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## **Constitutionalism Web-Papers, ConWEB No. 2/2008**

### **Gender and European Integration**

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#### **Abstract**

The paper assesses the contribution of gender approaches to understanding European integration. It offers a conceptualization of such approaches as including a distinct ontology, epistemology and methodology. While feminist literature on the European Union is diverse, all such literature sheds light on the gendered process of European integration. The authors identify two distinct contributions of this literature: (a) it illustrates the relevance of movement actors and other advocates in shaping EU policies; (b) it shows that economic integration entails the creation of new gender regimes. The paper illustrates these contentions presenting case studies of the EU's response to sex trafficking, the reform of the common agricultural policy, and of enlargement.

**Keywords:** integration theory, feminism, gender policy, women's movement, sex trafficking, agricultural policy, enlargement

Gender politics seem to have been high politics for European states. Curtailing access to abortion rapidly emerged as a priority for governments after the end of communism, and gay rights are stirring up tempers in new EU member states. Although communist governments put women's equality on their banner little seems to remain of egalitarian sentiments in Eastern European polities after the communist demise. Women have lost jobs, positions in government, and degrees of control over their bodies. A new regime, the European Union, appears to promise relief under a Western model substituting neoliberal equality in an integrated Europe for the lost socialist equality. Where the communist state failed in the end, the EU apparently offers a better future – of egalitarian gender relations in

conjunction with a European economic space and political unity. In it the urgency states brought to curtailing women's independence has been replaced by a gradual, low politics approach of lobbying, legislating, litigating, and gender mainstreaming in order to advance equality.

The origin, shape, and the effects of this approach are a main subject of feminist research on the European Union. Feminists ask: What kinds of gender equality policies does the EU pursue? How have they gotten on the agenda? What kinds of feminist and masculinist politics hinder and promote these policies in the EU? And what are the consequences of these politics? These seem purely empirical questions but, we will argue, they have theoretical ramifications. Feminist research starts from an ontological proposition, i.e. that gender is a basic organizing principle of the social and political world. This presumption is made explicit in research probing the ways in which gender is inscribed in the diverse policy fields of the EU. Questions such as “what are gendered effects of EU policy-making?”, “what are underlying normative assumptions of distinct policies?”, and “is the EU patriarchal?” become relevant in this perspective. In addition, feminists also critically reveal gender biases in concepts and categories of mainstream theories on European integration. In order to overcome given conceptual limits, feminist research probes and amends theoretical approaches in novel ways: By focusing on particular constellations of feminist activism, it reveals hidden aspects of European integration and gives voice to subjugated knowledges. By focusing on gendered structures, it makes visible mechanisms engaged in the reproduction and amelioration of patriarchal domination.

### **Gender Approaches and Feminism**

Traditionally concerned with equality between women and men, feminist research has moved from focusing on women and men as equivalent categories to studying gender, i.e. the way in which women and men, femininity and masculinity relate to each other, the way in which “masculine constructions depend upon maintaining feminine ones – and vice versa” (Peterson 1992a: 9). In gender approaches, women and men, femininity and masculinity thus do not exist in isolation from each other, but, instead, are mutually interdependent. As a relation, gender ceases to function as a causal variable that can deliberately be included or excluded in an explanatory model, but becomes an integral part of social phenomena such as the European integration process. Gender analysis is social analysis in that it describes the way gender informs social relations and in that it probes the meanings of femininity and masculinity in social contexts. Gender is thus not static: Its meanings and the particular state

of gender relations are created and perpetuated through the interactions of various actors in diverse contexts. Analyzing the underlying mechanisms as well as premises involved in the (re-)production of existing gender arrangements is at the centre of a feminist research program that conceives of gender as a critical category for analysis.

Gender approaches to studying European integration make an ontological claim, i.e. that gender matters when probing European integration. European integration is part of a socio-political world that is fundamentally structured by understandings of femininity and masculinity and contributes to re-constructing these understandings. Gender approaches assume that one can only fully understand and explain large parts of the European integration process with the help of a gender-sensitive perspective – i.e. through an analysis that also focuses on the (re-)construction, malleability and functionality of gender in the making of Europe and on the norms, ideas, discourses, and practices that sustain and advance the process. Conversely, European integration constructs gender in new ways, i.e. it newly produces mutually constitutive understandings of masculinity and femininity.

Cynthia Weber (2001: 89) has suggested that taking gender as a viewpoint challenges conventional accounts as partial and incomplete by questioning not only the scope and range of common theories but also their very concepts and categories. In her review of European integration theories from a gender perspective Annica Kronsell (2005) provides a trenchant illustration of this effect. She shows how intergovernmentalism fails to consider power relations within the state, obscures the gendered boundaries between private and public, conceptualizes power as masculine, and fails to appreciate the relation of women's interests to national interests. While neo-functionalism and multi-level governance theories tend to be more amenable to including feminist concerns, they fail to account for the dominance of some groups over others, conceal hierarchies among institutional levels and actors, and have been blind to the tendencies towards "homo-sociability" i.e. the preference for the company of the same sex in governance networks. A gender perspective thus reveals significant yet hidden aspects, driving forces, and unaccounted effects of the European integration process.

