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## **Populism and Public Choice: Constructing Women as a "Special Interest"**\*

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### ABSTRACT

Populism has been reshaping public discourse in the 1990s. Australia and Canada exemplify both the longevity of rural populism and the impact of new variants of the 'us and them' frame. Thanks in part to the addition of new class theory and the public choice-inspired concept of 'special interests', today's populism is directed less against the banks and international financiers and more against the welfare state and its supporters. The divide around which political emotion is mobilised is not between labour and capital, but between taxpayers and business on one side and regulators and redistributors on the other.

In both Australia and Canada market populism constructs feminists as on the wrong side of this divide, among the elite that does well out of equality. Feminists and femocrats promote victimhood and dependency while shoring up their own privileged public sector positions. In public choice terms they are classical rent seekers, trying to achieve better returns through the state than they can achieve through the market. The attribution of contempt, on the other hand, is part of the semantic grammar of populism; in this case it serves to delegitimise feminist and other equality projects.

The discursive shift whereby equality seeking is constructed as an elite interest, contrary to the interests and aspirations of the mainstream, represents a profound change in what can be said and what can be done in terms of public policy. This paper compares the nature of this discursive shift in Australia and Canada, its political vehicles and its policy impact.

Populism has long been part of the political landscape of countries such as Australia and Canada. The semantic grammar of populism includes the creation of an 'us and them' frame of reference and the mobilising of hostility against those on the wrong side of the

divide. The target of such hostility has changed, however. Older populisms often had left-wing economic agendas, as in prairie populisms in Canada or rural populism in Australia (Laycock, 1990). Today's populism is directed less against the banks and international financiers and more against the welfare state and its supporters. In other words, there has been a notable shift in the gender of the target. This paper draws on evidence from both countries of the reshaping of public discourse and the rise of market populism. The main focus is on the discursive strategies whereby welfare state and related equality seeking has been delegitimised, equality seekers recast as rent seekers and women turned into a special interest.

### **Discursive shifts—the 'new class'**

The significant populist upsurge in Western democracies is often attributed to the insecurities fostered by globalisation and to the pace of social and economic change. It was marked by the emergence of parties such as Reform and Pauline Hanson's One Nation. While parties of this kind have drawn on traditional wellsprings of popular discontent, they are also influenced by new international discourses largely emanating from the United States. In Australia one of these discourses has been the concept of the 'new class', as reworked by American neoconservatives in the 1970s. Oddly, this discourse does not seem to have had nearly the same traction in Canada, despite Canada being so much closer to its point of origin.

The 'new class' consists of university-educated intellectuals, radicalised by the social movements of the 1960s and with a vested interest in expanding the public sector. This new class speaks a language of public interest and equal opportunity, masking their own self-seeking and indifference to ordinary people. Economists Milton and Rose Friedman helped popularise the concept in their best-selling *Free to Choose*, which depicts the new class as acquiring high incomes for itself through preaching equality and promoting and administering the resulting legislation (1980: 142, 301).

The new class was associated with values such as environmentalism, feminism, multiculturalism and minority rights more generally. These values were not regarded as having any authentic ethical content; rather they were elite ‘fashions’ which received the collective label ‘political correctness’. In the influential essays of Christopher Lasch, the new class elite was characterised not only by cosmopolitanism and political correctness but also by contempt for unfashionable middle American values (1995). The idea that the new class is contemptuous of ordinary people’s values or just of ordinary people becomes very important in mobilising political emotion around this new discursive divide. It becomes inseparable from the idea of the new class although no evidence is presented of the contempt that supposedly characterises equality seekers.

American new class discourse was soon imported into Australia, particularly through the Association for Cultural Freedom journal *Quadrant* (Cahill, 2001). It editorialised in 1989 that the new class, with its associated values of environmentalism, feminism and multiculturalism, had replaced totalitarianism as the major threat to freedom (Manne and Coleman, 1989). Although this was rarely made explicit, the core members of this supposedly privileged new class, defined by concern over issues such as the environment and human rights, were the underpaid members of feminised professions such as social work, teaching and librarianship. One of the key characteristics of the new class was, in fact, its female character, unlike the elites we have been more familiar with that would not admit women to their clubs.

Neoconservative theory of the new class was easily assimilated into older anti-elite discourse through the formula ‘new class elites’. The confluence of traditional populism and new class themes can be seen in *Pauline Hanson: The Truth*, the book published to mark the launch of Pauline Hanson’s One Nation. Here a chapter is dedicated to attacking new class or ‘cognitive’ elites and their ‘betrayal’ of Australia (1997: 56–108) Unlike the American progenitors of new class theory, however, Hanson was too much part of the old populism not to include ‘Asianisation’ and the internationalisation of the economy in the betrayal of Australia. Those promoting free trade and competition policy were as much to blame as multiculturalists and the Aboriginal industry.

