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"What use is the legislation to me?" Contestations around the meanings of gender equality in legislation and its strategic use to drive structural change in university organizations

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Abstract

Multiple meanings of gender equality in the implementation process provide feminist actors in institutions with opportunities to contest these meanings to address resistance against gender equality policy implementation and drive structural change in organizations. Taking legislation as a key discursive resource and Spanish universities as a case study, this article analyzes how the meaning of gender equality is constructed in the relevant legislation and how feminist actors interpret and use it in their implementation efforts. Despite a women approach predominating in the legislation, feminist actors contest and reinterpret these meanings to push for a more transformative gender approach in their institutions. They strategically use the legislation, molding it to their preferred approach, to negotiate the meaning of gender equality and to drive structural gender equality actions and demand institutional compliance.

KEYWORDS
discursive politics, gender equality policies, implementation, legislation, university

1 | INTRODUCTION

The implementation of gender equality policies within organizations is an inherently political process (Engeli & Mazur, 2018). Once policies are adopted, their meanings are open to interpretation and contestation by implementing actors who may act in a multiplicity of ways (Ciccia and Lombardo; Woll & Jacquot, 2010). At the implementation stage, policies face resistance by institutional actors inclined to maintain the unequal, gendered status quo (Benschop & Verloo, 2011). In response, feminist actors driving a gender equality agenda employ counter-resistance strategies, making use of the resources and policy instruments available (Eyben, 2010; Tildesley et al., 2021). Legislation is a key resource in implementation processes. It establishes mandates for organizations to adopt and implement gender equality measures. It can be used to demand action and enforce compliance. Yet, the legislation also constructs different, often-inconsistent meanings of gender equality that, prioritizing distinct approaches, constrains or provides opportunities for the implementation process (La Barbera & Lombardo, 2019). It is this process of discursive contestation, and what this means for gender equality policy implementation in organizations, that we analyze in this article.

Our starting point is that the adopted legislation presents different meanings of gender equality, favoring particular approaches while disregarding others (Lombardo et al., 2009). Identifying what approaches are employed in legislation is key to grasp the opportunities provided for feminist actors to contest these meanings to push for institutional transformation. However, feminist actors' own biases and aims, as well as the institutional context, influence their construction of the problem (Ferree, 2009). In this article, we analyze the ways in which gender equality is constructed in Spanish legislation, how feminist actors construct gender equality, as well as how they interpret and use legislation, to illuminate the process of implementation from a discursive perspective (Ball, 1990). Ultimately, this improves our understanding of the possibilities for countering resistance against gender equality policy implementation within organizations, in this case, within Spanish universities.

Universities are gendered organizations in which men dominate, especially within higher rank academic positions. In Europe, only 26.2% of full professorships and less than 25% of upper-management posts are occupied by women (European Commission, 2021). Power relations within universities are structured not only along intersecting gender, race and ethnicity, class, and sexuality axes, but also by academic status (European Commission, 2021). Following the European Union's gender mainstreaming turn about the integration of a gender perspective into all policies, gender equality policies have been adopted in European universities. However, resistance from actors seeking to maintain the unequal, gendered status quo prevents the effective implementation of transformative measures (Powell et al., 2018; Verge et al., 2018). Discursive strategies and alliance-building by feminist actors within universities are emerging as crucial to counteract these resistances (Tildesley et al., 2021; Verge, 2021). However, how the legislation matters for these actors and implementation processes in universities, and the potentiality of the legislation for transforming social structures for gender equality in these settings, remains underexplored.

Spanish universities are an interesting case because national legislative mandates—namely, the National Equality Act (2007), University Act and Science Act—have driven the institutionalization of gender equality policies in public universities. Gender equality units were established with the purpose of mainstreaming gender equality and developing action plans. These structures are typically headed by feminist actors, academics with gender-expertize, responsible for driving the implementation of gender equality measures. However, feminist actors in Spanish universities lack positional power and depend on higher positioned university management and governing actors for resources and legitimacy (Tildesley et al., 2021). Furthermore, regional governments share competence with the national government on both gender equality and higher education. University gender equality measures thus find their justification in European, central–state, and regional legislation that construct gender equality in multiple ways and are interpreted and used differently by actors involved in the implementation process. The multi-level setting and competitive dynamics between regions may also provide distinct opportunities for gender equality policy implementation, stimulating policy diffusion or leading to disparate approaches (Alonso & Verge, 2015).

While studies are starting to address gender equality policy implementation (Engeli & Mazur, 2018) and efficacy (Kalev et al., 2006), less attention has been paid to the role of discourses and their relevance for feminist actors

implementing these policies in organizations. Analysis of the discourses of actors engaging in conceptual disputes and negotiation over meanings (Bacchi, 2009) is crucial for understanding the political dimension of policy implementation, whereby implementing actors interpret legislation according to their own preconceptions and use it to achieve their goals. Furthermore, analysis of the approaches to gender equality in legislation addressing higher education has been neglected (see Nielson, 2017 as an exception). This article aims at filling these gaps by (i) identifying the approaches to gender equality in the legislation on gender equality in higher education in Spain, and (ii) analyzing how actors construct the problem as well as interpret and use the legislation discursively in their implementation efforts.

Employing frame analysis of legislative documents and thematic analysis of data from interviews and focus groups with key actors, we find that, despite a "women approach" predominating in the legislation, focused on including women, feminist actors responsible for policy implementation in universities challenge and reinterpret these meanings to drive a more transformative approach centered on structural change and power relations. They strategically use the legislation to justify and support a "gender approach". Despite its limitations, they use the legislation to negotiate the meaning of gender equality, to drive structural gender equality actions and demand institutional compliance. An "intersectionality approach" is largely absent both in the legislative framework and in feminist actors' discourses.