In addition to providing a framework for analysis and critique, a gender approach also offers a methodological lens. Feminists have argued that all knowledge is interested and all truth situated. Accordingly, all research implies a viewpoint. Unlike most analysis, feminist analysis makes this viewpoint explicit and self-consciously grounds itself in the knowledges of particular standpoints, such as the standpoints of different feminist movements. This allows feminist researchers to offer a critical perspective that reveals knowledge and practices as gendered and gives a voice to those not typically heard in the interpretations of

European integration. It also allows feminists to approach research as collective and democratic, an exercise in knowledge creation not limited to the privileged position of academics, but validating everyday and activist interpretations and points of view (Ackerly et al. 2006).

Not all gender analysis of European integration is feminist research in this sense. Some gender analysis focuses on illustrating the way gender operates, some on making visible processes that have been hidden, some on validating subordinated knowledges. There also is a tradition of feminist research that seeks to provide a better understanding of the EU by making visible the variables that influence its gender equality policies. Thus, there is no such thing as “a gender theory” or “a feminist theory” on European integration, at least not in a narrow sense of a coherent set of theoretical propositions outlining causal mechanisms and factors contributing to and accelerating the European integration process. Indeed, unlike classical approaches such as neofunctionalism and intergovernmentalism gender perspectives do not constitute substantive theories of European integration. As a consequence gender perspectives cannot be placed vis-à-vis these scholarly traditions for immediate comparison<sup>1</sup>. But feminist approaches do shed light on *how* the EU is integrating by providing an understanding of the way gender is structuring integration and the way integration has structured gender relations.

In this review of feminist approaches to the European Union, we include a broad range of perspectives. The way in which gender matters has been the topic of a diverse body of scholarship steeped in varied disciplinary traditions, asking different questions, employing multiple methodologies, and arriving at diverse answers. Much of this scholarship probes the EU’s gender equality policies through standard social science methods, exploring the causes of policy adoption and implementation, and frequently painting the EU as a feminist ally. Gender constructions enter the explanations of some, but not all of this scholarship. A smaller body of studies employs a critical feminist standpoint probing constructions of gender in EU policies and critiquing the effects of these constructions. Our purpose is to show that acknowledging gender in the European construction project enriches the understanding of European integration by making visible an underappreciated social reality. We illustrate the contribution that gender and feminist analysis can make by presenting empirical case studies on trafficking in women and the Common Agricultural Policy (CAP) as well as by discussing EU enlargement from a gender perspective.

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<sup>1</sup> This is one of the ways in which they resemble constructivism (cf. Risse/Wiener 1999: 778).

## **Gender Approaches and European Integration**

One of the more astonishing aspects of European integration has been the creation of an EU gender equality regime encompassing a variety of soft law instruments in addition to treaty provisions, directives, and court rulings (Hoskyns 1996; Ellina 2003; Hantrais 2000a; Berghahn 2004; Mazey 2002). The regime has been built in stages, shifting approaches and expanding in scope over time. Scholars have described a three-stage movement from a focus on equal rights and treatment, to positive action, to gender mainstreaming, i.e. the consideration of gender differences in all areas of policy-making and programming, from the stage of planning to implementation (Rees 1998; Mazey 2001; Booth and Bennett 2002). While originally focused narrowly on non-discrimination in European labour markets, the scope of the regime has expanded over time. It now includes measures enabling workers to better reconcile work and family, a pregnancy directive, a parental leave directive, directives on part-time and temporary work, and a directive on non-discrimination in the provision of services (Hantrais 2000b; Hoskyns 2000; Walby 2004).

### *Explaining Gender Equality Policy*

Why have governments adopted gender equality policies at the EU level when they sometimes did not have similar commitments at the national level? Feminists have sought to answer this question employing the tools introduced in the range of theories presented in this book. Intergovernmentalism and rationalism have been used to explain the original placement of Article 119 in the Rome Treaty as an outcome of the French interest in levelling the economic playing field by extending its national legislation to the European level (Hoskyns 1996; van der Vleuten 2007). Intergovernmentalist arguments also have surfaced in explaining various innovations in European gender equality policies, such as gender mainstreaming, as outcomes of the accession of the Nordic countries (Liebert 1999). Equally, the accession of new Eastern European member states has been used to explain a slow-down in EU activism in the field of gender equality (van der Vleuten 2004). Constructivist arguments on norms have been used to explain the EU engagement in the area of trafficking in women (Locher 2007).

Supranationalist arguments have appeared in the form of historical institutionalism suggesting that the codification of equal pay in Article 119 (now 141 EC) generated path-dependent developments. Short-term government interests in the 1950s led to long-term unintended consequences, i.e. EU leadership in gender equality policy (Pierson 1998; Ellina 2003). The Commission acted autonomously to advance gender equality by taking advantage

of qualified majority voting, creating the European Women's Lobby (EWL), and strategically employing the gender gap in EU support to advance gender equality policy in the 1990s (Abels 1998, 2001; Ellina 2003; Liebert 1999). The European Court of Justice played a crucial role in moving gender equality forward (Egan 1998), and feminist legal studies often draw on "integration through law" approaches (Flynn 1996; Lundström 1999; Shaw 2000). More broadly, supranational rule-making on gender equality (and other domains) has entailed a combination of litigation and civil society mobilization (Cichowski 2007). Or, in a similar recent formulation that combines supranational and sub-national agency – governments have seen themselves outmaneuvered in a pincer movement from above and below (van der Vleuten 2007).