The most elaborate presentation of new class concepts in Australia was that of sociologist Katharine Betts in her popular book *The Great Divide*. This positioned the author on the right side of the ‘great divide’ between the world of ordinary people and the cosmopolitan world of the elite (1999). She warned that while new class advocacy of increased welfare expenditure and regulation might appear sympathetic to working class interests, ‘at bottom’ the new class was contemptuous of the materialism and parochialism of the working class (81ff). The Betts view of a new class elite lecturing the electorate to accept asylum seekers and wincing at ‘basic Australian values’ has been taken up with enthusiasm in free-market journals (for example, Johns, 2001: 11).

A similar discursive technique can be found in Canada in the *National Post* columns of David Frum, who until his resignation in mid-1993 was making regular attacks on the social engineers who promoted bilingualism, cultural diversity, Indigenous sovereignty and welfare dependency in Canada. Frum’s ties to the American neoconservatives were particularly direct as he was a speechwriter for George W. Bush and creator of the phrase ‘axis of evil’. The American Republicans have long articulated what I have referred to elsewhere as ‘insider’ anti-elitism (Sawer and Hindess, 2004).

### **Discursive shifts—‘special interests’**

The public choice concept of ‘special interests’ has formed another element in recent populist discourse. Public choice theory, developed in the 1950s by American economists James Buchanan and Gordon Tullock and in the United Kingdom (UK) by Anthony Downs, stems from rational actor premises, whereby both individual and collective action are motivated by the desire to maximise returns. This is as true of public interest and equality-seeking groups as of business groups seeking benefits for their members. The term ‘special interests’ is, however, particularly applied to equality-seeking or public interest groups whose rent-seeking behaviour invokes state interference with the market.

F. A. Hayek, who inspired much of this new discourse, said in his philosophical manifesto against the welfare state that the idea of social justice was a mirage. It was a licence for interfering with the mechanisms of the free market and an intrusion on the liberty which individuals expressed through market choices. It was also a contradiction in terms; for governments to take what rightfully belonged to individuals to give it to someone else was expropriation, not justice. While ethical judgments could be made about such interventions, they could not be made about market outcomes. Market outcomes should not be the subject of moral disapprobation or material reparation because they were the result of an impersonal but beneficent process, rather than being 'willed'. In denying the legitimacy of redistribution, Hayek attacked the rationale of the welfare state at its heart (1976: 99).

Public provision to ensure equal opportunity was alien to Hayek's view of the world. Those who advocated such provision could not represent the mythical public interest, but must be 'special interests' that fed off the state. Such groups promote the moral superiority of the non-profit sector over the for-profit private sector and promote the myth that the public and community sectors are without vested interests. The activity of such groups, whether seeking to protect workers, consumers or the environment or to promote equal opportunity, will invariably be revealed by public choice analyses to benefit the new class. The latter thrives on the growth of state intervention in the private sector (Browning, 1990: 3).

Public choice theory has been very successfully popularised in the English-speaking democracies, both through think tanks created for this purpose and through means such as the 'Yes, Minister' television series devised by a Friedman disciple, Tony Jay. The think tanks took up Milton Friedman's challenge to 'sell ideas like soap'—by dint of constant restatement, re-endorsement and repackaging. The model was the UK Institute of Economic Affairs, founded in 1955. In Canada the Fraser Institute (1974) and in Australia the Centre for Independent Studies (1976), were to wield similar influence. Hayek, Friedman and Buchanan served as advisers to these think tanks and the Director of the Fraser Institute, Michael Walker, had been a graduate student of Friedman at the

University of Chicago. The ‘special interest’ discourse they disseminated became part of the governing discourse of the Thatcher government in the UK and of the US Republicans from Reagan onwards.

The think tanks operate at a number of levels, one being the provision of ‘professional development’ courses for those teaching economics in schools (Cahill, 2002: 24). They have also been exceptionally good at getting coverage of reports and policy commentary into the mainstream media, particularly papers owned by Conrad Black and later Canwest/Global Media in Canada and by Rupert Murdoch in Australia. Their own publications, for example the *Fraser Forum* in Canada and the Centre for Independent Studies journal *Policy* and the *IPA Review* in Australia, specialise in exposing the cosy conspiracy between rent-seeking ‘special interests’ and bureaucrats seeking to maximise their budgets. For example, they unmask environmental activists as the special interests that support larger budgets and greater regulatory power for environmental agencies and manipulate public opinion into accepting a more powerful state in the face of environmental ‘threats’. In return they receive large contracts to research such threats (Stroup, 1990: 61–2).

