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# A Comparative Study of Maternity/Parental Leave Policies in the US, Brazil, and France

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**A Comparative Study of Maternity/Parental Leave Policies in the US, Brazil, and France**

By

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A Thesis

Submitted to the Graduate of Faculty of

St. Cloud State University

in Partial Fulfillment of the Requirements

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### **Abstract**

This thesis is a comparative-historical sociological study of why maternity/parental leave policies were adopted differently in the US, Brazil and France. Through a historical analysis of the degree of neoliberalization, welfare state, political ideology and salient social movements, this study attempts to understand the reason why two core capitalist countries, the US and France, conceived different public policies concerning maternal leave and to explain how and why Brazil reflects a weak mix of both country's patterns. This comparative study analyzes the scope of the adopted policies and outcomes in relation to gender equality. The equal or unequal balance of powers between working and capitalist class affects the form the social policy can take. The thesis concludes that France and Brazil had a strong working-class which resulted in a broad maternity/parental leave policy with universal benefits. Nonetheless, Brazil proves to be unsuccessful in applying the universal approach in comprehensive fashion due to external pressures that result from the legacy of colonialism and structural adjustment policies. The US, in turn, enacted a maternity/parental leave policy limited in access and scope as a result of having a weaker working-class.

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*“May he give you the desire of your heart and make all your plans succeed” Psalm 20:4*

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## Table of Contents

Chapter	Page
1: Introduction.....	8
Relevance of this Study .....	8
Theoretical Issues.....	9
Neoliberalism .....	10
Welfare State Regimes.....	12
Decommodification.....	14
Feminism and Equality .....	15
Gender Justice.....	16
Distribution, Recognition and Representation .....	17
Methodology .....	19
2: The Welfare State and Neoliberalism.....	23
The US in the 1930s.....	24
France and the Great Depression .....	25
Brazil during the Great Depression.....	27
Brazilian Social Protection in the 1930s.....	29
The Turn from Keynesianism to Neoliberalism 1960s to 1980s .....	31
The US and Neoliberalism.....	32
Brazil and Cold War .....	33

Chapter	Page
The Independent Foreign Policy .....	34
The Structural Adjustment Policies .....	36
The Transformation in the Brazilian Social Protection .....	38
France and the Left .....	39
Keynes Plus Investment Control.....	40
Désinflation Compétitive .....	41
The Economic Crisis in the Late 2000s .....	42
The US .....	42
The Individual Responsibility.....	44
Brazil and Financial Liberalization.....	46
The Macroeconomic Adjustment and the Brazilian Constitution.....	47
The Neo-Developmentalist Alternative .....	48
France and the Great Recession .....	49
Final Considerations of Chapter 2 .....	50
3: Maternity/Parental Leave Policy .....	53
Maternity/Parental Leave and the Need of Care.....	53
American Political Ideology .....	53
The Labor and Women's Movements in US .....	55
Pregnancy Discrimination Act of 1978.....	57

Chapter	Page
Women’s Movement Abeyance in the 1980s .....	58
Maternity Leave Policy in the United States .....	60
Family and Medical Leave Act (FMLA) .....	62
Maternity Leave Access in US .....	63
France and the Common Good .....	64
Depopulation in France.....	65
Women’s and Labor Movement in France .....	67
The Specificity of French Labor Unions .....	68
Parental Leave in France.....	70
France’s Scope on Family Policies .....	71
Side Effects of the French Parental Leave Policy.....	73
Social Democratic Principles in Brazil .....	74
The Women’s Movement in Brazil.....	75
“Lipstick Lobby” .....	76
Brazilian Labor Movement.....	77
Maternity Leave in Brazil .....	79
Limitation on Brazilian Maternity Leave Policy .....	80
Final Considerations of Chapter 3 .....	81
4: Comparative Analysis.....	83

The Political and Economic Variants .....	83
The Pre-Neoliberal Period .....	84
The Neoliberal Period (1960s-1980s).....	84
The 2000s.....	86
Political Ideology .....	89
Women's and Labor Movement .....	90
Maternity/Parental Leave Comparative Analysis .....	92
Conclusion .....	94
References.....	97



## **Chapter 1: Introduction**

This study attempts to provide a historical comparison of maternity/parental leave policies in the US, France, and Brazil, with a particular focus on how each country's history, social movements, and neoliberal processes have shaped the maternity/parental leave policies adopted by each country. The study will identify differences and similarities between maternity/parental policies adopted by the US, France, and Brazil and examine the particularities of the underlying processes that have shaped the development of these policies.

My interest in labor rights and parental leave stems from my professional and personal experiences living and working in the United States and Brazil. My experiences working in Labor Justice in Brazil; engaging in conversations around parental leave with women living in Canada, Norway, Germany, France; babysitting for several families in the United States; and being a student parent myself, have driven me to undertake this study with a personal vision and from an activist's stance. These experiences have not only exposed me to the difficulties faced by parents, especially mothers, to reconcile work, study, daycare and social life within the existing public policies and structures, but have also motivated me to seek effective policy solutions that can support expectant or new mothers.

### **Relevance of this Study**

This study is important for women's rights movements, policy makers, as well as for people who promote social justice and equality in today's capitalist society. It is essential to understand the different models of maternity/parental leave policies and the historical process that shaped how it was conceived as a first step to thinking about solutions to address social problems that derive from the adopted model or to manage and stabilize models that are impacted by aggressive capitalist policies.

I recognize that maternity/parental leave issues are now globally in question in an intense manner; however, some issues regarding how the policy originated in the US, Brazil and France are not found in the existing studies. The different stages of economic development that shape maternity/parental leave policies have not been closely examined. Research on this topic typically do not investigate Latin American countries in their individualities; instead, these countries are merged in ways that erase their differences. Moreover, comparative studies do not include South America even though there is extensive research comparing of social policies in the US and Europe. In addition, the majority of comparative studies focus on social policy and are not centered on maternity/parental leave policy. The gap that must be addressed is how neoliberalism has affected and shaped maternity/parental leave in countries in different stages of development and how social movements and culture could also play a role in developing maternity/parental leave policies differently in each country. This study will take a critical look at how neoliberalism, culture, and social movements in the US, Brazil and France have influenced maternity/parental leave policies in each country.

### **Theoretical Issues**

My approach to analyzing maternity/parental leave policies involves a discussion of neoliberalism, welfare state regimes and gender justice. It is necessary to capture the historically specific cultural and power relations of each country to understand the reasons a country adopted a specific policy and to reveal the objectives for its adoption as a means of social control and maintenance of power differentials (Foucault, 1982, p. 792). Social policy, according to Ward, Bagley, Lumby, Hamilton, Woods & Roberts (2016, p. 43), involves a state's action attempt to solve a problem and to legitimate a set of ideas. Maternity/parental leave, as a public policy, is a response to women's/family's needs and an instrument to solve or manage social problems

regarding reproduction and work (Titmuss, 1974, pp. 138-141). The action that the state will take towards its social problem, however, will be determined by politics, disputes of power and ideology (Russell, 2006, pp. 4-5).

According to Harvey (2007, pp. 3-5), the set of ideas that will shape any policy or state's action can, however, be manipulated to ensure political interests or to adjust to coercive pressures regarding the political economic practices. He explains that neoliberal ideology dominance is not explicit because its values are embedded in the society as a common sense that does not appear to need to be questioned. In this first section, this study will draw attention to the globally dominant policy discourse of neoliberalism and its subsequent influence on shaping maternity/parental leave policies in the US, Brazil, and France.

### **Neoliberalism**

Ward et al (2016, p. 45) state that after the economic crisis in the 1970s, governments invited neoliberal advocates to contribute to discussions about actions towards the outcomes of the crisis. They explain that neoliberal ideology was introduced as the common sense and inevitably shaped the response to the problems, crucially restricting collective social welfare-centered policy. This political ideology has its origins in the 1970s and early 1980s during Thatcher and Reagan governments Friedman and Hayek's monetarist critique of the interventionist state were implemented (Hartman, 2005, p. 59). With the fall of Soviet Communism, neoliberal ideas or market-based modes were proclaimed worldwide as the only feasible solution for the crisis, spreading policies of "deregulation, privatization and social austerity" (Hartman, 2005, p. 59).

Harvey (2007) defines neoliberalism as "a theory of political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial

freedoms and skills within an institutional framework characterized by strong private property rights, free markets, and free trade” (p. 2). Private property rights and the well-being of the market, thus became the center of the state actions (Harvey, 2007, p. 2). Von Werlhof (2008, p. 95) states that neoliberalism refers to the economic liberalism of the 18th and 19th centuries, which also claimed competition as crucial to the growth of the economy and progress of society, and propagated separation of economic relations from ethical principles as necessary to maximize profit and restricted state intervention. Neoliberal ideas suggest that markets acting freely mobilized for wealth and power would result in benefit for all (Harvey, 2007, p. 20). Nonetheless, Von Werlhof (2008) asserts that neoliberal principles create, in fact, an environment where responsibility and commitment to society are neglected not only in economic practices but in all sectors of society and life itself (pp. 95-96).

Harvey (2007) asserts that the degree of neoliberalization taken by each country is related to different factors: the power of neoliberal ideas built with massive interventions towards financial interest, the pragmatic reform approach, the conditions and institutional arrangements, the internal balance of class forces, the degree of organized labor, the degree of popular belief on social solidarities and traditions of collective social responsibility, and the degree of economic development (p. 115). Although these differences in the degree of the neoliberal practices affect state actions towards social problems, “deregulation, privatization and withdrawal of the state from many areas of social provision” are common to all (Harvey, 2007, p. 3).

Ideas and practices embedded in Neoliberalism in the mid-1990s, however, contributed to higher rates of poverty, which also shaped new ideas on how states should stand towards the social problems (Jenson, 2010, p. 60). People’s needs in late-capitalism are associated with the discourse of both recognition and distribution (Fraser, 2012, pp. 199-200). Latin America and

Europe see converging and contrasting approaches to the social needs characterized by Jenson (2010) as a social investment perspective. He states that both Latin America and Europe started implementing, as strategies for social development, policies oriented toward the interest of children and human capital (p. 73). The US, in turn, embraced the neoliberal principles of individual responsibility and accountability in place of the collective welfare (Steger & Roy, 2010, p. 64).

### **Welfare State Regimes**

To understand the differences or similarities of the welfare state in the US, Brazil and France, it will be necessary to analyze the historical and political development highlighting class mobilization, class-political coalition structure and the historical legacy of regime institutionalization (Esping-Andersen, 1991, p. 114). Economic development, cultural values, social movements, as well as labor unions and political institutions, have influenced policy making. Béland (2001, pp. 154-155) asserts that labor unions play a central role in the politics of pensions because they can act as a veto player or, in other words, their agreement can be required to develop or reform a social policy in accordance to its strength. Navarro (1991) states that the expansion or universalization of benefits in welfare state is attained by working-class force and its political instruments to oppose capitalist interests. Furthermore, where the labor movement is historically strong, welfare has been more strongly oriented to universalist programs and minimum means-tested programs (pp. 31-33).

The following are typologies and principles of welfare states that will guide this study even though “no single case is pure” (Esping-Andersen, 1991, p. 113). According to Esping-Andersen (1991), welfare states could be clustered into three types of regimes: Liberal, Corporatist and Social Democratic. He cites the US as an example of the liberal welfare state,

describing this model as “tested assistance, modest universal transfers, or modest social insurance plans predominant” (p. 111). Moreover, it’s a model based on stigma, directed to low-income workers, the benefits are modest and with strict entitlements, which in turn emphasize the market rather than individuals. Navarro (1989) argues that US has a welfare market capitalism because the working class is weak and divided due to ethnicity and race. Moreover, he states that the US does not have a working-class mass-based party representing its interests nor a central labor federation defending the economic interests of the whole class; the bargaining process to expanding rights occurs in a decentralized way, sector by sector (Navarro, 1989, p. 893).

The Corporatist model, exemplified by France, has the market or private insurance as marginal provider of welfare because market efficiency was not preeminent in shaping social rights; rather, these rights are attached to class and status. This regime is usually shaped by the power of the church, revealing a strong commitment to the family institution. However, corporatism neglects the equal redistribution of the benefits (Esping-Andersen, 1991, pp. 111-112). Navarro (1989) explains that the capitalist class in France had to make an alliances with the aristocracy to break with the feudal order, which resulted in the Absolutist State and a strong ideological connection with the Catholic Church. As a result, social policies were established in a gradation of benefits in accordance of privileges or stratas or in a corporate model. However, with the rise of a strong labor movement associated with socialist parties, the French working class played a dominant force in shaping social policies that promoted universalistic benefits (Navarro, 1989, pp. 892-893).

The third regime is the Social Democratic, with Norway and Sweden as examples, which is universalistic in orientation. In this model, all social strata and classes are incorporated and the

welfare state promotes equality in a highest standard (Esping-Andersen, 1991, p. 112). Some authors like Muir (2011), refer to Brazil as a social democracy of the global South (pp. 55-57). Dorlach (2015) cautions, however, that Brazil's social neoliberal model of development does not replicate the social democratic model of Nordic Europe because of the negligence of equal expansion of protective welfare or its expansion limited to minimum wage raises and the absence of progressive tax reform (p. 540).

### **Decommodification**

According to Esping-Andersen (1991), welfare states must "first and foremost" ensure social rights that denote decommodification of individuals vis-à-vis the market. A constitution of social citizenship will replace class position and at the same time balance the connection between market, family and state (p. 105). Workers, as commodities in the market, are attached to market inequalities of distribution of goods and services, which makes it difficult to mobilize.

Decommodification would be possible with a welfare state that substantially emancipates individuals from market dependence, represented by social policies and programs to guarantee income to people out of work (pp. 105-107). The degree of market dependency is determined by the capacity of social and workers' movements to achieve social entitlements in its struggle against capitalist class. Social entitlements that are more universalist oriented broaden social solidarity and strengthen class alliances (Navarro, 1991, pp. 32-33). A strong working class is more likely to secure comprehensive social policies within the welfare state and to expand social political and social rights. Thus, the achievement of universalism benefits all citizens having similar rights independently of class or market position, depends primarily on how powerful the working class were versus capitalist interests (Navarro, 1991, pp. 32-34).

A decommodifying welfare state, defines Esping-Andersen (1991), "must entail that

citizens can freely, and without potential loss of jobs, income, or general welfare, opt out of work under conditions when they, themselves, consider it necessary for reasons of health, family, age or even educational self improvement” (p. 107). It is by this standard by which welfare states and attendant policies are assessed.

### **Feminism and Equality**

Decommodification of workers challenges the traditional model of welfare states because it demands the introduction of concepts of equality, justice and liberty that effectively include women and allows “meaningful liberation” (Held, 1985, p. 297). To achieve this, however, it’s necessary to reorder the public and private spheres by dismantling the patriarchal gender system and by redirecting the state’s social actions. The sex/gender system, defined by Held (1985), is shaped by male dominance, though it exists in “different forms and intensities in different cultures, periods of history and classes” (p. 197), which constrain men and women into ‘appropriate’ roles. Brandth & Kvande (2009, p. 177) demonstrate that the state’s policies can affect gender relations, either contributing to the reproduction of gender inequality or developing gender equality.

Feminist critique enriches the discussion of social policies and state actions towards equality because they could prevent a reality without subordinating women’s interest to those of men. Moreover, it has a standpoint that is more comprehensive in its theorization of equality (Brandth & Kvande, 2009, pp. 298-299). The feminist perspective could prevent welfare states or policymakers from adopting the male worker as paradigm, which results in excluding women or ignores differences in their labor patterns, affecting directly or explicitly women workers and gender relations (Koven & Michel, 1993, p. 1082).



## **Gender Justice**

Young (1990) defines justice as “the virtue of citizenship, of persons deliberating about problems and issues that confront them collectively in their institutions and actions, under conditions without domination or oppression, with tolerance and mutual of difference” (p. 33).

Young (1990) contends that the scope of justice is broader than redistribution issues because any valid social and political norm can be subject to collective evaluation and decision-making which embrace the political scope (p. 34). Therefore, institutional organization, public action, social practices, habits and cultural meanings can be challenged or evaluated as perpetrating injustice.

Young (1990) asserts that injustice is associated with oppression and domination. Both social conditions prevent people from freely participating in the society, eliminating the achievement of social equality (Young, 1990, pp. 34-38). Social equality consists in a society where all individuals are included in the society’s major institutions and have substantive opportunity to develop and exercise their capacities and realize their choices (Young, 1990, p. 173).