The next section introduces the theoretical framework, followed by the methodology, and empirical sections discussing the main approaches to gender equality in Spanish legislation addressing gender equality in universities and in feminist actors' discourse, the interpretations of gender equality by feminist actors, and their strategic use of legislation in implementation processes.

2 | MULTIPLE MEANINGS OF GENDER EQUALITY IN POLICY IMPLEMENTATION PROCESSES: A THEORETICAL FRAMEWORK

Gender equality policy implementation is a political process of actors' ongoing contestation of the meanings of gender equality constructed within the law and policies and the informal norms that maintain the status quo in organizations. This political process is riddled with resistances (Benschop & Verloo, 2011; Engeli & Mazur, 2018)—individual or institutional opposition to the introduction of new norms and practices and the changes implied (Lombardo & Mergaert, 2013, 299). University contexts are no exception (Powell et al., 2018; Verge et al., 2018). Examples of resistance range from university management and governing actors' "refusal to accept responsibility" for the implementation of gender equality policy to the "denial of the need for change" that some equality measures seek, leading to non-action or a disbelief around gender biases or inequality data (Lombardo & Bustelo, 2021; Tildesley et al., 2021). Resistances are informed by hegemonic informal norms and values, such as meritocracy, ignorance of legislative mandates, conservative or anti-gender views, or beliefs that equality has already been achieved (Tildesley et al., 2021).

To counter resistances and reach their goals, feminist actors in universities employ a variety of strategies to seek legitimacy, accountability, and commitment for gender equality measures (Verge, 2021). As institutional activists, they belong to the organization and must work alongside management and governing actors, whilst being critical of it and attempting to change the gendered status quo (Chappell & Mackay, 2021; Meyerson & Scully, 1995). Operating within the constraints of the organization, they strategically use different resources to achieve their goals (see Woll & Jacquot, 2010, p. 116). Discourse is an important resource for actors implementing public policies. They may intentionally frame issues in a certain way to spur collective action (Ferree, 2009) or minimize resistance (Tildesley et al., 2021). Feminist actors may seek to deconstruct taken-for-granted ideas around gender equality or introduce feminist ideas (Eyben, 2010). Discursive strategies can also mobilize emotions for institutional work, for example, discourses that evoke shame or pride to motivate compliance or persuade resistant actors to adopt policy actions (Moisander et al., 2016). Feminist actors may also use different levels of legislation (European, national, regional) to mobilize support for change by influencing others' construction of a problem (e.g., the benefits of integrating gender in research), to justify specific political actions (e.g., parity in committees) or discourses (e.g., gender mainstreaming), or to reinforce one's positioning in the debate (e.g., around controversial positive actions) (see Woll & Jacquot, 2010).

Discourse is not only a resource but an underlying component of the political process of gender equality policy implementation (Ciccia & Lombardo, 2019). Legislative and policy documents, offering certain representations of the gender equality problem and solutions, are interpreted by feminist actors who (un)consciously contest these representations of the problem on the basis of their own understanding of inequalities (Ferree & Merrill, 2000, p. 459). However, multiple—often inconsistent—meanings of gender equality in legislation, while they may hinder the effective implementation of policies (La Barbera et al., 2022), can also represent opportunities to introduce new meanings of gender equality that enable transformative organizational change (Verloo et al., 2007). Our study delves into these opportunities.

Feminist legal and policy studies identify four principal approaches to gender equality: women, gender, multiple discrimination, and intersectionality approaches (Kantola & Lombardo, 2017; La Barbera, 2017) that we employ in our analysis in dialogue with studies on gender in organizations and research. Although complementary and overlapping, we separate the four approaches for analytical purposes since they imply distinct potential to transform social norms toward gender equality.

A "women approch" to gender equality has traditionally been the dominant approach in European law and policies (Booth & Bennett, 2002). It centers on women as disadvantaged subjects compared to men and normative ideas of their needs, interests, and beliefs based on biological (e.g., pregnancy, breastfeeding, abortion) and social differences (e.g., women's underrepresentation in the workforce and politics). Women's exclusion from the labor market, political institutions, and decision-making are the main focus (Kantola & Lombardo, 2017). Measures aim to include women, minimize discrimination or compensate for disadvantages, such as quotas, training, mentoring or work-life balance policies for women. However, this "individual" approach that ignores the social and institutional structures (re)producing women's subordination, reaffirms women's perceived weaknesses, perpetuates disadvantages, and provides reductionist explanations of gender inequality (La Barbera, 2017). The focus is on "fixing the women" (Kalev et al., 2006; Schiebinger, 2021), that is, equipping women to better fit the male-dominated status quo, rather than transforming discriminatory social structures and gendered norms that foster unequal outcomes (Benschop & Verloo, 2011). The differences between women due to class, ethnicity, or other social positions are not addressed.

A "gender approach" explicitly seeks to "fix the institutions" (Schiebinger, 2021), targeting the social construction of inequality maintained through gendered power relations. Striving for organizational structural and cultural changes, it directly challenges institutional processes, practices and the social norms, biases, and stereotypes that produce gendered inequality in the access to goods, services, rights, and freedoms (Kantola & Lombardo, 2017). A "gender approach" prioritizes strategies such as gender mainstreaming, initiatives to eliminate bias from recruitment and promotion procedures and to give preference to women in the case of equal merit, or to promote men's involvement in care, for example, Although power relations clearly disadvantage women on the whole, "gender approaches" recognize the need to address and question masculinity, as well as the roles and expectations assigned to men, especially in relation to leadership, care, and sexuality (Connell, 2002). Measures that aim to "fix the knowledge", promoting the incorporation of the gender perspective across academic and educational content (Schiebinger, 2021), also fall within this approach. Directly challenging the gendered status quo, however, means measures inspired by a "gender approach" are particularly likely to face resistance (Benschop & Verloo, 2011). As gender is conceived as the only form of discrimination suffered by women, the approach fails to attend to intersecting discriminations, while the use of binary concepts of gender excludes non-normative gender identities. The approach's potential to transform the social structures that maintain unequal power relations is thus limited (Kantola & Lombardo, 2017; La Barbera, 2017).

