remains part of a continuing conflict of commitments. Only she can hope to reconcile the difficult decisions and their consequences. This will not happen at a fixed moment or period, or to coincide with

³² The early analyses had pointed in this direction. For example, small firms with a high proportion of females, were more likely to record negative effects regarding maternity rights, and more generally, the administrative and legal effects were serious, see R. Blackburn and M. Hart, *Industrial Law Journal*, vol 32, no 1, March 2003, pp 60-67. More generally, flexible working was not seen by most respondents in a survey by CIPD to have brought business benefits: roughly a third of respondents (32 per cent) thought it had, whereas 2/3 either disagreed (34 per cent) or one third (34 per cent) did not know. See 'A parents right to ask. A review of flexible working arrangements, Survey October 2003, Lovells CIPD (Chartered Institute of Personnel and Development). It did, however, appear in one sector surveyed early on (financial services) to pose problems for managers where recruiting a high proportion of individuals with care responsibilities was 'a dangerous strategy'. See S Wise and S Bond, *Women in Management Review*, vol 18,1/2 2003, pp 20-31. For a fuller discussion of these and other points, see *Mounting Costs: Regulation, Employment and the British Labour Market*, Nicholas Boys Smith (Politeia, 2004)

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the birth of a baby or its aftermath, but over a lifetime.

In the case of care for young children, time is needed: either the mother's own, which quite properly will be curtailed by the conflicting demands of employment, part, full or flexi; or another's paid time, which requires a level of earnings to cover the cost and additional outgoings, and points to full-time commitments. A mother will be best able to reach such a decision without being influenced, or bribed, by a highly politicised culture. However, the mother-to-be finds herself on a conveyor belt of maternity leave and return to work, as a result of which she may take decisions damaging to her interests, short and long term, in terms of career and income, and her family commitments.

In the short term, her income, unless she is a very low earner, will be dramatically cut after the first six weeks of maternity pay, when she receives the statutory amount. This means that unless her employer has its own scheme, she will be awarded benefit, which, after the first six weeks of near full pay, is around one quarter of the average wage or less. At once, therefore, the woman will be much poorer, unless her employer can afford a generous additional maternity contract.³³ A mother may opt for a further 26 weeks' additional, unpaid, maternity leave (and eventually the plan is to extend the amount of paid leave to one year) and therefore will lose out on earnings at one of the most expensive and pressurised times of life.

Income foregone is one problem. Experience and time foregone is another. Having cut herself out of the labour market, she returns, by right to the same or a similar job, but her position may have deteriorated. She has missed out on the experience considered essential to a better job. Or, on return to work, she may find it difficult to commit herself to her job at its previous level, and may want to change to part-time work given the need to balance commitments at home with the job. To judge from the statistics, the mother's income appears to shrink, with the average hourly pay of mothers with dependent children a third less than that of working fathers, compared to a much smaller gap – 9 per cent less than before they had children, according to a DWP report earlier this year. After each birth the author suggests that women returning to work experienced 'low wage growth in the two or three years after each birth'; the pay difference does not 'start to shrink until 15 years after each birth', and 'it never disappears entirely'.³⁴

Some of these problems are not so acute in the public sector, or publicly funded where women are employed disproportionately to men or where slack or productivity are not issues, and where access to occupational maternity schemes which fund maternity leave allow greater generosity at taxpayers' expense. But the public sector model is not a secure option for women in the long term, given the call for retrenchment across the sector, a call which has resonance electorally.

³³ DWP figures suggest that of the 311,000 women on statutory maternity pay and the 69,684 on maternity allowance that c. 90 per cent of working women suffer a drop in earnings.

³⁴ *The Guardian*, 25 March 2006, 'Family Values'

A different future?

Women have, under the present arrangements, been handed a poisoned chalice. It will steadily debilitate their reserves, and the opportunities and ambition to lead a life as fulfilling and equal to that of a man. The Government's scarcely concealed determination to saturate the labour force with women, especially new mothers and those on maternity leave, appears to be creating both short-and long-term dependency. Women are the losers, dependent on, and subservient to, the patriarchal state.

How then can a woman hope to reconcile the conflicts which arise between maternity and employment? How can she avoid the pressure to take a course she otherwise might not have done and the damage to income, career and often family? If inclined – and circumstances and means permit – she may wish to avoid interrupting her working life for up to a year's maternity leave, and look instead to full-time paid childcare. Or she may decide on a much longer career break to coincide with her children's early years – though a period relatively small over life's fuller cycle. She might as a result be better able to return full time to the workforce, and benefit from good retraining matched to qualifications and experience.

In both cases she would avoid being torn between her commitments to her job and her family, often unfulfilled in either. By avoiding the professional deficit of a year's interruption with each child, often followed by part time work, she might be better placed to consider employment – and childcare – over a lifetime. No longer would the future be one of poverty and the downward spiral of low level jobs triggered by ill-conceived maternity arrangements, but of professional fulfilment over a lifetime.