According to Nancy Fraser (2013), a welfare state that envisions equality should have as a standard for gender justice, which consists of seven normative principles (pp. 115-116). Fraser (2013) contends that welfare states would achieve gender justice if they prevent poverty (The Anti-Poverty Principle); prevent exploitation of vulnerable people providing support as matter of right (The Anti-Exploitation Principle); reduce the discrepancy between men’s and women’s income, leisure time and respect, making arrangements to interrupt the culture of sexual objectification of women (Income Equality, Leisure-Time Equality and Equality of Respect Principles); establish social policies that promote women’s full participation in all areas of social life, including day care, elder care and provision for breastfeeding in public (The Anti-Marginalization Principle); and provide social policies that don’t have men as a center or as a

norm (The Anti-Androcentrism Principle) (pp. 116-120). The only way to achieve gender justice, concludes Fraser (2013), is by satisfying all seven principles, or at least finding approaches that maximize the aims of each one. Moreover, it is necessary for states to take positions about outcomes emanating from social divisions (including class, ethnicity, sexuality and age), to establish a model of welfare, to decide which kind of entitlement of provision will be adopted, pure or mixed, to assign its benefits based on need, poor relief with risk of stigmatization; based on desert which means that the benefit it is related to individuals' contributions, resulting in risk of exclusions; or based on citizenship, excluding undocumented immigrants and undocumented (pp. 121-123).

Fraser (2013) points out that some feminists have associated gender justice with equality, where women are treated exactly like men, or with difference, in which different treatment is attributed to circumstances where women differ from men (p. 115). However, she states that this conception of gender justice results in putting women at a disadvantage by taking men as the norm or by reinforcing stereotypes and confining women within gender divisions. Fraser (2013) suggests that feminist politics should consider three dimensions to achieve gender justice: dimension of distribution, dimension of recognition, and political dimension of representation (pp. 161-162). The first dimension, she states, is related to concerns of poverty, exploitation, inequality and class differentials, the second to discuss disrespect, cultural imperialism and status hierarchy, and the third dimension is related to the state's jurisdiction and the decision rules to solve contests in economic and cultural dimension (pp. 164-195).

### **Distribution, Recognition and Representation**

Utilizing a historical approach, Fraser (2013, pp. 197-198) demonstrates shifts in the way gender equality was conceptualized: in the postwar welfare state the concern was distribution.

Later, with the rise of new social movements and multiculturalism, recognition became the biggest concern, and now, with globalization, representation challenges the achievement of justice. Fraser (2013) explains that misrepresentation is the lack of political voice or capacity to influence public debate and authoritative decision-making, including policies regarding distribution and recognition (p. 199). She argues that it's a vicious circle: misrepresentation leads to unequal distribution and misrecognition and both exacerbate misrepresentation (Fraser, 2013, p. 199). With the reality that political forces now overrun the borders of territorial states with the globalization, people or populations that are affected by political decisions taken in a different territorial state, for example, are vulnerable to injustices because they are not members of that state and they are unable to articulate and protect their interest. Moreover, if obligations to apply justice are limited or restricted among fellow citizens, cross-border injustices are marginalized and obscured (pp. 192-214).

For these reasons, she attributes to these three dimensions equal relevance to “redress both the class like and status aspects of women’s subordination” (p. 173). According to Fraser (2013), if social policy is not developed with a coherent programmatic perspective to integrate redistribution, recognition and representation will not meet the requirements of justice for all. She states that capitalism remakes itself periodically in moments of historical rupture resignifying anti-capitalist critique to legitimate its new form (pp. 173-219). Neoliberalism, as a new form of capitalism, resignified the critique of mis-recognition, androcentrism, etatism and Westphalianism to reverse the previous formula of using “politics to tame markets”, to “use markets to tame politics” resulting in privatization and deregulation and the prevalence of “trickle-down” and “personal responsibility” in place of welfare, employed by Republicans and Democrats alike, only varying in degree (p. 218). She calls for the feminist movement to adopt

the three-dimensional account of injustice and be more historically self-aware to avoid resignification by neoliberalism and consequently new modes of domination (p. 225). Therefore, it is crucial in this comparative study to analyze the economy, the cultural politics, the stage of development and the influence of neoliberalism on the US, Brazil and France to understand how their policy making processes of maternity/parental leave have been conceived and executed.

### **Methodology**

To understand the current positioning of the US, Brazil and France on welfare and specifically maternity/parental leave and tease out the similarities and differences between them, my main research questions are: 1) How were the social relations of coercion between capital and labor constructed in these countries in the 1930s, 1970s and 2000s and when and how did neoliberalism shape them?; 2) How was the welfare state impacted by the capitalist crises in the 1930s, 1970s and 2000s?; 3) What are the relevant ideologies, institutions and social movements, including feminism, that shaped welfare policies in the three countries?; and 4) How have maternity/parental leave policies been shaped by 1, 2 and 3? A limitation to this topic is the complexity of the subject. However, I shall attempt to answer these research questions using a historical and comparative methodology.

A qualitative, historical and comparative research method allows the researcher to examine the social processes and its interrelations over time in different places, applying different approaches and techniques (Schutt, 2012, pp. 387-389). Maternity/parental leave is an important topic due to changes in gender roles, work and family patterns and demographics (Henriksen, Smith & Zimmer (2012, p. 462). Social problems, in turn, should be analyzed historically because they are continuously constructed in time. According to Abrams (1982), new worlds can be built and structures can be transformed, but the process will be framed and based

on what previously was constructed or decided and this will explain why the world is as it is now. To achieve a satisfactory explanation and a deeper and more realistic understanding of the current policies, the study must be framed by historical terms because “whatever reality society has it is an historical reality, a reality in time” (Abrams, 1982, pp. 1-3). Furthermore, history provides the roots for the people’s struggles in the present and the motivation to create a future out of the past (Abrams, 1982, p. 8).

Historical sociology methodologically requires a researcher to align particular activities and experiences with dominant social organizations during the period prior to the current maternity leave/parental leave adopted (Abrams, 1982, p. 16). Moreover, a qualitative approach allows the researcher to observe the dynamic of the policy *process* in time, instead of seeking statistical measurements (Yilmaz, 2013, p. 312). To understand how maternity leave policy developed the forms it has taken on in the US, Brazil and France, it is necessary to establish how this process will be studied. Abrams (1982) presents four different ways to interpret social processes taking into account action and structure through historical analysis: enlightenment theory, necessity theory, action theory and power theory (p. 10). These theories would adopt different ways to look at maternity leave to understand its current scope. Enlightenment theory emphasizes the influence of informed and concerned public opinion; necessity theory asserts that social conditions drive to an unavoidable state action or response; action theory concentrates on diversity of experiences of the members in society, their ways of dealing with the problems and how they choose one solution rather than another; and power theory throws into relief power relations within social structures that result in a solution, be it via forced or persuasion (Abrams, 1982, pp. 10 - 14).

As this study investigates the similarities and differences between the US, Brazil and

France emphasizing the degree of neoliberalization and the power of neoliberal ideology in the process making of social policy, power theory is the best approach to guide this study. Abrams (1982) argues that “Without denying the role of theorists in formulating reform ideas, or the relevance of social conditions in providing contexts in which reform of some sort can be made to seem necessary and urgent, and while recognizing purposive action as the dynamic element of social change, the power theory thus achieves a more balanced and realistic sense of the relation of action and structure” (p. 15). Power theory helps particularly when analyzing how maternity/parental leave policies were shaped and constrained by demands of the global economy and imperialism in the Brazilian context underdevelopment. Power theory likewise enables the researcher to take into account how divergent patterns on developing identity shaped who received social protection in the US and France, without neglecting historical patterns of political mobilization that also contributed to the maternity/parental leave policy adopted in those countries (de Haan, 2011, pp. 46-48).

I have chosen to take a comparative historical approach because it can provide a researcher with a better understanding of the origins of a national policy such as a maternity/parental leave policy and it can also reveal the specific political and economic context in which this policy has been articulated (de Haan, 2011, p. 61). In a comparative sociology historical analysis the methodology consists in selecting equivalent units for analysis, identifying variables that can explain common or contrasting patterns between them, and then recognizing regularities and/or disparities, inducting and deducting possible explanatory generalizations (Bonnell, 1980, pp. 164-165). I use a comparative analysis method to contrast maternity/parental leave policies in the US, Brazil and France, taking as variables the degree of neoliberalization, the role of the welfare state, and salient social movements that contributed to the achievement of

maternity/parental leave. These countries were chosen because they illustrate capitalist and western societies with different approaches to social policies, neoliberalization and social movements. To conduct this qualitative comparative historical research, I will utilize secondary historical data because the topic is not restricted to recent times and involves different nations which eliminates the use of experiments, surveys or observations. The data will be collected by analyzing articles, books, journals -from Brazil, America and France, including data from the respective governments.

## **Chapter 2: The Welfare State and Neoliberalism**

This chapter focuses on the political-economic contexts of the US, Brazil and France: first the pre-neoliberal period in the 1930s and second the neoliberal period in the 1970s and 2000s, emphasizing the relation between state, capital and labor during crises of accumulation; the rise of neoliberalism, its uneven geographical development and its contradictory relation with welfare regimes (Harvey, 2007, pp. 13-21). It is necessary to point out that a welfare state has varieties and controversial meanings. Therefore, this study will utilize Wedderburn (1965) to sum up the core agreement towards a definition: a welfare state is a state commitment to ensure a minimum real income for all and to “protect individuals against the hazards of incapacity for work arising through sickness, old age and unemployment” (pp. 127-128). Moreover, the social policies or welfare programs are developed and/or reformed in accordance to the rhythms of capital accumulation and related transformation in class relations because they provide the needs for social reproduction preserving the order between capital and labor, preparing and motivating workers, allowing the consumption of adequate goods and services, balancing the care for the fate of displaced, injured, sick or elderly people (Wedderburn, 1965, pp. 134-135).

It is instructive to understand the crisis on the capitalist system in the 1930s, 1970s and 2000s because they are responsible for the foundation of the current set of political and policy arrangements that later can be challenged or become under stress. For instance, the outline of a pattern labeled as social democratic that arose in the 1930s, which spread over most of Western Europe in the postwar period, was challenged in the 1980s with the victories of Reagan and Thatcher and even earlier in the second half of the Carter administration (Gourevitch, 1984, p. 96). To understand the current policy preference in maternity/parental leave, political behavior and policy outcomes on each country, it is necessary to understand the earlier roots at a country's



situation as a producer, its international competitive role, its own organizational characteristics, alliances and labor structure (Gourevitch, 1984, pp. 97-98).

Even though in this section the states' responses to the social order are shaped by the requisites of capital accumulation and its crisis, it does not exclude other variants that also shape public policies in the US, Brazil and France, including the working class organizations and social movements regarding maternity/parental leave policy that will be the subject of study in Chapter 3. The social programs adopted by each country can vary according to their history and politics, their institutional structures or their influence by transnational cultural modelling, their positions on geopolitical competition, their own executive initiatives and to the impact of an implemented social policy (Skocpol & Amenta 1986, pp. 133-149). To maintain the specific object of this study, not all these forces and influences that have contributed to shape the development of maternity/parental leave will be addressed.

### **The US in the 1930s**

According to Gourevitch (1984), the economic policy known in the post-War Era as Keynesianism took form in the 1930s (pp. 100-101). Keynesianism, comprised an "unorthodox" form of stimulating demand through public spending. Two forms of stimulating demand preceded Keynesianism, namely, deflation and socialization of investment. Deflation targeted cutting costs by lowering wages, taxes and social spending and socialization of investment envisioned the elimination of the owners of capital. While economic policy alternatives for responding to the Depression were mixed in practice; however, inflation through public spending was the striking innovation. The US applied a full demand stimulus policy in 1938, but it had a more extensive break with orthodox policy than France (Gourevitch, 1984, pp. 100-102).

The Great Depression weakened world trade, generalized the collapse in states' finances,

increased the rate of unemployment, and challenged regimes and governments to enact major social reforms, while preserving liberal democracy and capitalism (Ferguson, 1984, p. 42). The economic policy debate on how to transcend the crisis resulted in choosing to adopt an internationalist approach, low tariffs and intense involvement in the international division, or a nationalist approach with protectionist actions (Gourevitch, 1984, pp. 112-113). Initially, the US adopted an inward-looking nationalist policy with the first New Deal, only to later develop an open foreign economic policy and social-democratic model with the Second New Deal (Gourevitch, 1984, p. 115).

The first package of policies or first New Deal was implemented to attempt to sustain an economic recovery and to reduce class conflict. Some of the emergency relief policies included the Agricultural Adjustment Act for farmers, the National Industrial Recovery Act, and the Securities Act to reform the Stock Exchange, to name a few (Ferguson, 1984, p. 42). This new approach to re-establish economic growth resulted in a new welfare program sustained by a national apparatus towards an old age pension system with the creation of a Social Security System in 1935, the Wagner Act, the Disability and Unemployment Program and Aid to Families with Dependent Children (Duesterberg, 1998, pp. 44-45). Therefore, during this period, the US welfare had a new pattern based on social-democratic compromise among elements of labor, business, and agriculture (Gourevitch, 1984, p. 96).

### **France and the Great Depression**

France tried to remedy the impact of the Depression by adopting orthodox deflation policy until 1937 and Ne-orthodoxy policy via a devalued currency, making use of tariffs and official cartels post-1937 (Gourevitch, 1984, p. 103). But unlike the US, it executed a demand stimulus policy only for a short period (1936-1937), implementing instead a neo-orthodox

policy. France, therefore, adopted a predominantly internationalist strategy, reducing domestic costs of production via lower prices, attempting later a neo-orthodox approach to accommodate a nationalist orientation with cartelization (Gourevitch, 1984, pp. 122-127). For instance, with the Marshall Plan, aid that was implemented in 1948, France invested in industrial modernization and adopted a nationalist strategy consisting of nationalizations in armaments, communications and transport (Whiteside & Salais, 1998, p. 144).

The preference for an internationalist or a nationalist strategy can be attributed to the situation of agriculture and of labor in Europe and the US. Gourevitch (1984) points out that the efficiency of American agriculture resulted in cheap food supply that favored domestic producers or European producers of higher quality food supply and this situation inclined them to adopt nationalist (American) or internationalist policies (European). On the other hand, grain growers in Europe were harmed by this low cost of food supply coming from America and American grain growers were interested in the world market to increase their sales, which again revealed divergent interest in nationalist and internationalist strategy (Gourevitch, 1984, p. 113). Interest disputes between agriculture, industry and labor over tariffs and their competitiveness in the world market or alliances and other forces helped to shape the state's position towards the crisis.

Whiteside & Salais (1998), however, highlight the rural economy's dominance in south west France in 1930s; rural industries were small and reliant on female workers, less than 50 percent of the working population was salaried, except for the Parisian basin and the north east. Employment practices were regulated by local tradition, and because of the seasonal employment the nature of employment was variant (p. 141). According to Whiteside & Salais (1998), the impact of the Depression was difficult to evaluate with this variance in nature of employment. Furthermore, overcoming the Depression required industrial modernization and

labor market reforms, which in France implied the extension of permanent employment. France, in turn, with a tradition on intervention in the economy dating back to the 17th century and rooted in legal regulation of labor relations in the Napoleonic *code civile* extended and promoted formal employment under official regulations between employers and employees concomitantly with the industrial modernization (Whiteside & Salais, 1998, pp. 141-143).

During the mid-1930s, France established legally enforceable collective industrial agreements, used inclusive as an instrument of deflationary policy, it also extended official regulation of work practices, introducing a 40-hour work week and statutory paid holidays; these state interventions resulted in strengthening union organizations (Whiteside & Salais, 1998, p. 146-147). In a different spectrum of interventionism, maternalist and familialist welfare initiatives were developed to compensate for the severe depopulation in France (Barton, 2016, pp. 66-68)

### **Brazil during the Great Depression**

Brazil was a specialized exporter of raw materials such as cotton, coffee, and food before the Great Depression. In other words, it experienced a neo-colonial status in the world market (Wirth, 1970, pp. 1-4). From colony to dependent economy, Brazil did not have a choice to interrupt the cycle of domination because it was a producer of primary products, relying on one main export product, coffee, and a consumer of manufactured goods (Evans, 1979, pp. 55-59). With the Depression, the coffee markets collapsed and Brazilian exports declined, revealing the risks of relying heavily on exports, especially with a devalued exchange that did not provide the necessary imports and evoked foreign debt. Brazil governments, thus, had to look for alternatives to promote development and assure its political independence. After failing to stabilize the nation's finances with orthodox spending policies, Brazil opted for a nationalist policy that

focused on the domestic industrial growth (Wirth, 1970, pp.1-11). The nationalist policy reflected the development project proclaimed by Truman's speech in 1949 (McMichael, 2012, p. 46).

During the Great Depression, Brazil, while faced with decreasing international competitiveness because European nations were following policies of self-sufficiency, also encountered competition from British and French colonies and threats from the Imperial Trade Agreements and trade policies of Germany (Wirth, 1970, pp. 11-12). Dalto (2008) points out two external shocks that Brazil experienced with the Great Depression: the free fall of international coffee prices and capital flight. Both shocks forced Brazil to suspend external payments to devalue the domestic currency (Dalto, 2008, p. 68).

Brazil's president in 1930 was Getulio Vargas and his government marked the process of institutional building towards development. Vargas led Brazil for 15 years in the first period, as interim president from 1930 to 1934, as president from 1934-1937, and as a civil dictatorship from 1937 to 1945. In the second period Vargas was democratically elected in 1945 and served until his suicide in 1954. Since coffee exports represented over 70 percent of total exports, during the Great Depression the government issued money to defend international coffee prices and domestic income, which can be perceived as a Keynesian approach. The government purchased surplus coffee and later incinerated coffee stocks, which in a certain way infused money towards the domestic economy rather than relying on foreign loans (Dalto, 2008, pp. 68-69).