Another common example of a rent-seeking special interest consists of single mothers who have calculated that they can obtain a better ‘rent’ through the state than they can through the market or through marriage (Swan and Bernstam, 1987). Women’s units within the state or femocrats, to use an Australian term, promote the organisation and interests of sole parents, at the same time ensuring better jobs for themselves. The activities of feminist policymakers exemplify the way that special interests construct sections of the population as ‘victims’ in order to justify intervention and public expenditure. Such sectional victims include not only single mothers but also ethnic minorities, ‘sexual lifestyle minorities’ and women in general. Institutionalising victim status means discouraging personal responsibility for health, safety and financial security, and encouraging dependence on the nanny state. It also means interference with business, as in the ‘women in advertising’ campaigns (Browning, 1990: 4, 50–51). I have explored elsewhere the functions performed by female metaphors (‘nanny state’, ‘getting off the

tit') in the neoliberal attack on the welfare state. The neoliberal rejection of the breast is related to the desire to return to the male-identified nightwatchman or law-and-order state (Sawer, 2003: ch. 5).

Public choice repositioned equality seeking as the rent seeking of special interests rather than an authentic public value. The new emphasis was on 'choice', something that only markets could provide. If the term equal opportunity was used at all, it was the 'thin' version, meaning absence of legal restraints on competing for unequal rewards, not equal opportunity for development of potential. The idea of shared schooling and universal services as a basis for common citizenship was, moreover, discounted as a mask for the vested interests of public sector unions and their members. Any defence of the welfare state could be recast as resistance to the transition to a globalised age by 'sectional, minority and special interests' (Kelly, 2003a, 2003b).

### **The new populism in Australia**

In Australia the power of the new populism first became obvious in 1996, both with the election victory of the Howard Coalition government and with the meteoric political rise of Pauline Hanson. Pauline Hanson's One Nation was an anti-party that avoided the use of the word 'party' in its name, as did Reform and then Canadian Alliance in Canada. The electoral success of One Nation was remarkable but relatively short-lived, as the party proceeded to tear itself apart. It had great influence, however, in helping shift public discourse in populist directions. While the Howard government deplored its naive views on economic globalisation, it adopted elements of its social policy, including an increasingly punitive regime for onshore refugees and a men's rights agenda in relation to custody and child support.

The Coalition victory was widely interpreted as a defeat for the 'special interests' such as feminists, multiculturalists and Aboriginal advocates. Before the election Howard had delivered a headland lecture which drew on both new class and special interest discourses. He suggested that under the Labor government a bureaucracy of the new class

had taken over. ‘Mainstream’ Australians had felt powerless to compete with the noisy vested interest groups that had come to dominate decision making. His goal was to reverse this trend and to institute ‘mainstream government that would assess all particular interests against the sentiments of mainstream Australia’ (1995).

One aspect of ‘governing for the mainstream’ was the belittling of human rights and equal opportunity issues as purely elite concerns. As we have seen, it is a common feature of new class discourse to denigrate such concerns as elite ‘fashions’. Howard referred to race, gender and sexual preference as the ‘designer forms of discrimination in the 1990s’ (1994: 22). Like the US Republicans, Howard was trying to reach blue-collar workers believed to be hostile to such fashions and resentful of their own role in funding the welfare state.

In the headland speech Howard prefigured another US-influenced populist theme—the need to defend sovereignty. He deplored the way in which the domestic affairs of Australia had been influenced by the fine print of international treaties and the deliberations of ‘foreign’ (that is, United Nations) committees: ‘there is an overwhelming view in this country that Australian law should be governed and determined by Australia alone’ (1994: 25). The market populist view is that liberal elites are always prone to selling out the national interest and that when they are unable to secure an electoral majority for their agenda they turn to the international arena and to ‘like-minded self-proclaimed champions of social justice sitting in Geneva, Brussels or New York’ (Albrechtsen, 2000: 30). Or, as the Howard government’s chair of the Australian Broadcasting Authority puts it, ‘if the people will not accept your agenda, the elite guardians can have it adopted through the back door by a consensus among the international elites’ (Flint, 2003: 162). The same kind of censure is not applied to free-trade agreements that will constrain the ability of governments to implement popular mandates or enable corporations to take popularly elected governments to court.

The public choice view is that human rights advocates who try to work through multilateral bodies are serving the interests of their agencies and staff more than the



interests of human rights. The Howard government demonstratively turned its back on such interference from United Nations human rights bodies and was applauded by the free-market think tanks: ‘by refusing to participate in UN shame games, the Howard government—along with its Canadian and US counterparts—is starting to bring an end to the whole advocacy charade (Nahan, 2000).

In taking up such themes Prime Minister John Howard appealed to a ‘mainstream’ Australia and for a brief period in 2000 the Liberal Party even issued a magazine called just that, *The Mainstream*. In particular, what was being traded on were the fears, resentments and insecurities of this mainstream. Howard relied heavily on the construction of divisions around which such resentments could flourish. Elites appealing to international human rights norms or writing ‘black-armband history’ (mourning the treatment of Indigenous peoples) were showing contempt for and sneering at the national pride felt by ordinary Australians. Feminists promoting equal opportunity were showing contempt for the values of ordinary women. He talked of the ‘stridency of the ultra-feminist groups in the community’ who sneer at and look down on women choosing to provide full-time care for their children (1998).

