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EUROPEAN INTEGRATION: POLITICS OF OPPORTUNITY FOR HUNGARIAN WOMEN?

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Abstract: Reviewing the literature on gender equality in Eastern Europe by Eastern European authors the first impression is the striking absence of analyses on EU gender mainstreaming policy. Besides the government sponsored translations of EU laws, and descriptive hence self assuring official governmental reports there are very few pro-active works which might consider the mutual implication of EU enlargement as far as the implementation of norm of gender equality is concerned. As after the enlargement process the external becomes internal, it also means the complex realities of post socialist gender relations will be contributing to the already pressing uncertainties and inconsistencies of EU gender equality norms and will challenge the provisional facilitating instruments. Exporting EU gender equality policies to Eastwards means that EU policy makers assume that these policies are adequate and the only acceptable means to achieve to desire gender equality in the East. The paper analyses the process of policy transfer and the consequences of the de jure legal harmonization. Also the comparison how gender equality policy is implemented in the EU and in Hungary in the policy areas might answer to the question if gender equality values are different from other values.

Reviewing the literature on gender equality in Eastern Europe by Eastern European authors the first impression is the striking absence of analyses on EU gender equality policy. Besides the government sponsored translations of EU laws, and descriptive hence self assuring official governmental reports there are very few pro-active works which might consider the mutual implication of EU enlargement as far as the implementation of norm of gender equality is concerned. (Pető 2002) The reports are uncritical to the EU policies and accepting moreover urging their governments to comply technically with the conditionality. (Monitoring, 2002) As after the enlargement process the external becomes internal, it also means the complex realities of post socialist gender relations will be contributing to the already pressing uncertainties and inconsistencies of EU gender equality norm and its implementation policies which will challenge the provisional facilitating instruments. In this paper first I am analysing the role of European Union plays with influencing the rules of women's politics in Hungary.

This intellectual silence about these issues is even more striking if we know that in the past ten years a very active discussion developed between women of "East" and "West" about principles and theories of direct application of Western gender equality mechanisms and Western gender theory to post-communist reality. Some feminist intellectuals in the „East” were opposing the way and style how their western sisters were evading the „Eastern”

social space they were considering as empty. Siklova said: „We 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 emotionally heated exchange of ideas, their governments during enlargement talks, I would say off hand, agreed to adapt the so far existing most advanced legal technical mechanisms to perpetuate gender equality. During the enlargement talks between the EU delegation and the national governments formal technical criteria were set up how to measure and how to achieve gender equality in these countries without explicitly considering political implications, consequences and costs of these attempts to alter historical patterns of discrimination. During these enlargement talks neither the possible sanction system nor the institutional framework was not defined. 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 the norm of gender equality in the framework of anti-discriminatory legislation and the policy site is the employment. The implementation of gender equality policy is problematic due to the translation of the terms as “sexual discrimination”, “indirect discrimination” not only linguistically but also “institutionally”.

This paradox, that the norm entrepreneurs of “the East” were complaining about the gender blind practices of their own governments, while the EU gender equality mechanisms in the framework of anti discriminatory legislation were accepted by the same national political elite, is even more striking if we know that recent scholarship on Eastern Europe is underlining that the past ten years brought the alarming worsening of women’s position in these societies: their public, social and economic roles were diminishing in the past decade. This social process is usually described as the “masculinization” of post-socialist Eastern Europe. (Watson, 1993) In the past ten years the position of women in the “East” is converging to position of women in the “West” as far as formal criteria’s of equality as employment, participation in politics, etc are concerned. (The number of women MPs in the first democratically elected Hungarian Parliament (7%) decreased dramatically in a comparison with the “statist feminist” period (25%) and reached the same level as e.g. in Great Britain in the same year, in 1990. The same tendency can be observed in the case of women’s employment.) The economic position of women in Eastern Europe which were very favourable due to the implementation of the norm of gender equality not only in the employment sphere but also in the social security provisions as free and accessible childcare, worsened considerably.

The sheer existence of the European Union with its supranational character, universal values and institutional system means a serious challenge to the feminist and other women’s movements who are considering themselves as “norm owners”. Not only because of the very controversial relationship of the feminist political theory to the state which one groups of scholars portray as protective and necessary others as an oppressive form of patriarchy. But also because the EU is in a constant transformation from a near-state and non-state which is depending on historical times and interactions of levels of governance inside the EU. (Pető 2002)

The value of gender equality could not be divided from feminisms and feminists. The definition of feminism as a commitment for social change seems to be a consensual definition but it would not help us to understand the different traditions of Eastern

European social movements, and also in of Mediterranean region which is not based on the individual feminism but on a relational one. (Karen Offen, 1992 and 2000). In relational feminism women are defining their social position in their reproductive capacity, through other social institutions as e.g. family, while the individual feminists are using argumentation of human rights fighting for autonomy independently from biological determinations. These different feminisms are clashing in the public discourse on the site of the double speech: language of equality vs. language of difference and we have to find an answer for the question if gender equality could be achieved through women's policy or family policy. It would be a mistake to underestimate the historical roots, present attractiveness of language of difference which is used by the different European conservative women's movements. (Peto, 2002) This discourse fits into the government politics which defines equality through family by social policy. I would argue that redefining citizenship and conservatism for the new, enlarged Europe is one of the urgent tasks. Because, as value surveys prove, massive number of women voters with "conservative" values will join to EU after the enlargement and this perspective requires the modernization of the politics of difference. (Pető 2001)

