

But the country was soon back in crisis; in 2008 there was a coup attempt. The model is more unsustainable for larger countries: it would take tens of billions of dollars to similarly support Congo's 66m people.

Look at statebuilding from another point of view: that of an embattled ruler. To him, all those dollars and foreign troops are a huge boon. The money can buy off some opponents, while foreign soldiers fight the rest. Strong, autonomous government departments, however, are a genuine threat. A chief of staff might launch a sudden coup, or a finance minister may put rival warlords on his payroll. Secret ballots are a problem too: it's hard to pay off local powerbrokers under the eyes of election monitors. The ruler might speak the language of the rule of law. But the real game is buying loyalty. A well-managed, inclusive patronage system is often the only way of running such countries.

Afghan president Hamid Karzai is a case in point. A more talented politician might have been able to strike better deals with local powerbrokers, so that posts and payoffs were bargained for in backrooms, not with Kalashnikovs and roadside bombs. But skilful management cannot resolve Karzai's main dilemma: any bargain he strikes is good only so long as his US backers remain in place. Both Karzai and his opponents know that the surge of 40,000 extra troops proposed by US General McChrystal is unsustainable, and that any agreements dependent on battlefield advances will be short-lived at best. Underneath the old model remains: a political souk where buyers and sellers haggle over the going rate for renting allegiances.

Even worse, Nato has crippled Karzai's ability to bargain properly. Foreign firepower and funds give him the strongest hand in the souk, but western demands to stamp out corruption and defeat the Taliban stop him playing his best cards. And peace established by foreign troops, village by village, will quickly break down once the troops are gone—meanwhile, their very presence sparks disputes.

So the ruler has a fine line to tread. He must be strong enough to be indispensable

to his foreign backers, but not so strong that they withdraw. Congo's Joseph Kabila has played this hand masterfully. Following his disputed election in 2006, he has contrived to get the UN to increase its peacekeeping contingent and hunt down his adversaries. Best of all, the international criminal court has put his most formidable rival in the dock for war crimes. But should the troops withdraw, Congolese provincial leaders who have been underpaid for their loyalty will demand more—at the point of a gun.

Karzai's best asset is that he knows how his country works, with loyalties transacted on the basis of kinship, faith and cash. The Taliban showed that a government can be run cheaply on the first two alone. The US is handicapped because it has only the third. In the months after 9/11, the Americans dollarised Afghanistan's patronage system, flying in plane-loads of shrink-wrapped \$100 bills to pay off warlords, while putting on a fireworks display for the media to pretend that military might, not bribery, defeated the Taliban. It worked. But this hardheaded approach was then abandoned in favour of the illusion that, freed from the aberrant Taliban, Afghanistan would begin a path towards western-style democracy.

Today, it would be more cost-effective to ditch the extra troops and revert to funding patronage. This would mean different priorities, like taking control of the drugs market to deny the Taliban its best source of funds. A new patronage system could eventually be made fairer and more inclusive, perhaps allowing institutions to grow around it slowly. But this means thinking like an Afghan politician, not an international peacebuilder. If the west cannot follow this path, it will join the other superpowers humbled in the Hindu Kush. The war in Afghanistan will become more about salvaging Nato than about building a central Asian Denmark. And should Nato withdraw, others—perhaps China—will set the more modest goal of political stability, and pay hard cash to get it.

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EMPLOYMENT LAW

The mother of all paradoxes

Stronger maternity rights can help mothers, but they will hurt employers and women in general
Catherine Hakim

It seems self-evidently unfair that a woman should lose her job for being pregnant, yet such things used to be common. Before equal opportunities legislation was introduced in the 1970s, it was even legal to fire women for getting married. Now Harriet Harman is determined that Britain must do more to protect women. Her equalities bill follows Sweden's lead, where maternity leave has been extended to three years and fathers are forced to take paternity leave. Yet laws protecting women's employment are less successful than we think, and Harman's moves to break the glass ceiling may actually strengthen it.

The law requires women to notify their employer if they wish to return to their job a few weeks before they go on maternity leave, and inform them of their return date a few weeks before they go back. Statutory maternity leave includes a paid period, plus an additional unpaid period, so mothers may return to work anywhere between one and 12 months after birth. An employer is penalised for failing to honour this bargain, but women can decide not to return without penalty, simply by giving notice and resigning at any time. Pregnant women thus have a strong incentive to say they will go back to a job even if they think they will not. And indeed the number of notifications rose from the mid-1970s onwards; in recent years 60 per cent of women signalled the intention to return.

Yet only about half of mothers do return to their previous jobs, a figure largely unchanged since maternity protection was introduced. Government surveys deftly skate around this issue by focusing on ►

mothers who return to any job, however briefly, including those who go part-time, or find work with a different employer.