The coffee oligarchy's interest needed to be taken in consideration since it was coffee exportation the flagship to Brazilian economic and industrial growth. The maintenance of domestic income and the devaluation of domestic currency with protective tariffs induced

domestic industry and increased domestic demand for consumer goods. With the international crisis, the government imposed exchange controls and empowered domestic bank (*Banco do Brasil*) to direct resources towards industrialization objective and public payments of external debt. This development strategy ensured domestic participation in projects granted to foreign companies (Dalto, 2008, pp. 68-71). Baer & Kerstenetzky (1964, p. 414) highlight direct government intervention to stimulate basic industries with the building of the steel complex at Volta Redonda and with the creation of a development bank in the 1950s to finance infrastructure projects and enterprises in fields understood as essential to industrialization like iron, steel, chemicals, transport equipment and machinery. The policy of Import-Substitution Industrialization was necessary due to shrinking world markets for traditional exports. The Import-Substitution Industrialization resulted in Brazil's development and in expansion of its domestic industries; however, it did not happen in a balanced growth or with more diversified exports (Baer & Kerstenetzky, 1964, p. 424).

The project of industrialization, thus, happened more intensively in certain sectors of the economy to attend to the needs of the international trade, creating different degrees of productivity, technology and development between sectors. The problem with these disparities between sectors of the economy was the generation of structural unemployment since the few developed sectors could not absorb available labor supply, generating a relative surplus, insecure employment, wage gaps combining to precarious relations of work and super exploration (Duarte, 2013, pp. 195-197).

### **Brazilian Social Protection in the 1930s**

Disparities were also present in social policies since the innovations were mainly centered in the urban modern sector. With the escalation of the crisis, the first order of the

government was to rescue industry and ensure governmental security, hoping to break the dependent position in the international market. Under an authoritarian regime and a coalition of regional, sectoral and class interests manipulated by the administrative apparatus of the state, Brazil established the social insurance system in the 1930s that prevailed until 1966 (Malloy, 1979, pp. 53-54). Huber (1995) states that the development of social policy was linked to the political economy of import substitution industrialization because it created urban constituencies for social insurance (p. 3).

The Brazilian social protection combined social security model for the formal workers and the assistance model for the population without formal labor ties, revealing the correlation of forces between groups of different segments. The social security model established contractual rights relationships, including health for the formal workers, while the assistance model was devoted to situations of emergency nature and it was directed to the most vulnerable groups (Fleury, 2011, pp. 4-7). Huber (1995) asserts that employed middle and working classes interests were better noticed on the social insurance than interests of the self-employed, the unemployed and the rural workforce because the former were better organized. Moreover, Huber (1995) argues that the generous benefits for those covered by social insurance are because the employers could pass the cost to the consumers since markets were protected (p. 3).

Under a populist democracy (1946-1963), the expansion of social policies was part of a political game of exchange of benefits, which favored the workers with greatest power of bargaining (Fleury, 2011, p. 7). Protections were extended to all organized sectors of the urban working class and the protection became one based on occupational categories. These social security institutions were administered by a “chairman appointed by the President of the Republic and an administrative council with equal representation of employers and employees,

the latter elected through officially recognized unions” (Huber, 1995, p. 7). The union participation on the social security institution attributed power for the organized labor increasing the role of labor unions as a veto player in the social policy process. Vargas also promoted labor organization and control, establishing official identification of unions in the Ministry of Labor (Huber, 1995, p. 7). The social insurance system, however, was used as a mechanism to diminish social conflict, stabilize the workforce and expand the power of the state, an authoritarian and patrimonialist state (Malliy, pp. 56-82).

### **The Turn from Keynesianism to Neoliberalism 1960s to 1980s**

After the Second World War, states were applying Keynesianism fiscal and monetary policies as the way to guarantee the right balance between capital, labor and market. The states became the guarantor of peace playing the role of intervening or even substituting market processes to achieve economic growth, full employment and welfare of its citizens. By the end of the 1960s, however, these policies were not working to control inflation and unemployment that were widespread globally. Different alternatives to the new crisis had to be found. Socialist and communist parties in Europe decided to deepen state control and corporatist strategies, which failed because they were inconsistent with imperative of capital accumulation (Harvey, 2007, pp. 10-13).

The alternative that emerged victorious was neoliberalism, which aimed to re-establish market freedoms, and liberate corporate and business power (Harvey, 2007, p. 13). McDonough, Reich, & Kotz (2010) contend that neoliberal policies consist in liberalization (freeing market and firms from state regulation including free trade of capital and products), privatization (privatize state enterprises), and stabilization (monetary policy of preventing inflation) (p. 95). According to Nash (2004), during this period, even though the government leaders chose one of



these paths, the practice included multifaceted approaches and variable policy initiatives to restore the economic growth (p. 167). Neoliberal theory called for a political commitment to individual freedom in opposition to state power and interventionism. Nevertheless, the actual practice of neoliberalization is not so coherent, since corporations are defined as individuals and states are power guardians of private property, individual liberties and free market (Harvey, 2007, p. 21).

### **The US and Neoliberalism**

Harvey (2007) points out that in the US a powerful group of wealthy people were against economic interventionism and started to disseminate neoliberal principles in policy forum and in the academy (pp. 21-22). During Carter's administration, neoliberal theory was taken in practice as the solution for the stagflation in 1970s. Neoliberalism, however, was only consolidated in the US in 1979 with a monetary policy proposed by Paul Volcker to suppress inflation by raising overnight the nominal rate of interest and by restraining debts and budget deficits. The Volcker plan was supported by the Reagan administration that expanded this political policy by promoting deregulation, tax and budget cuts and confronting trade union and professional power (Harvey, 2007, pp. 21-25). The government created incentives to production and stimulated work and consumption by lowering taxes. The Reagan administration reached the economic growth by cutting income taxes, deregulating energy prices, breaking the telephone monopoly, opening the market for foreign competition and stimulating entrepreneurship (Duesterberg, 1998, p. 47). Deregulation benefited monopolistic corporate interests, increased flows of finance capital abroad and, consequently, restored economic power to the capitalist class.

On the other hand, the neoliberal approach simultaneously called for an attack on trade unions to weaken the labor force and thereby push the real wage level downward, increasing

social inequality (Harvey, 2007, p. 26). At this point, the social-democratic compromise was challenged (Gourevitch, 1984, p. 96). The expansion of welfare state measures, such as Social Security Medicare, disability and unemployment relief by this moment was consuming more than 45% of the federal budget, which provided practical and theoretical justification for the adoption of a personal security approach and for an end to the expansion of the welfare state. Labor shortages in the mid-1980s also encouraged the movement towards individual moral responsibility for behavior, or cultivation of individual responsibility, as opposed to social responsibility (Duesterberg, 1998, pp. 48-49). The new government orientation was centered to competition, innovation, market forces and incentives to savings. The welfare state came to be seen as a supporter of dependency on social programs and linked to the growth of criminality (Duesterberg, 1998, pp. 47-48).

Another strategy adopted to recover from the crisis was indirect domination where the US provides economic and military assistance to local ruling elites to ensure the best interest to American investments, including utilizing repressive military dictatorship or authoritarian regimes. An example of indirect domination exercised at that time was the pressure on OPEC (the Organization of Petroleum Exporting Countries) members to recycle their revenues in New York bank investments. These revenues allowed the American banks to have enough funds to lend to developing countries, ensuring a safe and profitable investment (Harvey, 2007, pp. 26-28).

### **Brazil and Cold War**

Brazil's project for industrialization in 1930s and 1940s, prevailing until 1970s, was sustained by an interventionist state that utilized mechanisms to favor economic growth. However, the rapid transformation during the prior industrialization project was not sustainable

without a land reform and with external fragility since the development was tangled with foreign capital to finance the balance of payments (Dalto, 2008, pp. 78-79). The lack of agrarian revolution before industrialization sustained the patterns of class exploitation existent prior to urbanization and besides the improvement of quality of life, the accelerated urbanization resulted in marginalization of the large strata of the population (Cardoso, 1972, pp. 82-84).

By 1960, the external debt was three times the value of exports from 1955 and according to Dalto (2008), Brazil capital formation “was under influence of foreign decision centres whether to supply capital goods or to finance them” (p. 79). In the early 1960s, Brazil faced its first recession, inflation, rise on government deficit and social problems regarding unstructured industrialization. In the mid-1960s, the economy was unstable with the rise of government deficits and accelerated inflation, which reduced the industrialization process and credit. At the same time, social demands for more fundamental reforms like land reforms and income distribution had increased (Dalto, 2008, p. 82). Furthermore, in 1961, President Janio Quadros resigned unexpectedly, while Vice President Joao Goulart was on a diplomatic trip to China, and Brazil was facing open struggle between the majority of parliamentary representative on the one hand and military ministries on the other. President Goulart, after being confirmed through a plebiscite that defeated parliamentarism, initiated his reformist and nationalist programs to build Brazil socio-economic development, defending comprehensive land reform (Rapoport & Laufer, 2000, pp. 72-73).

### **The Independent Foreign Policy**

The international and political environment in early 1960s was characterized by the intensification of Cold War and the generalized dispute for world supremacy between the US and the Soviet Union (Rapoport & Laufer, 2000, p. 69). To ensure a national security state, America

increased expenditures on defense and militarization and adopted a foreign policy against Communism. Brazil and Latin America, in general, were strategically important to US interests because they possessed raw materials with economic and military value and were critical to the US expansion and dominance (Pereira, 2016, p. 5).

However, Goulart adopted a nationalist and pro-independence approach that affected US interests and was closer to the Soviet Union's strategy. Goulart adopted the Independent Foreign Policy initiated by his predecessor Janio Quadros, which aspired to improve the Brazilian integration in political and economic development through the promotion of world peace between the superpowers, disarmament and the defense of the principles of self-determination and nonintervention. Goulart's administration aimed to intensify trade relation with all nations, including those of the Eastern Bloc (Soviet Union and its satellite states), increasing the foreign market for Brazilian primary products (Rapoport & Laufer, 2000, p. 73).

Brazil's government contradicted the American policy orientation to anti-communism and decided to sustain and broaden autonomy and elaborate its own development plans and evaluate the application of all external aid. Brazil aimed to transform international economic structures and also supported the idea of a united front of peripheral nations in defense of development (Rapoport & Laufer, 2000, p. 73). The new President of Brazil, Joao Goulart, represented a problem to the US because he was supported by leftist trade unions and parties. Goulart did not fully support the US government on expelling Cuba from the Organization of American States, and, critically, did not make the economic adjustments required by the US government (Pereira, 2016, pp. 8-9). Critically, Goulart abandoned the economic stabilization program issued by the US, which had imposed cutting public deficit and privatization. Goulart, instead, called for the expropriation of land for land reform purposes (Monteiro & Fonseca,

2012, p. 528). The social approach by Goulart was a result of social demands for income redistribution and pressures from manufacture sector against the austerity policies that shrink the market and reduce credit (Dalto, 2008, p. 82).

In 1963, the Kennedy administration cut economic aid to coerce the Goulart government to adopt a center-right economic policy and became more interested in overthrowing Goulart's government (Pereira, 2016, p. 9). Brazil's recession of the early 1960s associated with the political instability and US pressures resulted in the military coup of 1964 (Dalto, 2008, p. 83). According to Rapoport & Laufer (2000), the US financed anti-Goulart groups, invested approximately five million dollars to twist the Brazilian state elections of October 1962, creating favorable images for candidates who opposed to Goulart. The US, revalidated Military Agreement of 1952, which constituted in practice a legal basis for a potential armed intervention in Brazil to repress communist aggression, and instigated a campaign to discredit Brazilian government (Rapoport & Laufer, 2000, pp. 74-77). Goulart was overthrown by the US supported coup in 1964.

### **The Structural Adjustment Policies**

The major institutional changes implemented by the US backed military government in the mid-1960s and the early 1970s introduced a new development model which relied on market forces. This model, diminished government intervention and, opened the Brazilian economy to financial capital and to a new movement of liberalization. A new model of development took place opening domestic financial system to the international capital markets which favored capital flows but accentuated Brazil's fragility to external politics (Dalto, 2008, pp. 81-117). Brazilian industrialization was, thus, attained with external indebtedness, the international crisis in late 1970s, and consequently, the end of international loans interrupted the expansion of

Brazil's development and raised the rate of unemployment and inflation (Duarte, 2013, p. 199). Cardoso (1972) points out that the relations between industrialized countries and industrializing countries like Brazil (producer of primary goods and provider of cheap labor supply) can assume different forms regarding policies and agreements to attract or keep the foreign investment (p. 83).

The Volcker shocks implemented by the US, for instance, had major consequences on Brazil's economy, as Brazil borrowed massive amounts of money comprising part of the \$1 trillion debt from Third World by 1986 (McMichael, 2012, pp. 105-106). To manage the debt, Brazil had to adopt Structural Adjustment Policies which would allow rescheduling the loans. According to Duarte (2013), neoliberal policies were defined as "necessary" to modernize industrial plants to compete in the international market, promote monetary stability, and avoid the devaluing of salaries (p. 199). In fact, neoliberal policies dismantled Brazilian industry by dismissing many workers and through speculative capital flows.

Structural Adjustment Policies consisted of reducing social spending and privatizing state enterprises (McMichael, 2012, p. 121), which increased poverty, unemployment and stimulated emigration. With a reinvigorated free market and restricted direction for investment, Brazil lost the "activist orientation" observed by Leff (1969, p. 479) when it intervened in the coffee market to reach better terms of trade. Evans (2009) states that global rules are in accordance of capital and interests of the "North"; or the First World, disregarding the dignity and well-being of workers in the "South"; Third World. These rules increased the regional differences between North and South (p. 325).

According to Huber (1995), stabilization policies imposed by the International Monetary Fund (IMF) reduced comprehensive oriented government subsidies on food assistance and public

transport which combined with high rates of unemployment and falling real wages increased poverty. To respond to the problems created by the economic crisis combined with the intensification of poverty, Brazil moved towards universalistic public provision of pensions and health care disregarding the radical neo-liberal practices (Huber, 1995, p. 3).

### **The Transformation in the Brazilian Social Protection**

In the mid-1970s, democratization of policies and the social debt became the central theme to Brazilian movements of diverse natures. According to Fleury (2011), these movements became stronger in the 1980s with the rise of a rich emerging social movement unionism, increased social urban movements and the construction of a new opposition party front (p. 7). In 1987, the National Constituent Assembly was created, which resulted in the Federal Constitution of 1988 that transformed Brazilian social protection to a universality of coverage. With this new model, social insurance, health care and social assistance are not restricted to the formal workers; it conceptualized universal social rights as part of the condition of citizenship (Fleury, 2011, p. 8). Under the influence of the international wave of social democratic European regimes, the constitutional text recognized as social rights the social security, affirm the state responsibility, and establish subordination of private practices regarding the public relevance. Fleury (2011) asserts that the universal social protection was victorious besides other models because social movements clustered around different social policies were articulated in the general mobilization for transition to democracy (pp. 8-10).

However, the economic adjustment measures affected the welfare system that was being built in accordance with the democratic institutional order with the Federal Constitution of 1988. The resources to invest in infrastructure and services were limited given the adverse neoliberal global economic policies that constrained the implementation of the universal welfare regime

(Fleury, 2011, pp. 8-11). Huber (1995) points out that the measures to solve the financing problems for the social security system was always affected by conflict between the Ministry of Social Security and Social Assistance (MPAS) and the Ministry of Finance, which had to follow the austerity policies imposed by the IMF. The universalization of health care in 1987, for example, did not reach its goal since facilities were insufficiently available, especially in poorer regions (Huber, 1995, p. 25).

### **France and the Left**

France, attempting to reverse the crisis of capitalism in 1970s, adopted classical liberal policies from the early 1970s until 1981, when the Left came to power (Ross & Jenson, 1983, pp. 71-72). The first attempt to implement neoliberal ideas happened with the Prime Minister Raymond Barre, who in 1976 implemented an array of market-friendly reforms, including cuts on aids to national champions, lowering subsidies, dismantling price controls and reducing market restraints. Regarding welfare, however, the approach was to increase social spending. The government of France, understood that their economic problems were related to the state management of the industrial sector, not with welfare (Kus, 2006, p. 513).

Since liberal policies were not effective to control the crisis or the rise of unemployment and France did not have a strong industry to compete in the international market, the Left was seen to have a better solution the Right provided after 20 years in power. The solution was to adopt Keynesianism policies without isolating France from the international market, managing demand to limit rises in unemployment, stimulating growth and promoting decentralization (Ross & Jenson, 1983, pp. 81-84). Contrary to Barre, Mitterrand understood that France needed more state intervention in the industrial sector; welfare would not be affected and its expansion continued (Kus, 2006, p. 514). The initial macroeconomic policy followed Keynes' rules and



consisted of, for example, raising minimum wage, rescinding medical charges for social security, and distributing houses and basic allowances for the elderly (Ross & Jenson, 1983, p. 83). The strategy was to stimulate the expansion of the national industry with public spending until the world economy recovered in 1983, as forecasted, although the crisis remained and France was completely integrated to the world economy, making French industry vulnerable. For instance, the Volcker plan in the US had catastrophic effects on France, including inflation, increased unemployment and public deficit since the US was the main provider of French imports (Hall, 1987, pp. 194-199).

