Women’s Substantive Representation in the Multi–Level Euro Polity: Towards a Framework for Analysis

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ABSTRACT
Empirical research on women’s substantive representation in liberal democratic states has shown that representing women’s interests in politics and policy can take multiple forms and follow different paths. At the same time this research has uncovered a great variety of factors which can act to constrain or facilitate its realisation. When we shift our attention from the nation states to the multi-level EU context, such complexities are likely to become all the greater. However, this topic has received very little attention in the literature so far. Thus, while the scholarship on women’s substantive representation has mainly concentrated on what goes on in the nation state context, the literature on women and politics in the EU has been mainly interested in exploring the development of gender equality policies at the supranational level and its implementation by member states. As a result of this, issues of gender, democracy and representative politics in the EU multi-level system have remained largely unexplored.

The main contention of this paper is that, in the multi-level EU polity, the representation of women’s interests at one level of the system will be shaped to a greater or lesser extent by what happens at the other levels, and so on. For example, a Gender Equality Act has recently been enacted in both Estonia and Spain which, by comparative standards, could be regarded as being quite progressive. However, the activities of Estonian and Spanish political representatives (both state and non-state) that led to the introduction of these pieces of legislation could not be fully understood if the wider EU context is ignored. Similarly, it is hard to know how to understand the activities of representative actors and institutions at the supranational level in the process leading to the introduction of the 2002 amended equal treatment directive without taking into consideration what goes on at the national and sub-national levels.

However, empirical research of women’s representation in the EU presents a number of difficulties. In the first place, while research on women’s political representation at the nation-state level has developed a variety of analytical frameworks, there is a question as to how far those frameworks can be utilised for a study of women’s political representation at the EU level. Secondly, it is not clear how to operationalise ‘women’s interests’ at this level of governance, as issues of diversity are likely to be much more pronounced than at the nation-state level.

Taking these difficulties into account, the aim of this paper is to critically assess the applicability of existing analytical frameworks utilised in the study of women’s substantive representation to a study of women’s substantive representation in the EU multi-level polity.
1. Introduction

In recent years, the claim that the under-representation of women in politics marks a democratic deficit has gained some currency in EU policy discourse. This claim captures the idea that, if in a purported democratic polity the system of representation excludes women and women’s interests, then democracy cannot be said to be working ‘properly’. This argument is often put forward in the context of a call for a higher presence of women in EU representative institutions. While for many this is regarded simply as a matter of justice and equality, for others, an increase in the proportion of women in politics (descriptive representation) is also viewed as the best way to ensure that women’s interests are represented in political deliberation and decision-making in this arena (substantive representation).

Originating in a feminist critique of Pitkin’s account of political representation, the hypothesis that women’s descriptive representatives are the best vehicle for enacting women’s substantive representation has generated a vast amount of empirical research. In testing this hypothesis, these studies have explored how these two dimensions of women’s political representation mutually interact in the representative institutions of liberal democratic states. This research has made important contributions to our understanding of women’s political representation. On the one hand, it has identified a wide range of individual, institutional and political factors that shape the impact of women representatives in advancing women’s interests, revealing the extent to which the relationship between women’s descriptive and substantive representation is far more complex than originally thought. On the other hand, it has greatly refined the set of hypotheses, research questions and methodologies guiding that research. Thus, the original focus on whether women representatives act on behalf of women’s interests – i.e., ‘do women representatives make a difference?’ – has slowly given way to a new focus on the conditions under which women’s substantive representation takes place – i.e., ‘how does women’s substantive representation occur?’ One of the main advantages of this new focus is that questions of who acts on behalf of women’s interests, and
questions of where this representation takes place, are left open rather than being assumed\(^1\) (Childs 2006; Childs and Krook 2006a, 2006b).

Nonetheless, this research looks at women’s substantive representation as an activity that takes place within the confines of the political institutions of liberal democratic states. Yet, in those states that are now part of the wider EU polity, many of the activities on behalf of women’s interests carried out within their political institutions are being shaped by decisions that have been taken at the EU level. This suggests that, within the EU context, national representative institutions have ceased to be the exclusive sites where the interests of women are being represented. If this suggestion is true, then research on women’s substantive representation in those states also needs to take into consideration what goes on in the EU context.

However, in contrast to the wealth of empirical research on women’s substantive representation in the political institutions of the nation-state, there is very little research on women’s substantive representation in the EU. Given the dearth of studies on this subject, it is hence not clear how it should be approached and investigated. While the body of existing scholarship provides useful empirical frameworks for analysing how women’s substantive representation occurs in domestic settings, the question of whether, and if so how, these models could be ‘exported’ to a study of women’s substantive representation in the EU is something that needs to be established first.