Gender equality policy is not necessarily a feminist enterprise. The problematic definition of equality politics is still based on a comparative dichotomy, which are relativizing structural disadvantages. Institutionalized gender equality can be very well used against the international feminist goals. 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 harmonize their duties as parents and as workers, then it is certainly a progressive mean 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 enlargement countries then it threatens to loose the social zeal behind it. Also the rhetoric can be revolutionary in the short run, but very ineffective in the long run. In the 'statist feminist' countries before 1989 measuring the equality by percentages (representation of women in different professions) might make social injustice visible but not questioning the system which constructed the inequality and leaves the correction mechanisms to the very same institution. But the verify often quoted metaphor by Rees on marcher's stride to demand reformulation of policies from women's point of view is also based on essentialist concept of difference. (Rees, 1998)

The politics of recognition is a crucial precondition for identity formation. In the case of women self-confidence, self esteem, self respect should be gained for identity formation via recognizing their difference. However the conflict between the politics of equality and politics of difference has a serious implication on the gender equality policy. In the case of

the European identity the question should be raised how to define the site for identity formation, where the politics of recognition is happening, who is constructing these differences and who is defining the meaning of difference? In the case of the EU these are the strong and multileveled EU institutions which are fostering European identity and the quickly developing European law as a new scholarly field is creating the new “rules of the game”.

In the case of gender inequality by now it is highly problematic to maintain as one, dominant social inequality on the level of European Union policy making when myriad's of social differences are constructed through race, ethnicity and class etc. The politics of recognition gives equal status of genders and cultures, which questions the category “women”. Due to the uncertainties of defining gender the social, cultural and the costs of mainstreaming have never been calculated. Also the political cost of transferring the focus from women's policy to gender policy was never mentioned. The fear of different women's groups of losing financial and political support of the EU might paradoxically block the implementation of gender mainstreaming and might strengthen “conservative” definition of “women” as biologically different, which has roots in the EU tradition of first phase of gender equality policy. (Bretherton 2001)

It is also obvious by now that no other equalization of social difference was as successfully institutionalized on international and on national level in the EU as gender differences. The importance of the success story that representatives of other social groups, constructed by different differences on the one hand try to copy or duplicate the gender mainstreaming strategies and on the other hand considering it as a zero game, which makes their lobbying efforts on different levels very vulnerable in bargaining processes. E.g. in Hungary the Law on Disabled was more successful and actually utilities by anti equal opportunity legislators as an example in 2001 not to use the “salami” technique to slice up the different inequalities in different laws but to keep the constitutional framework to declare ban on any forms of discrimination and leave the technicalities to the sub/law codes. The conservative Polish government referred one part of the EU legislation to block an other part, the equal opportunity legislation. (Bretherton, 2001) But this is a general governmental practice in the accession countries: considering and later introducing anti-discrimination legislation without introducing gender equality policy.

However the last decade of Hungary can be regarded as the decade of *formal adjustment* to the European Union, also in the area of equal opportunities. Evidences prove both adjustment and increasing discrimination. The Hungarian legislation related to the principle of equal treatment that it is, *de jure*, virtually in conformity with the Directives. Nevertheless, the implementation of these provisions in practice, meaning the situation concerning equal treatment *de facto*, is far from favourable. The current system of Hungarian labour law provides the essential 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 (Hungary 2001). While in other fields the EU intervention is considered to be undesirable by the different political actors, in the field of gender equality the EU is criticised not exercising normative pressure in the interest of one „imagined community”, which is „the women”. Also the question is if the EU Directives should be understood simply as

promoting *women's* equality not a *gender* equality while the EU women's equality policy itself is consisting of self contradictory elements combining equal opportunities with positive discrimination, mainstreaming. (Bretherton, 1999) The power question should be raised what are the guarantees of EU legislation implementation if there is no enforcement? Without possible sanction system it remains on the level of goodwill which national government is implementing what directive on gender equality.

In the case of the European Union the pressure exercised by the different levels of the women's movements is crucial as far as the implementation of the value of gender equality is concerned. (Mazey, 1998) The most decisive character of women's movement of the East is the pro-activity of its responses. The government sets the agenda or even international women's organizations and networks and the local women are reacting. Or may be Havelkova is right arguing that one of the reasons why there is no organized women's movements in Eastern Europe is because there are no "women's issues" there: free abortion right, high employment rate, high participation of women in higher education etc. (Havelkova, 2000) which are all the legacies of the "statist feminist" period. By now this legacy is gone and "East meets West" on the ground of declining employment rate and political participation rate of women. There are some who are still arguing "difference" of East from West with the intention to protect their authenticity from the invading Western theory, but the results of European social developments no matter if it is West or East are converging as a part of globalization. In that sense the EU enlargement approaches at the best possible political timing to force the European women to think about possible alliances and strategies.

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