### **Keynes Plus Investment Control**

With the advent of the crisis and failure of Keynesianism, the new strategy adopted was Keynes Plus Investment Control, which consisted of a “complex package structured around nationalizations to allow new investment control” (Ross & Jenson, 1983, p. 99). The French nationalization project differed from other nations because France cut expenditures not only in social spending but also in defense and prioritized the resources to the domestic industry (Hall, 1987, p. 203). This nationalization was different and an innovator according to Ross & Jenson (1983) because “it was the first time in modern Europe that any government had moved to extend public ownership to the core of public profitable oligopoly sector” (p. 85). The French government had virtual control of the banks, the financial sectors and 34-36% of industrial capacity (Ross & Jenson, 1983, p. 85).

This virtual control allowed the government to ensure that the investment stayed in France by not allowing the private sector act against the growth of the domestic market and maintaining heavy investment even during the world recession (Ross & Jenson, 1983, p. 86). Even though France adopted a more neoliberal approach, the state continued to intervene in the

financial sector by establishing policies where banks would seek profit and advance interests in the country, creating a closed bank system where foreign presence was limited and legislation encouraged specific forms of financial innovation (Howarth, 2013, pp. 369-384). The Legislation also ensured that a large part of financial savings was mobilized toward programs to benefit public interests, and state centralized “about a quarter of bank deposits in a fund managed by the state-owned” (Howard, 2013, p. 385). Moreover, according to Howard (2013), even though there was no explicit law against foreign takeovers of banks, the French government would not allow privatized banks to be taken over by foreigners or foreign firms that would be able to take too large a shareholding of the listed banks (p. 387).

### **Désinflation Compétitive**

Nonetheless, the Keynes Plus Investment Control also failed and France surrendered to the external constraints from the international economic policy adopting a neo-liberal oriented policy, *désinflation compétitive* (competitiveness through disinflation) with full insertion into the world economy. With the new concept *désinflation compétitive*, the nationalization project came to an end and the private sector was free to operate in line with profitability (Lordon, 2001, pp. 110-121). The uniqueness of France under the neoliberal reform consisted in the fact that welfare was out of the spectrum of reform and it did not decrease but increased. Kus (2006) argues that neoliberalism was “less radical and more limited in scope” (p. 520); and the focus was to eliminate the industrial policy developed under *dirigisme* (Kus, 2006, pp. 515-520).

Neoliberalism did not emerge in France as a radical anti-Keynesian movement or anti-welfare state because the French government understood that the economic crisis had its roots in the declining competitiveness of the *dirigisme* policies. Furthermore, Kus (2006) asserts that the “welfare state, which was not associated with the problems of *dirigisme*, remained largely

resilient” (p. 490). Therefore, the solution for the crisis concentrated on the state’s interventionist industrial policy not in the dismantling of Keynesian institutions and policies. The neoliberal reform aiming for modernization and to prepare France for the new global context consisted of eradicating the key instruments of dirigisme, like competitive devaluations, interventionist industrial policy, nationalization of public enterprises and subsidized credits (Kus, 2006, p. 515).

The Revenue Minimum d’Insertion (RMI) in 1988, for example, guaranteed minimum income regardless of employment status and also demonstrated the recognition that employment-based measures of social insurance were not enough to reduce the problems arising from social inequality. Following the RMI, other laws were enacted expanding the welfare state. In 1998, the Law against Exclusion introduced a global political initiative to address the causes of exclusion across the board, including the institution of Universal Health Insurance Coverage in 1999, and the Social Cohesion Act in 2005 which sought to mobilize state action around employment, housing and equality of opportunity (Adams, 2011, p. 465).

### **The Economic Crisis in the Late 2000s**

#### **The US**

After 2000, the world economy was solidly driven by free trade, free international mobility of capital, the globalization of financial institutions and mechanisms and foreign exchange transactions (Duménil, & Lévy, 2011, p. 113). According to Heyes, Lewis, & Clark (2012), the global economic crisis of 2008 was triggered in the US by the failure of two Bear Stearns hedge funds (pp. 223-224). They argue that the crisis in the late 2000s has its origins in the neoliberal measures adopted to resolve the crisis of the 1970s. According to Heyes et al. (2012), the neoliberal policies were designed to weaken the working class and destabilize the social alliances between capital, labor and the state (p.224). Heyes et al. (2012) state that United

States in the 1980s chose to adopt measures that privileged the interests of finance to the detriment of industry believing that finance capital would lead to growth. Instead, it increased dependence on finance capital and weakened labor. The free trade and the minimum control of international mobility of financial capital developed the financial sector and attributed to it an important role in the nation's economy (Heyes et al., 2012, pp. 223-225).

Hsu (2013) contends that what was critical to the economy was not only the underregulated finance system, but the incentives towards profit by any means regardless of the impact that it could generate in other sectors or the damage in real economic value (p. 111). For instance, investment in production was less attractive than profitable opportunities that finance sector could create or extract from simple speculation. The financial crisis resulted in lower income, reducing consumer demand. To maintain the consumer demand at a level that it could meet the production capacity, the US reduced interest rates, stimulating bank credit that sustained economic growth. The low interest rate, in turn, intensified house mortgage marketing because in case of default the loan institutions would repossess the house to cover the debt (Beder, 2009, pp. 17-20). To increase profit, the financial sector divided home mortgages into derivatives and these derivatives were sold to many investors. The risk of the original mortgage was, thus, spread and any default on mortgage would be easily absorbed making the lenders less cautious about the financial health of the borrowers (O'Brien, 2009, pp. 127-128). Nonetheless, when the inflated house prices started to decline in 2006, defaults on mortgage increased and individuals and financial institutions structured around inflated house prices started to declare losses and mortgage lenders started to ask for bankruptcy protection. In 2008, the US started to intervene in the market, taking over two large mortgage companies and later infusing capital in the nine largest US banks. However, the recession was real and unemployment increased

(O'Brien, 2009, pp. 128-129).

### **The Individual Responsibility**

In contrast to neoliberal policies, the wealth did not ‘trickle down’ to the poor. Instead, they increased poverty and disparities in wealth and income (Beder, 2009, p. 17). The welfare state at this point was already designed to meet the conservative standard that enough economic growth would generate additional income to the poor to have their needs supplied. The US adopted a conservative or more neoliberal approach towards its welfare in 1992, during the Clinton administration, relying on poor relief from the private sector, individual responsibility and on the use of charities and means-tested public subsidies (Russel, 2006, p. 81). Since this reform, the services for the poor and disadvantaged were concentrated on community based, nonprofit agencies and charities that are vulnerable to economic crisis and to constraints of decentralized federal structure (Henriksen et al, 2012, pp. 482-482). Moreover, it is left to the private sector to choose the type of needs they want to support. Charitable contributions took priority, not obligatory taxes for poverty relief. If it is necessary for the government intervene, it is done through means-tested poverty reduction, whose main goal is reform the poor to make them compete more effectively in the market (Russel, 2006, p. 82).

The belief that people are responsible for their fates in the competitive struggle resulted in the Personal Responsibility and Work Opportunity Reconciliation Act and Temporary Assistance for Needy Families, replacing Aid to Families with Dependent Children (Daguerre, 2008, p. 363). During the Bush administration, once more, welfare was remodeled with the Deficit Reduction Act of 2005, strengthening the Work First Approach (Henriksen et al, 2012, p. 482). During the Obama administration (2008), the 2010 Patient Protection and Affordable Care Act (the ACA or Obamacare) was enacted which represented expansion of government’s

intervention to promote welfare and an attempt to avert the reliance on market forces on health care (Oberlander, 2014, p. 432).

The Obamacare intent to expand health insurance coverage, prevented, for example, insurance companies from finding rationale to rescind coverage to customers who had increased medical costs. Oberlander (2014) points out that insurers used to target pregnant women for contract termination because they were considered an onerous population (p.432). According to Oberland (2014), Obamacare suggests a transformation towards the ideal of universal coverage, attributing major responsibility to the government in regulating health insurance and attempting to move away from market principles (pp. 432-433). Nonetheless, Obamacare still relied on private insurance and competition, incorporating several market-oriented policies and its principles. Oberlander (2014) argues that “insurance plan competition offered an appealing way to ostensibly control health care spending that fit with the rise in American public policy of enthusiasm for harnessing private interests and market dynamics for public purposes” (p. 436). Waitzkin & Hellander (2016) contend that Obamacare reflects the neoliberal health agenda that facilitates the administrative management of the healthcare to the private sector (pp. 3-5). Under the discourse that corporate executives could achieve superior quality and efficiency, programs and institutions based on public sector were privatized or had state subsidies reduced. Competition between for-profit and private insurance corporations fostered neoliberalism practices. The private sector under Obamacare can collect prepaid capitation fees or other premiums from government agencies, employers and patients, resulting in high deductibles and co-payments. The access barriers like high copayments prevent the universal coverage remaining high the number of individuals and families uninsured or underinsured under Obamacare. Moreover, with reduced public sector funding these individuals and families are also constrained

of public hospitals and safety net providers (Waitzkin & Hellander, 2016, pp. 1-7).

### **Brazil and Financial Liberalization**

The neoliberal structural reforms, including liberalization by National Plan of Denationalization in the second half of 1980s, didn't bring the promised sustainable economic or productivity growth; instead, they increased unemployment rates, worsened income distribution, weakened domestic industry to compete internationally, increased imports and subordinated policymakers and government institutions to financial interests (Dalto, 2008, pp. 191-213). The liberalization and high interest rates policy or neoliberal reforms constrained credit, attracted firms to financial investment to the detriment of productive activities, worsened income distribution and "entailed a weak economy led by speculative behavior and rentier interest" (Dalto, 2008, p. 227). Neoliberal policies and globalization worsened working conditions by demanding flexibilization of labor relations, lower wages, and an increased rate of unemployment (Duarte, 2013, pp. 193-200).

Since 1982, with the outset of the external debt crisis, Brazil has been dominated by finance interest. The restrictive policies in the 1980s were followed, in part, to guarantee the repayment of debt services. In the 1990s, however, restrictive policies were necessary because the domestic economic policies were attached to capital inflows and on financial investors' confidence. Nonetheless, rentier-friendly policies and compliance with IMF requirements were not able to guarantee that investors would maintain their investments in Brazil if profit opportunities emerged in another place (Dalto, 2008, pp.214-225). In the late 1990s, Brazil had a low level of economic growth when other peripheral economies faced financial crisis. Investors, knowing that Brazil was totally dependent on international capital flows started to leave Brazil seeking safer places to invest or recovery. To try to maintain capital in the country, the Brazilian

government adopted a floating exchange rate with a primary and high interest rate which resulted in devaluation of the currency, increased costs of domestic production and raised prices of public services (Duarte, 2013, pp. 202-203).

### **The Macroeconomic Adjustment and the Brazilian Constitution**

At the same time that Brazil was facing an extremely adverse economic situation, social pressures increased in the 1990s to compel the Brazilian government to implement and institutionalize universal social security. As a result, universal social security was established in the Constitution of 1988. However, the limited economic growth restricted the government's ability to invest in infrastructure and social services. To balance the public debt and the high interest rates to avoid rising inflation, the Brazilian government had limited resources to invest and to build the Brazilian Social Security System (Fleury, 2011, pp. 9-10).

These economic constraints affected the funding and financing of resources and structures of the Brazilian Social Security System which prevented the achievement of universal access to social programs (Fleury, 2011, p. 10). Huber (1995) contends that Brazil has the legal foundations for a universalistic welfare state; however, its implementation "has been hampered by the inadequate extractive capacity of the state and the inability of the political system to pass reforms that would reduce social spending for privileged groups" (p. 4). For instance, the Unified Health System (SUS) that included the whole population as beneficiary of the public health sector saw its public facilities deteriorated with the financial crisis and faced cuts on investments and wage conflicts. The debilitation of the public healthcare, strengthened the business health sector and exposed the Brazilian failure of the decommodification project as part of the public national health system (Fleury, 2011, pp. 13-14).

With regards to the institutionalization of the social assistance, it took its first step only in



1993 with the Continuous Cash Benefits, which supported the elderly and handicapped people in poverty (Fleury, 2011, p. 15). However, the limitations of the macroeconomic adjustment initiated in the 1990s resulted in targeted social policies to attend primarily the poor through actions of direct income transfer. The strategy of targeting the poor was in accordance with the neoliberal paradigm where the social agenda remains within the guidelines and conditions of policies defined by the international financial community (Costa, 2009, pp. 694-696). Costa (2009) asserts that the neoliberal ideology was contrary to the 1988 Constitution: “the Welfare State is replaced with the Minimum State; social security with social insurance; universalization with targeting; direct offer of social services by the government with the Regulatory State and Privatization; and labor rights with deregulation and flexibilization” (p. 696).

### **The Neo-Developmentalist Alternative**

Fernando Henrique Cardoso’s administration (1995-2002) embraced targeted agenda to reduce poverty with priority social programs and by using the specialization of social financing like federal transfers to education and health (Costa, 2009, p. 700). In late 2005, during his second term, Luiz Inácio Lula da Silva (President of Brazil from 2003 to 2011), introduced an alternative policy: the neo-developmental alternative, which “focused on constructive interactions between a strong state and the private sector, with the former providing macroeconomic stability, supporting distributive outcomes directly, and nurturing large domestic firms or national champions” (Morais & Saad-Filho 2012, p. 790). The alternative policy that is associated with interventionist policies to promote economic growth and social equity did not displace the neoliberal framework of inflation targeting, floating exchange and low deficits. This hybrid economic policy continued being applied during the Dilma Rousseff administration (Morais & Saad-Filho 2012, pp. 792-793). The social equity actions were concentrated on

policies of direct assistance and on income transfer programs (Bolsa Familia Program) and the war against hunger (Fome Zero Program's initiatives). The successful embrace of a higher proportion of the population with the Bolsa Familia Program resulted, however, in the need to restrict funds from health, education and sanitation since the country was under a macroeconomic adjustment program. The social policies targeting the poor presented significant income gains however, the outcomes of that was the depreciation of the Brazilian health, education and sanitation since their funds were re-directed to redistributive policies (Costa, 2009, pp. 701-704).

### **France and the Great Recession**

According to Amable, Guillaud, & Palombarini (2012), the French interventionist model limited the impact of the recession in late 2000s (p. 1173). They explain that legal employment protection, centralized wage bargaining, product market regulation, and insider controlled financial system combined with social protections and public education system facilitated the stabilization of the demand and controlled the rise of unemployment. France, however, since 1980s, started to move towards the market-based finance. Even though the waves of privatization were delayed to the early 1990s, by 1996 French mechanisms to limit foreign investors and to develop financial markets were dismantled (Amable et al, 2012, p. 1174).

According to Amable et al (2012) France previously could not be characterized as a market-based model because it still maintained certain employment protections and a social protection system, but it has now some of the market-based model features to attend to international pressures and European integration, like financial deregulation and flexibilization of the labor market (Amable et al, 2012, pp. 1174-1175). Clift (2012) asserts that the French state influence on the economy, especially during the financial crisis, can be understood as a new state

activism and that it is not contradictory to free market capitalism (pp. 213-215). It is, indeed, supportive of it and necessary for governance. Clift (2012) states that “all free markets are deeply politically conditioned by pervasive, almost ubiquitous market-making regulation over wages, pollution, product and process standards” (p. 215). The difference in the current interventionism is its quality. The state is more supportive to the market than market-steering. At the same time the state remodeled the regulation framework of labor markets and the system of social protection to one that is more employment friendly. He demonstrates the new interventionism by describing the French bank bailout and the automobile industry rescue package of 2008/2009 where the state financed banks and industrial recovery, without ensuring the return to the state or without establishing ways to enforce the conditions and prior commitments. In both situations, the state plays a more cooperative than directive role (Clift, 2012, pp. 215-221).

Thomas (2015) argues that French state even under pressure from the European Monetary Union and European economic integration has rejected or loosened some of the requirements on neo-liberal demands (p. 218). He attributes this to the strong tradition of state presence and leadership and a Catholic sense of care for others. Also, historically all French governments adopted a dirigiste tradition of political economic action, mostly favoring workers’ rights over employers’ rights. The reforms found in the neo-liberal framework consisted of redistributive measures and state intervention in training, education and social public expenditure (Thomas, 2015, pp. 235-296).