An "intersectionality approach" to gender equality targets the social structures produced at the intersection of gender inequality with different inequalities, for example, race, ethnicity, class, age, disability, or sexual orientation. It focuses on the complex and interconnected forms of inequality that make the experience of disadvantage distinct depending on individual positioning in relation to different social structures (Crenshaw, 1989). This approach expands on the goal of "fixing institutions" of the gender approach, aiming to make organizations capable of responding to different intersecting inequalities and discrimination (La Barbera et al., 2022) and "fixing the knowledge", to incorporate sex, gender, and intersectional analysis (Schiebinger, 2021). It seeks to formulate strategies

that address such structural interconnection and tackle multiple factors of discrimination jointly. As a framework for theory and research, intersectionality has gained traction in some research contexts, but remains unconsolidated in Spanish academia and political praxis (La Barbera et al., 2022). Resistance to this approach in practice is therefore highly likely because of a lack of knowledge and conceptual confusion.

Indeed, intersectionality is often reduced to a "multiple discrimination approach" in legislation and policy-making (La Barbera et al., 2022; Makkonen, 2002). Yet, the notion of multiple discrimination relies on the conceptualization of equality strands as parallel and "alongside one another" (Christoffersen, 2021, p. 8). It takes an additive approach, based on the incremental conceptualization of vulnerability as the sum of different factors of discrimination, as opposed to the mutual constitution of inequalities (Hill Collins, 1990). Such an approach encourages an unproductive "Oppression Olympics" contest whereby groups compete for attention and resources (Hancock, 2007) or the creation of "risk groups" (Rudrum, 2012). Despite these limitations, it represents an advance with respect to the women or gender approaches to gender equality as it is based upon a more nuanced, inclusive, and non-reductionist view of social structures (La Barbera, 2017).

3 | METHODOLOGY

This study analyzes the implementation of gender equality policy in the Spanish university context from a discursive perspective. The analysis is focused across four regions: Madrid, Catalonia, Basque Country, and Galicia. The selection of cases captures variance in region (relevant considering Spain's decentralized system), university size (in terms of student, faculty, and administrative staff numbers),[1] year of establishment of the equality unit[2] and gender action plan.[3] We explore (1) how the meaning of gender equality is constructed in Spanish legislation on gender equality in universities (Lombardo et al., 2009), (2) in feminist actors' discourse, as well as (3) how feminist actors interpret, and (4) strategically use this legislation in their implementation work (Eyben, 2010). Following a discursive approach, we consider it necessary to analyze, alongside analysis of the legislation, the meanings implementing actors assign to gender equality and their interpretation of the legislation, to fully grasp what is happening in policy implementation (Ball, 1990). Data has been organized according to the abovementioned four aspects of discursive contestation in implementation processes. Analysis of these different stages has necessarily involved distinct research methods.

To identify discursive constructions of gender equality in the legislative text, we conducted Critical Frame Analysis (Bacchi, 2009; Verloo, 2007). This allowed us to analyze the representations of gender equality and the discursive obstacles and opportunities for implementation. A total of 24 legal texts were selected because they are explicitly referred to within the university gender action plans as the legal basis on which they are adopted. We used the Atlas. ti software to facilitate coding and analysis. We conducted content analysis of the documents to identify relevant segments of discourse where meanings of gender equality are constructed. Closed codes were used to label different concepts, social groups, definitions of gender equality, problems identified (e.g., work-life balance, gender discrimination), and policy actions indicative of a women, gender, multiple discrimination, or intersectional approach.

A set of "sensitizing questions" were used to group the codes (Verloo, 2007): What is the problem represented to be?, What is represented as the cause? (Diagnosis), What solutions are proposed?, What are the objectives to be achieved and policy actions to be taken? (Prognosis), Which roles are attributed to actors (who is facing the problem? Who caused it?, Who should solve it?), To what extent is gender equality, and its intersections with other inequalities, related to the representation of the problem and its solution?, Which norms underlie the representation of the problem and its solution? (La Barbera & Lombardo, 2019, p. 632). To determine the weight and predominance of the different approaches to gender equality, we paid attention to frequency (counting codes), the detail given to the problems and solutions in the text, as well as logical consistency (e.g., between prognosis and diagnosis).

To capture the meanings feminist actors assign to gender equality and their implicit or explicit attitudes toward, beliefs around, and interpretation of the relevant legislation as well as their strategic use of the legislation in the implementation process, we conducted semi-structured interviews and focus groups with feminist actors, all women,

involved in gender equality policy implementation in their universities. Given the formal institutionalization of gender equality in public universities in Spain, these actors are easily identifiable and include the directors of each university's gender equality unit, equality commission members and other actors identified in university gender action plans or by gender equality unit directors. The data comes from 20 interviews and 3 focus groups from across the four cases,[4] conducted between May 2019 and June 2021, and 2 focus groups with gender equality unit directors from universities across Spain. We decided to employ focus groups as well as interviews to enhance data richness and trustworthiness. Thematic analysis was used using an inductive approach, and all data was anonymized and treated confidentially.

