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## 6 The European Union and the value of gender equality

*Andrea Pető and Ian Manners*

EU actorness is an interaction between presence, opportunity and capability (Bretherton 2002, 14) so this chapter analyses these three factors in a historical and comparative perspective as far as the value of gender equality is concerned, with special emphasis on enlargement and development, together with a reflection on the impact of EU gender equality mechanisms on the formation of European identity. Gender equality policy was born in Europe through the intellectual tradition of 'women's difference'. The EU is a young normative power, which is slowly transforming itself from an economic community into a post-national political actor (Manners 2000a; 2002). Its identity is based on universal human values such as equality in order to overcome the difficulties of diversity found in differing national traditions and lack of a common 'European' cultural tradition.

The value of gender equality may be the only value that was shared by political actors on both sides of the Iron Curtain during the Cold War. This value, that equal pay should be given to men and women for equal work, was one of the founding principles of the 'statist feminist' communist states in Eastern Europe guaranteed by the Stalinist constitutions. It was also a basic value of the European Community from 1957, located in article 119 of the Treaty of Rome guaranteeing 'equal pay for equal work' (Hoskyns 1994: 226). However, leftist intellectuals in Western Europe looked for inspiration on the other side of the Iron Curtain as far as implementing gender equality in the field of employment was concerned. Yet very few 'universal' European values are further from being institutionalised in reality than gender equality because of the paradoxical character of 'equality'. This chapter explores the value of gender equality in two areas of EU external relations: enlargement to include the accession countries of Central and Eastern Europe, and development policy with an emphasis on health, AIDS, and population policies. First, we will analyse the origins, history and institutionalisation of gender equality mechanisms in the European Union. Second, the impact of this value on the processes and consequences of enlargement will be considered. Third, we will look at the value of gender equality in development policy. Finally, in the conclusion we reflect on the values and principles of gender equality and feminisms in the EU.

**Origins, development and institutions of gender equality in the EU**

The history and transformation of European-level gender equality policy provides an explanation for the controversial character of present policy. The history of EU equality policy can be divided into three approaches (Rees 1998), perspectives (Booth and Bennett 2002), or historical periods (Bretherton 1999). The development of gender equality policy occurred in parallel with the slow, complicated processes of EU institutional negotiations, which initially resulted in adaptations to the principles of equal pay and equal treatment, including social security.

In the first phase of EU gender 'equality politics' the purpose was to achieve 'equality between sexes' in employment, thus acting as a starting point for policy spillover and further political action. In the European Community (EC) the principles of equality between sexes was institutionalised through flexible international arrangements, with the political support of the second wave of women's movement during *détente*. Article 119 of the Treaty of Rome stipulated equal pay for equal work regardless of sex. This article was the focus of intense political action suggesting the likely interconnection between EU equality politics and social movements in the future (Hoskyns 1996). From this point onwards, equality in the workplace was a site where other gender equality demands were first formulated and later put into practice. Women's groups, using advocacy coalitions to lobby the EC and European Parliament, tried to expand equality policy into other fields such as childcare and violence against women, but the narrow focus of article 119 and resistance from member states prevented them (Mazey 1998). Empowerment of the EU as a supranational framework came from institutions such as the Commission and Parliament, which themselves needed public support from social movements for introducing and implementing new gender equality principles as the 'missionaries' of the new Europe. The shared vulnerability of both EU institutions and women's social movements created a powerful alliance for achieving equality between sexes that was born in the 1960s movements and was institutionalised in the chain of World Conferences on Women. (Pollack and Hafner-Burton 2000).

The frame in which gender equality policy was originally shaped in EC law poses a number of problems, not only within the EU itself, but also for its mainstreaming into external relations such as the enlargement process and development policy. Importantly, because equality of sexes was defined in an employment context, this pre-determined the site and the means through which gender equality might be achieved. Interestingly, this was the same frame, women's employment, in which 'statist feminism' in the eastern part of Europe was born. Historically, the demand for equal rights in work was part of the agenda of the liberal and social democratic women's movements from the end of the 19th century, which served as a common intellectual basis for European progress. After 1945, the Soviet type of women's emancipation in the form of the statist feminism dominated Eastern Europe through an equality policy based

on *de jure* equality of sexes. In Eastern Europe, the most obvious indicators of the equality of women were achieved: equal opportunities in the labour market and in education; extensive and accessible family- and child-care institutions; encouragement and active participation in the political and public spheres. These achievements were presented as evidence of the 'state socialist' path to women's emancipation. Thus, equal social status of women and men was achieved, even if only through the actions of the centralised authoritarian power. This heritage of statist feminism eventually became a modifying factor in the adaptation to the value of EC gender equality for the accession countries. Because of this, the definition of gender equality in statist feminist terms rejected the concept of positive discrimination in a similar way to the first phase of EU gender equality policy. This rejection involved a serious challenge to the concept of gender equality by defining *women* as mothers through biological difference, which thus essentialised gender differences.