## **Final Considerations of Chapter 2**

This chapter intended to describe the social and economic positions taken by the US, Brazil and France towards the capitalist crisis in the 1930s, 1980s and late 2000s. The political and economic context and the social policy approach that was taken by each country during the

different periods of capitalist crisis are the first variables chosen to identify and explain common or contrast patterns between US, Brazil and France in this comparative analysis. Utilizing the historical sociology methodology, I established what was previously constructed or decided in each country to determine the base or the different forces regarding economic and political structures that could have influenced and shaped maternity/parental leave policy.

Since social policy is constructed and transformed in a historical process, the analysis of the political and economic experiences in 1930s, 1980s and late 2000s in the US, Brazil and France aligns to the specific or common people's struggles and to the internal balance of class forces. This chapter clarifies each nation's positions towards welfare, to recognize the degree of neoliberalization on each one and provides an overview of their historical specificity. This is important because even though these nations have distinctive institutions and policy culture, the international economic environment can undermine their traditional economic policies and constrain the ability to respond freely towards its issues. During these moments of crisis, each nation had to experiment with different forms of policy and a different set of ideas that better accommodate their traditional way to solve problems (Kus, 2006, p. 491).

The process of neoliberalism's manifestation, as we have seen in this chapter, happened differently in each nation; however, it ended as an overarching policy framework. Pressures imposed by the global markets influenced states' actions and/or policymaker and the economic globalization acts as a structural constraint to states' actions towards social problems (Kus, 2006, pp. 492-494). Nonetheless, the framework designed by neoliberalism is not inflexible. The US, Brazil and France adopted different techniques and instruments to restore stability and they reacted differently towards welfare regarding public spending and labor relations. The values and ideas about inequality, family and gender will be analyzed in the following chapter by describing

the maternity/parental leave policies adopted and the process of adoption.

## **Chapter 3: Maternity/Parental Leave Policy**

### **Maternity/Parental Leave and the Need of Care**

In this chapter, I will describe the historical development of maternity leave/parental leave policies in the US, Brazil and France, highlighting some of the important social movements that have influenced and shaped the adopted policy. The provision of care for children, the elderly, or adults with chronic or disabling conditions has become a greater concern since women, the previously primary caregivers, became part of the workforce. The problem has been exacerbated in a globalized context where fewer adults work from home, or near home or on land owned. Moreover, in order to participate the labor market, nuclear families are moving away from the extended family which limits the assistance with caregiving responsibilities (Heymann, McNeill, & Earle, 2013, p. 242). The need of care challenges working adults because they need to accommodate work and the care of loved ones and it also challenges the country's government because it must develop effective policies to promote equity, citizens' wellbeing and social stability (Knijn & Kremer, 1997, p. 330). This chapter will focus on maternity/parental leave policies in the US, Brazil and France and each country's responses to the need of care for a child. Policies that address child care are embedded in national ideologies and visions of family, work force participation, and economic success or constraints. This is the main impetus for child care policy formation and implementation (Lokteff & Piercy, 2012, p. 121).

### **American Political Ideology**

Sapiro (1986) asserts that American political ideology asserts "that government governs best that governs least" (p. 223); the belief is that people should be self-reliant, providing for themselves and their families. Individuals are encouraged to freely pursue their own interests, which would assure the welfare of the society. On the other hand, welfare benefits would remove

the individual's motivation to pursue a job and it would create psychological dependency. Sapiro (1986) points out that social policy in the US was always oriented by this moral and economic belief with some transformations to a degree of where government could act directly to promote welfare and where government would have the responsibility to provide welfare without relying exclusively on charitable acts, sustaining, however, the residual responsibility of government (Sapiro, 1986, pp. 223-236). According to Sapiro (1986), the Protestant work ethic contributes to the self-reliance and the moral character of individuals, linking the merit of fortune to the diligent conduct of each person (p. 225). She highlights, however, that the moral and economic principle of income-producing work was applied towards men; for women, economic dependency was in accordance to the law of the Creator, "The paramount destiny and mission of women are to fulfill the noble and benign offices of wife and mother" (Sapiro, 1986, p. 228).

This set of beliefs became institutionalized as social, political, and economic ideals with the growth of industrialism and with the adoption of the free market oriented based on individualistic competition. Therefore, the need for assistance or cooperation was established on a voluntary basis, initially from the immediate family, followed by more distant relatives, neighbors, etc., where assistance should be provided by the private domain (Sapiro, 1986, p. 226). The American social policy would "allow individuals to provide for themselves, to reward those who have done so, and to provide a back-up for those who have not been able to do so because of circumstances beyond their own control" (Sapiro, 1986, p. 227).

Race also played an important role in shaping strategy and tactical policies in US. The neoconservative fiscal policy during the Reagan administration, for example, removed and/or minimized earlier financial incentives for assistance programs, including the Aid to Families with Dependent Children (AFDC) program created in 1935. Through the Omnibus Budget

Reconciliation Act (OBRA) that envisioned economic recovery in 1981, many mothers participating in the AFDC program were excluded or had their benefits reduced. The campaign to have the incentives reduced were embedded in a racist discourse based in the belief that assistance to supplement low wages tied people to welfare dependency and the culture of poverty (Evans, 1992, p.388). Considering that African Americans and Hispanic single mothers proportionately were more likely to need AFDC and stay longer in the program, racist discourse argued that welfare produces problematic behavior, ignoring social, demographic, and economic trends in the US from the 1970s onward (Evans, 1992, pp. 382-388).

### **The Labor and Women's Movements in US**

According to Navarro (1989), historically the US working-class organization has been traditionally weak and divided, which explains the patterns in American welfare market capitalism. He states that the social policies in welfare market capitalism equate benefits with contributions and performance; the recipient normally is submitted to means-test requirements and standard public benefits are established to encourage voluntary membership and individual contract in the market, reflecting the aims of the capitalist class at the expense of working class interests (Navarro, 1989, p. 893).

Navarro (1989) states that the New Deal is an example of the connection between the strength of the labor movement and the achievement of universal programs on welfare states (p. 893). Piven & Cloward (1979, p. 172) recount how economic and social disorder motivated the mass based labor mobilizations during the Depression. Mass struggles with catastrophic unemployment and sharp decline of wages did not give to the working class a choice other than to resist with mass strikes, forcing the Roosevelt administration to make concessions regarding working class interest with a more expanded social welfare, including higher wages and shorter



work hours (Piven & Cloward, 1979, pp. 173-174).

Navarro (1989) asserts that the strong labor mobilization and the class alliances forced President Roosevelt to establish the New Deal. The New Deal was a series of programs enacted in the United States, including the Social Security program (p. 894). The victory in enacting the Social Security program was incomplete, however, because the labor mobilization did not achieve the passage of a national health program with the New Deal. The absence of a mass-based socialist party and the low levels of unionization precluded the building of a working class strong enough to counterbalance the power of the US capitalist class (Navarro, 1989, p. 894).

Weldon (2011) likewise contends that “women’s interests are best represented by women’s movements, but that women’s class interests may be better articulated by labor movements” (p. 58). She explains that women’s movements are important to advance policies with gender consciousness; however labor mobilization is more effective to policy change because it challenges class divisions. Weldon (2011) argues that the political power and support of labor play an important role in the achievement of social policies regarding women’s interests (pp. 58-66). The activism of labor movements on leave policies, for example, is extremely relevant because it would determine the state’s responsibility and the extension of public funding to accommodate the working-class interest. However, because labor was politically weak in the United States, the process to enact a family leave policy was delayed, vetoed two times, and the final Family and Medical Leave Act (FMLA) passed as a version was very distinct from the original draft. The US women’s movement that was strong and autonomous preserved the antidiscrimination measures in the family leave enacted; however, it was not sufficient to achieve comprehensive class based components in the leave policy (Weldon, 2011, pp. 61-67).

Sapiro (1986) asserts that the early history of the labor movement showed support for

paternalistic and exclusionary treatment of women in the job market. Woman-directed policies were seen as the “thin edge of the wedge of more widespread protections for all workers” and it would protect men’s jobs and wages (Sapiro, 1986, pp. 229-230). Policies regarding women could be used as opportunities to open or expand worker’s rights in general (Sawyers & Meyer, 1999, p. 189). Many social policies during early twentieth century, however, aimed to provide the need of nurturance and domestic services to husbands, children and elderly relatives by benefiting women on a gender-role basis (Sapiro, 1986, p. 230). Maternity was entangled with protective legislation that consisted of regulating women’s hours, working conditions, and prohibition of women from working in dangerous occupations (Sawyers & Meyer, 1999, p. 192).

The labor movement, for instance, proposed the provision of a family wage, where the breadwinner, considered to be the man/husband, would be able to support his family without depending on a wage-earning wife. The only serious effort to enable women to be economic providers for themselves and their families happened in the late 1960s and 1970s with the Title VII of the Civil Rights Act in 1964, reinforced by the Equal Employment Opportunities Commission (EEOC) in 1971 (Sapiro, 1986, pp. 230-231).

### **Pregnancy Discrimination Act of 1978**

Sawyers & Meyer (1999, pp. 188- 201) state that social movements can influence the policy process by identifying social problems, pressuring the public and private sector for solutions and actions, and by strengthening the bargaining position of institutional allies; these attitudes can shape the policy domain and, therefore, the policies that can emerge from it. Sawyers & Meyer (1999) argue that “movements do not make policy, but protest mobilization can create or expand policy domains, affecting the relative balance of actors within a domain, as well as the content of policy that comes from them” (p. 190). According to Sawyers & Meyer

(1999) women's groups in the late 1960s and early 1970s capitalized on available political opportunities provided by both the radical and liberal wings to enter traditional male occupations (p. 191). The women's groups also expanded political opportunities to establish maternity leave and address discrimination based on pregnancy. Even though the women's movement was broad and diverse during this period, it is relevant to this topic to describe the mobilizations regarding maternity leave policy.

In 1972, the Equal Employment Opportunity Commission (EEOC) ruled that employers must treat pregnancy as a disability. Nonetheless, the Supreme Court in 1976 supported employee disability insurance program that excluded pregnancy by finding this exclusion not discriminatory, noting that both women and men could be non-pregnant. The women's movement acted against this decision taking different fronts to make them visible, to build coalitions and to lobbying the policy domain. Women's groups waited outside the court for the Supreme Court decision and circulated photocopies of the Supreme Court's decision among their network and organizations, established meetings in major cities, congregated in an event in Washington DC with hundreds of representatives of interest groups and members of Congress to plan a response (Sawyers & Meyer, 1999, p. 192). As a result of these efforts led by the women's movement, civil rights groups and labor groups associated with anti-abortion activism, the Congress overruled the Supreme Court's decision by passing the Pregnancy Discrimination Act reflecting the successful social movement strategies to create and exploit a favorable political environment (Sawyers & Meyer, 1999, pp. 192-193).

### **Women's Movement Abeyance in the 1980s**

According to Sawyers & Meyer (1999), the movement activity in the 1980s was not visible and it was in abeyance (pp. 188-193). In other words, it was not committed to structural

reform, their tactics were more conventional than disruptive, there was no engagement with substantial political decision-makers or mainstream discourse because the movement was focusing more on ideology and identity than on contemporary political debate. Sawyers & Meyer (1999) argue that the reason for the absence of substantial political claims by the women's movement during 1980s can be attributed to the belief of individual responsibility widespread in neoliberal ideas, which diminished the pressure for changes since injustice and precariousness become an individual rather than collective problem (p. 193). Katzenstein (1990), argues, however, that women's activism in this period was concentrated within institutions and developing and spreading gender consciousness despite the antifeminist environment during the Republican party's administration and across a liberal-conservative axis (pp. 30-31). The process of diffusing ideas and gender consciousness required concentration on individual rather than collective or societal solutions to problems women face. Katzenstein (1990), states that the feminist politics in the 1980s were an unobtrusive mobilization inside institutions, it consisted in an everyday resistance and the activism happened through voluntary association, small organizations or interest groups (pp. 31-33).

Fraser (2015) asserts that the feminist movement adopted a new approach of politics centered on recognition of difference, valorizing cultural difference, and downplaying the politics of redistribution (p. 703). The claims of recognition resulted in a powerful critique of the institutionalized social protections that incorporated gender hierarchy and racial-ethnic exclusions. These critiques towards the forms of domination embedded in the welfare state favored the neoliberal principle of minimum state intervention because "instead of replacing an amalgam of protection and domination with a new synthesis of protection and emancipation, they ended up downplaying protection as such" (Fraser, 2015, p. 705).

Sawyers & Meyer (1999) contend that the women's movement in the 1980s was in fact fragmented because it failed to congregate the moderate wing (emphasizing a narrower goals) and radical tactics (committed to structure reforms) towards a unified activism which resulted in loss of legitimacy and visibility (p. 193). According to Sawyers & Meyer (1999), the abeyance status of social movements generates a policy domain more favorable to the interests of other players or actors involved on specific women's issues. They argue that the politically conservative environment in the 1980s and the weakness of women's movements in the policy domain resulted in a defeat for family leave policy (Sawyers & Meyer, 1999, pp. 188-197).

A coalition including the National Organization for Women, National Partnership for Women and Families, Junior League, and representatives from labor and disability groups drafted the federal policy regarding parental leave in 1984. However, the original draft did not survive the pressures of business interest, far more active and arguing the benefit would increase costs. The conservative environment and the business class framed the rhetorical battle over unpaid leave around various qualifications and exemptions (Sawyers & Meyer, 1999, pp. 198-199). The liberal feminist movement failed for different reasons: use of legislators as primary audience for lobbying instead of mobilizing and encouraging public pressure towards the Congress; in dissent about whether special treatment was necessary for equality, or whether gender neutral policies should be available and the fact that the family leave was linked to fulltime employment, presuming another earner which consequently divided and weakened the movement (Sawyers & Meyer, 1999, p. 198).

### **Maternity Leave Policy in the United States**

Berger & Waldfogel (2004) assert that prior to the national maternity leave policy (Family and Medical Leave Act 1993), maternity leave coverage was conditional by individual

state laws, collective bargaining agreements or employment policies (p. 332). Before 1963, legislation towards pregnancy was marked by a special treatment approach, where different standards for men and women resulted in exclusion of women from certain occupations, limitation in women's hours worked, and lower pay to women (Guthrie & Roth, 1999, p. 44).

Employers created maternity leave programs in the 1970s and 1980s according to Kelly & Dobbin, F. (1999) as a response to the Civil Rights Act of 1964 and EEOC (p. 456). The Equal Pay Act of 1963 and the Civil Rights Act of 1964 did not include maternity or pregnancy related provisions, restricting the scope to determine same wages for the same work that men and women do and to forbid discrimination based on gender. Interpreting the Civil Rights Act, the EEOC established the guarantee of jobs to women absent from work due to maternity leave and childbirth as a prerequisite to the equal employment. The EEOC, however, included an administrative stipulation that was limited because it could be reversed by court decisions. Nonetheless, the guidelines pressured a large number of employers to offer maternity leaves at the same time it generated publicity for the issue of maternity leave (Kelly & Dobbin, 1999, pp. 456-461).

Berggren (2008) asserts that the private regulatory system for family leave was stimulated by tax incentives that were offered by the federal government, especially after World War II (p. 314). Employers were encouraged by government tax incentives to offer benefits instead of increased wages. The first federal act towards maternity leave was an amendment to Title VII of the Civil Rights Act of 1964 and the Pregnancy Discrimination Rights Act, passed in Congress in 1978, which prohibited employers of 15 or more employees from discriminating against employees on the basis of pregnancy (Guthrie & Roth, 1999, p. 41). This Act extended to employers of pregnant women who previously offered their employees temporary disability for

pregnancy (Berger & Waldfogel, 2004, p. 332). Guthrie & Roth (1999) state that the attribution of same treatment for pregnant women and disabled workers revealed the state's new position regarding gender (pp. 44-45).

### **Family and Medical Leave Act (FMLA)**

Guthrie & Roth (1999) state that maternity leave in the US is a “relatively new” right (p. 41). Proclaimed in 1993, they contend Family Medical Leave Act was the first legal protection for work leaves relating to the birth or adoption of a child or to care for an elderly person. The protection covers all employees with family responsibilities sustaining a “gender neutral” approach, that is that it provided the same standard of leave regardless of gender (Guthrie & Roth, 1999, p. 45). Vahratian & Johnson (2009) lay out with more details the federal protection explaining that the employees who take parental leave would have their job protected up to 12 weeks, however, it would be unpaid and needed to be filled by some requirements as: the individual must have worked with their employer for at least one year and for 1,250 hours in the previous 12 months and the benefit only applies if the employer has at least 50 employees within 75 miles (p. 177).

Elison (1997) explains that the FMLA (1990) had the first redaction providing “18 weeks of unpaid leave upon the birth, adoption, or serious health condition of a child or ill parent” and protecting “any employee from being fired because of absence from work due to his or her own health condition” (p. 32). However, President Reagan vetoed the original bill which was reintroduced to the 101st Congress as ten weeks of parental leave (every two years) and 13 weeks of personal medical leave. The law project was also vetoed in 1990 by President Bush. It is necessary to emphasize that the role of the state in the Reagan administration and Bush administration, as described in Chapter 2, was to promote a secure environment for free market

and minimalist state regulation.