The attribution to feminists of contempt for ordinary women owed more to the way the idea of the ‘new class’ elite was developed by conservative American social commentators than to actual characteristics of feminists in the English-speaking democracies. For example, it was feminists who instituted the national time-use survey to measure the incidence and distribution of unpaid work and to calculate its value to the economy. It was the Howard government that postponed indefinitely any further surveys of the work done by women in the home. Nonetheless the idea of contempt became entrenched in the new discourse of elites or special interests versus the mainstream. Feminist bureaucrats were easily identified as a core element in the new class elite because of their pursuit of women’s rights and accompanying regulatory regimes, for example, in relation to domestic violence. Lest they become role models, it was necessary to ascribe to them contempt for other women.

The demonising of equality seekers was reinforced by the populist resentment of visible minorities, always close to the surface at times of economic hardship. Pauline Hanson appealed on behalf of mainstream Australians against those controlling the ‘taxpayer-funded industries servicing Aboriginals, multiculturalists and a host of other minority groups’ (1996). She also agreed with the public choice analysis of single motherhood, another industry she said One Nation would put a stop to (1998) This kind of ‘downward envy’ was fuelled by the increased targeting of public expenditure by Labor governments in the 1980s and its unintended consequence of weakening support for welfare provision when the welfare state was no longer there for everybody. Increasingly the welfare state was seen as benefiting fat cats, do-gooders and their constituencies at the expense of the mainstream who paid for it. This was noted in a collection put out by a Liberal Party think tank which suggested that mainstream Australia was fed up with an inner city ‘café society’ social justice agenda that got in the way of its mortgage repayments (Goldsmith, 1998).

As we have seen, this new divisive discourse had emerged from a number of directions: traditional populism with its paranoia about cosmopolitan elites, neoconservative theory of the ‘new class’, the public choice notion of ‘special interests’, free-market think tanks seeking to discredit welfare state redistribution, and political exploitation of resentments within the community for short-term electoral purposes. What was paradoxical was that this discourse, aimed at least in part at weakening the Left, was energetically taken up by a number of prominent figures within the Australian Labor Party (ALP).

### **Labor and the new populism**

Those within the ALP who had been unhappy with the more inclusive turn taken by the party found the discourse provided by the Right quite appealing. They agreed that the villain was the ‘new class elite’ or ‘special interests’. Working-class taxpayers were paying for the free university education and subsidised childcare of this elite who, in turn, despised working-class values. Feminists were particularly identified as responsible for the alienation of blue-collar voters from the Labor Party through their insistence on elite

concerns such as equal opportunity and childcare. A Labor finance minister, Peter Walsh, suggested that campaigns for affirmative action and equal opportunity were achieving little other than giving ‘jobs to hairy-legged Stalinists from Women’s Electoral Lobby’ (Browning, 1990). Feminists were like other members of the new class in that they worked in the non-market sector, earned above-median incomes and preferred to give the poor publicly provided services (such as childcare) rather than money, because only the former provided sinecures for the new class (Walsh, 1990).

As described elsewhere, the defeat of the Labor government in 1996 was immediately followed by accusations from within the party as well from without that it was special interests such as ‘the Greens, gays, feminists, ethnics and disabled’ that were to blame for alienating the electorate (Johns, 1996). Current Labor Leader Mark was one of those who adopted a combination of special interest and new class discourse, both in books, such as *Civilising Global Capital*, and in his column in the conservative *Daily Telegraph*. He identified a class of politicians and media commentators who spoke a language of rights and entitlements. This ‘symbolic class’ supported redistribution at the expense of working-class taxpayers, ignored the problems of welfare dependency and was responsible for creating downwards envy (Latham, 2001b). It included groups such as Women’s Electoral Lobby that promoted abstract rights through constructing women as victims (Latham, 2001a). The equal opportunity project of identifying and addressing sources of institutional bias became labelled, in the new discourse, as ‘special treatment for special interests’.

As Australian political scientist Carol Johnson has observed, with the displacement of equal opportunity discourse, the central conflict is no longer presented as a class conflict between capital and labour, but as one between blue-collar workers and middle-class elites. Big business and the interests of multinational corporations are rendered invisible when the target shifts to special interests (Johnson, 2001: 142–43). The real enemy is the new class, whose publicly funded positions are allegedly at the expense of working-class taxpayers. Indeed Latham recommended further blurring any division between capital

and labour through a system of government-provided accounts that would ensure that all Australians started adult life with a 'nest egg' of financial investments.