By the 1980s, it was becoming clear that the achievement of women's equality based on a policy of individual liberal rights for equal treatment was difficult to implement in reality. The concept of gender equality as equality of opportunity did not bring 'real equality' because of its utopian character. Because of this paradox the second phase of EU equality politics brought broad policy change – European-level NGO activists and EU 'femocrats' learned from both the successes and failures of implementing equality policies. A new policy frame was born with the collaboration with social movements in the shape of the protection of women's rights as a group. Learning from the failures of the struggle for equality based on individual rights, this new policy demanded positive action for women. These programs were to use positive discrimination to implement change in systems of gender inequality and were based on the definition of women as equal, thus leading to the establishment of special programs for women. In this context, the term 'equality' still really meant difference based on biological difference, similar to the first phase.

During the 1980s, it became apparent to the different groups active in gender equality politics that there was a serious difference between *de facto* and *de jure* equality of women. The use of the newly-coined term '*gender*' for describing socially constructed biological differences offered a good solution to break out from this fixed dichotomy. In the third phase of evolution of EU gender equality policy the experiences and critiques of women within equality programs led to the formulation of 'gender mainstreaming' policy focused on transforming the systems and structures of discrimination instead of promoting individual or group rights. Gender mainstreaming aims to construct a routine procedure for promoting gender equality instead of on a case-by-case basis. This shift in focus should help to prevent setting up institutions for 'women' that appoint remote 'experts' for women's issues. Such political practices for the promotion of women's legal, economic and social rights are already familiar to women with a 'statist feminist' tradition and experience. It also became obvious that during the last decades it was difficult to differentiate between discrimination and personal lifestyle choices within the language of rights, and in particular the term

'equality' which could be interpreted differently, for example as justice, fairness, or autonomy. The previous definition and practice of equal opportunity as equal treatment handled public policy as gender neutral. The concept of gender mainstreaming challenges this 'gender neutrality' after the signing of the Amsterdam Treaty.

Before the unexpected fall of the Iron Curtain, the value of gender equality was based in legislation, and judicial institutional support in the EU. However, at the same time a network of experts and women's groups were acting to support and shape the EU's activities (Hoskyns 1996, Mazey 1998). No longer as a recommendation, but as a principle, mainstreaming was integrated in all EC policy developments following its introduction at Amsterdam, leading Susan Cox to argue that it entrenched 'equality policy as an integral part of the Community's economic and structural policies, and to promote women's full participation in economic and social life' (Cox 1993: 56).

Consequently, the EU's policies aimed at women now consist of two different aspects:

a series of legislative measures which seek to promote equality of treatment in the context of paid work [and] a range of broadly based initiatives and programs which generally aim to enhance the social status and political influenced of women.

(Bretherton 1999: 132)

However, the implementation of gender equality with gender mainstreaming policy and its impact inside EU countries (Hoskyns 1996), international organisations (Pollack and Hafner-Burton 2000), the EU institutions responsible for enlargement talks (Bretherton 2001), and development policies (Painter and Ulmer 2002), remains contested and has only recently become a focus of scholarly investigation. Critics emphasise that gender mainstreaming as a policy fails to acknowledge differences among women as far as race, ethnicity and class are concerned (Bretherton 2001, Hoskyns 2004). Gender policy advocates also point out the extent to which national policy makers remain unresponsive to the concept of gender mainstreaming. At the same time, critics also underline the fragility of EU institutional enforcement mechanisms inside the EU. The criticism formulated against the EU can be generally divided into two schools: the first is the neo-liberal argument, which resists any type of outside regulatory intervention at the national level and the second one is the interventionist argument, which demands more fulfilment of the social mission (Bretherton 1999).

The EU's gender mainstreaming policy is a 'demanding strategy' (Bretherton 2002: 5) because it offers a chance to challenge deeply embedded cultural values and review the formation of policy issues. The EU also created a framework for reviewing national gender equality mechanisms, although in a humble way. This framework did go further than the Beijing obligations as far as the governmental level institutionalisation of women's politics is concerned. The institutional framework, legislation and the personal experience of political campaigns

created powerful alliances, not only between different EU 'femocrats', but also helped to set up contacts between NGOs and international organisations. However, critics of 'agenda setting' underline the failures of the process, as gender mainstreaming failed to redefine the rules of the game and the terms of the gender contract (Beveridge, *et al.* 2000).

The EU was created with the original aim of ensuring peace between enemies (Manners 2005), as well as promoting economic integration and prosperity for all. For such a utopian project, the aim of achieving gender equality may not be so very far from original aims of the European integration process. Both within and without Europe, the EU seeks to consolidate the rule of law and protection of fundamental human rights with a standardised and regulated market as part of enlargement, and the promotion of gender equality as part of its development policy. As the next two sections will illustrate, the implementation of gender equality proved to be an excellent policy instrument during the enlargement process, but is less successful in development policy. Both the enlargement process and development policy raise questions about the future of the EU as a post-national normative power, functioning at different levels of organisation, and the extent to which it is vulnerable to national political changes as well as competing political agenda.