### **Maternity Leave Access in US**

Guthrie & Roth (1999) argue that the absence of the FMLA to obligate employers to provide income during the leave make the access to the maternity leave benefits extremely difficult (p. 41). The limitation of the scope of maternity leave is apparent since “only about 60% of private sector employees work for employers required to offer leave and only about 45% qualify for coverage based on their accumulated work hours over the previous year” (Berger & Waldfogel, 2004, p. 333). Furthermore, income during maternity leave happens only through other paid benefits such as sick leave and vacation pay. The private sector, thus, has the discretion to implement policies with paid maternity leave or not and generally organizations respond based on the constraints they face by legislation, court decisions, or the politic-economic environment (Guthrie & Roth, 1999, pp. 45-46).

In addition to the limited scope, the FMLA has the less generous length of job protection compared to most of the industrialized countries and it does not ensure paid leave (Berger & Waldfogel, 2004, p. 333). The requirements to receive the benefits of the FMLA and the lack to determine monetary compensation reinforce class differences because it excludes those who have not accumulated the necessary amount of work hours, self-employed individuals or workers in part time employments which more likely are people that have low levels of formal education, or are single parents or belong to minorities. Women with lower earnings or with lower overall household incomes, when they fill the requirements to receive the benefit, return prematurely to work for financial reasons because the national policy does not guarantee paid leave (Evans, 2007, p. 122).

Kittay (1995) states that the FMLA neglects to promote social justice and consequently



gender equality because it treats the work towards the person in need of care as a private domain (pp. 10-23). The law fails to offer public institutions to carry some of the costs and burdens of responsibility for the care of dependents. The failure to contribute adequate provisions or to facilitate the relations between the caretaker and the dependent, and to provide a sustained relation with the caregiver such as child daycare, paid leave, and reasonable time for the care, reinforce an exploitative social interaction regarding the work of the caretaker. The failure of the FMLA to fulfill women's aspirations to empowerment and equality presumes that social relations happen between independent persons equally situated and equally empowered. The inability to provide basic institutions to facilitate the need of care reveals a "society that does not care for its dependents or that cares for them only by unfairly exploiting the labor of some" (Kittay, 1995, pp. 8-16).

### **France and the Common Good**

Danto (2009) states social welfare in France is a post-Revolutionary phenomenon. She explains that the 1789 *Declaration des Droits de l'Homme et du Citoyen* (Declaration of the Rights of Men and of Citizens) outlined the social welfare portrait: "A general establishment for public assistance will be created and organized to raise abandoned children, to relieve the disabled poor, and to provide work for the worthy poor who have not been able to procure it" (pp. 166-167). Danto (2009), points out that France's Declaration diverges from the US 1776 Declaration of Independence states because it not only ensured equality and freedom, but also established that the common interest must supersede individual interest. Danto (2009) highlights the fear that the monarchy could regain power prompted the France's National Constituent Assembly to have the common good as fundamental principle in France's Constitution (p. 167). French commitment to social welfare was reinforced in one of the revisions of the Constitution

when on Article 21 of 1975, public assistance was elevated to a sacred status (Danto, 2009, p.167). France's endorsement for social welfare, thus, has its idealism rooted on French Revolution.

France's welfare was also inspired by the Bismarck's progressive programs that established benefits and entitlements on health, accident and age insurance. Danto (2009) argues that the social protection system in France mixes separate private, governmental and quasi-public funds, but its expansion was largely influenced by labor unions. For instance, using a pro-family ideology of two powerful labor unions in France, *Confédération Générale du Travail Unitaire* and *Confédération Générale du Travail*, in 1936 secured labor benefits like 15 days of paid vacation and 40-hour work week (Danto, 2009, pp. 167-169). Danto (2009) asserts that France has a history of strikes, demonstrations and marches and it differs from US history because "French industrial culture was never as committed to laissez-faire economics and possessive individualism" and French employers were "less able to invoke the power of the state against workers" (p. 172). The commitment to the common good and the strong labor movement allowed France to develop and expand a universal welfare system.

### **Depopulation in France**

Cohen & Hanagan (1991) argue that the nature of the alliances between social feminists and other welfare reforms affected the value and dimension attributed to women's issues (p. 470). They analyzed the welfare state from 1900-1940 in a comparative study and observed that where the ties between social feminist and labor movement were weaker, the greater was attention to women's special needs. France, however, was an exception to this rule because women's issues belonged to the Catholic causes. The Catholic approach, however, led the women's issues more in a paternalistic line than in terms of gender issues or class. For instance,

in the 1920's, organized Catholic feminists demanded work protection to women highlighting the women's "special role" in the family (Cohen & Hanagan, 1991, pp. 470-472).

A particular situation in France that was beneficial to direct attention to maternal and child mortality and women's issues was the French public's concern with fertility. Unlike the US, whose decline in birthrate during the late nineteenth century was compensated by immigration, - France, had a national concern about the declining birthrate associated with a high rate of infant mortality since the Franco Prussian War in 1870-1871. This resulted in an indirect public agreement in favor of state intervention to strengthen family life (Cohen & Hanagan, 1991, p. 474). Postnatal leave appeared as the remedy to reduce infant mortality and to increase natalism since many women of childbearing age were actively in the labor force and the health of the infant was associated with breastfeeding because it reduced the risk of infant contamination on feeding practices at work (McDougall, 1983, p. 82).

A favorable environment to achieve social policies regarding women's issues did not make it crucial to women's group associated with labor unions. However, the separation of the labor movement resulted in centering the issue around the family and the concern of depopulation to the national defense and maintenance rather than in the workplace (McDougall, 1983, pp. 90-99). According to Cohen & Hanagan (1991), pronatalists working alongside social feminists emergence in 1913 resulted in the passage of maternity leave sponsored by Senator Leo Strauss (Cohen & Hanagan, 1991, p. 475). It ensured eight weeks of maternity leave before and after birth for all women of French nationality who work for wage outside the home. Nonetheless, the extension of the labor law was limited, excluding from maternity leave coverage, for example, nonwage workers like peasant wives (McDougall, 1983, pp. 103-104). The concern with French depopulation still relevant during the Great Depression that even in an

environment of economic restriction the Family Allowances Law was enacted in 1932 determining “all industrial employers in France to contribute to a general fund for compensating workers with large families” (Cohen & Hanagan, 1991, p. 477).

The lobby for policies using pronatalist features stands out in the French system of child-rearing benefits, which historically favored parents of three or more children and became the only country in Europe to link eligibility for these benefits to the number of children (Morgan, & Zippel, 2003, p. 57).

### **Women’s and Labor Movement in France**

Misra (1998) argues that feminists used the fear of depopulation and the increased number of women in the workforce as an ideological support to expand protective legislations in 1917 (p.388). Under arguments of moral duty to bear children and the women’s importance to keep the country functioning in absence of men, family allowances became widespread and systematized. The Catholic Church was another alliance with feminists’ efforts to expand motherhood protection because family allowances were considered a way to strengthen the family institution (Mista, 1998, pp. 388-390).

The French labor movement also used a strategy to promote cohesion by supporting protection for working mothers and to encourage the reduced working hours for all workers. The alliance of feminists, social Catholics, and labor unions empowered the women’s fight for women’s working rights and increased state intervention to address women’s issues. Even though originally the family allowances implied perpetuation of gender roles, they promoted women’s freedom from male breadwinners (Mista, 1998, pp. 391-392).

According to Mista (1998), the women’s movement “played a crucial strategic role” by attaching a pronatalist ideology to the importance of women’s paid labor to alleviate the financial

burden of raising children. The French women's movement used concerns around depopulation to emphasize women's roles as mothers and workers, shaping social policies and expanding its scope to favorable women's workers (Mista, 1998, pp. 394-395). The labor movement also played an important role in the achievement of a broad range of social legislation (Cohen & Hanagan, 1991, p. 480). Douglas (1924) asserts that supplementary allowances to family were led by the insistence and increased the labor movement's demands for a living wage aggravated by the poverty which Europe was facing after the war (p. 251). Cohen & Hanagan (1991) explain that even though there was division between the labor movement and social feminists regarding gender, the demand for universal social policies or for adequate living standard was a common interest (p. 472). *Confédération Générale du Travail* (CGT), for example, mobilized in 1909 for the achievement of the eight-hour work day and eight weeks of paid leave for pregnant women (Danto, 2009, pp.169-171).

### **The Specificity of French Labor Unions**

Danto (2009) explains that in France workers have the freedom to choose any of the labor unions to affiliate because "no single union represents all workers of a particular profession or geographic region" (p. 170). Danto (2009) explains that the newly hired worker can choose to be represented by the main French labor unions, *Confédération Générale du Travail* (CGT), *Confédération Française Démocratique du Travail* (CFDT), the *Force Ouvrière* (FO), or another union (p. 170). In general, the choice is linked to the political party, Communist Party, Socialist or Social Democrat, respectively, that is associated with the union, even though this connection is not declared to preserve the pledge of independence of party affiliation.

The French labor unions are broadly organized by industry and geographic base and have a great variety of member affiliates including technicians, semiskilled industrial workers, skilled

craft workers, unskilled workers, and public sector or civil service workers. (Danto, 2009, p. 170). The labor unions are large scale organizations, structured in a classical democratic line and inspired by the class struggle to achieve national consensus on issues of wages and working conditions. Different from American labor unions that have an overall association, French labor unions are structured in the national federation of each specific union, the national coalition of all unions and the local coalition. Moreover, the stronger French tradition to make use of strikes, demonstrations and marches to give voice to its political and economic demands, pressured the state for effective responses to promote more equally counteracting the gap between the working class and the capitalist class (Danto, 2009, pp. 171-172).

Danto (2009) points out that the French social protection system expansion and the mixed composition of private, public and quasi-public funds reflects the labor unions power on politics (p. 169). Béland (2001) states that the French labor unions have direct influence and more political claim to preserve the public interest in regards to public pensions than the American labor unions because the former contested and actively participated in the building of Social Security (pp. 154-158). American labor unions accepted from the start the government's managerial monopoly of the funds of the system and later campaigned for the expansion of private pensions, French labor unions prevented the establishment of a universal and centralized system financed by payroll taxes to determine the implementation of a Social Security system with universal coverage with separate schemes by occupational groups, separated from the government and with its management attributed to elected labors. Even though the French labor unions are not responsible for the Social Security system, they are vested with an ideological power to influence the politics of pension reform (Béland, 2001, pp. 157-160).

## Parental Leave in France

As we have seen, the first maternity leave policy in France consisted of eight weeks of unpaid leave. In 1928, Civil servants were granted 100% of earnings for two months as maternity leave. However, for the women working in the private sector the benefit remained unpaid or in accordance to collective agreements (OECD Family Database, 2017, p. 12). Only in 1946 did maternity leave become paid leave in the private sector and 50% of earnings reaching 90% of the earnings in 1970. The length of maternity leave was extended in 1946 to 14 weeks and in 1978 to 16 weeks (18 in case of multiple births) of which six weeks were pre-natal. Job protection was introduced in 1966, which ensured that women giving birth could not be fired for 12 weeks following childbirth (OECD Family Database, 2017, p. 12).

The first parental leave in France was established in 1977 and included a maximum of two years as leave after the end of maternity leave. To qualify for this leave, the recipient should have worked for the same employer for one year and the firm should have over 200 employees. The job was protected; however, it was unpaid and fathers could only take the leave if the mother declined her right. Fathers became eligible for parental leave in 1984 under the same requirements. In 1985, maternity leave and parental leave had the length of the leave extended for mothers of a third child to 26 weeks of maternity leave (eight weeks before childbirth) and up to three years of parental leave (OECD Family Database, 2017, p. 12).

A reform in 1994 enabled parents to receive the parental leave allowance for three years after the birth of second child (*Allocation Parentale d'Education*) and this benefit was extended to parents of the first child in 2004 with the supplementary work choice benefit (*Complement the libre choiz d'activité*). The benefit would be provided for six months and the parent could opt to work part time during this period. The allowance for the second child and subsequent children

did not suffer revision and the period of payment was up to the child's third birthday (Joseph, Pailhé, Recotillet & Solaz, 2013, pp. 64-65). In 2013, to take a neutral perspective on family types and introduce eligibility of gay couples (married or cohabiting) the paternity leave (*Congé de paternité*) was renamed "Leave for Looking after a Child" (*Congé d'accueil de l'enfant*) (OECD Family Database, 2017, p. 12).

### **France's Scope on Family Policies**

Since 1980s, job creation was the main focus of public policy in France and one of the mechanisms used to fight against unemployment was child care policy (Morgan, & Zippel, 2003, p. 61). Explaining France's family policies from more recent days, Rendall, Ekert-Jaffé, Joshi, Lynch & Mougin (2009) describe France's family policies as notable because combinations of maternity leave benefits with childcare provision, strengthened the continuity of women to work (pp. 93-94). Rendall, et al. (2009) highlight that France's family policies are compared to the Nordic countries family policies, being, however, considered ahead of them regarding women friendly policies and mother's employment support (p. 94). The family policies in France follow a universalistic regime, subsidizing childcare and maternity leave benefits to all income levels as a way to combine motherhood with employment. The US, however, is classified as a means-test regime that basically offer benefits for single mothers after being submitted to income tests.

France's subsidized universalistic childcare provided cash benefits to those who receive maternity leave since 1970s (Rendall, et al., 2009, pp. 90-94). Maternity leave consisted of 16 weeks after childbirth with the right to full compensation. For mothers, partnered and unpartnered, the compensation helped them return to work or to study fulltime after maternity leave. This policy also provided daycares and required only one-third of the actual cost of day care to be charged. There were subsidies to parents at all income levels for child-minders and to



private employers that provide childcare facilities to their employees and free public schools that provide childcare to children age three or more. Furthermore, there are allowances to the youngest child (*Allocation jeune enfant*) which grant all mothers from the fourth month of pregnancy until the youngest child is three months old; after that the benefit becomes income tested until the child's third birthday, or for unpartnered mothers (*Allocation de parent isolé*) the benefit is extended until the child's third birthday without being required the income test. In case of divorce, if the youngest child is over age three, the allowance is provided to the woman who becomes a single mother for up to one year (Rendall, et al., 2009, p. 94).

There is also assistance for parents that is provided residually to the ones listed above, however, it assumes a more stigmatized position: Revenu minimum d'insertion (RMI) which a basic income level is attributed to working-ages adult that are unemployed, in accordance to the family size and number of dependent children. France's structure to integrate motherhood and employment cover also the problem of housing by offering public housing at one-quarter of market rates to API and RMI recipients (Rendall, et al., 2009, pp. 94-95). One notable difference between France and the US includes American's failure to integrate maternity leave with publicly subsidized childcare.

Morgan & Zippel (2003) assert that paid care leave policies do recognize as valuable the work of care in the home (p. 74). France with its public support in a universal program allows low-income families and single mothers to care for their children for two to three years without stigmatization. In addition to paid care leave, France also offered additional allowances to ensure that low-income families and single mothers can raise their own children. One example of this additional means-test benefit is the *allocation de parent isolé* (single-parent allowance), which covers 71 percent of the minimum wage and for each additional child it increases the minimum

wage by 18 percent (Morgan & Zippel, 2003, p. 74).

### **Side Effects of the French Parental Leave Policy**

Morgan & Zippel (2003) argue that governments attempting to find an answer to the new challenges and social demands of families seeking help in combining work and family life have been increasing public spending on family policy (pp. 62-65). Although France adopted a “gender-neutral” approach for care allowances, long leaves are taken almost entirely by mothers, only two percent are by men. According to Morgan & Zippel (2003) the value of care has been reinforcing the traditional gender roles because that development is surrounded by the political strategy to balance high rates of unemployment, promote the exit of workers, especially women, from the labor force, or it bolstering the popular appeal on language choice that reinforces the role of fulltime female caregivers (pp. 51-66).

Parents receive 100 percent of their wages for 16 weeks or 26 weeks for the third child. The remaining period of leave the caregiver will receive the child-rearing benefit that does not replace income. Thus, it is normal to have as home caregiver the one with lower payment. Even though unemployment and precarious forms of employment have impacted all workers in advanced capitalism, women are disproportionately affected. Therefore, not only the extension of paid care leave, but also decent jobs for women are crucial to prevent gender and class constraints (Morgan & Zippel, 2003, pp. 66-71).

Measures to increase the role of fathers in child care, implement special leave targeting fathers, and public campaigns endorsing fathers on leave have been adopted, but they have not been successful. To ensure that parents have the freedom to choose who will exercise care or if they will opt for parental care, it is necessary for a wider welfare regime for well-paid parental leave and public child care. France, however, offers a low paid care leave after 16 weeks and

public child care has stagnated since resources were diverted toward parental care in the home (Morgan & Zippel, 2003, pp. 71-72).