What follows is the analysis of discourses on the multiple meanings of gender equality, carried out to understand how feminist actors negotiate the process of structural change in universities, notably in relation to contestation and resistances.

4 | SPANISH LEGISLATION ON GENDER EQUALITY IN UNIVERSITIES: GENDER INEQUALITY AS A WOMEN'S PROBLEM

The analysis of Spanish national legislation addressing gender inequality in universities reveals that a "women approach" is predominant. In the national legislation, gender inequality is predominantly framed as a women's problem, constructing women as a homogenous group. The National Equality Act (2007), for example, points to the persistent gender pay gap, greater female unemployment, gender-based violence, the persistent lack of women in decision-making, and work-life balance problems as evidence of this "pending task" (Exposition of Motives II, i.e., the section of the Act that sets out the reasons for the law's adoption). The solutions provided reaffirm this "fix the women" approach, centering around including women in university organizations. The principal aims are to strengthen and ensure equal opportunities in access to universities, in selection and promotion processes and foster an equal presence of women and men in decision-making and governance bodies. A formal interpretation of equality prevails; equal opportunities, equal treatment, and non-discrimination references are more frequent than substantive equality as an objective of higher education institutions. Compliance of university selection, promotion, and evaluation processes with the principles of equality, merit, and capacity reflects a blindness to the implicit bias of these "universal" notions.

A "women approach" is also identified in the national legislation addressing work-life balance in universities. There is an emphasis on solutions, such as work-life balance measures for women, care/parental leave and working-hours reductions (Articles 8, 56, and 58, National Equality Act, 2007; III Final Provision, National University Act, 2007), consideration of maternity leave in staff evaluations, computation of holiday, and access to training (Articles 57, 59, and 60, National Equality Act, 2007; III Final Provision, National University Act, 2007). Men are conceptualized neither as problem-holders nor caregivers. Whilst the National Equality Act (2007) acknowledges the need to foster shared responsibility of care (Exposition of Motives II), measures to achieve this goal remain undefined. Intersectionality is absent, for there is no recognition of work-life balance needs of carers of the elderly and/or elderly family members (age) or single parents (marital status), while families are represented heteronormatively (sexual orientation). A "women approach" is also identified in the Catalan University Act (2003), Basque University Act (2004), Galician University Act (2013), and Galician Equality Act (2004). The regional University Acts promote equality of opportunities between men and women as an objective and guiding principle, though they lack a definition of equality as a structural issue. Policy actions predominantly center around ensuring women's equal access to universities.

A "gender approach" is not entirely absent, although it is less frequent and consistent. In the national legislation, it is found predominantly within the problem prognosis of gender inequality in higher education. For instance, the National University Act (2007, Preamble) explicitly recognizes universities as "key transmitters of values" and part of the solution for a "tolerant and equal society". The National Equality Act (2007) mentions the inclusion of gender equality into teaching and research (Articles 24 and 25) and the National Science Act (2011) promotes women and

gender studies (XIII Additional Provision). Alongside positive actions, both Acts advocate gender mainstreaming (e.g., Preamble and XIII Additional Provision, National Science Act, 2011). However, with the above exceptions, gender mainstreaming does not appear frequently in national legislation and is approached as a complementary, rather than overall, strategy. Furthermore, the binding force of articles mandating more transformative measures is undermined by certain statements. For example, universities should ensure gender balance on selection committees "unless it is not possible for well-founded and objective reasons duly motivated" (Article 62.3, National University Act, 2007). Positive actions that favor women should be "responsible and proportionate" (Article 11, National Equality Act, 2007) and can be subject to collective negotiation (Article 43 and XI Additional Provision, National Equality Act, 2007). The use of "soft" and modal verbs (e.g., "could promote") and the absence of a comprehensive monitoring and sanctioning regime also weaken mandates and allow for non-compliance.

In regional legislation, a "gender approach" is more frequent and consistent; gender equality is diagnosed as a structural issue and inequality is represented as the result of unequal social structures and hierarchical relations in which women are subordinate to men. The Galician University Act (2013) (Articles 95, 96, and 100) challenges the established institutional practice of assigning timetabling based on seniority that disadvantages young women with care responsibilities, giving first choice to single parents and to carers of young children. The Catalan Equality Act (2015) and Basque Equality Acts (2005) set substantive equality as their central goal alongside strengthening women's social, economic, and political position, promoting women's autonomy and respecting diversity. These Acts also explicitly problematize the patriarchal and androcentric system in their preambles, highlighting stereotypes, gender roles, and other obstacles that maintain women's disadvantage. Gender mainstreaming is promoted as a solution in the Catalan Equality Act (2015), Basque Equality Acts (2005), and Galician Equality legislation (Galician Equality Act, 2004 and Galician Equality Legislative Decree, 2015) alongside positive actions. The Catalan Equality Act (2015) shows a distinct focus on "fixing the institution" and "fixing the knowledge" by placing obligations on the regional Women's Institute to provide inter-university cooperation and spaces for dialog to share and create gender knowledge. In regional legislation, universities are instructed (using stronger modal verbs e.g., "must") to carry out specialist research, promote women researchers, and include the gender perspective in teaching and research.

An "intersectional approach" to equality is largely absent in the legislation analyzed, whilst our analysis reveals (limited) evidence of a "multiple discrimination approach" in some legislative texts, particularly in recent regional legislation. In the national legislation, such an approach is identified in the National Equality Act (2007) that states "special consideration" is given to double discrimination and difficulties of especially vulnerable women—minority, migrant, and women with disabilities (Exposition of Motives II). It is also found in the National University Act (2007) as the obstacles to equality due to socioeconomic status and place of residency are recognized, and "special attention" is to be paid to individuals with family responsibilities, victims of gender-based violence, and dependent or disabled individuals in access to student scholarships and aid programs (Article 45 and IX Additional Provision). However, the "multiple discrimination approach", based on "special attention to" other social markers, categorizes these groups as "most-at-risk", ignores other groups, and fails to address intersecting inequality structures (Rudrum, 2012).