Although these explanations resemble those of traditional theories of European integration, feminist approaches rarely stop there. The feminist movement has been crucial to bringing gender equality to the EU agenda, and gender analyses of the EU draw on theories of social movements and advocacy networks that can account for the activism of feminist lawyers, advocates, and policy-makers. Thus, a key contribution of feminist approaches to European integration has been to theorize activism, the power of framing, and the "opportunity structures" for movement activism, i.e. the conditions that enable movement effectiveness. Gender equality policies may have an unintended outcome from the perspective of governments, but not from the perspective of feminist activists.

Movement activism – both EWL lobbying and grassroots organizing – was crucial to reviving Article 119, broadening the gender policy agenda, and raising issues of racial diversity (Cichowski 2007; van der Vleuten 2007; Hoskyns 1996). The EWL has played a key role in such activism and has worked strategically to develop a "transnational feminist interest" consisting of non-controversial goals among its diverse national member organizations (Helfferich and Kolb 2001). Gender equality policies changed over time in response to such activism, leading to gender mainstreaming as "an attractive form of 'policy succession'" (Mazey, 2002: 20). Such activism has operated in the context of "opportunity structures," including on the one hand the interests of the European Commission and the Court, and on the other hand the rise of neo-liberalism. Within these opportunity structures, activists developed new "policy frames" that over the years moved away from social legislation while also broadening its scope. Gender analyses make visible the potency of shifting frames and the way in which notions of femininity and masculinity are reconstructed as women are constructed as equal (in labour market policy), as different (in gender mainstreaming), or as victims (in anti-trafficking policy).

If the EU has constituted an opportunity for advancing gender equality policy, national gender constructions frequently have appeared as an obstacle to their implementation. National-level institutions upholding the male breadwinner norm and the norm of the family as a care giver have functioned as “needles’ eyes” through which European-level policy prescriptions need to pass, sometimes leading to a distortion of their intent (Ostner/Lewis 1995). The difficulty has not been the same for all member states but, in Mazey’s words, “national policy styles beget a dense ‘hinterland’ of detailed programmes, policies and institutions and it takes a very long time for EU institutions and policies to permeate and change this hinterland significantly” (1998: 145). The extent to which EU policies fit domestic institutions thus makes a difference in the speed with which EU prescriptions are implemented. So do “mediating institutions,” such as equality agencies or labour tribunals and the quality of state-society relations (Caporaso/Jupille 2001). In addition, state projects matter, such as building democracy in post-authoritarian Spain or the protection of the family in Italy (Valiente 2003; Calloni 2003).

Scholars studying the process of implementation have emphasized the relationship of institutions and activism and highlighted in particular the importance of legal mechanisms in reconstructing gender regimes in Europe (Cichowski 2007). For example, legal pressure from the EU was crucial to generating public debate and elite learning in Germany (Liebert 2002: 252; Kodré/Müller 2003; Berghahn 1998). Somewhat unexpectedly, ECJ rulings condemning compulsory maternity leave and quotas are changing the meaning of gender equality in Sweden, traditionally considered a pioneer on gender equality (Sunnus 2003). In contrast, movement activism seemed to be central in other contexts of implementation. While the British government opposed EU social policy initiatives, British feminists participated in the formulation of gender equality norms at the EU level and mobilized around the domestic implementation of these norms (Sift 2003). The British case illustrates that the distinction between processes of policy formulation and policy implementation cannot be upheld. Advocates in networks often operate in a two-way process, using the EU to advance domestic agendas in a way described by Margaret Keck and Kathryn Sikkink (1998) as a “boomerang pattern.” Kathrin Zippel (2004) further develops this metaphor in her study of the incorporation of sexual harassment into the amended Equal Treatment Directive of 2002 to identify a “ping-pong effect,” in which advocates bounce an issue back and forth between national and regional levels.

Literature on adopting and implementing gender equality policy thus identifies a number of mechanisms that reconstruct gender relations in the EU (litigation, mobilization,



framing, elite learning), while emphasizing in particular the role of legal and movement activism. Because this literature seeks to explain EU policies, it tends to paint the EU as a champion of gender equality and governments as laggards. In contrast, gender approaches that focus on a broad range of EU policies and on the socio-economic order that they produce tend to be more critical of the EU's feminist credentials and probe the way gender organizes power in EU policies and practices.

### *The Reproduction of Gender in EU Policies and Practices*

Critical approaches to studying the European Union frequently conceptualize the EU as a regulatory body, a set of regimes, a socio-economic order or as a "postmodern state", i.e. a decentered authority structure that codifies and/or modifies existing power relations (Sauer 2001; Caporaso 1996). They understand the EU as a superstructure regulating economic production and reproduction, the result of political struggles between social forces, and the institutionalization of masculinist interests. They propose that meanings of gender are deeply inscribed not only in society but in public policies and the organization of political life. Because the male has long served as the norm in the political arena, characteristics associated with masculinity have become hegemonic: they are thoroughly enmeshed in political institutions and support patriarchal cultural practices. The EU's focus on the neoliberal market project can be understood as validating and constructing rational, autonomous, economic man as the hegemonic type of masculinity (cf. Connell 1998: 15; Kronsell 2006: 1033). Gender mainstreaming is intended to make visible such gender constructions in EU policies in order to counteract the disadvantage they produce for women and men who don't live up to the hegemonic ideal.