### **Social Democratic Principles in Brazil**

Under dictatorships in the 1960s and 1970s, resistance became a multiclass political opposition and the transition to democracy brought a new space for democratic discourse in Brazil (Alvarez, Dagnino & Escobar, 1998, p. 408). The failure of neoliberalism to foster prosperity to defeat poverty and defuse conflicts in developing countries incited mobilization and the desire to find alternatives to glimpse social progress in Brazil despite a global economic order that favors the core industrial countries. The efficacy of social democratic regimes in Europe became an alternative regime to be followed in defiance of neoliberal reforms that increased inequality, generated economic instability and established punishments to governments that deviate from conservative monetary fiscal and social policies (Sandbrook, Teichman, Edelman, & Heller, 2007, pp. 3-6).

Social democracy principles consist of a “class compromise involving labor and capital, a welfare state predicated on universal entitlements, and full employment policies (Sandbrook, et al., 2007, p. 13). With the 1988 Constitution, Brazil consolidated democracy, recognizing social rights, civil guarantees and citizen’s prerogatives under influence of the European social ideals and social democratic experiences with innovations regarding participatory mechanisms (Nederveen Pieterse & Cardoso, 2014, pp. 13-18). The universal social policies guaranteed in the social security concept of the Federal Constitution of 1988 guided the implementation of a welfare system able to provide social rights to all citizens. Nonetheless, Brazil’s industrialization or class structure did not replicate the context in which European countries developed a successful egalitarian welfare system (Nederveen Pieterse & Cardoso, 2014, pp. 12-13).

The idealized universal welfare system arose in Brazil when democratic institutions were in a process to be consolidated, there was a context of macroeconomic adjustment and pressure from international agencies to downsize state and reduce social expenditures. Moreover, the predominantly financial economy reduced productive investments, powerful profit-seeking actors playing role in public policies, the legacy of authoritarian regimes and the preponderance of the elite's vested interests in the public arena enlarged the distance between ideology and practice (Nederveen Pieterse & Cardoso, 2014, pp. 11-14). Brazil's social reality reveals a picture of inequalities, discriminations and exclusions (Alvarez, Dagnino & Escobar, 1998, pp. 64-65).

### **The Women's Movement in Brazil**

The imposition of minimum state intervention by neoliberal policies has been downplaying the exercise of democratic citizenship because it attributes to the citizens the responsibility to "pull themselves up by their own private bootstraps" (Alvarez, Dagnino & Escobar, 1998, p. 1). However, the reduced conception of citizenship restricts the scope of democratization, excluding the struggles of recognition and the exclusionary social order towards for example race and gender. Brazilian culture is historically infused by social classification by class, race and gender differences which build a strict code and an authoritarian culture that reproduces inequality in social relations in all levels (Alvarez, Dagnino & Escobar, 1998, pp. 2-48). It has been crucial for women's movement in Brazil, thus, to combine the struggle for social rights, recognition and representation.

The Brazilian women's movement originated in 1970 during the modernization of Brazilian society and under influence of American feminist movements (Levy, 2012, p. 788). Htun (2002) states that Brazil had the earliest and largest second-wave feminist movement (p.

736). Feminism was diffused among groups of working class women in community associations and other movements claiming child care or basic services in poor or low-income neighborhoods (Levy, 2012, p. 788). From small groups, the movement grew to develop a large middle-class base with extensive connections in the 1980s (Htun, 2002, p. 736). The disseminated activism proliferated the feminist movement opening for discussion of issues concerning reproductive rights, violence against women and sexuality. To advance the feminist claims and recognize that politics can influence society through laws, public culture, social and economic policy to transform feminine condition, the women's movement integrated into political parties. In 1980s, the women's movement associated with the Brazilian Worker's Party (PT) which elaborated feminist platforms and embraced the women's movement agenda (Levy, 2012, p. 788).

### **“Lipstick Lobby”**

The National Council for Women's Rights (CNDM), created in 1985, formulated proposals for the Constitution after discussing women's legal situation in national seminars and public forums. To pressure the acceptance of its proposals, the CNDM organized and mobilized around the country and at the Brazilian Congress, which became known as the “Lipstick Lobby” (Htun, 2002, p. 738). The women's movement achieved 80% of its claims in the Federal Constitution of 1988 as a result of active lobby and consolidated its force in diffusing ideals and in establishing close relations with parties and other movements (Levy, 2012, p. 788). Among the claims that were proclaimed Constitutional rights were “women and men have equal rights and obligation in the family”, “the state is obliged to protect women's position in the labor market”, “120 days of paid maternity leave”, and “sex discrimination in employment and wages is prohibited” (Htun, 2002, p. 737).

The women's movement is characterized as diffuse and decentralized, with autonomy to

form alliances with other political organizations that are in agreement with a range of issues (Levy, 2012, p. 789). Engaged in NGOs, the feminist movement developed national and international networks to advocate for women's right. Htun (2002) points out two feminist NGOs in Brazil: The Articulação de Mulheres Brasileiras (Brazilian Women's Articulation) that connect women's organization spread across Brazil's 26 states and federal district and the Feminist Center for Studies and Advising (CFEMEA) that track women's rights legislation, conducts research projects, and provide advice to policymakers (p. 736). Even though, in 1990s and 2000s the movement was structured more top-down where feminist NGOs organized projects financed by international agencies, during 2000s, the movement reconnected with the grassroots. The participation in Brazilian Worker's Party (PT) had improved the movement's influence on public policies, however, reduced opportunity for critical debate (Levy, 2012, pp. 788-789). Levy (2012) argues that the relationship between social movements and political parties serve as a "conduit for the direct expression of popular claims" (p. 784).

### **Brazilian Labor Movement**

Garcia Castro (1999) contends that women activists associated with labor organizations like Unified Workers Federation (CUT) attained measures to force employers to recognize maternity rights and disseminate campaigns against gender-based discrimination, violence and sexual harassment in the workplace (p. 30). Antunes & Santana (2014) states that the structure of the Brazilian labor movement was established in the 1930s under the state's control and limited action to their class-based aspirations (pp. 11-12). However, the authors point out that the labor movement was able to find alternatives to state control and to mobilize within and outside the union structure the labor movement in order to achieve concessions during the Vargas administration with recognition of labor rights and the creation of the Consolidação das Leis do

Trabalho (Consolidation of Labor Laws -CLT) (Antunes & Santana, 2014, p. 12). During the presidency of João Goulart, with growing demands concerning agrarian, urban and higher education, the labor movement created the Comando Geral dos Trabalhadores (General Worker's Command-CGT) and associated with the Ligas Camponesas (Peasant Leagues) and with the União Nacional dos Estudantes (National Students' Union-UNE) (Antunes & Santana, 2014, p. 12).

Repressed by the US sponsored military coup of 1964, the labor movement witnessed the imposition of a conservative orientation with the demise of the core social reforms and the dismantled of labor movement forces. Nevertheless, the acceleration of modern industry and its geographical concentration gave rise to a new working class. The new industrial proletariat concentrated in the automotive and metallurgical industrial belt of the ABC region of São Paulo (Santo André, São Bernardo do Campo, and São Caetano do Sul) started to connect with industrial workers, rural wage earners, civil servants and urban salaried middle sector and in the half of the 1970s. This happened during an outbreak of widespread strikes aiming for a society without exploitation between capital and labor (Antunes & Santana, 2014, pp. 13-14). In 1983, industrial worker strikes and the student movement broadened the fight against dictatorship and the struggle for democratization of policies. These activities supported the campaign for direct presidential elections and defended the interests of the working class during the Constitutional Assembly, including maternity leave policies among other social policies. The labor movement played a key role in the battle against the capitalist class by achieving the constitutional status for labor and women's rights (Antunes & Santana, 2014, pp. 14-15).

Collier & Mahoney (1997) states the "labor movement was one of the major actors in the political opposition, explicitly demanding a democratic regime" (p. 285). They argue that the

labor movement in Brazil built a unified prodemocratic mass movement and became an important national political figure because it articulated beyond the union sector and identified itself with a broad constituency representing interests from the larger working-class neighborhoods and communities and concerns of lower classes in general. Moreover, the labor movement created the socialist Worker's Party (PT) to acquire political power, "labor protest and mobilization were directly responsible for expanding political and electoral space to include a new force on the left" (Collier & Mahoney, 1997, pp. 296-297).

### **Maternity Leave in Brazil**

The first maternity leave policy was an outcome of the Consolidation of Labor Laws (CLT) enacted during Vargas administration in 1943 and it stipulated in the right for employed women to have paid leave with full salary for four weeks before and eight weeks after childbirth with job protection. With the advent of the Federal Constitution of 1988 maternity leave became a social right and extended to all formally employed women, including employed women from rural areas (Pinheiro, Galiza, & Fontoura, 2009, p. 856). The entitlement included 120 days of maternity leave, without any type of loss regarding employment, job position or salary. Furthermore, to avoid arbitrary dismissal, job protection is in place from the moment in which the pregnancy is confirmed up to five months after giving birth under penalty of compensation in accordance with the salary commonly received for the period not observed (Machado & Pinho, 2016, pp. 3-4). The leave can be taken since the last month of gestation or from the date of birth; it requires medical certification recommending absence longer than 28 days before the expected birth or to have increased two weeks of leave (Machado & Pinho, 2016, p. 4).

In 2008, the Law 11,770 established the Programa Empresa Cidadã an incentive to companies who are taxed based on actual profits to extend maternity leave up to 60 days,



totalizing 180 days of leave. The amount paid for the extension would be deducted from the income tax of the company; however, the decision to apply or not the extension left to the discretion of employer (Machado & Pinho, 2016, pp. 4-5). Paternity leave includes five days after the birth, which restricts the equal responsibility of men in parenthood and deepens the sexual division of reproductive work (Pinheiro, Galiza, & Fontoura, 2009, p. 854). Brazilian legislation also fails to expand definitions of family to include gay and lesbian conjugality and parenthood attributing to the Judiciary the role to guarantee gays rights through lawsuits (Adelman & Corrêa de Azevedo, 2012, p. 72).

### **Limitation on Brazilian Maternity Leave Policy**

Even though the maternity leave policy in Brazil established measures to prevent exposure to health and safety risks, recognize the right to have work interruptions for breastfeeding and the right for working mothers' babies up to 6 months of age, it is not a universal right since its benefit is limited to the condition of formal employment (Robila, 2014, p. 467). Moreover, it is centered on gender roles attributing domestic work primarily to women; it is exclusionist regarding changes in family patterns; and it has limited scope because less than half of the women working in the country are in formal employment (Pinheiro, Galiza, & Fontoura, 2009, p. 854). Brazil exhibits high levels of poverty, deficient health care provision, and insufficient and low quality of child care (Campos, Füllgraf, & Wiggers, 2006, p. 5-7). The Federal Constitution guarantees the right of children to child education consisted in childcare and preschool education. However, it is not accessible for the majority of the population (Robila, 2014, p. 466). Municipalities are responsible for early childhood education but they lack sufficient resources to consolidate quality and accessibility to early childhood education (Campos, Füllgraf, & Wiggers, 2006, pp. 4-8).

The limited access to childcare affects the gender inequality and increase the difference between women's work lives and opportunities along lines of race (Lovell, 2000, p. 99). Robila (2014) states that the precariousness of its coverage, the insufficient investment and the lack of free universal child education with full time service and free school meals impact the conditions of poorer families as well as the mother's engagement in the labor market (p. 466). Lovell (2000) asserts that public discussion of racism is relatively recent because until the 1980s image of Brazil as a true racial democracy prevailed (pp.88-89). However, Marteleto (2012,) states that "Black and *pardos* (mixture of white Brazilian, Afro-Brazilian and Native Brazilian) are disproportionately represented among lower classes: compared with whites, nonwhites experience less social mobility, experience higher levels of racial segregation and have lower levels of education" (p. 340). Therefore, nonwhite women are more likely to engage in informal work. Consequently, they are excluded from the maternity leave scope and need public child support to be part of the workforce.

### **Final Considerations of Chapter 3**

This chapter highlighted the dominant ideology and the salient social movements in the US, Brazil and France that contributed to shaping and to conceiving their current maternity/parental leave policies. The dominant ideology and the women and labor's movement are the other variables chosen to identify and explain common and contrast patterns between US, Brazil and France. The American political ideology on self reliance and residual responsibility of government, the Common Good in France and the Social Democratic Principles in Brazil were chosen to elucidate the mainstream ideology in these societies that can unravel some of the embodied practices of exclusion and inequality. Even though the values and the culture of these countries are not reduced to the ones discussed on this study, their citation was made to show

how culture and values can influence the process and the design of the maternity/parental leave adopted in the US, Brazil and France.

The social movements, represented here by the women and labor movements, interacting with economic and cultural variables constitute political forces that also shape and guide social policies. Limitations to cover all the social movements that were relevant to the process in conceive maternity leave in the US, Brazil and France resulted in the need to narrow the analysis to periods of crucial social transformations. In this chapter, social movements are pictured as an important player in the achievement of maternity/parental leave policies. The new forms of recognition, of programs, policy and legislation regarding maternity/parental leave are the legacy of social movements pressuring for egalitarian practices, challenging the social order and actively representing the emergent demands from people and collectivities in vulnerability and exclusion (Adelman & Corrêa de Azevedo, 2012, p. 67).

This chapter emphasized the maternity/parental leave process and its current policy in the US, Brazil and France, accentuating outcomes, gender consciousness, work and family patterns, structural dimensions and the scope of the policy adopted.

## **Chapter 4: Comparative Analysis**

In this sociological study, I examine the determinants of maternity/parental leave policies in the US, Brazil and France. Their role helps to understand the roots of maternity leave/parental leave policies adopted in each country. These policies affect significantly the opportunities for women to combine work and family roles (Weldon, 2011, p. 58). Maternity/parental leave can also lead to the transformation of gender relations and family life (Adelman & Corrêa de Azevedo, 2012, p. 66). To understand the causes for the diversity of maternity/parental leave policies in the US, Brazil and France, it was necessary to investigate the relations between capitalist forces and social movements within the society and the cultural, political and economic instruments that were available in the process of policymaking. This chapter will provide a comparative analysis of the political and economic context of the US, Brazil and France during the pre-neoliberal period in the 1930s, followed by the neoliberal period in the 1970s and 2000s. The study will analyze the prevalent ideology in the US, Brazil and France in relation to welfare state and the social movements that influence policymaking. Additionally, this comparative study will discuss the differences or similarities between maternity/parental leave policies enacted by the above mentioned countries including deficiencies and outcomes.

### **The Political and Economic Variants**

Taking into consideration that the US and France are core capitalist countries with more independence to impose their decisions and strategies and Brazil is an underdeveloped country dealing with pressures from outside and with incomplete industrialization when the world was devastated with the first economic crisis in 1930s, I will summarize the historical, political and economic contexts of the United States, Brazil and France, highlighting the divergence or convergence in relation to the impact of the neoliberal order.

### **The Pre-Neoliberal Period**

In the pre-neoliberal period, with the impact of the Great Depression, the United States initially adopted a nationalist policy that later developed into a social democratic model making use of a Keynesianism approach. The state guaranteed to compromise elements of labor, business and agriculture, creating an inclusive Social Security System. France, in turn, adopted a neo-orthodox policy to accommodate a nationalist orientation with cartelization (Gourevitch, 1984, pp. 96-127). However, France acted on the economy to promote permanent employment, regulating work practices and establishing enforceable collective industrial agreements (Whiteside & Salais, 1998, pp. 146-147). Brazil, unlike the United States and France, was a specialized exporter of raw materials due to its position as a former colony (Evans, 1979, pp. 55-59). The country was characterized as an authoritarian and patrimonialist state and under a Populist Democracy it implemented a nationalist policy, the Import-Substitution Industrialization (Baer & Kerstenetzky, 1964, p. 424). Nonetheless, industrialization was tangled with foreign capital to finance the balance of payments, without a land reform (Dalto, 2008, pp. 78-79). The fact that industrialization happened without prior social reforms resulted in unbalanced investment between all sectors of the society, creating structural unemployment and marginalizing large stratum of the population (Duarte, 2013, p. 197). Social policies were centered in the urban sector where the workers segment had greater power of bargaining (Fleury, 2011, p. 7). The Social Insurance System well reflected the disproportionality of Brazil's growth and protection by establishing a social security model for the formal workers and assistance model for the remaining population (Fleury, 2011, p. 7).

### **The Neoliberal Period (1960s-1980s)**

During the neoliberal period, from 1960s to 1980s, the United States understood that the

nature of its economic crisis was a result of the Keynesianism welfare state. Therefore, it adopted the neoliberal policy promoting deregulation and tax and budget cuts on social expenditures (Harvey, 2007, p. 25). The neoliberal practices fostered the finance sector to the detriment of industry, increased dependence on finance capital and weakened labor (Heyes, Lewis & Clark, 2012, p. 225). As an economic strategy, the US launched the Volcker plan that raised the nominal rate of interest overnight. The expansion of the market implemented a political strategy of indirect domination where the US provided economic and military assistance to local ruling elites to ensure the best interests of American investments (Harvey, 2007, pp. 25-28). France, in contrast to the United States, understood that the nature of the crisis had its roots in the declining competitiveness of the dirigiste policies, not seeing the necessity to restrict the welfare state (Kus, 2006, pp. 515-516). The Left came to power in 1981 and France maintained a macroeconomic policy centered on Keynes, raising minimum wage, withdrawing medical charges for social security, distributing houses, etc., and intensified state intervention on the industrial sector with a nationalization project to prioritize domestic industry (Ross & Jenson, 1983, p. 83).