The results shouldn't surprise us. Many women find themselves too attached to a newborn to want to return to work, while some have children with medical conditions that make combining childcare and work impractical. Mothers often discover that it is more cost-effective not to pay for childcare, and do the job themselves, while others find that their childcare plans do not work out as they had hoped. And it is hard to argue that women should not be able to change their minds, even if employers have no equivalent rights.

However, research shows that most women do not actually change their mind: roughly two-thirds of those who pledge to return to work admit that they had no intention of doing so. Surveys on childcare needs consistently demonstrate that most mothers prefer to care for their small children themselves. And those who do go back often do so only briefly. A first birth may be followed by a second pregnancy. Others return only for a while, perhaps tempted by employers' maternity leave rules, which sometimes offer higher maternity pay to those who return. Around three-quarters of returners go part-time, or find other flexible terms. Many switch to jobs closer to home.

Such findings should be troubling for those who think that helping pregnant women keep their existing jobs is the key to gender equality. Three decades of maternity protection have barely altered mothers' employment patterns. The Millennium Cohort Study, which has tracked around 19,000 babies over the past decade, shows that most women today still take a substantial break from work after a birth, just as they did before maternity leave was introduced. Female graduates do return more quickly. But overall, only half of all mothers return to paid work by the time a child is three, mostly in part-time roles. Only one in ten chooses to return to full-time work at this time. Perhaps most importantly, recent studies from the Economic and Social Research Council show that, under current legislation, four-fifths of mothers were able to do what they wanted to do after birth—whether that was returning to a previous job, or staying at home with the baby.

Yet if mothers do well out of the current system, their right to take maternity leave can still have a detrimental impact on their employers. Take the example of a London secondary school, which recently appointed an energetic young head with a glowing reputation. But within four years the school was failing so badly that it had

to be taken over. Part of the problem was that the new head had had two pregnancies, with two long spells of maternity leave, and then struggled to combine caring for two small children with a demanding full-time job. Although undoubtedly skilled, in practice she was unable to properly perform the role for almost four years. The school had, in effect, been headless.

It is a surprisingly common story. Women in senior professional and managerial roles cannot always be easily replaced. Some employers do manage, for instance using maternity cover for the temporary promotion of promising staff. But others find getting short-term replacements problematic: advertising posts costs money, while the best candidates are rarely forthcoming for short contracts. Indeed some private sector employers—especially in the City—take the view that it is cheaper in time and money to dismiss a pregnant woman and pay compensation, so that a permanent replacement can be appointed immediately. That might be beyond the pale, but the current rules are certainly inflexible; they do not make allowance for employers' business needs, and they do not recognise that certain jobs can never truly be made family-friendly.

Harriet Harman's push for longer maternity leave is undeniably positive for mothers who want to return to the same employer, and it can help women maintain a career foothold after motherhood. But such policies can be harshly counterproductive for women in general, as they prompt employers to avoid hiring or promoting younger women at all—a point made in October by several successful City women to a House of Commons select committee inquiry on "sexism in the City." Nicola Brewer of the

Equality and Human Rights Commission made the same point in 2008.

The strongest evidence of this problem comes from Sweden—often cited by advocates as offering the ideal system, with long parental leave, the right to work part-time, time off for sick children and so forth. Yet several studies by Swedish economists have shown that family-friendly employment policies has been the cause of the glass ceiling for women, not the solution to it. The pay gap in Sweden fell from 33 per cent in 1968, before generous maternity protection was first introduced, to 18 per cent by 1981. But it has been rising gradually ever since then. The reason? Onerous maternity protection leads the private sector to systematically avoid hiring women, who then mostly work in the less well-paid public sector.

The sad result is that the more generous the maternity rights, the less likely women are to reach the top. A 2009 paper by Swedish economist Magnus Henrekson confirms that women are much more likely to reach top executive positions in Anglo-Saxon countries—and especially the US, which has only 12 weeks' unpaid maternity leave—than in Scandinavia. Other research finds that maternity leave of around three to four months helps women's employment, but that longer periods lead to what economists call "statistical discrimination" against women collectively. Forcing fathers to take paternity leave, meanwhile, has done little to change sex-roles in Scandinavia, while the vast majority of Swedish mothers were against sharing parental leave with their spouses in surveys carried out before the change was introduced.

Social engineering policies that are accepted in the small, culturally homogeneous nations of Scandinavia will not bed down so easily in large, culturally diverse countries such as Britain, France, Germany and Italy. So if long parental leave helps to create a glass ceiling in Sweden, despite the intentions of promoting gender-equality, it is even more likely that such moves will have unforeseen negative effects in Britain's diverse workforce. Harriet Harman has the best intentions. But social policies that are ideologically driven, and which ignore the best research evidence, can often fail due to unintended side-effects. And that won't help the cause of women's equality one bit.

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"I do wish you'd use the study when you work from home"

FROM THE PROSPECT ARCHIVE

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