The EU formulated its gender equality policies in parallel to its efforts to eliminate trade barriers, first in Europe and increasingly also internationally in the context of WTO negotiations. Feminists have shown that its policies of market liberalization have entailed a liberalization of gender orders, including a movement from dependency to individualization made possible by a flexibilisation of labour. Liberalization may have meant superficial gender equality, but has left unresolved the issue of care labour: "Despite its private seclusion, the reproductive work of the Fordist period was at least socially recognized. Now, with the flexibilisation and informalisation of the labour markets, child rearing has, once again, become an economic and social externality" (Young, 2000: 95). The emphasis on individual choice and the interpretation of non-discrimination as being treated like a man have produced a gender equality policy in tune with deregulation (Ostner 2000). ECJ rulings invariably led to

a less favourable treatment of women in instances where they previously were treated preferentially (e.g. equalizing working hours, night work, and retirement age) and governments have used equalization arguments to justify cut-backs (e.g. eliminating “husband-only” benefits). No politics of redistribution substituted for the cuts enabled by these interpretations.

Care politics and women’s insertion into the European labour market became a topic when the EU’s Lisbon strategy on employment creation called for enabling workers to better reconcile work and family. Feminists have long demanded a more equal sharing of domestic and care work. However, increasingly, the language in EU texts has shifted from one of “sharing” family responsibilities to one of “reconciling” work and family. This shift has served to legitimize the flexibilisation of labour relations, create a secondary feminized labour market and leave unchanged the distribution of unpaid labour in the family (Stratigaki 2004). The European employment strategy in this way has amounted to the creation of a new social model in which women enlarge the work force by taking flexible and part-time employment while there is no serious engagement with issues of child care and family-friendly hours (Threlfall 2005). To the extent that these matters are discussed, they are framed no longer as a matter of equality policy but as a matter of active labour market policy or an effort to “render the family more ‘employment-friendly’” (Ostner, 2000: 38).

The EU’s policy on reconciling work and family is intended also to address the “demographic time bomb,” i.e. an ageing population combined with low fertility rates. Making it easier for women to combine work and family is designed to enable women to bear and raise more children (Duncan 2002). Furthermore, the 1992 Pregnant Workers Directive and the 1996 Parental Leave Directive can be interpreted as “policies to ensure the stability of population numbers and the future viability of the welfare state” (Guerrina 2002: 52).

In these interpretations, the European Union contributes to key functions of the state – ensuring the organization of production and reproduction – and it does so in a way that constructs gender subordination in a new way. It recreates gender divisions of labour by inserting women into the common labour market as flexible workers while ensuring that they remain available for unpaid care work. The EU reveals itself as a new form of the patriarchal state. Yet, the EU is no unitary polity (nor has the patriarchal nation-state ever been as unitary as the label may suggest). The juxtaposition of the EU’s gender equality policy with its gendered labour market policy suggests internal diversity. Gender mainstreaming, i.e. taking into account differential effects on women and men in all policy actions, has further made

visible the degree to which gender constructions in the EU differ according to issue areas and in different sites of the decentered state.

Gender mainstreaming has been implemented in a highly uneven fashion. Those DGs which have “historically been interventionist in character, and relatively open to consideration of social justice issues” (Pollack/Hafner-Burton 2000: 440), such as the structural funds and DGs charged with employment and development policy, have been receptive to gender mainstreaming. By contrast, “the most strongly neo-liberal” DGs, including those focused on competition policy, have resisted gender mainstreaming. So have DGs in important areas such as agriculture, environment and transport, and in foreign policy (Woodward 2003: 75; Braithwaite 2000).

The unevenness of implementation may point towards the fact that gender constructions form part of a larger set of discursive commitments in different issue areas. Labour relations are gendered very differently in agriculture, manufacturing and in the services sector. Different gender constructions may characterize not only different productive sectors, but different policy fields. The fact that gender mainstreaming resonates differently in different DGs points in this direction. Similarly, the continued diversity of local gender regimes throughout the EU is a testament to the internal diversity of gender constructions in the postmodern state.

Our two case studies illustrate the diversity of EU gender constructions. They also show that EU gender orders have morphed in parallel with integration, both when the EU has consciously adopted policies to reduce gender subordination and when it has implemented other policies. They thus illustrate the two types of feminist approaches we have reviewed above – one that seeks to explain policy adoption and implementation and one that probes the EU’s gender equality project in relation to other state projects. They also illustrate two distinct contributions of feminist approaches to understanding European integration – i.e. the significance of feminist agency and the importance of understanding the EU as a site of gender construction.

### **“Best Cases”: Trafficking and CAP**

The two case studies we discuss in this section focus on (1) the emergence of the EU policy on trafficking in women and (2) the gender assumptions guiding the Common Agricultural Policy.<sup>2</sup> The adoption of a policy on trafficking illustrates how supranational

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<sup>2</sup> For a more extensive treatment of these cases see Locher 2007, Prügl 2004 and Prügl, forthcoming 2008.

opportunity structures combine with feminist activism and the deployment of powerful frames to explain the construction of new understandings of gender. The analysis of the CAP shows how gender constructions are subordinated to state projects of creating a common market and modernizing agriculture. Our gender analysis makes visible how European integration efforts have included conscious and unconscious modifications of European gender orders.