### **Interpretation and value transfer during enlargement talks**

Exporting EU gender equality policies eastwards means that EU policy makers assume that these policies are adequate and the only acceptable means to achieve gender equality in the East. However, one might argue that the controversial character of these EU values, as well as unclear EU institutional adaptation, undermine the assumption that the basic principles and causes of gender inequality are the same inside and outside the EU (Bretherton 2001). Also such half-hearted adaptation of the EU's gender equality policy strengthens well known phenomenon in the post-communist context: the difference between rhetoric and reality of policy implementation (Bretherton 1999). The possible failure of gender equality policy in the 'East' might have serious implications for gender equality in the enlarged Union. This failure might push the importance of the value of gender equality down to the level of lip service that endangers the controversial, but existing, institutions and achievements of gender equality policy in the EU.

Reviewing the literature on gender equality in Eastern Europe by Eastern European authors, the first impression is the striking absence of analysis of EU gender equality policy. Besides the government-sponsored translations of EU laws and descriptive, hence self-assuring, official governmental reports there are very few critical works that consider the implications of EU enlargement as far as the implementation of gender equality is concerned. These reports are uncritical to the EU policies and urge their governments to comply with the technical conditions without any relevant suggestions as far as adaptation is concerned (Open Society Institute 2002). Following the 2004 enlargement, the external became

internal, ensuring that the complex realities of post-socialist gender relations now contribute to the already pressing uncertainties and inconsistencies of EU gender equality principles and implementation policies that challenge the provisional facilitating instruments.

This intellectual silence about the value of gender equality during the enlargement talks was even more striking as we know that over the past fifteen years a very active discussion developed between women of the 'East' and 'West' regarding the direct application of Western gender equality mechanisms and Western gender theory to the post-communist reality. Some feminist intellectuals in the 'East' were opposing the style and means by which their Western sisters were considering the 'Eastern' social space empty. As Siklova commented: '[w]e object to some of the Western feminists' insensitive conduct towards us [. . . ] this sometimes reminds us of the attitudes of apparatchiks or of those imparting political indoctrinations' (quoted in Watson 2000: 379). While activists and scholars were engaged in an emotionally charged exchange of ideas, their governments agreed to adapt the existing legal-technical mechanisms to promote gender equality through enlargement talks. During the enlargement talks between the Commission and the accession governments, formal technical criteria were created in order to measure and achieve gender equality within joining countries, without explicitly considering the political implications, consequences and costs of these attempts to alter historical patterns of discrimination. Equally, the enlargement talks defined neither a sanction system nor an institutional framework for implementation. This was despite the fact that the Amsterdam Treaty clearly defines two components of the *acquis* as anti-discrimination legislation and gender equality mechanisms. The governments of the accession countries interpreted gender equality within the framework of anti-discrimination legislation and the sole policy site of work and employment. Thus, the implementation of gender equality policy is problematic due to the interpretation and transfer of terms as 'sexual discrimination' and 'indirect discrimination' not only linguistically but also institutionally.

The enlargement process highlighted the paradox of feminist advocates in the 'East' complaining about the gender-blind practices of their own governments, while the EU gender equality mechanisms in the framework of anti-discrimination legislation were accepted by the same national political elite. On reflection, this paradox is even more striking if we acknowledge that recent scholarship on Eastern Europe underlines the alarming worsening of women's position in these societies since the collapse of communism: their public, social and economic roles have diminished over the past 15 years. This social process is usually described as the 'masculinisation' of post-socialist Eastern Europe (Watson 1993). Over the past 15 years the position of women in the 'East' has converged towards the position of women in the 'West' as far as formal criteria of equality such as employment and participation in politics are concerned. For example, the number of women MPs in the first democratically elected Hungarian Parliament (7%) represented a dramatic decrease in comparison to the 'statist feminist' period (an average of 25%). Similar tendencies can be observed in the

case of women's employment where the favourable economic position of women in Eastern Europe prior to 1989 worsened considerably after 1990 and converged towards the position in the West. These favourable conditions were due to greater gender equality in the employment sphere, as well as social security provisions such as free and accessible childcare that was available without restriction before 1989.

There are three levels of gender equality through enlargement that will be analysed here in order to make sense of the interactions between values, principles, policies and institutions. The first level of formulating gender equality as a policy is the general value of gender equality. On this level there is no serious debate. The rhetoric of acceptance in the governmental discourse is easy to identify. The political language went through a rapid transformation in the past decades in Western Europe partly because of the pressure exercised by the social movements and it has also been considerably changed in Eastern European accession countries through the processes of democratisation.