During this period, Brazil was considered geographically and economically important to the United States to combat the advance of communism (Pereira, 2016, p. 5). In addition, Brazil presented an enormous external debt that increased especially as a result of the Volcker Plan (Dalto, 2008, p. 79). To receive new investments and establish new agreements with the International Monetary Fund, Brazil was pressured to adopt neoliberal economic principles that included austerity policies under a structural adjustment program orientation (Pereira, 2016, pp. 8-9). Nevertheless, Brazil decided to adopt an Independent Foreign Policy consisting of a nationalist pro-independent approach, restoring relations with communist countries, targeting

development, economic emancipation and social reform. Here, we can associate this approach to France's position towards neoliberalism. Brazil, as in France, had the Left in power; however, in Brazil, the Left administration was short and was overthrown by the military coup with US finance in 1964 (Rapoport & Laufer, 2000, pp. 73-77). The US indirect domination towards Brazil escalated when the Left abandoned the US imposition to cut public deficit, freeing the economy from constraints and implement the economic stabilization program (Pereira, 2016, p. 9).

Having established the US sponsored dictatorship regime, the Brazilian dictator introduced the new development model relying on market forces, minimum state intervention, liberalization, and open domestic financial system to the international capital markets (Dalto, 2008, pp. 81-82). The structural adjustment policies became the new order which imposed cuts on social spending and increased privatization of state enterprises. The consequence of adopting these measures was the rise of poverty and unemployment (McMichael, 2012, p. 121). The dictatorial regime and the rise of misery in the country fomented social movements fighting for democratization and against cuts on social expenditures. These social movements lead to the 1988 Federal Constitution that determined universalistic provision of pensions and health care disregarding radical neo-liberal practices. The universalistic approach to social programs can also be related to France's universalism approach, however, the economic adjustment measures affected the welfare system on its origins since it had to deal with reduced resources to investment on infrastructure and services (Fleury, 2011, pp. 7-11).

### **The 2000s**

The US was under an underregulated finance system and incentives were concentrated towards profit regardless of the impact it had on other sectors (Hsu, 2013, p. 111). Since 1992,

the US increased the neoliberal approach towards welfare, restricting the program to policies for poor relief, with high reliance on private sector and individual responsibility and in the use of charities and means-tested public benefits (Russel, 2006, p. 81). During the Obama administration, the government attempted to expand its intervention in 2010 to combat the recession, promote welfare, and avert the reliance on market forces for health care. However, even though the 2010 Patient Protection and Affordable Care Act, or Obamacare, suggested a transformation toward universal coverage, the Act incorporated a number of market-oriented policies and principles (Oberlander, 2014, pp. 432-436). France, nonetheless, has the strategy of the state acting more as supportive to the market than has the market-steering (Clift, 2012, p. 215). France has rejected or loosened some of the requirements on neoliberal demands (Thomas, 2015, p. 218). The impact of the recession in late 2000s was limited in France because of its prior interventionist model that established employment protection, centralized wage bargaining, regulated product market and insider controlled financial system combined with social protections and public education (Amable, Guillaud & Palombarini, 2012, p. 1173). Furthermore, France has a strong tradition of state presence and leadership and a Catholic sense of care for others and historically all governments adopted dirigiste tradition of political economic action favoring workers' rights over employers' rights. The neoliberal reforms in France consisted of redistributive measures and state intervention in training, education and public policies (Thomas, 2015, pp. 218-296).

Brazil in the 1990s was facing the outcomes of the neoliberal structural reform, high rates of unemployment and a worsened income distribution. The domestic industry was not able to compete internationally, which increased imports, and the policymakers were more subordinated to financial interests (Duarte, 2013, pp. 193-200). The limited economic growth restricted the



government's possibilities to investments in infrastructure and social services to balance the public debt. The economic constraints affected the funding and financing resources and structures to the idealized universal access on its social programs (Fleury, 2011, p. 10). To diminish the destructive effects of neoliberal policies, Brazil embraced an agenda targeting poverty, prioritizing education and health from 1995 to 2002 (Costa, 2009, p. 700). In late 2005, the government introduced the Neo-developmental alternative policy which established and prioritized social programs that supported redistribution and at the same time nurtured domestic firms and national champions (Morais & Saad-Filho, 2012, p. 790). Again, Brazil can be associated to France by attempting to establish an interventionist policy inside a neoliberal framework to promote economic growth and social equity. Nonetheless, the prioritization of redistribution programs resulted in relocating funds from health, education and sanitation since Brazil still struggled to survive the economic constraints from neoliberal policies. The reallocation of funds from other social programs depreciated the quality of structure and services and deepen inequality in different fronts even though it reached better income equality (Costa, 2009, pp. 701-704).

The relevance to the analysis of the political and economic history of the US, Brazil and France consist to illustrate the framework where social policies were rising and the political and economic instruments that were available to counterbalance the relation between social forces. After studying the historical, political and economic context, it is a logical conclusion that external pressures on Brazil, as well as its particularities regarding degree of development and dependency shaped the way social policies were oriented. However, it is still necessary to analyze the reasons why US and France took different approaches even though they are core capitalist countries and the reasons that Brazil was drawn near to France instead of US, even

though the latter had indirect domination in the end of 1960s. The political ideology and the social movements are the other variants that I studied aiming to clarify the different social approaches adopted by the US and France, and the Brazilian nearness to France.

### **Political Ideology**

Due to the complexity to embrace all the ideological and cultural aspect that could have contributed to the approach that the US, Brazil and France adopted, I illustrate the possible influence of these variants by citing the general and preponderant political ideology in each of these countries. The American political ideology, that I mentioned as remarkable regarding the welfare orientation in the US, is the belief that people should be self-reliant. This belief has its roots in Protestant work ethic attributes. The fortune of the individuals is attached exclusively to the diligent conduct of each person. This belief was incorporated in the social, political and economic settings during the period of industrialization and with the adoption the neoliberal practices. The free market competition and consequently emphasis on individualistic competition, induce a subsidiary responsibility of state to the need of assistance. The basis for the need of care is left to voluntary assistance or cooperation (Sapiro,1986, pp. 223-236). We can elicit this political ideology from the model of the current welfare policies adopted by the US and the liberal welfare regime. The social programs are mainly poor relief oriented and means-tested public benefits, it has high reliance on the private sector and in the use of charities and individual responsibility (Esping-Andersen, 1991, p. 111). Racism also played an important role in shaping social strategy and tactic policies in US (Evans, 1992, p. 382). The racist discourse associated the welfare state with economic dependency and a culture of poverty. Campaigned against the expansion of welfare arguing that assistance produces by itself problematic behavior became a central feature of the American discourse in conservative and liberal circles, ignoring social,

demographic and economic trends in US history and stigmatizing especially African Americans and Hispanics who were more likely to need government care (Evans, 1992, p. 388).

France's ideology, in turn, is rooted on French Revolution and is different from the US. The France Declaration of the Rights of Men and of Citizens not only ensured equality and freedom but also established that common interest superseded individual interest. Laissez-faire economics and individualism was always mitigated by the idealism of the common good (Danto, 2009, p. 167). Even though characterized as a corporatist welfare regime, France embraced universalism benefits on its social policies. Brazil adopted to a universalistic approach in theory that was influenced by the principles of social democracy successfully implemented in Europe. In accordance to the social democratic ideology, the state would affirm universal entitlements and full employment policies and establish the class compromise between capitalist and working class (Sandbrook et al., 2007, pp. 3-13). Brazil failed to apply the social democratic principles towards the welfare state because of its historical, political and economic context and did not replicate the circumstances met in the European countries. (Nederveen Pieterse & Cardoso, 2014, p. 12) The political ideology presented in the US, Brazil and France are related to the welfare regime adopted, however, it is not sufficient to alone determine the social approach.

### **Women's and Labor Movement**

Social movements can and do influence the policy process by pressuring the public and private sector to create solutions and actions within a given range (Sawyers & Meyer, 1999, pp. 188-201). The US working-class organization is traditionally weak and divided since it has low levels of unionization and has no mass-based socialist party (Navarro, 1989, pp. 893-894). A weak working class, cannot successfully counterbalance the power of the capitalist class, resulting in social policies that do not represent the best interests of the former. To demonstrate

the importance of the labor movement on shaping social policies I want to highlight two examples described in Chapter 3.

The first happened during 1930s when a strong labor movement pressured the government to act against the destructive outcome from the Great Depression (Cloward, 1979, pp. 173-174). The strong mobilization and the resistance with mass strikes resulted in a more expanded social welfare with the creation of Social Security System. On the other hand, the second consisted in the enactment of the Family and Medical Leave Act when neoliberalism was already implemented and working-class organization was even weaker. The consequence to this combination was, for instance, the promulgation of a family leave policy that does not embrace the best interest for the American working class. It is necessary to highlight that even though the US has a strong women's movement and better gender consciousness it was not enough to achieve a more in-depth parental leave. Both examples demonstrate the consequences on the effectiveness of a strong or weak labor mobilization on shaping social policy. Labor movements challenge class divisions which cause greater impact in policy to be conceived while women's movements, even though important, have its influence concentrated on advancing gender consciousness (Weldon, 2011, p. 58).

The same attribution to the power of labor movement on shaping social policies can be related to the case of France. The French labor unions are broadly organized by industry and geographic base and have a great variety of member affiliates and it also has the tradition to make use of strikes, demonstrations and marches to give voice to its political demands. Labor movements in France are very active, making use of all mechanisms available to pressure the state and to obtain more equally counteracting of forces against the capitalist class (Danto, 2009, p. 172). The strong participation of labor unions in politics can be associated with the

achievement of a universalistic welfare regime, as well with the economic policies adopted as alternative to the neoliberal practices. Even though the parental leave adopted has its deficiencies, it has a universalistic approach as a result of the strong labor movement. It is necessary to point out also that the women's movement attained with the pronatalist campaign also influenced to the achievement of social policies regarding women's workers (Mista, 1998, pp. 394-395).

In Brazil, women's and labor movement were strong and integrated into political parties. The association between women's activism and labor organizations resulted in the achievement of 80% of women's claims in the Federal Constitution of 1988 (Levy, 2012, p. 788). The Brazilian women's movement allied with labor organizations to combine power to counteract the capitalist interest as well the external forces (Alvarez, Dagnino & Escobar, 1998, pp. 47-48). Together, women's movements and labor movements can force employers to recognize maternity rights and disseminate campaigns to increase gender consciousness. Facing global market forces and policy determinants, Brazil has neither a parental leave policy nor a universalistic maternity leave approach like France; however, it has a more beneficial approach (on paper at least if not in policy execution) in comparison to the US as a result of the strength and activism of the social movements.

### **Maternity/Parental Leave Comparative Analysis**

The result of a dispute of power between working and capitalist class within a context of political ideology and suitable history of politics, social movements and economic development determined the maternity/parental leave policy adopted in the US, Brazil and France. These variants together shaped the state's response towards the social problem regarding women/family needs which culminated in the current maternity/parental leave policy (Titmuss, 194, pp. 138-

141). The Family and Medical Leave Act reflect the influences of an advanced neoliberal practices and weak working class for three reasons: first, because it is an unpaid benefit that limits the access, second, because it determines requirements that limit its scope and third because it establishes an unreasonable length to the need of care. It also reveals the political ideology of self reliance and low gender consciousness since the policy is not linked with public child daycare institutions. A social policy that envisions empowerment and equality for women cannot presume that social relations happen between independent persons who are equally situated and equally empowered (Kittay, 1995, pp. 8-16),

France, however, has a strong labor movement, and as a core capitalist country, it can reject or loosen some of the neoliberal practices and generate a parental leave policy with a universalistic approach (Thomas, 2015, p. 218). The working-class interest is ensured in this policy because it guarantees replacement of income during 16 weeks and other allowances to the optional period, job protection and good length for the need of care. Contrary to the neoliberal principles of minimum state intervention, but in consistent with the common good and gender consciousness, the leave policy benefits all income levels and combines universalistic childcare (Rendall, et al., 2009, pp. 90-94). Leave for looking after a child extends the concept of gender since it introduces eligibility for gay couples to receive parental leave (OECD Family Database, 2017, p. 12). The adjustment, however, to accommodate a stronger gender consciousness to this policy creates mechanisms to increase the role of fathers in the spectrum of care and ensure that they also exercise the right of parental leave (Morgan & Zippel, 2003, p. 72).

Brazil is found in an intermediate circumstance, fluctuating between the universal approach and submitting to neoliberal forces. The ideology to follow social democratic principles put forth by a strong working class is limited by two main factors: first the impact of

structural adjustment policies imposed by neoliberalism; and second, the historical context of a former colony, authoritarian and dictatorship regimes combined with later development compared to the US and France. The working-class interest is not completely ensured in the maternity leave policy adopted even though it provides a decent length for the need of care, guarantees job protection, and ensures full payment (Machado & Pinho, 2016, p. 3). Only formal employment allows the woman worker to benefit from the leave policy (Robila, 2014, p. 467). The established universal child care aligns with the social democratic principles; however, this institution is attenuated by the power of neoliberal austerity policies since it lacks sufficient resources to consolidate quality and accessibility to early childhood education (Campos et al., 2006, pp. 4-8). The other aspect of the maternity leave policy in Brazil that aligns with the neoliberal principles is the new Law Programa Empresa Cidadã. The extension of the leave is discretionary to the company revealing reliance on the private sector to advance a social right (Machado & Pinho, 2016, pp. 4-5). The Brazilian policy reflects low gender consciousness, since the benefit is not extended to fathers, nor to gay and lesbian conjugality, and parenthood, leaving them only with the Judiciary option (Adelman & Corrêa de Azevedo, 2012, p. 72).

## **Conclusion**

This comparative historical and sociological analysis aimed to address the gap in the literature regarding the way neoliberalism, culture, ideology and social movements affected and shaped maternity/parental leave policy in the US, Brazil and France. The complexity of the subject, proved that there are many other questions that require further investigation. Even though there are limitations to this study, it is possible to conclude from the collected information and the comparative analysis that interaction of ideology, politics and dispute of power can influence the state's action towards a social problem (Russel, 2006, pp. 4-5).

However, the equal or unequal balance of powers between working and capitalist class is the main determinant of the scope of the social policy adopted.

The historical analysis of the processes underlying the adoption of maternity/parental leave policies in the US, Brazil and France was pursued in the interest of working class (Navarro, 1989, p.890). In the countries where the working class was a dominant force, the maternity/parental leave policy had its dimension broadened to universality (Navarro, 1989, p. 893). A strong working class is more likely to influence better social policies within a welfare state and expand social and political rights (Navarro, 1991, pp. 32-34). France, where labor unions are broadly organized, recognized that by participating in worker strikes, demonstrations, and marches, parental leave with a universal approach can be achieved (Danto, 2009, p. 172). On the other hand, the US, with weaker working-class organization developed a policy that was limited in access and scope (Kittay, 1995, pp. 8-16). To emphasize the correlation of the strength of the working class to the achievement of policies or the state's response with better representation of working class interest, I make reference to the period of the 1930s when American labor unions were stronger and the welfare state was expanded to the point that the government created a Social Security System.

In Brazil, the power of working class also played an important role to counteract the power of capitalist class. However, the degree of universality met is correlated with the strength of the working class (Navarro, 1989, p. 893). Even though the labor movement was strong in Brazil when the current policy was established, democratic institutions were undermined due to outside intervention by the most powerful country in the world capitalist system and subsequently subjected to structural readjustment (Nederveen Pieterse & Cardoso, 2014, pp. 11-12). With the advance of neoliberal practices and considering that neoliberal policies were



designed to weaken the working class (Heynes et al., 2012, p. 224), the Brazilian labor force became weaker, resulting in an unequal balance of power that translated into new policies in line with capitalist interests as seen in the new law Programa Empresa Cidadã (Machado & Pinho, 2016, p. 4).

It is necessary to emphasize that Brazil in the 1980s was pressured by financial agencies to adopt structural adjustment measures to promote the new global pattern of capitalist accumulation. Brazil, unlike the US and France, did not have a transitional period to strengthen the national industry before the emergence of neoliberalism. Vulnerable to financial speculation and external shocks, Brazil must apply measures and social policies favorable to interests of large multilateral corporations and financial groups, renouncing the necessary measures to promote sustainable development (Laurell, 2000, pp. 308-309).

The complexity of the topic prevented me from engaging in a deeper examination of the ideological, cultural, and feminist implications. This study establishes a rudimentary idea of interaction between ideology, culture and feminism in the development of maternity/parental leave policies, therefore, this study is not exhaustive or conclusive. Understanding the process, its determinants and outcomes leads, anyone seeking equality to where it is necessary to challenge policy-making and where it is necessary to improve existing policies to achieve social justice. It is clear from this comparative analysis that working-class organization and social movements such as the women's movements must be stronger to help balance political economic forces and pull them in favor of the interests of working-class women and men (be they in the arena of production and/or reproduction).

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