Against this background, this paper presents preliminary research towards the design of an analytical framework for a study of women’s substantive representation in the EU. To that end, it draws on the empirical scholarship on women’s substantive representation in nation-state institutions, identifying the main analytical models used in that research, and critically examining their applicability to a study of women’s substantive representation in the EU arena. In addition, the paper seeks to elucidate the unit of analysis – the EU – situating women’s interests within its representative institutions and policy processes. For

\(^1\) Thus, research addressing the question of whether women’s representatives act on behalf of women’s interests assumes that women’s interests will be represented by women legislators and also that such representation will take place in parliamentary settings.
these purposes, the research draws on different strands of the extensive literature on gender in the EU.

The paper is structured as follows. Section one provides a conception of the EU as a multi-level polity. To this end, it looks at how the EU has been defined (either implicitly or explicitly) in the literature on gender equality policy at this level of governance. The section also considers how this characterisation of the EU might shape the design of an empirical study on women’s substantive representation in this arena. Section two briefly maps out ‘formal’ representation structures in the EU multi-level polity, with the aim of situating women and women’s interests within those structures. The section then discusses how an analysis of women’s substantive representation in the EU could draw on empirical frameworks used in similar studies focussed in the nation-state context. Section three considers the question of how ‘women’s interests’ could be operationalised in a study of women’s substantive representation in the EU. The paper concludes with a summary of the main questions raised in the paper and a discussion of how these could guide future research.

This initial research is part of a larger project examining the conditions under which EU democracy can foster gender equality in both the private and the public spheres of life.²

2. New Arenas for Women’s Substantive Representation: The European Union as a Multi-Level Polity

A study of women’s substantive representation in the EU only makes sense if the EU is conceived of as a political entity in its own right, with institutions that have the capacity to represent the interests of European women citizens. For this to be the case, the EU needs to be viewed as something more than a forum of international cooperation among member states governments (Thomassen and Schmitt 1999: 5).

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²This paper emanates from RECON (Reconstituting Democracy in Europe), an Integrated Project supported by the European Commission's Sixth Framework Programme (contract no. CIT4-CT-2006-028698).
This is a contested assumption to make. The literature on European integration contains powerful arguments defending the standpoint according to which nation-states are the only relevant political unit in the EU. From this perspective, the EU is conceived of strictly as a space of intergovernmental politics – a space for negotiation, bargaining and decision-making among member states. In this process, the national interests of each member state are represented by their respective governments in the Council of Ministers, the central institution of the EU with regards to power and authority. Interests are seen as being formed at the national, or domestic, level, where, it is argued, genuine representative politics takes place. While this account gives a prominent role to national governments as key actors in decision-making at the EU level, it rejects the idea of supranational institutions (such as the Parliament and the Commission) as having any autonomous political role. Their role is rather regarded as being merely instrumental: they mainly provide a service to member states, supplying channels for effective inter-state negotiation and bargaining, as well as legitimating state action against particularistic domestic interests (Moravcsik 1998). Though the question of how to conceptualise the EU is a controversial subject in EU integration studies, for the purposes of the present study it is sufficient to understand the EU as a polity; that is, as an entity amounting to ‘something more’ than a mere collection of nation-states.

To this end, the literature on the evolution of gender equality policy in the EU provides a valuable source, as it offers compelling arguments against some of the key tenets of intergovernmental accounts. While some of these studies have been wide in scope, tracing the beginnings of this area of policy from its modest origins in article 119 on equal pay to its expansion into areas other than employment through gender mainstreaming and parity democracy (Cichowski 2002; Hoskyns 1996; Mazey 1995, 1998; Rossilli 1997, 2000; Stratigaki 2000; Ostner and Lewis 1995) others, by contrast, focus on a particular directive, programme or strategy on gender equality, examining the processes leading to their introduction (Mazey 2000, 2002; Pollack and Hafner-Burton 2000; Stratigaki 2004, 2005; Woodward 2004; Zippel 2004).