The diffusion of the value of gender equality primarily took place through accession negotiations as well as transnational dialogue involving national institutions. Such EU values were presented as fundamental and non-negotiable. There was never a question of whether the accession countries wanted to accept, but rather of how do they want to adopt such values. It was accepted that gender equality was one of the fundamental values of the EU especially since the EU was exercising normative pressure in this area. However, the mode of compliance was worth analysing because it raised criticism in both the West and in East. EU enlargement experts and the accession government's representatives shared the consensus of adopting EU rhetoric as the negotiating minimum to the disappointment of the few women's representatives in the East. Thus, during negotiations the EU avoided exercising more pressure as long as East European elites unquestioningly accepted the necessary minimums. Gender equality, as an increasingly consensual public value, ensures that few European politicians now dare to say that it is not a universal value. But it is equally clear that setting up the legal framework of gender equality is only the first, but important step towards fostering change in the constructions of gender as ways of thinking. As Bretherton argued, during the accession talks governments followed a minimalist approach ensuring input from DG Employment and Social Affairs during screening and negotiations processes, in specific relation to the adoption of the formal equality within the *acquis*. Despite this, provisional closure of the relevant chapter was not impeded by failure to transpose this element of the *acquis* into domestic legislation. Thus, 'while even the minimalist position has not been assiduously pursued, the maximalist position was not attempted' (Bretherton 2002: 5).

The second level of gender equality policy implementation was the analysis of the current situation and existing governmental policies. The measuring process of gender equality is highly problematic because the comparison criterion is itself contested – how do we define gender? There appears to be an easy way to solve the philosophical problem of translation by interpreting *gender* as simply



*women*. This is a simple, but problematic step as far as the concept of *gender* is concerned because it is a short sighted 'solution' that makes the term 'blind' to differences other than the biological. *Gender* is also a broader term because it shows how identity and subjectivity are constructed, it opens up ways of acknowledging other differences such as race, class, etc. Besides the simplistic translation of *gender* to *women*, which means its essentialist translation to *women* as biologically defined sex, it also hopes to avoid the complexities of meanings. It is too easy to collect gender segregated data with statistical methods if we mean under *gender* the biological division between men and women, and in that sense here *gender* means *sex*. Governmental officials and bureaucrats have clearly hoped to cut down the complexities of meanings of *gender* as much as they can, and have been sanctioned by the level of public discourse simply to make their life easier. Meanwhile scholars and academics (as advocates) are unhappy with the instrumentalised and/or simplistic use of *gender*. Even in a recent collection of articles on gender mainstreaming there are two different usages of gender: first in the introduction as 'differences between men and women' (Mazey 2000: 334) and later in one of the articles 'a principle which structures power relations between men and women under particular historical circumstances' (Watson 2000: 370).

In the case of legal guarantees the constitution in the accession countries regulates the principle of equal treatment. However, the definition of meaning in gender discrimination is highly problematic. It should be noted that despite the changing of compliance in labour codes, the notions of 'indirect discrimination' and the 'reversal of the burden of proof' are extremely complex and difficult ones to apply in every day legal practice. The definition of 'discrimination' should include the concept of 'indirect discrimination' not only in the labour codes but also in all the substantive laws relevant to the substantive scope of the directive. However, difficulties arise because disputes involving cases of discrimination under the substantive scope of the directive do not necessarily fall under the scope of the labour codes and the related procedural rules in civil proceedings according to existing laws. However, the EU pressure that forced Eastern European national elites to adopt gender equality policy and its facilitating institutions now offers a unique political opportunity frame.

The third level is the practical institutional implementation of gender equality: to force social, political and economic actors to implement the policy in practice through legislation and education. This program involves the preliminary gender-proofing of different national legislation, using gender checklist manuals, as well as organising and requiring training for certain professions and positions. A quasi-independent national level institutional system should be set up for monitoring and evaluating this process.

To summarise: gender equality is a moving opportunity frame, which is dependent on national political developments and less on strength of pressure exercised by social movements. The *de jure* harmonisation of legal systems of the accession countries with the five Directives on securing gender equality is basically satisfactory but still the question remained open – what caused the unprecedented difference in women's opinion about enlargement in these countries?

During the accession talks it was agreed that the greatest shortcoming, and at the same time the greatest responsibility of the national legislation, is the enforcement of the principles enshrined in the legal regulations in daily practice. A future task is to achieve a breakthrough in the field of the practical implementation of equal treatment, based on the experiences of the member states. With regard to constitutional regulations, there were no serious differences between the accession countries and the regulations in the pre-2004 EU 15 member states. Unfortunately, this does not hold true in the enforcement of individual rights and positive action. Therefore, it can be concluded that the most serious problem was and is the lack of practical enforcement of basic constitutional principles in the 2004 accession countries.