### *EU Policies against Trafficking in Women*

The emergence of the EU policy on trafficking in women is particularly well-suited to illustrate the relevance of a feminist understanding of agency for explaining EU gender equality policies (see Locher 2007). Starting from the puzzle that despite the existence of trafficking in women since the 1970s, it was only in the second half of the 1990s that the “slave trade” became an issue on the political agenda of the EU, different factors need to be singled out to explain policy-change. In this case, a “velvet triangle”<sup>3</sup> of EU femocrats and feminist politicians, academics and experts, and non-governmental organizations came together in a powerful feminist advocacy network and put the issue on the EU agenda. The “velvet quality” of the triangle refers to the fact that most of the involved actors operate in a male-oriented environment resembling the “velvet ghettos” of the business world (Woodward 2001: 35). Depending on their formal position, their particular experience and background, actors of the “velvet triangle” are endowed with specific skills and types of knowledge. Whereas academics and experts possess technocratic knowledge comparable to that of epistemic communities, femocrats and feminist politicians as insiders are endowed with a particular procedural knowledge concerning the norms, rules and procedures of the institutions they are part of, whereas NGOs are characterized through testimonial knowledge emerging from their contact with grass-roots movements and local actors (Keck and Sikkink 1998: 19). Combining different experiences, backgrounds and distinct types of knowledge, the triangle of actors was able to advance potent policy frames evoking bodily violations and the slave trade in a context of opportunity to generate EU action.

Exogenous events such as the Detroux scandals in Belgium opened up a “window of opportunity” to take action. The entry of Nordic states into the EU also benefited the cause. In addition, major institutional changes, such as the creation of the Third Pillar and the provisions in the Amsterdam Treaty, provided opportunities to push trafficking on the agenda.

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<sup>3</sup> Alison Woodward (2001) in her original concept of the „velvet triangle“ refers to the women’s movement as the third type of actor. Describing feminist activism in the context of trafficking the term non-state actors was preferred over the women’s movement not only because the latter has become more formal and professional, but because other non-state actors, such as human rights NGOs, have joined forces to promote and implement the anti-trafficking norm.

Importantly, the case shows the relevance of constructivism to understanding gender politics in the European Union: Gender equality frames are normative and changing; their resonance with other norms in the international context (such as women's rights or human rights) facilitates their adoption. International events such as the World Conference on Human Rights or the Beijing Conference gave these norms credibility and accelerated their "trickling down" not only to the national, but also to the European level.

The study is a striking example of the explanatory power of a feminist constructivist approach for EU policy-making. Utilitarian approaches are neither able to explain the timing of the policy-invention nor can they account for the EU's specific approach to trafficking. From a utilitarian perspective it is hardly obvious why the traditional migration and criminality frames applied to trafficking were broadened to include a new human rights and women's rights perspective and an anti-violence approach that implied costly policy programs. With no additional benefits, but behavioural constraints and internal sovereignty losses the policy-change is not comprehensible from a utility-maximizing point of view. Changing constructions of gender in advocacy frames combined with feminist activism provide a more ready and plausible answer.

#### *The Common Agricultural Policy and Gendered Reform*

Built on a commitment to preserve family farming, the EU's common agricultural policy has cemented a rural gender order based on the subordination of women. Patriarchal family constitutions, entailing male inheritance and constructing farming as masculine, characterize family farming throughout Europe. Government policies, including the CAP, are built on this gender order and perpetuate it through policies that target "the farm" and fail to problematize power relations within the farming family. Common market policies and modernization programs have contributed to reproducing a patriarchal gender order while shaping it in new ways.

A common market based on high, guaranteed prices has long formed the core of the CAP. The gender bias in this policy has recently been made visible by an assessment of the implementation of gender mainstreaming in the EU's structural funds, in which the Commission found that

The majority of funding [in the European Agricultural Guarantee and Guidance Fund] concerns the agricultural sector where women are underrepresented. Actions are primarily focused on farms and their beneficiaries are the farm owners. The fact that only one out of five farm

owners is a woman reduces the possibility for women to benefit directly from these projects. Farmers' wives and female employees are ignored by this kind of funding.<sup>4</sup>

The bias towards rewarding men in agriculture is likely aggravated by the fact that the barely 20 percent of farms managed by women in the EU tend to be disproportionately small. Because price supports reward those who sell more, they disproportionately benefit large farm owners. Recently, responding to liberalization pressures in WTO negotiations, the EU has begun to eliminate price supports and substituted them with direct payments to farmers. While on the surface this change entails no gender effects – the target continues to be the farm owner – it is eyed warily by some spouses of farmers. Previously they could claim that their labour contributed to the product from which the farm earned income, and they could lay claim to some of this income. But direct payments are based on heads of cattle or acreage of land – owned typically by men – and hide the basis on which women could lay claim to payments.

Policies of modernization and rural development were a second aspect of the CAP, delegated mostly to member states but gaining salience at the European level. These policies have sought to increase efficiency through specialization, mechanization, and farm growth. As farms specialized they typically eliminated women's income from the direct marketing of eggs, milk, jams and other minimally processed foods. Furthermore, the more farms mechanized, the more production became men's work and women became flexible labourers supporting the needs of specialized production. Modernization policies thus reinforced price policies which empowered men. Price policies funnel money to male farmers to distribute to the rest of the family while modernization further constructed men as "the farmer" and women farmers as "wives" engaged in ancillary production activities.

The global pressure to liberalize European agriculture has brought back to the fore the importance of diversifying rural economies and farm incomes, recalling women's production and service skills. The EU's 2005 rural development regulation formulates diversification and improving rural quality of life as one of three goals.<sup>5</sup> European rural development efforts are now seeking to revive direct marketing and on-farm processing of regionally typical products, in conjunction with developing tourism and the rural services industry. Women in agriculture are still not approached as farmers, but as entrepreneurs who can help create a flourishing countryside. Rural women are constructed as uniquely suited to developing the services

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<sup>4</sup> Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions. Implementation of gender mainstreaming in the Structural Funds programming documents 2000-2006. COM/2002/0748 final, item 3.1.3.