At the regional level, the Catalan Equality Act (2015) and the Basque Equality Act (2005) also refer to multiple discrimination suffered by some women because of other factors[5] that prevent the full enjoyment of rights and achievement of substantive equality. A "multiple discrimination approach" appears in the regional legislation addressing LGBTI (Madrid Gender Identity Act, 2016; Madrid LGBT-Phobia Act, 2016 and the Galician LGBTI Act, 2014). The Catalan LGBTI Act (2014) is the only example of "intersectionality approach" because it refers to the "interactions between homosexuality, bisexuality, transidentity, and intersexuality" that public administrations must attend to (Article 6). However, whilst present in the problem diagnosis, policy actions and solutions to address intersecting discrimination remain undefined.

Overall, the analysis of Spanish national legislation addressing gender inequality in universities reveals that a "women approach" is predominant, whilst there is evidence of shifts toward a "gender approach". Very occasionally, in recent regional legislation, a "multiple discrimination approach" is found, while the intersectionality approach is largely absent. Despite advancements toward the goal of "fixing women", vague concepts and lack of enforcement

mechanisms weaken the capacity to "fix the institution". Regional differences and inconsistencies—where the solutions do not match the problem articulated in the diagnosis—reveal imprecise mandates open for interpretation that may present discursive opportunities for transformation (Verloo et al., 2007, 298–9). These findings make it especially relevant to know how feminist actors in universities interpret and strategically use the legislation to understand the opportunities for policy implementation in universities.

5 | FEMINIST ACTORS' DISCOURSE ON GENDER EQUALITY: GENDER EQUALITY AS A STRUCTURAL PROBLEM

Analysis of the meanings feminist actors assign to gender equality reveals some evidence of a "women approach". For example, when asked about gender inequality in their institution, interviewees construct women (homogeneously) as problem-holders, offering data on women's descriptive under-representation (as opposed to men's overrepresentation or other inequality issues), and disadvantage because of maternity. Work-life balance, in particular, is constructed as a women's issue. Actions to promote women's incorporation, particularly in decision-making, and visibility—for example in syllabus content—are also a considered key. Some actors recognize their own crucial role in the promotion of initiatives around gender-inclusive language, the inclusion of women on reading lists or visibility in syllabus content in the face of ongoing resistance to these measures (UNI2.3, FOCUS1; FOCUS3).

However, the predominant frame that feminist actors employ to conceptualize gender inequality is a "gender approach", rather than a women approach, which requires a comprehensive response to generate substantive institutional changes. Interviewees and focus group participants are aware of the need to "fix the institution", referencing glass ceilings, the organization of care, and gender-based violence as evidence of persistent unequal structural relations between women and men in Spanish universities. References made to unchanging gendered internal organizational dynamics, biases, and stereotypes, as well as unquestioned principles of merit, reflect actors' problematization of the university organizational culture in reproducing gender inequalities and women's subordination despite legislative mandates and incipient institutional action. Feminist actors express their frustration with inequalities "not being recognized" or considered "anomalous" rather than systemic (FOCUS3), as well as with reductivist understandings of gender inequality as women's unequal participation and equal access (UNI1.2). They consider gender inequality to be a more complex problem. As one interviewee explained, issues also encompass "the more symbolic, the more unconscious inequalities… seen amongst administrative staff, teaching staff and students, in relations, in different axes of power, in the options available, the type of roles, behaviors" (UNI4.2).

Accordingly, feminist actors consider a structural response to be necessary. As one focus group participant stated: "we have a root problem that requires structural change" (FOCUS3). They endorse "real structural measures" (UNI3.3), driven by individuals with gender knowledge and with the participation of the university community in line with a gender mainstreaming mandate. They stress the importance of institutional support and political will, as well as monitoring mechanisms and accountability among responsible actors—"two fundamental elements" (FOCUS3) considered ineffective or missing—for driving institutional change and the effective implementation of gender equality actions in their universities.

A few actors adopt the frame of multiple discrimination, often tagged onto the gender approach, for example, by emphasizing how gender and other diversity ground(s) create different inequalities, but in an additive rather than multiplicative or intersectional way. Two interviewees (UNI1.3 and UNI4.2)—both equality unit directors—construct gender inequality in line with a "gender approach" with an emphasis on the specific inequalities and discrimination experienced by LGBT individuals. This reflects a conceptualization of gender inequality that includes sexual orientation, gender identity, and expression as intersecting identities. Save these exceptions, multiple discrimination and intersectional approaches to gender inequality are largely missing from the discourse of interviewed feminist actors in Spanish universities. The word "intersectionality" is seldom mentioned and only with respect to the lack of attention to intersectional discrimination in syllabus and reading material and staff training (UNI3.1).

Only one interviewee elaborates on intersectional inequalities, problematizing both women and gender approaches. She offers, as the solution, the recognition of multiple social structures within a system of exclusion to transform and change "power relations, stereotypes, norms, and modifying value systems that allow certain people get certain privileges and others have a series of obstacles" (UNI3.1). She elaborates on the meaning of an "intersectionality approach" while providing her vision and justification for a staff training course in equality, referencing several intersecting structural inequalities:

> Training on equality would be fundamental… that not only talks about the specific inequality between men and women, but from a more intersectional approach, about what happens when we have students from other contexts, why we treat Erasmus students better than Latino students, because this is an issue that has to do with racism and colonialism…what happens when we teach students who are gay or lesbians, why they may make us feel uncomfortable.
>
> (UNI3.1)

While isolated, this view offers insight on how an "intersectionality approach" can help to address "teacher-student power relations" and prevent sexism and violence in the classroom.