One reason for the lack of enforcement mechanisms in the accession countries is the lack of an institution/organisation in charge of monitoring discrimination against women, the inspection of the enforcement of relevant legal provisions and the promotion of real equal opportunities through positive actions. East European feminist critics of EU enlargement talks often argued that there is an uncertainty regarding the concept of gender mainstreaming and it is half-hearted institutionalised within the EU member states and the EU institutions themselves. This led to a 'double betrayal' – namely that both the EU officials and the national elites shared a common interest in not identifying the problems of implementation of gender equality in these countries when applying the principle of gender mainstreaming.

One possible approach is to strengthen the legal consciousness in the accession countries and to hope that EU membership will promote this process after the 2004 enlargement. The European Court of Justice (ECJ) is a key instrument with its binding decisions promoting the value of gender equality in guarding the implementation principles of equal pay in the labour market, equal treatment and equal opportunity. The ECJ, which became a powerful institution of implementation and initiator of further progressive legislation, developed the legal, legislative framework of 'equality politics', as well as reacting to changing social realities (Shaw 2000). The ECJ has also a political vision expressed in legal discourse as well, although certain criticism has been raised against the ECJ's liberal feminist character and optimism that the Court is the primary instrument for constructing a fair society. This pragmatic liberalism is useful in understanding perspectives in which gender discrimination is best understood within the discourse of rights. However, it is difficult on a single case basis to construct a legal strategy, particularly in Eastern Europe with its scepticism towards the rule of law. The bitter and disillusioning experiences of enduring patterns of gender discrimination by western feminists coincides with the similar feelings of easterners despite their experiences being born in a different social reality. East European women also experienced the gap between public discourse on women's equality and their lived experience of discrimination. Therefore, the first step should be to restore legal consciousness. In addition, most of the Court decisions are implemented within market-oriented national economies, which raises the question of intervention and enforcement from

above. This interventionist heritage is a very sensitive topic in the newly built post-socialist market economies struggling to leave behind long decades of command economy.

In the case of Hungary, like most accession states, the national legislation relating to the principle of equal treatment was, *de jure*, found to be in conformity with the directives. Nevertheless, the implementation of these provisions was, *de facto*, far from favourable. While in other fields the EU intervention was considered to be undesirable by different domestic actors and interest groups, in the field of gender equality the EU was criticised for not exercising normative pressure in the interest of one 'imagined community', which is 'the women'. Similarly, the question of whether the EU Directives should have been understood simply as promoting *women's* equality, not *gender* equality, was unresolved. This mirrored the EU's equality policy itself as it consists of contradictory elements combining equal opportunities with positive discrimination, and mainstreaming (Bretherton 1999).

The last decade can be regarded as the decade of *formal adjustment* to the European Union, also in the area of equal opportunities. Similar to most accession states, the current system of Hungarian labour law provides the basic framework for legal guarantees of equal opportunities for women and men. Most of the relevant laws are concerned, however, with discrimination *in general* and formulated in such a way that sex is only one of several factors (other factors include, race, religion, etc.) that might be the basis of discrimination. Very few would disagree with the statement that the EU offered a favourable opportunity for feminist scholars and activists to increase their political influence in agenda setting, no matter how formalist compliance smuggled terms such as gender equality into the public discourse. With the open nature of EU decision making in the past decade there was a mode of direct communication between different actors in the field of gender equality: NGO activists, scholars, experts etc. All these generated the feeling amongst lobbying groups that the EU represents a socially progressive entity, thus expectations were raised by politicians and lobby groups that the EU would act as a modernising missionary. In practice the EU offered assistance in several forms to Eastern European countries to help compliance: Structural Funds (especially European Social Fund), various research and education funds (such as Socrates and Leonardo), and specific development policies, as well as the PHARE program.

Empirical surveys suggest that the EU level of action on gender equality, although mediated by the domestic political context, is not currently successful at bringing 'Europe' closer to the people (Cram 2001: 597). Looking at a comparison of a experiences in a selection of EU states (see Table 6.1), it is suggested that that the non-confrontational character of women's groups on one hand, and the institutionalisation of domestic gender equality mechanisms on the other hand, are promoting a relatively high level of pro-European opinion. If the institutionalisation of the gender equality mechanisms of the EU depends on dichotomies in party politics, then these mechanisms are not necessarily strengthening pro-EU opinion. Returning to the concepts of presence, opportunity

Table 6.1 Comparison of Greece, Ireland, UK, Hungary, and Poland on relationships between domestic political context, women's groups and pro-EU sentiments

	<i>Greece</i>	<i>Ireland</i>	<i>UK</i>	<i>Hungary</i>	<i>Poland</i>
<i>Domestic political context</i>	politicised party state	corporatist	competitive pluralism	politicised party state	politicised party state
<i>Equal opportunity mechanisms</i>	institutionalised	institutionalised	institutionalised	meta-institutionalised influenced by party dichotomy	non-institutionalised influenced by party dichotomy
<i>Relationship between women's organisations and domestic politics</i>	confrontational character	non-confrontational character	Non-confrontational character	confrontational character	confrontational character
<i>Pro-EU sentiments</i>	Low	High	High	Low	Low

Sources: Bretherton 2002; Cram 2001

and capability from the introduction, it is clear that despite an opportunity for the EU in the promotion of gender equality, capability and presence were not exercised, because these factors were heavily dependent on domestic variables.