<sup>5</sup> The other two goals pertain to continued modernization and environmental sustainability.

sector. Unequal gender relations remain pervasive in European agriculture as CAP funds continue to favour male farmers. While the introduction of direct payments may define women entirely out of farming as agriculture income gets divorced from labour input, rural development policies increasingly define mostly low-paid services as the realm of new rural femininity.

The cursory review of the Common Agricultural Policy shows that it has participated in the construction of rural gender identities in Europe. Policies of modernization and high prices functioned to construct farmers as male and empowered them as business owners and breadwinners. At the same time, they constructed “spouses” as female and moved them out of production into ancillary work and housework. Recent policy reforms, including the substitution of direct payments for high prices and policies of diversifying rural incomes, have further removed women from agricultural production and constructed them as rural service providers.

### **The Case of Enlargement**

Enlargement provides a good case study for further illustrating how gender perspectives make visible hidden aspects of the integration process, because granting full membership to new candidate countries involves “a highly complex policy process through which the external becomes internal” (Bretherton 2002: 15). Consequently, there is much more at stake than the formal adoption of the *acquis communautaire* and its translation into different national legal systems. Questions of identity – shifting notions of “us” and “them”- of sovereignty and of implicit or explicit norms and normative orders become equally relevant. While the EU pushes legislative progress in the area of gender equality on the national level, the enlargement process also functions as a site where power operates and new hegemonies are established. EU enlargement involves constructing gender relations by advancing distinct normative ideas of gender orders. Gender perspectives shed a different light on the rather mixed and contradictory effects of the enlargement process in the new member states.

#### *Gender Equality in the Negotiation Process*

The European Union has in many instances publicly committed itself to incorporating gender equality in all its policies and activities. With the Amsterdam Treaty gender equality and non-discrimination became guiding legal principles of the Union that were laid out in a number of new articles extending the old article 119 on equal pay. The new article 3(2), for

example, obliged the Community in all its activities to “aim to eliminate inequalities and promote equality between men and women”. For the first time the EU was given a sound juridical base for pursuing gender issues in any sector not just in employment policies. The EU Commission Strategy Paper (2001-2005) confirmed the Treaty’s provisions by conceiving gender equality as an integral part of any social, economic and democratic development. Given this strong legal background and the public commitment, there were high expectations that gender equality would constitute a key principle in accession negotiations.

Negotiations focused on a total of 31 chapters, including Chapter 13 on Employment and Social Policy which contained all EU legislation on gender equality. But despite treaty commitments to address gender equality in *all* EU activities, during the accession negotiations such issues were only dealt with in the context of Chapter 13 and were from the very beginning limited to the equal treatment of women and men in the field of employment and social policy. It appears that the favoured policy concept was one that understood gender equality as a particular policy field rather than a guiding principle for all policy areas. In contrast to the major paradigm change in gender politics that has taken place at the EU level years ago with the introduction of gender mainstreaming (see above), the enlargement negotiations represented a step back to the old and narrow gender equality approach that had dominated the Union for many decades.

The European Parliament, particular the Women’s Rights Committee, repeatedly pointed to the need for greater efforts to place issues of gender equality higher on the agenda during the accession negotiations. It had support from the European Women’s Lobby, representing women’s organizations from the EU member states. Both bodies shared a particular interest in promoting an understanding of gender equality that went well beyond a liberal approach of non-discrimination. In addition, a great number of women’s organizations in Western and Eastern Europe formulated demands and had high expectations regarding the enlargement process. They hoped that the EU could be an ally in order to fight the gender backlash that most of the CEE countries had witnessed after the communist demise (Lohmann 2005). Women’s and human rights organizations placed issues such as reproductive rights, particularly access to abortion (most notably in the case of Poland), rights to sexual self-determination, such as the protection of gay rights, and the fight against the dramatic increase of trafficking in women high on their agendas. Moreover, activists expected that the EU would advance the economic and political rights of women in the CEE countries, as the end of communist rule not only swept women out of parliaments and political office, but also led



to a severe deterioration of their economic status (see e.g. Funk and Müller 1993; Ruminska-Zimny 2002).

Despite these various efforts gender issues did not receive much attention during the negotiation process. There was impressive feminist activism, but a powerful “velvet triangle” could not be established. Feminists lobbied the two parties at the table, representatives of the EU and delegations from the candidate countries; but in both women were severely underrepresented (Steinhilber 2002: 4). This was problematic because women generally tend to be more open to gender equality issues and the absence of influential allies tends to be an obstacle for successful lobbying. Within the EU at the time of the accession process there was a lack of powerful femocrats in high positions, particularly the Commission, who could have influenced the design and process of the enlargement negotiations. On the other side of the table, civil society organizations in CEE countries, particularly the women’s movement and feminist NGOs, struggled hard to gain access to their national governments with varied, but often limited success (e.g. Lohmann 2005). Obviously, there was a great degree of feminist activism at different levels, but no functioning “velvet triangle” that could influence the accession negotiations to advance a more progressive gender equality approach.

Confined to Chapter 13, arguments in support of gender equality were limited and marginal. Critical issues such as violence against women, women’s sexual and reproductive rights as well as trafficking in women, an issue that has been high on the EU’s agenda from the mid-1990s onwards, could hardly be covered within this limited approach to gender equality. Even though annual progress reports for some countries – Poland for example – cited gender equality as “critical”, “precarious” or as an “area of concern”, no visible consequences resulted. A key problem was that there were no clear and comprehensive indicators providing objective criteria for assessing progress; thus, no systematic analysis of the legal and *de facto* progress of the candidate countries in the area of gender equality took place (Steinhilber 2002: 3; Bretherton 2002).