V

Conclusion

Two battles in the women's struggle have raged for almost a century. In the first, women fought to take their place as full members of the human race. In the second, they saw themselves as a species apart, seeking to challenge, if not overthrow, the patriarchal order. It is this strand that has come to permeate politics.

Women are now seen - and treated - as a species apart by the powers that be. They have become a group to be analysed, targeted, tracked and accommodated; their lives and lifestyles the subject of initiative, legislation, plans and blue prints; their 'progress' measured as much as any infant making its tentative steps through the world.

But are they any better off?

This pamphlet suggests that in three areas of policy on which a woman's life, career and interests will develop - her education, her work and becoming a mother- the project has misfired. The treatment of women as a race apart has had consequences damaging to their interests, short and long term.

In education despite the indicators showing that more girls than boys stay on at school, go to university and do 'better', there is a far more disturbing side. Fewer women than men are choosing the more academically rigorous subjects such as mathematics or taking these at A-level or at university. Not only that but a smaller number of women today study these or other demanding subjects like languages, than did in the past while many more go for the 'soft options' (e.g. media studies and drama). We may now be looking at a future academic underclass peopled by too many women who will have been deprived of the education needed to equip them as full members of the human race.

In work, where the feminisation of the labour market has proceeded rapidly in recent years, women remain on the whole the lower earners, often in low-level or part-time jobs. They are the working poor. The problem may be partly of the Government's own making. Why so? Women are now amongst the main recipients of the welfare benefits targeted on low earners or families with children. They may, as a result increasingly be caught in a welfare trap, where the hours they work or the amount they earn is bound by the conditions of the benefit. The incentive needed to look for and find better work - work for which they may be well qualified - is in practice discouraged. And so they stand condemned to a cycle of low pay on low jobs.

In maternity too, the policies may have misfired. More and more mothers are being encouraged to leave and then return to the labour market having taken up to a year's break for each baby. They fail to build up the experience necessary for full

professional advancement over a lifetime, returning to lower level jobs or lower pay because of family commitments. They lose income too. And, more generally, they are less likely to be an attractive proposition for employers if of childbearing age. Women should be able, without the inducements of the state, to decide on how best to fulfill the commitments of maternity and employment. It may be that a longer career break when children are at the pre-school age (followed by professional retraining) will be better. Or, a far shorter break which avoids serious disruption might be preferred if full-time childcare could be arranged. Either course might be better in professional terms over a lifetime than returning to a downward spiral of low paid, flexi or part time jobs, and joining the second tier of the labour force.

The misguided direction of policy in these three vital areas owes much to the influence of one of the strands of feminist ideology, which treats women as a species apart. If UK governments are, in the future, to help women take their full place as human beings, they must stop treating them as a minority case. The law needs to take account of all its citizens, and politicians have been most successful when they have balanced the rights and roles of different members of a complex and fruitful society. Such a course has also best served the individual citizen and their families. For law to succeed it should avoid a sectional, divisive flavour. We are not all women. We are not all numbers in an educational rat race. We do not want to be kept as low paid, low level serfs in the labour market. And, we are not all mothers, nor mothers of young children for all of the time. Life is a long and complex balance of commitments over a lifetime, and will best be served by a law which sees women as people.

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Appendix A

(i) Higher Education Numbers

| 2004/5 Undergraduates | 1995/6 Undergraduates |
|---|---|
| Total in Pop cohort: 777,200 (UK) | Total in Pop cohort: 641,200 (UK) |
| England & Wales: 684,200 | England & Wales: 560,090 |
| *Total Number of Students: 190,040 | *Total Number of Students: 136,635 |
| No. and % of Females: 103,220 (54%) | No. and % of Females: 70,160 (51%) |
| No. and % of Males: 86,820 (46%) | No. and % of Males: 66,475 (49%) |
| Oxford and Cambridge: | Oxford and Cambridge: |
| Combined total: 7,281 | Combined total: 6,387 |
| No. and % of females: 3,597 (49%) | No. and % of females: 2,809 (44%) |
| No. and % of males: 3,684 (51%) | No. and % of males: 3,578 (56%) |
| *Oxford: Total: 3,370 | Oxford: Total: 3,363 |
| No. and % of females: 1,647 (49%) | No. and % of females: 1,392 (41%) |
| No. and % of males: 1,723 (51%) | No. and % of males: 1,971(59%) |
| *Cambridge: Total: 3,911 | Cambridge: Total: 3,024 |
| No. and % of females: 1,950 (49.8%) | No. and % of females: 1,417 (47%) |
| No. and % of males: 1,961 (50.2%) | No. and % of males: 1,607 (53%) |
| Russell Group: Total: 51,760 | Russell Group: Total: 38,570 |
| No. and % of females: 27,240 (53%) | No. and % of females: 18,180 (47%) |
| No. and % of males: 24,520 (47%) | No. and % of males: 20,390 (53%) |
| Other (non-Russell group) 2004/05 | Other (non-Russell group) 1995/96 |
| Total: 138,280 | Total: 98,065 |
| No. and % of females: 75,980 (55%) | No. and % of females: 51,980 (53%) |
| No. and % of males: 62,300 (45%) | No. and % of males: 46,085 (47%) |
| <p>*First Year English and Welsh domiciled students aged 18 and 19 entering Higher Education with A-level equivalent qualification. Supplied by HESA (Higher Education Statistics Agency)</p> <p>*Oxford Admissions Office and Student Numbers Office</p> <p>*Cambridge Admissions Office</p> | |