The analysis of these efforts to promote gender equality through accession suggests that the main obstacles to effective implementation are the controversial signalling and lack of a sanction system on the EU side of the relationships. During the enlargement talks, the EU failed to win the PR war in Eastern Europe in this context. It transmitted a general image of progress, equality and freedom, which combined with an unfavourable domestic political climate and structure as far as women's organisations are concerned (Bretherton 2001).

### **Gender equality and development policy**

Attempts to introduce gender equality into EC development policy predate the eastward enlargement procedures of the 1990s. During the UN Decade for Women 1975–85, and following on from the Third World Conference on Women in Nairobi in 1985, the Commission established its 'women in development' (WID) approach, including WID desks, communiqués, and references in the Lomé Conventions (Pollack and Hafner-Burton 2000: 445; Booth and Bennett 2002: 438–440). These practices were accompanied by the inclusion of women through the Third and Fourth Lomé conventions (1984 and 1989) which first adopted welfare approaches, then moved to a more WID approach (Lister 2003: 97–98).

In the 1990s, the emphasis moved from women to gender equality in development policy, in particular through preparation and participation in the Fourth World Conference on Women in Beijing in 1995. This transformation away from WID and towards gender mainstreaming occurred in parallel with similar processes in the enlargement talks, thus immediately after Beijing, the EU began to gender mainstream its policies (Mazey 2002: 232). From 1993 to 1998, the EU worked on reaching agreement on a policy of integrating gender issues in development cooperation. This policy was finally realised in the Commission's 2001 'Programme of Action for the mainstreaming of gender equality in Community Development Co-operation' (Commission 2001j).

In parallel with these developments, issues of women's human rights and gender equality were also becoming established on the development agenda through the International Conference on Population and Development (ICPD) in Cairo in 1994 that led to the ICPD Programme of Action. The EC's Health, AIDS and Population (HAP) policy was initiated in 1987 and adapted in 1994 to take on-board the ICPD agenda of gender equality. The ICPD programme and the HAP policy have increasingly led to gender equality issues being mainstreamed into development cooperation. Most important in this respect was the 1997 Council Regulation on Population (No. 1484/97 of 22 July 1997) which set out the basis of EC support for reproductive health and rights.

Despite these advances over the past two decades, there are still widespread criticisms of EU gender equality and development policy. Firstly there are

concerns, expressed since the 1970s, that the solution to gender inequality was to be found solely through inclusion in the developmental processes (Hoogvelt 2001: 53–54). From this perspective, the idea that the inclusion of ‘women in development’ would lead to greater equality and lower birth rates is highly problematic because it overlooks structural inequality and the constructed nature of gender. Attempts to address this problem through the move from an emphasis on ‘women’ to the broader nature of ‘gender’ have been somewhat successful in that they have identified relations *between* gendered constructions of women and men as being important.

However, a second series of more specific criticisms have arisen over the way in which gender mainstreaming has been incorporated into EU policies through an ‘integrationist approach’ (Rees 1998) which has led to gender being ‘everywhere and nowhere’ (Painter and Ulmer 2002). The EU’s integrationist approach has led to the existing institutional structures attempting to adapt to new practices without sufficient funding, staff or training in order to do so. Without these resources, it is clear that the structural and institutionalised character of gender inequalities and injustices will remain unrealised and unaddressed within the EU and its development policies (Pollack and Hafner-Burton 2000: 452; Booth and Bennett 2002: 443; Lister 2003: 99). As Painter and Ulmer argue regarding gender mainstreaming in EC development cooperation, the mainstreaming policy has sought to promote gender ‘everywhere’, but in practice the absence of resources, trained staff, legal provisions and the abandonment of positive discrimination has led to gender being ‘nowhere’.

The EU policy on reproductive health and rights within HAP stands out as one of the few examples of the sustained promotion of gender equality in development policy under the most difficult conditions. With the clear international mandate of the 1994 ICPD, the EU has sought to promote its HAP policy in order to address the world’s major causes of death in the developing world – HIV/AIDS, Malaria, acute respiratory infections and diarrhoeal diseases, reproductive and sexual health and rights, and lifestyle-related causes of ill-health. Undoubtedly, these are the largest killers in the world and HAP is one of the EU’s most important policy areas in addressing these endemic problems of poverty. Twelve years into the development of HAP policies the EU has encountered opposition from US religious groups keen to promote their ideology using the Bush Presidency and EU-based lobby groups. The relationship between these US religious groups and gender equality is clear as the groups seek to prevent EU support for women’s reproductive health and oppose reproductive rights, as well as seeking to discredit contraceptive use, and thus contributing to the spread of HIV/AIDS.