6 | FEMINIST ACTORS' INTERPRETATION OF LEGISLATION: WOMEN-FOCUSED AND CONSTRAINING

Given their construction of the problem according to a "gender approach", interviewees consider the applicable legislation to be women-focused and recognize that a "gender approach" that "fixes the institution" is required. They argue that the legislation's failure to define gender inequality as a structural issue limits its potential to ensure structural and cultural changes:

> For me, the problem is that equality policy has a very serious deficit when it comes to making explicit, believing, and engaging with, the inequality (re)produced by institutions themselves.
>
> (FOCUS3)

In the focus groups, the legislative framework is defined as asymmetrically centered on women's unequal representation to the detriment of other issues. As one participant states, "we're still not talking about other types of inequalities' (FOCUS3). Responding to a question around perceptions of equality policies and their impact, another participant stated: "in terms of representation, much has changed… but in terms of redistribution, work-life balance issues etc., it's all still there" (FOCUS3). Despite a lack of progress in other areas, participants recognize the positive changes in the aggregate number of women (i.e., descriptive representation) in their universities, acknowledging the legislation's essential role in this progress. Gender equality legislation is also perceived as contributing to the normalization of women's equal participation in universities:

> Whilst legislation around parity can't guarantee a feminist vision, it's true that it's a necessary instrument… women need to be where decisions are made, and I think it's become politically correct and fairly accepted.
>
> (UNI4.2)

Participants refer to a general and growing awareness of, and receptivity to, parity demands among institutional actors, although they emphasize the work of feminists in driving change once the legislation "has paved the way" (FOCUS1, FOCUS3). Others, however, counter the positive narrative around legislative mandates, describing

progress in terms of women's participation as "stalled" (FOCUS3), referring to regressions (FOCUS1, FOCUS3) and institutional "blockages" (UNI2.2). They also suggest that the institutionalization of gender balance mandates and positive actions reinforces a "women approach", enabling resistance and inaction on other issues:

> You get the feeling that the legislation is counter-intuitive, because for whoever hasn't reflected on gender bias, what it does is make them believe that gender is simply 'adding more female colleagues' and that's it, it's done... That's enough to change everything.
>
> (UNI1.2)

In one focus group, the metaphor of a "varnish" was used to describe the old "de jure, de facto" tension on how the institution formally complies with the legislation, but in practice does not implement it, creating the illusion that gender inequalities are being tackled:

> Work-life balance for women and men is a clear example of how, despite the fact there are legal instruments, there is no application or intention to execute them.
>
> (FOCUS3)

Feminist actors believe the legislation has several shortfalls that limit its capacity to bring about substantive change. For interviewees, legislative texts are vague: the implementation process, the equality unit structure and its functions (UNI3.3), as well as the roles and profiles of responsible actors (UNI2.5), remain undefined. A lack of sanctions or enforcement mechanisms distinguishes the existence of the norm from its effectiveness. In the words of one participant, "one thing is the law...another is its application" (UNI3.1).

Moreover, participants provide examples of equality measures being undermined by institutional norms, both formal—such as the university's existing regulations and procedures—and informal—such as praxes related to the primacy of seniority and hierarchy in teaching timetable scheduling. Equality mandates are considered negotiable, non-binding recommendations, and are not "valued" by the institution. This leads to non-implementation and rights violations:

> In principle, it's good that there's an equality law in place, but it doesn't materialize into anything tangible. It doesn't work where we work.
>
> (FOCUS1)

Finally, some participants perceive the legislation to be an impediment to implementing gender equality policies in Spanish universities. On the one hand, some interviewees mentioned instances where the legislation has been a constraint. Examples included work-life balance requests that were denied or stalled because they were considered to "go further" than legislative limits (UNI2.5); norms governing hiring not providing "any leeway" (UNI1.1) in ensuring equal access; and legal definitions of gender-based violence being more limited than those included in the university harassment protocol developed by feminist actors (UNI4.5). On the other hand, some participants (FOCUS3) expressed the idea that legislation de-politicizes feminist activism:

> I think that precisely because of institutionalization...we have setbacks [...] In the 80s there was no equality unit, for example, but the role played by the Feminist Research Institute was different, much more political. The relationships we had with the student assemblies... It was much more of a feminist assembly, a political movement. [...] ... The entire feminist movement has become a fad... that has reached the university, and what it's achieved is the deactivation of everything that was political, so there's no structural change.
>
> (FOCUS3)

According to this extract, the adoption of legislation resulted in the demobilization of feminist activism at the university with detrimental results for transformative change.

7 | FEMINIST ACTORS' STRATEGIC USE OF THE LEGISLATION IN IMPLEMENTATION PROCESSES: TOWARDS STRUCTURAL CHANGE

The analysis reveals three principal ways in which feminist actors in Spanish universities strategically use the legislation for implementing gender equality policy: to negotiate the meaning of gender equality, to drive structural changes, and to demand compliance.