Martin Ferguson, now a Labor frontbencher and previously President of the Australian Council of Trade Unions (ACTU), is one of those critical of feminists for raising issues such as paid maternity leave and the inequitable effects of decentralised wage bargaining. When women's organisations accurately predicted the kind of effect that enterprise bargaining would have on pay relativities, Ferguson saw this concern as 'denying, or trying to deny, other workers in a position to gain wage increases, the capacity to gain those increases' (Burgmann, 1994: 23). In other words, feminists were supporting centralised wage-fixing because it made possible greater equity in wages, while the president of the ACTU was supporting a system which rewarded industrial muscle.

Redistribution in the interests of social justice had once been regarded as central to the Labor agenda. In the 1990s some labour leaders began to portray redistribution as the domain of 'special interests' holding up economic reform and creating dependency among those for whom they purport to speak. Equality seekers became ipso facto part of the 'new class elite', while blue-collar workers were depicted as 'aspirational voters' virtuously seeking self-advancement rather than equality.

### **The new populism in Canada**

In Canada populism enjoyed an electoral surge in 1993. The populist Reform party had been the only party to oppose what was depicted as the 'elite-driven' Charlottetown Accord on constitutional reform. What followed was the electoral collapse of the Progressive Conservative Party and the election of a Liberal government with first the sovereigntist Bloc Québécois and then Reform as the official Opposition. Reform (renamed Canadian Alliance in 2000) retained the position of official Opposition in the federal parliament under leaders Preston Manning, Stockwell Day and, most recently, Stephen Harper. In 2003 the Canadian Alliance and the Progressive Conservative Party merged in the new Conservative Party, of which Stephen Harper has been elected Leader.

Reform dates from 1987 but drew on a much longer political tradition of populism in Western Canada and distrust of the political elites of Central Canada. It became a vehicle for discourse targeted at state-assisted elites promoting equality agendas and public intervention in the distribution of social and economic goods. Unlike the earlier populism of Social Credit, Reform, and its successor Canadian Alliance, did not include business or banking elites in its sights and, indeed, by 1997 had won considerable corporate and establishment media backing. This and its support for free trade distinguished it from Pauline Hanson's One Nation. It did not present globalisation or Asian immigration as major threats to national wellbeing. Rather, special interests were presented as obstacles to the cost-cutting required for global competitiveness as well as to the tax cuts desired by besieged consumer-citizens.

But, like One Nation, Reform did take up the discourse of 'special interests'. Reform labelled as a 'special interest group' any organisation that promoted state intervention to redistribute market-generated incomes (Barney and Laycock, 1999). Thus feminist groups, First Nations organisations, multicultural and ethnic groups, and unions all became special interest groups. As Reform complained in a 1992 pamphlet: 'in Ottawa, every special interest group counts except one, Canadians' (Laycock, 2002: 61).

As long as social justice and social equity had been regarded as legitimate goals, groups pursuing such goals had been regarded as being in the political mainstream (Jenson and Phillips, 1996: 119). The discursive shifts taking place after almost a decade of Progressive Conservative government meant doubt was being cast on the authenticity of such goals and on the interests and motives of their proponents. For both Conservative and Reform politicians equality seeking was a suspect activity inconsistent with mainstream political values. Feminist organisations, such as the umbrella body the National Action Committee on the Status of Women (NAC), came under increasing attack. They were no longer regarded as having an authentic democratic role in crystallising and representing women's views but rather were depicted as self-interested and unrepresentative special interests (Dobrolowsky, 1998: 719).

An interesting development in Canada, without a direct parallel in Australia, was the emergence of the self-styled ‘Calgary School’ of political scientists playing a significant role in populist politics. These included Tom Flanagan (now advising Stephen Harper in Ottawa), Barry Cooper, Ted Morton and Rainer Knopff. Flanagan has been credited with Reform’s breakthrough into national politics, through his advice to come out against the Charlottetown Accord.

Morton and Knopff, who are also senior research fellows of the Fraser Institute, have been responsible for a sustained attack on the Canadian Charter of Rights and Freedoms. Their book *The Charter Revolution and the Court Party* describes how special interest groups (the ‘Court Party’) use Charter litigation to pursue policy demands rejected by elected governments. The Calgary School reproduces the main features of neoconservative anti-elite discourse, much of it taken directly from Christopher Lasch, including the divide between elite fashions and mainstream traditional values and the tyranny of political correctness.

According to Morton and Knopff, members of the postmaterialist knowledge class, such as feminists, are ‘fatally removed from the physical side of life’, unlike farmers or homemakers, which accounts for their social engineering ambitions (2000). Apparently feminists, as distinct from ‘homemakers’, do not have caring responsibilities for children, elderly parents, partners or siblings. According to Morton, the coalition of self-styled equality seekers—‘feminists, anti-poverty groups, the gay-rights movement, natives and other ethnic and racial minorities’—both demand and depend on state funding and state intervention, at the expense of taxpayers, gun owners and those with traditional family values (1998).