Not surprisingly, a number of scholars (e.g. Steinhilber 2002; Krizsán and Zentai 2006; Bretherton 2002) have described the enlargement process as a “lost opportunity” with respect to developing a comprehensive gender policy. Case studies of candidate countries are somewhat more nuanced. They report an impressive *de jure* harmonization of legislation in the candidate countries, but bemoan the dearth of enforcement. For example, Hungary made legal progress in the first stage of accession but with very limited consequences for political

practice.<sup>6</sup> Only in mid-2003 and close to the time of full membership a somewhat more policy oriented approach appeared concerning the way gender equality issues were handled between Hungary and the EU (Krizsán and Zentai 2006). In Poland the 1997 elections caused a policy shift towards a “transitional backlash” against the social and political advancement of women (Titkow 1998:29). While the Commission’s 1999 progress report noted this development and expressed concern, the subsequent failure of the Polish government in 2000 to make any progress in implementing women’s rights legislation did not lead to a slow down of the accession process (see Bretherton 2002: 9-11). Despite significant feminist mobilization, an organized opposition to EU gender equity law and its close ties to a government of the Right delayed gender equality legislation (Anderson 2006). In contrast, in the Czech Republic there was less feminist mobilization but also little right-wing opposition. The country adopted a gender equity law a year earlier than Poland, but *de facto* enforcement of rights proved to be a problem here as well.

In sum, the EU’s emphasis in the enlargement process was on the promotion of the formal, legal requirements of the EU gender-related *acquis*. And indeed, there was a uniform emergence of legislation across the CEE in the late 1990s and early 2000s designed to secure equal opportunities in the workplace, to guarantee equal treatment in social security benefits and to protect employees from sex discrimination (Anderson 2006: 101). Yet, contrary to its rhetoric and the expectations of feminist politicians and activists in the old and new member states, the EU did not live up to its commitment to gender mainstreaming. The lack of a comprehensive understanding of gender equality has been detrimental to an extension of women’s rights to include political, reproductive and sexual rights in addition to economic and social rights. Indeed, looking beyond the negotiation process, one can argue that the EU has helped produce new gender orders in CEE based on liberal understandings of disembodied citizens and workers and exporting a particular construct of hegemonic masculinity.

### *Exporting hegemonic masculinity*

In the 1990s the European Union more actively sought to extend its regional and international influence (see also Bretherton 2002:2). To this purpose Agenda 2000 explicitly pointed out that a declared goal of the EU was to “promote values such as peace and security,

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<sup>6</sup> Surprisingly in Hungary the role of the EU concerning the implementation of gender equality policy was much less prominent than the role of the Beijing process which brought about the development of a national strategy and the establishment of the first Hungarian gender equality agency (see Krizsán and Zentai 2006).

democracy and human rights, defend its social model and establish its presence in world markets” (Commission 1997: 27). The Treaty of Lisbon, in an even more pronounced fashion, spelled out core values and principles of the Union such as democracy, the rule of law, human rights and fundamental freedoms, respect for human dignity, and the principles of equality and solidarity – principles that constituted the normative basis upon which the EU’s new outreach strategy was built.

Gender equality was among the declared values of the European Union fostering expectations, particularly among feminist activists, that in the process of moving from the EU-15 to the EU-27 gender equality policies in the sense of gender mainstreaming would play an important role. The lack of a “velvet triangle” may explain why this expectation was not met, as spelled out above. Another and complementary way to explain the failure is to probe the masculinist commitments of existing EU institutions and policies. Despite its progressive equality rhetoric the EU has institutionalized hegemonic masculinity: i.e. its institutions have been dominated by men and constituted on norms associated with masculinity (Kronsell 2005). Similarly, its policies have institutionalized norms that privilege particular forms of masculinity. Kronsell (2005: 1033) points out that most of the gendered practices of the EU and its the member states emerge from well-established, highly institutionalized yet hidden norms. She argues that from a feminist viewpoint, the EU institutions can be considered as institutions of hegemonic masculinity in which “distinct cultural norms and institutional power ... mutually support a particular masculinity” (Kronsell 2005: 1033).

Viewed from such a perspective, the “lost opportunity” for progressive gender politics in the enlargement process appears even less puzzling. In the contest of values, gender equality in a broad understanding appears as subordinate vis-à-vis other values emerging out of a situation of hegemonic masculinity. The liberal institutional order that the EU represents and the market liberalization that it champions can be interpreted as expressions of such a hegemonic masculinity (Kronsell 2005: 1033). Liberalism hides masculine norms behind assumptions of genderless rational choosers and equally rights-bearing citizens. Yet, as feminist economists and political scientists have shown, the notion of an autonomous subject is profoundly gendered in that it fails to account for relations of dependency and connection that are particularly pronounced for women in their roles as carers. In so far as EU policies adopt liberal presumptions – as for example in the neoliberal market model – its prescriptions for the making of a single market and a political union reproduce masculinist commitments (see also Bretherton 2002: 14). These commitments became particularly visible in the use of inherently gender-biased indicators for assessing candidate countries’ development toward

market economies that greatly underestimated women's contribution to national economies when, for example, they did not take into account unpaid work, predominantly done by women (e.g. van der Molen and Novikova 2005; Anderson 2006; Stratigaki 2004; Threlfall 2005). The institutionalization of masculinity in EU institutions and policies thus explains the lack of commitment to gender equality and mainstreaming during the accession negotiations and the failure to critically assess the gendered effects of privatization and market opening.