The first attack on women’s rights came in January 2001 with the new administration removing US family planning funds from foreign NGOs conforming with the ICPD action programme in the provision of reproductive health services, and in July 2002 the US cut all funding to the UN Population Fund (UNPF). The Commission responded to this US undermining of the UN fight against disease and poverty by stepping in with €44 million to replace the

lost support for the UNPF in Africa. From January 2001 until May 2003 the EU found its support for women's rights, children's rights and its development policies constantly under attack from US religious groups using US and EU front organisations, as well as the Bush Presidency, to promote their ideology. From May to October 2003 Commissioner Poul Nielson found himself under personal attack by EU front organisations for US groups who sought to discredit him and the EU in its support for HAP and women's rights. In May 2003 a campaign launched by 47 MEPs sought to oppose a fictional Commission 'unit' to monitor the activities of anti-reproductive health groups (Cahill 2003a; Nielson 2003). Then in October 2003 a campaign launched by the Vatican and the Bush Presidency sought to discourage the use of condoms in Africa (Cahill 2003b). Again, Nielson and the Commission found themselves forced to defend the promotion of contraceptive use in HAP, particularly in areas where the HIV/AIDS pandemic is widespread, by presenting research evidence on the effectiveness of condoms.

Despite such positive examples of EU promotion of gender equality in development policies, it is undoubtedly true that 'a declared commitment to gender mainstreaming tells us little of the political will or otherwise to include such a strategy in EU policies' (Young 2000: 91). Most critical voices suggest that gender mainstreaming in development policy has been more of a promise or idea than a reality (Young 2000: 91; Painter and Ulmer 2002: 6). However, in contrast Mazey identifies development policies as being one of the policy sectors in which gender mainstreaming has had the 'greatest impact' where 'the Commission's dedication to gender equality has been incorporated into policy guidelines and/or all calls for proposals and expressions of interest for programme funding' (Mazey 2002: 236–237). Mushaben identifies the HAP policy and the special budget line on 'Integration of Gender Issues into Development Cooperation' as being two of the 'best gender practices' in EU gender mainstreaming (Mushaben 2003: 9–11). Clearly, the EU's support for gender equality in development policies is mixed, but as the example of HAP policies illustrates, some aspects of gender equality are defended as a point of principle rather than an effect of gender mainstreaming.

### **The value of gender equality and feminisms**

The value of gender equality cannot be separated from feminisms and feminists. The definition of feminism as a commitment to social change seems to be a consensual definition but it does not help us to understand the different traditions of Eastern European social movements, the relational feminism of the Mediterranean region, or the historical experiences within development policy groups (Offen 1992; 2000). In relational feminism, women are defining their social position through reproductive capacity, and other social institutions such as the family, while the individual feminists are using human rights arguments to fight for autonomy independently from biological determinations. These different feminisms are clashing in public discourse through 'double speak' – the

language of equality vs the language of difference. This is the classic 'Wollstonecraft Dilemma' in which we seek to find an answer to the question of whether gender equality should be achieved through the recognition of equality or difference (see Lombardo 2003). It would be a mistake to underestimate the historical roots and present attractiveness of the language of difference used by the different European conservative women's movements (Pető 2003). This discourse fits into government politics that defines equality through family by social policy. We would argue that redefining progressive citizenship rights in the new, enlarged Europe is one of the most urgent tasks. Because, as value surveys suggest, large number of women voters with 'conservative' values have joined the EU after the 2004 enlargement this perspective requires the modernisation of the politics of difference. The sheer existence of the European Union with its supranational character, universal values and institutional system presents a serious challenge to feminist and other women's movements who consider themselves a progressive force of change. A new EU level of influence has been constructed in gender relations that raises challenges for both Western and Eastern member states coming to terms with membership and the obligations of EU relations with the rest of the world.

Our discussion of gender (in)equality also raises the question of whether it is appropriate to focus on just one, dominant social inequality such as gender in policy making when numerous other social differences are also constructed through race, ethnicity, or class, etc. The politics of recognition gives equal status of genders and cultures, all of which question the category 'women'. Due to the uncertainties of defining gender, the social and cultural costs of mainstreaming have never really been calculated. Similarly, the political costs and consequences of moving the focus from women's policy to gender policy has not been seriously considered in policy making communities. The fear of different women's groups losing financial and political support by the EU might paradoxically block the implementation of gender mainstreaming and strengthen conservative definitions of 'women' as biologically different, rooted in the first phase of EU gender equality policy. The politics of recognition is a crucial precondition for identity formation. In the case of women, self-confidence, self-esteem, and self-respect should be gained through identity formation and the recognition of difference. However, the conflict between the politics of equality and politics of difference has serious implications on current EU gender equality policy. In the case of the European identity, questions should be raised regarding how to define the site of identity formation, where the politics of recognition are happening, who is constructing these differences and who is defining the meaning of difference? In the case of the EU these questions are being shaped in the multilevelled EU institutions which foster European identity, together with rapidly developing EU law as a new scholarly field which is creating new 'rules of the game' (see Shaw 2000).