As in Australia, the market populism of Reform was not just significant in itself but also in its more general influence on political discourse. Its themes were taken up by the Progressive Conservative governments of Ralph Klein in Alberta and Mike Harris in Ontario in the 1990s. The Harris government, for example, removed most of the

employment equity programmes put in place by preceding Liberal and New Democratic Party (NDP) governments.

One major difference between Australia and Canada is the relative immunity of the NDP to market populism (Erickson and Laycock, 2002). This is quite unlike the significant element in the ALP that has adopted this discourse and means that the NDP occupies the discursive space more likely to be occupied by the Greens or Democrats in Australia. But while less swayed by market populism than the ALP, NDP provincial governments have had to make substantial programme cuts and the decline in the NDP's electoral support has also made it a less effective vehicle for equality seeking.

The Reform agenda has received generous coverage in the media, for example, in the newspapers and magazines owned by Conrad Black and the Byfield family. The Byfields in Western Canada supported Reform from the beginning and saw their *Report* magazine as an integral part of the movement to contest left-liberal dominance and 'change the way people think' (Byfield, 2002). On the national scene, the *National Post* supported the Reform and Canadian Alliance agenda from the time it was established by Conrad Black in 1998 (Laycock, 2002). The role played by Conrad Black and Rupert Murdoch in promoting market populism has been very similar. As already noted, public choice theory was promoted in Canada by a think tank, the Fraser Institute, which had good access to the media.

A different kind of body, with no equivalent in Australia, is the National Citizens' Coalition (NCC), founded in 1967. The NCC describes itself as a watchdog on government, animated by its belief in 'more freedom through less government'. It takes pride in taking no money from government and in not lobbying politicians or bureaucrats but instead speaking directly to fellow citizens through 'well-organized, targeted advertising campaigns, using newspaper ads, radio commercials, TV spots, billboards and direct mail' (NCC, 2003). Stephen Harper was President of the NCC in 1998–2001, during a period out of parliament before he became leader of the Canadian Alliance.

While much of the NCC's recent preoccupation has been with Elections Canada, because of increased regulation of political finance it is also involved in long-standing campaigns against the welfare state and social and cultural entitlements. It has been one of the players in the shift in public discourse in Canada. The implications of such discursive shifts for equal opportunity agendas are discussed in the following section.

### **The implications of special interests discourse for equal opportunity agendas**

Special interest discourses have been vigorously promoted in Australia and Canada by free-market think tanks and subsequently by the mass media and politicians. What are the implications for the equal opportunity agendas developed in the 1970s and 1980s? In those decades feminists and other equality seekers helped achieve an equal opportunity jurisprudence that accommodated group difference. In part this was through incorporating concepts of indirect discrimination. This meant recognising that requirements that were apparently neutral might discriminate in effect against those with particular group characteristics. For example, requirements of continuity of service as a condition for promotion might discriminate against women because women are characteristically the primary carers of children and more likely to have broken careers. Other seemingly neutral requirements might compound collective disadvantage experienced in the past.

Since the 1990s market populism has effectively pushed back equal opportunity understandings and promoted a return to understandings of equal treatment as 'same treatment'—regardless of effects on those who differ from the norm. It rejects the 'sophisticated jurisprudential theories of disparate impact and systemic discrimination that invite judicial revision of legislative decision-making' (Morton and Knopff, 2000). For example, the Saskatchewan Party, a populist party founded in 1997 and led by a former Reform MP, proclaimed its commitment to 'equality for all, special privileges for no-one' in a way very reminiscent of Pauline Hanson's First Speech (Wishlow, 2001). Like its federal Reform associates, the Saskatchewan Party opposed any deviation from the same treatment principle, whether affirmative action for the socially and



economically disadvantaged, recognition of Indigenous land claims, or recognition of the ‘distinct society’ status of Quebec.

Both Reform Leader Preston Manning and Pauline Hanson rejected state-supported multicultural and other policies that promote equality by recognising and accommodating group differences and linguistic diversity. Reform opposed the inclusion of sexual orientation among the prohibited grounds of discrimination in the Canadian Human Rights Act, arguing that protection should be available not on the basis of personal characteristics or group membership but rather on the basis of the equality before the law enjoyed by all Canadians (Laycock, 2002). This seems to overlook the specific harms attracted by group membership and the need to recognise the historic and societal effects of these.

The public choice assumption of the self-interested nature of all welfare state intervention has also served to delegitimise social justice and to mobilise opposition to equality seekers. Equal opportunity has been a core value in the social–liberal traditions of both countries. In the late nineteenth century, equal opportunity for development of potential superseded the greatest happiness principle as the moral imperative for public policy (Sawer, 2003). The social–liberal critique of contract and assumptions about the moral equality of human beings meant the privileging of equal opportunity over freedom of choice where the two were in conflict.