Yet, there are diverse gender regimes operating at the EU level, not least in the different Directorates-General of the Commission (see above). The institutional culture of a particular DG encompasses the degree to which male experiences are the norm and the degree to which masculine norms become guiding principles for policy-making. DGIA which coordinated the EU's enlargement prior to the reorganization of the Commission was one of the few DGs which had no officer responsible for gender mainstreaming and did not participate in the Commission's internal mainstreaming processes (Bretherton 2002: 15). In contrast, in DGV (later renamed DG Employment and Social Affairs) gender mainstreaming was a well-established principle, but the DG was rather weak and undergoing major internal reorganization, which contributed to the low priority of gender issues in the enlargement process. As Bretherton (2002: 16) concludes, "in relation to enlargement, gender mainstreaming was thus a casualty, not only of the inhospitable internal culture of DGIA, but also of the bureaucratic politics of intra-Commission rivalry". Obviously, DGs using a neoliberal framework enjoy more prestige and power than others (cf. Pollack and Hafner-Burton 2000: 447). As a consequence, during the enlargement process the meaning of gender was not only downplayed, but the EU also uncritically exported masculine norms and values via the neo-liberal market principle into the candidate countries.

This is highly problematic as economic transformation has disproportionately hurt women. It appears that the new market economies institutionalize gender biases and reinforce existing inequalities. Research and statistical data have shown that the labour market transformation process in the CEEC has exacerbated gender inequalities (e.g. UNICEF 1999). Discrimination and strong occupational segregation for example characterize labour markets in the Baltic Republics. Labour markets in Estonia, Lithuania and Latvia have exposed "how the `happy marriage` of a neo-liberal economic framework and neo-conservative gender ideology is in reality a restatement of women's political, social, and economic disempowerment" (van der Molen and Novikova 2005: 148). There are also indications that the profound transformation of the agricultural sector in some CEE countries like Poland and Romania is further excluding women from economic opportunities and leading to increased

poverty among rural women (Steinhilber 2002: 5). In addition, CEE efforts to comply with convergence criteria for economic and monetary union have had disastrous consequences for the social infrastructure in new member states with negative effects on women (Steinhilber 2002: 6-8), aggravating the already grave consequences of tight fiscal policies and social restructuring which characterised the decade of the 1990s.

Thus, the EU's validation of hegemonic masculinity in the process of enlargement has had highly problematic effects for women. In failing to question existing economic policy instruments and in failing to problematize thoroughly gendered outcomes, EU enlargement has amounted to the expansion not only of a European economic space, but also of a patriarchal European gender order.

## **Conclusion**

European integration must be understood to entail a decisive reorganization of gender relations. Gender approaches reveal this hidden dimension of the European integration process. As political authority is reorganized in Europe, gender relations are the subject of intense contestation. The EU's explicit commitment to gender equality and justice circumscribes this contestation. As a decidedly novel feature of modern state policy this commitment has received deserved attention. But more implicit, patriarchal commitments remain in the institutionalization of hegemonic masculinity and in the way in which the EU organizes its economic space. These commitments are made visible in research that looks at European integration through a gender lens.

Gender approaches also provide an understanding of the potency of gender constructions in producing particular outcomes, such as the policy on trafficking. Gender becomes a force in European politics in the frames advanced by social movements, the arguments of lawyers, the administrative interventions of gender mainstreaming personnel in dispersed sites, but perhaps most importantly in velvet triangles of activism. As agents of integration, activists, lawyers, and bureaucrats construct gender to promote equality and justice in old and new ways. Studying the way in which gender operates to support diverse agendas in European integration enriches the understanding of how the European integration process moves forward.

This effort, however, faces challenges. Like other research in European integration studies, feminist researchers are steeped in their own disciplines and their research is informed by disciplinary outlooks. Thus, approaches that explore the construction of gender in the EU tend to be more salient in International Relations and International Political

Economy, while feminists in Comparative Politics tend to focus more extensively on gender equality policies. Studies of agency in networks – often informed by sociological literature – begin to bridge the divide between research that focuses on gender constructions and that which focuses on policy processes. Such studies can show how gendered constructions are reproduced (for example in agricultural policy networks) or changed (for example through activist networks). They can also link EU politics to local, national, and international levels, describing a field of global governance embedded in diverse discourses of gender, partly reinforcing each other, partly contesting each other. The relationships of agency at different levels and their embedding in different opportunity structures presents a weakly explored frontier of feminist research.

Little progress has been made as well in mapping the diversity of gender regimes in a way that overcomes the state-centric literature on the issue and relates gender constructions at different administrative levels and/or different geographical scales. One way to address the fluidity and multiplicity of such constructions in the EU is to bring to bear feminist state theories on conceptualizations of the EU as a postmodern state (e.g. Sauer 2001). As such, the EU institutionalizes compromises between gender and other social forces throughout Europe, compromises that are the result of cross-cutting struggles. Conceiving of the EU in this way recalls that the rules institutionalized by the EU are the outcome of political agency.

Studying networks and state-like regimes can anchor an understanding of gender construction in the European Union that brings to the fore both feminist and masculinist agency and its role in challenging and reproducing gendered structures.

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