In explaining the development of these policies, many of these studies explore the way in which women’s interests, institutions and ideas interact with one another in policy
processes. First, this research highlights the important role of trans-national women’s advocacy networks in articulating interests that transcend the domestic context. Though these networks are ‘informal’, they usually include institutional actors, such as women friendly EU policy-makers and formal trans-national organisations, such as the European Women’s Lobby (Hoskyns, 1996, Woodward 2004, Zippel 2004). In exploring the role of these networks, the scholarship on EU gender equality policy challenges the first tenet of inter-governmental accounts, namely, that the nation-state constitutes the primary arena of interest formation in the EU.

A second tenet of intergovernmental accounts challenged by the scholarship on gender equality policy in the EU is the centrality that those accounts give to national governments in political decision-making in this arena. Contrary to that view, a number of scholars see the evolution of gender equality policy as providing a case that shows the ability of supranational institutions to perform autonomous action, sometimes against the preferences of member states. The basic idea here is that, once member states delegate some functions to supranational institutions, they effectively surrender some control over decision-making outcomes. This is because supra-national institutions eventually develop their own identity and interests, which they will defend by trying to maximise their influence on policy processes (Pollack 1997).

One illustration is provided by the capacity of the Commission to structure its own policy environment in relation to women’s rights and gender equality by way of creating, organising and mobilising an interest group constituency comprised of expert networks and trans-national organisations. In allying with women’s interests, the Commission has sought to increase its own competencies as an EU executive body, as well as generating support for its own actions. At the same time, partnership alliances between the Commission and trans-national women’s advocacy groups have provided the latter with a

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3 One example is the network of experts on gender, social inclusion and employment, which has a remit to provide an assessment from a gender perspective of the annual national reform programmes (previously called national action plans for employment) and the biennial national action plans for social inclusion.

4 The European Women’s Lobby is a trans-national network of European women’s organisations created by the Commission in 1990, with a view to establishing a permanent representation of European women’s interests at the EU level, that would assist in the policy process as well as strengthen the legitimacy of the Commission actions.
favourable political opportunity structure to further their demands by influencing EU policy-making (Pollack 1997; Mazey 1995, 1998, 2002; Pollack and Hafner-Burton 2000). Another illustration of the ability of supranational institutions to act autonomously is provided by the Commission’s skilful interpretation of Treaty provisions in its attempts to circumvent the British veto on a variety of social directives during the 1980s. This has been done by carefully choosing the legal basis of those directives (such as the pregnancy and maternity directive of 1992) with the aim to ensure that these were successfully enacted (Hoskyns 1996, Ellina 2003, van der Vleuten 2007).

In explaining the development of gender equality policy in the EU, these studies portray the EU as being ‘something more’ than a mere collection of nation-states – though what exactly this ‘something more’ amounts to has been the subject of important disagreements among scholars in the field. The source of dispute concerns the relative power that each of those different actors and institutions actually possess. Thus, many of these scholars are of the view that power, far from being equally shared, is very much concentrated in the hands of member states, as these continue to be the central actors in EU decision-making. This is not taken benignly; it is precisely the prominence of member state governments which, according to some of these observers, explains the narrow scope of gender equality policy – heavily oriented towards market concerns – and which poses significant limitations to its future expansion (Mazey 1995, 1998; Ostner and Lewis 1995; Rossilli 1997, 2000; Stratigaki 2004, 2005; Young 2000). In the words of one of these authors:

Finally, in evaluating EC action, we must take into account the obstacles inherent in its institutions, as well as the non-democratic and inter-governmental character of its legislative power concentrated within the Council of Ministers and thus particularly inaccessible to women’s claims. Hence, legislative proposals of the European Commission have been amended for the worse or blocked within the Council of Ministers, which before the Maastricht Treaty could adopt measures in this matter only by unanimity (Rossilli, 1997: 65)

However, while member states have blocked or heavily amended initiatives in favour of women’s interests in the past, at other times they seem to have facilitated progress in this
regard by actively supporting or even initiating action.\textsuperscript{5} This raises a series of questions about the conditions under which member states act to support or obstruct action in favour of women’s interests in the EU; how women’s interests come to be incorporated in the processes of state interest formation; and how these interests fare in the context of EU decision making.

Many of these questions have been taken up in a recent study on the development of gender policies in the EU (van der Vleuten 2007). In this study, the EU is understood as a complex multi-tiered\textsuperscript{6} polity where power is shared between supra-national, national and sub-national actors, with the nation-state accorded a central role. In focusing on a wide range of actors and institutions (including supranational and intergovernmental institutions, trans-national organisations and advocacy networks, national governments and domestic interest groups) the study points to the existence of a multiplicity of sites of women’s substantive representation in the EU, as well as a variety of channels through which such representation might occur.