Appendix B

(i) Numbers/ percentages of 'couple mothers' and 'lone mothers' working, 2005 and 1995

| | |
|--|--|
| 2005 | 1995 |
| Total No. of couple mothers: 5.5 million | Total No. of couple mothers: 5.7 million |
| No. & % working: 4.0 million (71.9%) | No. & % working: 3.7 million (65.6%) |
| 2005 | 1995 |
| Total No. of lone mothers: 1.7 million | Total No. of lone mothers: 1.4 million |
| No. & % working: 930, 000 (54.8%) | No. & % working: 560,000 (40.7%) |
| Sources: ONS, <i>Labour Force Survey</i> | |

| Numbers/ percentages of 'couple mothers' working in 2004 and 1994 | |
|---|----------------------|
| 2004 (%) | 1994 (%) |
| % in employment: 71% | % in employment: 64% |
| Full time: 28% | Full time: 24% |
| Part time: 42% | Part time: 40% |
| Numbers/ percentages of 'lone mothers' working in 2004 and 1994 | |
| 2004 (%) | 1994 (%) |
| % in employment: 53% | % in employment: 40% |
| Full time: 25% | Full time: 18% |
| Part time: 28% | Part time: 23% |
| Working age women without dependent children | |
| 2004 (%) | 1994 (%) |
| % in employment: 73% | % in employment: 71% |
| Full time: 50% | Full time: 48% |
| Part time: 23% | Part time: 22% |
| Source: Annette Walling, 'Families and Work', <i>Labour Market Trends</i> , July 2005, Tables 2 and 3. Additional information from the ONS. All figures are not seasonally adjusted | |

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(ii) Earnings Structure for men and women 2005 (Weekly gross pay) – full time

| Salary Bracket | Male | Female |
|----------------|----------------------------|----------------------------|
| | Proportion % earning below | Proportion % earning below |
| <£175 | Below £175 1.0% | Below £175 2.3% |
| <£200 | Below £ 200 2.7% | Below £200 6.3% |
| <£300 | Below £300 17.8% | Below £300 33% |
| <£400 | Below £400 37.5% | Below £400 55.6% |
| <£500 | Below £500 54.9% | Below £500 70.9% |
| £500 + | Above £500 45.6% | Above £500 29.1% |

ONS, *Annual Survey of Hours and Earnings*, 2005

(iii) Occupational segregation 2005 Employees on adult rates

| | Ave per hour pay, £* | Employees | | |
|---|----------------------|-----------|-------|-----------|
| | | % Women | % Men | Thousands |
| High-paid jobs | | | | |
| Directors & chief executives of major organizations | 56.33 | 17 | 83 | 87 |
| Medical Practitioners | 33.01 | 37 | 63 | 176 |
| Financial managers & chartered secretaries | 29.92 | 32 | 68 | 259 |
| Solicitors & lawyers, judges & coroners | 25.89 | 47 | 53 | 94 |
| Management consultants, actuaries, economists & statisticians | 24.10 | 30 | 70 | 84 |
| ICT managers | 23.94 | 21 | 79 | 163 |
| Marketing & sales managers | 22.68 | 29 | 71 | 513 |
| Personnel, training & industrial relations managers | 22.37 | 58 | 42 | 95 |
| HE teaching professionals | 21.83 | 41 | 59 | 132 |
| Financial institution managers | 21.02 | 43 | 57 | 149 |
| Low-paid jobs | | | | |
| Sports & leisure assistants | 7.09 | 50 | 50 | 84 |
| Receptionists | 7.07 | 95 | 5 | 219 |
| Packers, bottlers, canners & fillers | 6.78 | 52 | 48 | 115 |
| School midday assistants | 6.24 | 96 | 4 | 114 |
| Sales & retail assistants | 6.16 | 72 | 28 | 1,170 |
| Cleaners & domestics | 6.04 | 76 | 24 | 590 |
| Retail cashiers & check-out operators | 5.85 | 67 | 33 | 221 |
| Kitchen & catering assistants | 5.74 | 73 | 27 | 376 |
| Waiters & waitresses | 5.50 | 74 | 26 | 133 |
| Bar staff | 5.43 | 60 | 40 | 176 |

See Equal Opportunities Commission Report, *Facts About Men and Women in Great Britain 2006* – Table was prepared by the EOC in this report and data is for 2005.
ONS, *Annual Survey of Hours and Earnings*, 2005

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