Its current displacement proceeds at a number of levels. First, concern with equal opportunity is portrayed as unauthentic, a mask for the rent seeking of the new class which will do well out of equality. Concern over equal educational opportunity, for example, is regarded as promoting the interests of teachers and academics, at the expense of taxpayers. As an Australian Labor Minister for Finance said, you can be sure that any group ‘which calls itself a “public interest” group is up to its eyeballs in self-interest’ (Walsh, 1990).

Second, if concern with equal opportunity is not a form of rent seeking, then it is an elite fashion, which serves the function of social closure and helps to distinguish the new class from ordinary people. The expression of ‘moral’ views is the equivalent of wearing a designer label or some other form of distinguishing dress according to the Murdoch-owned *Australian* newspaper. It editorialised (29 December 2003) on how ‘the moral middle class has discovered in asylum-seekers a new mascot through which it can demonstrate its innate superiority over common folk ...’.

Third, the negative attributes of new class elites (self-interest, insincerity, superiority) are given a more active relational character. Elites sneer at, despise, look down on or wince at the values of ordinary people. Feminists sneer at other women. Contempt on the part of elites is required to help mobilise rejection of their values. Contempt is necessary in order for this discursive strategy to work, even if examples of contempt are neither given nor apparent.

Women outside the paid workforce become the alleged victims of elite contempt, but are also heroes because they are assumed to make few demands on the state, to be content to be economically dependent on husbands and to provide community services on an unpaid basis rather than demanding equal pay. Groups such as REAL Women in Canada and Women Who Want to be Women in Australia highlighted through their names an implied contrast with equality seekers, who were not real women. They have been welcome within free-market circles because their claims are seen as compatible with cheap government in a way that the claims of feminist equality seekers, wanting paid community services, are not.

In Canada, the judicial interpretation of the Charter of Rights and Freedoms, and the ability of the women’s movement to bring Charter challenges, has been perceived by the Right as involving an expansion of substantive equality rights. It runs contrary to the free-market agenda of reducing substantive equality in the treatment of groups to formal equality in the treatment of individuals.

In the 1970s and 1980s, equality seekers were positioned as part of mainstream equal opportunity and citizenship agendas in both Australia and Canada. In Canada this tended to be conceptualised as part of an inclusive citizenship regime promoted by Pierre Trudeau from the 1960s in the context of Quebec separatism, extended by the arrival of a new wave of the women's movement and underpinned by the Canadian Charter of Rights and Freedoms of 1982. Citizenship programmes aimed to foster political participation by cultural minorities and disadvantaged groups; they provided funding to support 'political voice' for such groups (Pal, 1993). A discourse of social justice was 'accompanied by a boom in state support for intermediary organizations which might represent citizens to and in the state' (Jenson and Phillips, 1996). In Australia this was couched less in terms of citizenship and more in terms of equitable access to government, but the outcome was similar. In both countries it became policy to provide public funding for advocacy in order to strengthen 'weak voices' that would otherwise not be heard in the policy process.

In both countries impetus for wider forms of consultation came from the new social movements, such as the women's movement, the environment movement, and the movement for Indigenous and multicultural rights and recognition. The demand for 'consultation' in policy development became normal at all levels of government and was particularly strong in Canada following the failure of top-down Constitutional reform efforts. But in order for it to occur, governments needed bona fide and representative organisations with which to consult. In some cases this involved fostering the creation of bodies that could perform the role of community representative at the table. New peak bodies enabled groups marginalised in public decision making, such as immigrant women, or stigmatised groups, such as sex workers, to be represented in ways not possible through the majoritarian institutions of representative democracy.

In Australia the official rationale for funding such bodies was that it enabled disadvantaged groups to be represented in the formulation and implementation of policy and to balance the input of organised private interests. A parliamentary report strongly endorsed the view that 'An integral part of the consultative and lobbying role of these

organisations is to disagree with Government policy where this is necessary in order to represent the interests of their constituencies' (House of Representatives, 1991).

The subsequent discursive shifts that cast doubt on equality seeking rendered such an approach to extra-parliamentary representation increasingly vulnerable. These discursive shifts have been more dramatic at the federal level in Australia than in Canada, where they have been blurred by a different partisan pattern. Conservative Canadian governments of 1984–1993 never really accorded legitimacy to equality-seeking groups while the subsequent Liberal governments retained more social–liberal elements than the Liberal Party of Australia.

As we have seen, the Reform Party in Canada and the Howard government in Australia were seeking to reposition equality-seeking groups as special interest groups, inimical to the interests and values of the mainstream. If public interest groups were really special interest groups, then governments were entitled to subject them to much greater control. Peak bodies critical of government were defunded or had their funding sharply reduced, as happened with the National Action Committee on the Status of Women in Canada in the late 1980s after its criticisms of the impact on women of free trade agreements. In Australia, Women's Electoral Lobby was defunded in the late 1990s following its critiques of the differential impact of the Goods and Services Tax and industrial relations 'reform' on women. Peak bodies were increasingly provided with project rather than core funding and with contracts that restricted their capacity to engage in advocacy critical of government policy. A new legal definition of charity was also proposed that would exclude from charitable status (and hence tax deductibility for donors) any charitable organisation that engaged in policy advocacy.