Firstly, feminist actors use the legislation to negotiate the meaning of gender equality. For example, during processes of negotiation around the content of university bylaws, regulations, and action plans on gender equality, whereby actors with different interests and resources discuss the issues and possible solutions. As the following excerpt highlights, the legislation enables them to construct gender inequality as a political problem, as well as to introduce and support feminist ideas on gender equality:

> What use are work-life balance acts, protocols, and equality legislation for us? They're not valid when we have them, they're useful when we *discuss* them. Discussing care issues today is taking the data again and saying 'gentlemen, it's this and that'…when these things are in negotiation there's the 'back and forth', we're thinking together, we're making things visible, we're doing political work.
>
> (FOCUS3)

The legislation may also be used by feminist actors to try to influence the direction taken by the university on certain issues, where protocols are not developed yet. For example:

> [I knew] we did not have the legislation [on exceptional work-life balance initiatives during COVID] developed in our University yet. But I told them, 'Look, I'm sending you the link to Social Security where a lot of legislation has been adopted'.
>
> (FOCUS3)

Feminist actors want to ensure the adoption of institutional level bylaws and regulations on gender equality that are up to date and coherent with the legislation. Resistance from actors with greater positional power, however, means that their strategic use of the legislation to try to guarantee rights is not always successful. For example, a Dean denied the petition made by the interviewee in the example above as "it wasn't clear to him" (FOCUS3). Furthermore, having solutions inscribed in a text at the institutional level does not necessarily efface resistance at the implementation stage. For example, action on and commitment to gender equality may lose momentum as management and governing actors "believe the solution is already there, so we (feminist actors) go back to thinking "oh, this is still a mess" (FOCUS3).

Where solutions are not adequately reflected in university bylaws and regulations, the implementation of gender equality policies may also face resistance from individuals with greater positional power that ultimately deters feminist actors from entering into negotiations. For example, in the extract below, resistance from departmental managers led to the legislation being disregarded in practice:

> The problem is we have a legislative framework that says work-life balance is an individual right of the worker and all companies have to respect that… (…) But, in the end, it's not reflected in (university) bylaws, so the guarantee of this right remains up for *negotiation* with your department…. I insisted that this had to be taken to the Dean or to the Equality Unit. Because, if not, you're in the weak position in

> that negotiation with your department director, who has to evaluate you, and with colleagues that you have to meet every day because they have the office in front of yours, and so, in the end, you don't engage in negotiations.
>
> (FOCUS3)

This excerpt shows that the effective translation of the legislation into university bylaws, regulations, and action plans is key to back up feminist actors' positioning in debates. When this is missing, feminist actors' strategic use of the legislation might not be enough to challenge resistance from more powerful institutional actors (Tildesley et al., 2021).

Secondly, legislation is used for driving structural changes. Feminist actors rely on the legislation to help establish institutional support for structural change measures. Once this support is established "a lot of resistance is eliminated" (UNI3.1), facilitating the effective implementation of measures (UNI3.2). Yet, even when institutional support is established, feminist actors may need to actively leverage the legislation, verbally identifying to others where action should be taken, to mobilize action in the face of resistance, and inaction at the implementation stage:

> I'm quite skeptical and practical. I'm not going to wait for my dean to apply it [legislation], but in my department, I try to raise my voice and say "this is not being fulfilled, we have to have this" […]. I believe *we* are the ones who have to make that change, we can't expect anybody at the institutional level will do it, not the Equality Unit or anyone else… And I think that's what the legal framework offers, the fact they have to do it; but I think we have to start applying the tools ourselves.
>
> (FOCUS3)

The legislation is used by feminist actors to justify action taken by equality units or proposals that require resources. Two participants stated that "if we didn't have this (legislation) as a first step, we wouldn't be able to make demands" (UNI3.1) and "we have to have something backing us up to enable us to ask for things" (FOCUS3). Others use the normative framework to inform and justify actions to incorporate gender into research and teaching to university managers who, due to a lack of awareness, refuse to take action:

> They don't understand what gender mainstreaming is or gender sensitive research is. It's quite astonishing. So, I always start my presentations to managerial staff by opening the website of the European Union (H2020 or the European Research Area) [referring to legislation] on gender equality. Come on, I shouldn't have to justify so extensively *why*.
>
> (UNI1.3)

In this case, the discursive use of EU legislation helped the feminist actor to justify actions taken by the equality unit as well as to minimize resistance from university managers. The European institutional web pages that explain the importance and benefits of gender mainstreaming and gender sensitive research are used to contest resistant actors' construction of the problem.

Feminist actors also cite the legislation to legitimize their authority to take certain actions, in the face of explicit, confrontational resistance from other university actors who question the authority and competence of the equality unit to instruct change that affects them (UNI1.3). Alternatively, they may use the legislation to quash resistance, with statements such as "well, it's the law, so we can't go backwards" (UNI1.3). These examples show how feminist actors strategically use the legislation to counter resistance and reinforce their position in debates for the implementation of more transformative gender equality policies aimed at "fixing the institution" and "fixing the knowledge".

Finally, feminist actors recognize that the legislation has obliged universities to take certain structural action, as this interviewee states:

> They cannot go against the times and say "no, we're not going to have an equality unit". Firstly, because the law prevents it, that is, universities *have* to have one.
>
> (UNI1.1)

Yet, owing to vague mandates, as well as a lack of monitoring and sanctioning regimes, they believe that some gender equality measures are adopted by the institution merely as a "tick-box" or "window-dressing" exercise:

> Participant A: They want an equality plan, but not one they have to commit to. So, why have a plan?
> Participant B: To comply with the norm, because you have no choice. The varnish is so thick… The Equality Unit, the institutions created, well, if they're not properly staffed or financed, it's just a façade.
>
> (FOCUS3)

Though disappointed that university management and governing actors "comply just because they have to, not because they believe in it" (FOCUS5), feminist actors strategically use the legislation to denounce non-compliance and demand institutional action:

> What *use* is the legislation to me? Mostly *to denounce non-compliance*. It gives us the leverage and legitimacy to say "hey, you have to do this, no matter what. This is not negotiable; the law says so". I think universities still don't assume it's their responsibility. So, we constantly have to assert the law by saying "hey, it says so here", "it's in here", and it's been there a long time, right? Simply as a strategy.
>
> (FOCUS3)

They use the legislation to make sure the institution's obligations are known, but also to remind governing bodies of their responsibility to take action and of sanctions, where relevant, for non-compliance (FOCUS4, FOCUS5). Feminist actors may also use the legislation to shame management and governing actors, pressuring them into delivering on inequalities by producing and publishing data on enduring gender inequalities in the university or the university's unmet legal obligations (UNI1.3). Data on non-compliance draws high-level actors' attention to rule-breaking and compels institutional change by activating their sense of duty. Shame may also be mobilized by threatening or carrying out collective legal action where legislative mandates are systematically violated. One focus group participant, for instance, whose institution was failing to comply with work-life balance mandates to women's detriment, considered this the only effective way to guarantee change (FOCUS3). The threat of public shaming and negative effects of legal action, such as reputational damage, becomes a powerful strategy for demanding institutional compliance with legislation on gender equality in Spanish universities.

8 | CONCLUSIONS

Our research shows that gender equality policy implementation is an ongoing process of discursive political contestation in which meanings of gender equality are constructed, challenged, and (re)interpreted (Lombardo et al., 2009). Diverse meanings of gender equality are constructed in the legislation. The plurality and inconsistency of meanings of gender equality can not only limit policy implementation but can also provide feminist actors with opportunities to discursively challenge and (re)construct the meaning of gender equality so as to justify and implement a more transformative approach that aims to fix the institution. Our study explores these opportunities in Spanish university organizations, providing evidence of the legislation as an important discursive resource in the implementation process and contributing to the emerging field of gender equality policy implementation from a discursive approach.

Our analysis shows that Spanish legislation addressing gender inequalities in universities predominantly offers a "women approach", especially at the national level, with shifts toward a "gender approach" in recent regional legislative frameworks. Correspondingly, feminist actors perceive their institutions to have mostly advanced toward the goals of equal representation of women. Nevertheless, aware of the limitations of the legislation, these actors construct a different meaning of gender equality oriented toward institutional change and strategically use such legislation to advance goals that go beyond "fixing the women". Despite the shift in feminist actors' discourses toward a "multiple discrimination approach", an "intersectionality approach" is largely absent. Feminist actors in Spanish universities are yet to apply an "intersectional approach" in their implementation practices.

Spanish legislation on gender equality in universities also shows inconsistencies in the framing of gender equality, with a "gender approach" appearing sometimes in the legislation's solutions, yet often without a matching problem diagnosis. The legislation also includes weak mandates with a lack of sanctions for effective enforcement and responsibility structures, which enables resistance and limits structural change. Verloo et al. (2007, p. 299) claim that where the diagnosis does not address the structural character of gender inequality but the solutions are transformative in a structural sense, policy results are likely to work toward more gender equality. We argue that policy results are indeed able to work toward more transformative goals in institutions despite inconsistencies because of the contestation work of implementing feminist actors. A gender approach can be found more frequently and more consistently in recent legislation which also suggests the successful introduction of new policy frames into legislation that feminist actors can utilize to advance their goals to "fix the institution" and "fix the knowledge".

Inconsistencies between diagnosis and solutions in legislation are most common for the multiple discrimination approach, with few mentions, while the "intersectionality approach" is largely absent. Even in more recent regional legislation, a "multiple discrimination approach" is found only within the diagnosis. However, considering feminist actors' capacity to contest and negotiate meanings of gender equality present in the legislation, as an "intersectionality approach" gains currency as a policy approach in practice, they may be able to take advantage of discursive opportunities for transformative institutional change that addresses the intersecting of structures of inequality within university organizations.

The political dimension of gender equality policy implementation within organizations, analyzed from a discursive perspective, emerges from our findings. Feminist actors challenge and reinterpret the "women approach" contained in the legislation, infusing meanings of gender equality oriented toward the transformative change of institutions and the production of knowledge. Not only that. When implementing gender equality policies, they strategically use the legislation to drive structural change and to demand institutional compliance. Despite the legislation's shortcomings, it is used to spur action on gender inequality (Moisander et al., 2016; Tildesley et al., 2021), influence institutional and individual discourses on gender equality (Eyben, 2010) as well as to reinforce their own positioning in debates (Woll & Jacquot, 2010). It is therefore a key resource for feminist actors implementing gender equality policy in universities, who may lack positional power and face considerable resistance. Our study brings further evidence about how bottom-up approaches from feminist actors contest and shape regional and national legislation, which in turn support their implementation in organizations and advancements toward more multiple and intersectional approaches. To improve our understanding of gender equality policy implementation, future studies must continue to analyze discursive contestations, interpretations, and strategic uses of legislation in organizations, as well as the use of the different approaches to gender equality by different actors and levels of management within the organization, and the strategies of feminist actors to push implementation forward in what are often hostile and resistant organizations.

DATA AVAILABILITY STATEMENT

The data that support the findings of this study are available from the corresponding author upon reasonable request.

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ENDNOTES

[1] Approximately 55.000, 80.000, 30.000, 20.000.

[2] Established in 2004, 2006, 2009, 2017.

[3] Gender action plans were adopted in 2008, 2009, 2010, 2017.

[4] These focus group participants were identified by the gender equality unit directors in each case as being involved in the implementation of gender equality actions in their university.

[5] For example, ethnicity, color, ethnic or social origin, genetics, language, religion, beliefs, political or other opinion, belonging to a minority, proficiencies, birth, disability, age, sexual orientation, or economic level (Catalan Equality Act, 2015).

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