

## European Enlargement and Gender: A Politics of Opportunity for Women in Countries with Statist Feminist Heritage?

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# Rechte erweitern?

## Die EU-Reform und der Erweiterungsprozess aus Geschlechterperspektive

Dokumentation der Tagung des NRO-Frauenforums und der Frauennetzwerkstelle WOMNET, in Kooperation mit der Heinrich-Böll-Stiftung und der Europäischen Akademie Berlin, 11. und 12. Dezember 2003

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## Rechte erweitern? Die EU-Reform und der Erweiterungsprozess aus Geschlechterperspektive

Tagung des NRO-Frauenforums und der Frauennetzwerkstelle WOMNET in Kooperation mit der Heinrich-Böll-Stiftung (HBS) und der Europäischen Akademie Berlin (EAB)

### Tagungsprogramm

Donnerstag, 11. 12. 03

ab 16.30      Anmeldung

17.00          Eröffnung und Begrüßungen

*Tobias Baumann*, Mitarbeiter der Europäischen Akademie Berlin

*Birte Rodenberg*, NRO-Frauenforum

17.30          Öffentliches Diskussionsforum: "Die EU-Verfassung: Auf dem Weg  
zur supranationalen Geschlechterdemokratie?"

- Einführung zur EU-Osterweiterung  
*Mechthild Stöhr*, freie Mitarbeiterin der EAB
  - Auswirkungen der Erweiterung auf EU Gender Policy: *Barbara Helfferich*, Kabinettsmitglied EU-Kommission/Generaldirektion Beschäftigung und Soziales
  - *Andrea Petö*, Professorin für Geschichte und Frauenforschung an der Central European University Budapest und Miskolc Universität, Ungarn
  - *Christiane Lemke*, Professorin für Politikwissenschaft, Universität Hannover
- Moderation: *Petra Bläss*, Frauensicherheitsrat, Berlin
- Diskussion

20.00          Empfang

Begrüßung: *Birgit Dederichs-Bain*, NRO-Frauenforum und  
*Annekathrin Linck*, Heinrich-Böll-Stiftung

*Claudia Roth*, Mitglied des Bundestags, Menschenrechtsbeauftragte der Bundesregierung im Auswärtigen Amt

Freitag, 12.12. 03

09.00          Podium: "Grenzübergänge": Der Erweiterungsprozess aus Gender-Perspektive

- Freizügigkeit, Übergangsregelungen, illegale Arbeitsverhältnisse:  
*Elisabeth Schroedter*, Mitglied des Europäischen Parlaments
- Die Auswirkungen des wirtschaftlichen Transformationsprozesses in MOE:  
*Kinga Lohmann*, Sprecherin des Frauennetzwerk KARAT, Warschau

- Frauen in der Textilindustrie: Integration durch Marginalisierung?  
*Bettina Musiolek*, Kampagne für saubere Kleidung  
Moderation: *Claudia Neusüß*, Politikberaterin, Berlin  
Diskussion

11.00 Pause

11.30 Diskussion des Positionspapiers vom NRO-Frauenforum und KARAT  
*Silke Steinhilber* und *Kinga Lohmann*

13.00 Mittagessen

14.30 Arbeitsgruppen mit Impulsreferaten

- AG 1: Kommerzialisierung der Daseinsvorsorge: Privatisierung der Wasserversorgung in Bulgarien: *Genoveva Tisheva*, Bulgarian Gender Research Foundation und Rentenprivatisierung in Polen: *Silke Steinhilber*, WIDE/NRO-Frauenforum
- AG 2: Gender Mainstreaming in der Entwicklungszusammenarbeit der EU: *Karin Ulmer*, APRODEV, Brüssel
- AG 3: Frauenrechte, Religion und Staat: *Wanda Nowicka*, Polish Federation for Women and Family Planning, Warschau
- AG 4: Partizipation, Mitbestimmung und Lobbyarbeit in einer erweiterten EU: *Elisabeth Schroedter* und *Barbara Helfferich*

16.30 Berichterstattung aus den Arbeitsgruppen und Abschlussdiskussion

17.30 Ende der Konferenz

Die Tagungssprachen sind deutsch und englisch; Simultanübersetzung in allen Plenumsveranstaltungen sowie in zwei Arbeitsgruppen.