Free-market think tanks stepped up their attacks on non-government organisations after the successful international mobilisation to defeat the Multilateral Agreement on Investment and findings that non-government organisations had greater credibility than multinational corporations such as Monsanto and Nike (Mowbray, 2003). The defunding and reduced access to government of community-based peak bodies performing advocacy

and representational work particularly affected bodies representing disadvantaged sections of the community, those who were most in need of social programmes being cut by government (Sawer, 2002; Laycock, 2002:37–40; Jenson and Phillips, 1996: 119).

The legitimacy of peak bodies was undermined through suggestions that they did not represent their supposed constituencies and that they distorted grassroots opinion. There was a new privileging of non-deliberative and unmediated opinion reflected, for example, through opinion polling or market research, over representation through intermediary groups. The gap between elite and non-elite opinion was regarded as making the case for distortion by self-appointed representatives of the views of their constituents. Little credence was given to the deliberative democracy argument that the views emerging from deliberation within non-government organisations and out of engagement with the policy process will differ from the non-deliberative responses of individual citizens to a pollster or market researcher.

The distrust of intermediary institutions is consistent with the populist preference for forms of direct democracy such as citizen-initiated referenda as a source of public policy. This fairly raw populism at the political level was underpinned by public choice arguments suggesting that to involve relevant groups in policy design led invariably to ‘agency capture’. In order to avoid agency capture, and consequent growth of government expenditure, government had to distance itself from demands for participation in the policy process while talking up citizen engagement and partnerships with civil society.

The discourse of special interests constructs equality seeking as a form of rent seeking while new class theory in Australia constructs it as contempt for non-elite values. At the same time another discursive strategy seeks not so much to delegitimise equality as to appropriate the language of equality and to use it against equality seekers. The new populism claims that it is ordinary Australians or Canadians who are being discriminated against by the ‘special treatment’ of minorities or women. All that is needed is for everybody to be treated ‘the same’. In both Australia and Canada this has been by far the

most important discursive strategy used against affirmative action programmes, Indigenous land and fishing rights, ethnic-specific services and multicultural programmes.

In Australia the fathers' rights groups that sprang up in the 1990s and form part of the anti-elite discourse coalition claim that they just want to end discrimination against fathers. They claim that policies that recognise the effect of caring work on earning capacity, as in child support formulae, mean treating women preferentially. In the view of 'Dads Against Discrimination' and similar groups, feminists have captured state power and are responsible for policies and legislation that victimise men (Kaye and Tolmie, 1998). Legislation requiring the identification and removal of barriers to equal opportunity for women and specified groups is seen in a similar light, as involving discrimination against 'Anglo-Saxon men'. There is no recognition that work practices geared to one group of employees may have discriminatory effects on other groups. The very small inroads made in terms of auditing the impact of public policy on women are vastly exaggerated in the eyes of those who believe they are the new victims of gender bias in the state.

## **Conclusion**

In the 1970s and 1980s new social movements, including a renewed women's movement, were able to take advantage of strong equal opportunity or social citizenship discourses in Australia and Canada to make policy gains. Today such discourses have been displaced by a powerful combination of populism and public choice. While echoes of 'fair go' or 'equality' discourses remain, they are largely emptied of substantive content—the social provision to ensure that all citizens are able to realise their potential. Not only is there a much more punitive attitude towards market losers, including those on sole parent, unemployment and disability benefits, but there is also a retreat from previous commitment to strengthening weak voices through funding advocacy on behalf of the disadvantaged.

Once it would have been assumed unlikely that democracies would retreat from the welfare state in the interests of greater market freedoms. Surely social provision to ensure protection from lifecycle contingencies and an equal start in life for all children is in the interest of the majority of voters? Surely such provision had become the basis of political obligation? Surely equal opportunity is an authentic and widely shared public value deriving from a belief in the moral equality of human beings? Surely there is consensus that the taxes of those doing well out of the welfare state should ensure that others, including those with severe disabilities, have equal opportunity?

The new populism attacks the philosophy of the welfare state by portraying it as the ideology of the new class or special interests—those who talk of equality and human rights but create privilege for themselves and dependency among those for whom they speak, all at the expense of taxpayers. When equality seeking is reframed in this way as an elite agenda, contrary to the interests and values of the mainstream, those who have benefited from the welfare state, particularly women and other vulnerable groups, are in danger of losing many of their gains. For equal opportunity is one commodity that can never be purchased in the market.

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