Gender equality policy is not necessarily a feminist enterprise. The problematic definition of equality politics is still based on a comparative dichotomy, which is relativising structural disadvantages. Institutionalised gender equality



can be used against international feminist goals. Through accession negotiations, for example, to ensure full compliance with the spirit of the Directives, the introduction of provisions and positive programmes that facilitate the fair division of burdens between the two parents as regards taking care of and raising the child are advocated. By taking such measures, the state should actively support the stable labour market position of women who give birth to children. This policy might challenge women's exclusive role as caretakers, which is still a widely shared social norm and a practice in most of the countries. The support of introducing part-time work can influence women's lives in two radically different ways. If the concept of part-time work is interpreted in the difference frame, aimed at encouraging women to remain in their traditional gender roles it does not strengthen, but rather weakens, gender equality. If, however, part-time work is an option for both men and women to harmonise their duties as parents and as workers, then it is certainly a progressive means towards achieving equality. It is recommended that part-time work be promoted by positive means not solely or primarily for women, but for both sexes. If the EU fails to acknowledge the conservative and relational traditions of equality politics, which are not necessarily dominant only in the recent accession countries, but also in earlier member states, then it threatens to lose the progressive social power behind it. Clearly, the rhetoric can be revolutionary in the short run, but very ineffective in the long run. In the 'state feminist' countries before 1989, measuring the equality by percentages (representation of women in different professions) might make social injustice visible but not questioning of the system that constructed the inequality and leaves the correction mechanisms to the very same institutions. Thus, the common demand for the reformulation of policies 'recognising that what is taken as the norm is not necessarily gender-neutral' (Rees 1998: 189).

It should also be obvious by now that no other equalisation of social difference was as successfully institutionalised on the national and international levels in the EU as gender differences. The importance of this success story is that representatives of other social groups, constructed by other differences, have sought to replicate the gender mainstreaming strategies. However, there is the risk that their lobbying efforts at different political levels may become vulnerable to bargaining processes between different lobbying groups. For example, in Hungary the constitutional framework was used in 2001 to prevent any forms of discrimination and leave the technicalities to the sub/law codes, rather than introducing single-issue anti-discrimination laws such as the Law on the Disabled. Similarly, the conservative Polish government used one part of recent EU legislation to block another part, the equal opportunity legislation (Bretherton 2001). However, this type of behaviour is often governmental practice in both accession and existing member states – introducing anti-discrimination legislation without introducing gender equality policy. Similarly, in EU development policy, the introduction of conditionality clauses including human rights (and implicitly gender equality) without providing or assisting with the means to introduce such policies, often has a similar effect. Without a possible sanction

system, it remains unsatisfactory that accession states or development assistance recipients are left to interpret and implement gender equality directives themselves. Despite the institutionalisation of gender equality practices through policies, conditionalities, and legal arrangements, in both the enlargement process and development policies, such aspirations remain largely unfulfilled. Within both accession and development partners, the values and principles of gender equality remain problematic without a welcoming epistemological space, and risks pushing domestic political actors into legitimisation crises.

As we have seen in the case of the EU, the pressure exercised by the different levels of women's movements is crucial as far as the implementation of the gender equality is concerned. The most decisive character of the women's movement of the East is the proactivity of local responses. The accession governments set the agenda, sometimes together with international women's organisations and networks, to which local women are reacting. Or perhaps Havelkova is right arguing that one of the reasons why there were no organised women's movements in Eastern Europe is because there were no 'women's issues' there – free abortion rights, high employment rate, high participation of women in higher education, etc., were all legacies of the 'statist feminist' period (Havelkova 2000). By now this legacy has gone and East meets West on the ground of declining women's employment rate and political participation rate. There are some who are still arguing the 'difference' between the East and West with the intention of protecting their feminist authenticity from the invading Western theory, but because of global social developments East and West are converging. Outside of the EU, gender equality policies, whether in development or health, are welcomed by local women, but opposed by those groups, both indigenous and western, who feel threatened by women's liberation. However, it may be only a question of time before the scepticism of women based on their experiences of EU gender equality mechanisms will be found voice in the EU as a whole, despite potentially undermining the EU's 'best gender practices' outside of Europe. In this sense, the EU 2004 enlargement and 2005 reflections on relations between Europe and the world, may come at the best possible time to force European actors to rethink about the role value of gender equality in a more just world.