*Die Tagung findet mit finanzieller Unterstützung der Heinrich-Böll-Stiftung, des Bundesministeriums für Familie, Senioren, Frauen und Jugend sowie des Auswärtigen Amtes statt.*

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## II. Die EU-Verfassung: Auf dem Weg zur supranationalen Geschlechterdemokratie?

### European Enlargement and Gender: A Politics of Opportunity for Women in Countries with Statist Feminist Heritage?

Andrea Pető

When I was asked to make an overview of the debates on EU accession and on the new constitution of the European Union in the accession countries, and first of all in Hungary, the country I know the best, from a gender point of view, I suspected that I will have an easy task. An easy task, since this topic is non-existent in the public discourse. Then I started to think about what is the relationship between the missing public debate and the increasing scepticism towards the European Union among women. Somehow I have the feeling that our – the feminist academics' and activists' – relationship to the European Union is like a relationship to an unpleasant, but rather dominant and important aunt, whom we have to visit on Sundays with cakes, but we are escaping from that obligation at the earliest possible moment. So in this paper I am trying to understand the factors that constructs that “unpleasant auntie”-phenomenon; and the relationship between feminist academics in countries with a statist feminist heritage and the European Union.

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 that the complex realities of post-socialist gender relations will be contributing to the already pressing uncertainties and inconsistencies of an EU gender equality norm and its weak implementation policies. All this will challenge the provisional facilitating instruments implementing gender equality mechanisms.

This intellectual silence about these issues is even more striking if we consider that in the past ten years a very active discussion has 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 on 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 defined.

The Amsterdam Treaty clearly defines the two components of the *acquis communautaire* 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, while employment is the policy site of the implementation. The implementation of gender equality policy is problematic due to the translation of the terms as "sexual discrimination", "indirect discrimination". It is not only linguistically problematic, 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 take into account the following: Recent scholarship on Eastern Europe is underlining that the past ten years brought an 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 a position of women in the "West" as far as formal criteria's of equality as employment, participation in politics, etc. are concerned.<sup>8</sup> The economic position of women in Eastern Europe which was very favourable due to the implementation of the norm of gender equality - not only in the employment-sphere but also in terms of social security provisions, such 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. They 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 necessarily others as an oppressive form of patriarchy. But also because the EU is in a constant transformation from a near-state and non-state building which depends on historical times and interactions of levels of governance inside the EU (Pető 2003).

The value of gender equality can 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 of the Mediterranean region, where women's movements are 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. the family, while the individual feminists are using argumentation of human rights fighting for autonomy independently from biological determinations. These different feminist perspectives are clashing in the public discourse on the site of the double speech: the language of equality vs. the language of difference.

Now we have to find an answer to the question if gender equality can be achieved through women's policy or family policy. It would be a mistake to underestimate the historical roots, present attractiveness of the language of difference which is used by the different European conservative women's movements (Peto, 2003). This discourse fits into the government politics that defines equality through family in the

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<sup>8</sup> In 1990, the number of women MPs in the first democratically elected Hungarian Parliament (7%) decreased dramatically in comparison with the "statist feminist" period (25%) and reached the same level as e.g. in Great Britain in the same year. The same tendency can be observed in the case of women's employment.

framework of social policy. I would argue that redefining citizenship by conservatism is one of the urgent tasks for the new, enlarged Europe, because – as value surveys prove – massive number of women voters with “conservative” values will join to EU after the enlargement. And this perspective requires a modernisation 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. Institutionalised gender equality can be very well used against the international feminist goals. For example to ensure full compliance with the spirit of the Five 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 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.

The rhetoric can be revolutionary in the short run, but very ineffective in the long run. Measuring the equality by percentages (representation of women in different professions) in the ‘statist feminist’ countries before 1989 might have made social injustice visible but not questioning the system which constructed the inequality and leaves the correction mechanisms to the very same institution. But the very often quoted metaphor by Rees on marcher's stride to demand reformulation of policies from women's point of view is also based on an essentialist concept of difference (Rees, 1998). Nowadays, in the case of gender inequality, it is highly problematic to maintain it as one, dominant social inequality that has to be eradicated on the level of the European Union's policy making, when myriads of social differences are constructed through race, ethnicity and class etc. The politics of recognition gives equal status of genders and cultures and 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 a “conservative” definition of “women” as biologically different, but it has its roots in the EU tradition of the first phase of gender equality policy (Bretherton 2001).

It is also obvious by now that no other equalisation of social difference was as successfully institutionalised on international and on national level in the EU as gender differences have been. The importance of the success story that representatives of other social groups, constructed along the line of differences on the one hand try to copy or duplicate the gender mainstreaming strategies and on the other hand consider it as a zero game, which makes their lobbying efforts on different levels very vulnerable in bargaining processes. E.g. in Hungary, in 2001, the Law on Disabled was more successful and actually utilized by anti-equal opportunity legislators as an example not to use the so-called “salami”-technique to slice up different inequalities into different laws, but to keep the constitutional framework to ban any



forms of discrimination and leave the technicalities to the sub/law codes. The conservative Polish government referred to one part of the EU legislation to block another part, the equal opportunity legislation (Bretherton, 2001). But this is a general governmental practice in the accession countries, where they are mainly introducing an anti-discrimination legislation without introducing gender equality policy.

However the last decade can be regarded as the decade of *formal adjustment* to the European Union in the accession countries, 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. Hungarian's current system of the labour law provides an 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 they are 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 if the EU Directives should be understood simply as promoting *women's* equality and not *gender* equality – while the EU women's equality policy itself is consisting of self-contradictory elements combining equal opportunities with positive discrimination, mainstreaming as a method (Bretherton, 1999).

Therefore, the power question should be raised: what are the guarantees of the implementation of EU legislation, if there is no enforcement? Without possible sanction-system it will remain on the level of a goodwill-policy if national governments are implementing gender equality policies. As far as the implementation of the value of gender equality is concerned, in the case of the European Union the pressure exercised by different levels of the women's movements is crucial (Mazey, 1998). The most decisive character of the women's movement in the East is the pro-activity of its responses. The government or even international women's organisations and networks set the agenda and the local women are reacting. Or may it be that Havelkova is right, arguing that one of the reasons why there is no organised women's movements in Eastern Europe, is because there are no "women's issues": the right on free abortion, a high employment rate, high participation of women in higher education etc. (Havelkova, 2000) 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 the "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 globalisation. In that sense the EU enlargement approaches the best possible political timing to force European women to think about possible alliances and strategies. So first of all, we should improve our relationship to our dear aunts.

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## Die EU-Verfassung: Eine Chance für nachhaltige Gleichstellungspolitik?

Christiane Lemke

Der europäische Verfassungskonvent hat einen Entwurf für eine EU-Verfassung (2003) verabschiedet und der Europäischen Union zur Beratung vorgelegt, der die politische Gestalt und das Selbstverständnis der Europäischen Union grundlegend verändern würde. Der Prozess ist mit der Verabschiedung des Konventsentwurfs und der Regierungskonferenz in Italien im Dezember 2003 in eine entscheidende Phase getreten. Welche Bedeutung hat diese Verfassung für die Gleichstellung der Geschlechter?

Betrachtet man die bisherige EU-Gleichstellungspolitik aus der geschlechterkritischen Perspektive, so fällt die Bewertung ambivalent aus. Zum einen fällt die nach wie vor geringe politische Repräsentanz von Frauen in den zentralen Entscheidungsgremien der Europäischen Union auf. Vom Ideal einer geschlechterparitätisch demokratischen Verfasstheit ist die EU sichtbar entfernt. Aus demokratietheoreti-