Having conceived of the EU as a multi-level European-wide polity, the next question to address is how women’s substantive representation can be investigated in this complex system. The following sections explore how existing models for analysing ‘how questions’ in relation to women’s substantive representation in nation-state contexts could inform this investigation, while also identifying their limitations.

\textsuperscript{5} One recent example is the Gender Equality Pact, adopted by the European Council at its summit in March 2006. This was an initiative taken by six member states (Czech Republic, Denmark, Finland, France, Spain and Sweden). It included measures to close gender gaps and fight gender stereotypes in the labour market, promote a better work-life balance and reinforce gender mainstreaming. The initiative was fully supported by trans-national organisations such the European Women’s Lobby and the European Trade Union Confederation.

\textsuperscript{6} Van der Vleuten conceptualises the EU as a multi-tiered, rather than as a multi-level polity since, in her view, the latter ignores hierarchy among the different levels. According to her, the term ‘multi-tiered’ captures the idea that power is unequally distributed between the different levels and the actors operating within them (as the term multi-level would lead us otherwise to assume) with the state level occupying a hierarchically superior position in relation to the other levels. However, while power relations within the EU system need to be recognised and investigated, at this stage of our research we have opted instead for the more accommodating term multi-level polity.
3. Sites of women’s substantive representation in the EU

Once the EU is considered as a multi-level polity endowed with representative structures, the question of how women’s interests are represented in those structures requires investigation. Yet existing research on women and politics in the EU does not provide us with the tools to carry out such an inquiry, since it barely touches on questions of gender and political representation. Thus, while this research has shown that supranational institutions (mainly the Commission) have provided political opportunities to women’s groups for influencing policy, in those studies, this institution is often viewed merely as an ‘opportunistic entrepreneur’, managing women’s interests with the aim of increasing its own competencies and legitimacy in the EU. At the same time, other institutions, such as the European Parliament, have attracted hardly any attention. In one of the very few studies available on women’s representation in the European Parliament, the author noted two features characterising most of this research. The first is a focus on women as an interest group pushing for change through formal political channels, and the second is a tendency to situate women at the periphery of an already established (and often undefined) political space:

What is interesting about much of the work we have reviewed is its relative failure to position women in the centre of the space of Europe. In most cases, women are seen as interpolating themselves (via equality legislation and parallel activism) in an already existing political space, operating as one of the many groups in the multilevel system of the EU (Footitt 2002: 27)

The lack of attention to women’s representation in EU politics becomes all the more remarkable when we take into consideration the relatively high proportion of women representatives in the European Parliament and the ever-increasing degree of institutionalisation of women’s interests through the establishment of a variety of ‘women policy agencies’.

Thus, in setting up a framework for the analysis of women’s substantive representation in this political arena, we need to look beyond this literature. This section critically reviews the empirical literature on women’s substantive representation with a view to examining how it can assist us in the elaboration of an analytical framework for the study of women’s substantive representation in the EU. The discussion is organised around the
three main representative institutions of the EU: the Parliament, the Commission and the Council.

3.1 The European Parliament

The European Parliament is the only EU institution that is directly elected by EU citizens. It consists of ‘representatives of the peoples of the States brought under the Community’ (article 189 TEC). These are elected every five years by direct universal suffrage, through a system of proportional representation. In representing the interests of EU citizens, MEPs are expected to exercise their mandate independently from national interests. It is this feature which gives the European Parliament a supranational character; in contrast to intergovernmental institutions like the Council, representatives sit in trans-national political groupings, rather than in national delegations.

The European Parliament tends to be viewed as a ‘women-friendly’ institution, especially when compared with national parliaments. Interviews with women MEPs carried out in the context of previous research reinforce this view; thus female representatives often describe the European Parliament as a comfortable place for women politicians, emphasising the much weaker predominance of masculine values within the norms and practices of this institution than is the case in most national parliamentary settings, where masculine values tend to be deeply entrenched. As a French MEP noted in one of those interviews: ‘I think that this parliament provides the least misogynistic surroundings that I have ever experienced during my time in politics’ (quoted in Freedman 2002: 184). In general, all of these studies identify a number of features that render the European Parliament a favourable arena for the representation of women’s interests in Europe when compared to national parliaments (Vallance and Davies 1986; Vallance 1988; Freedman 2002; Footitt 2003).

However, there are differences across member states in the method of proportional representation that is used.

Political groups are comprised of European political parties, informal political blocks and independents.
The first feature is that, since 1979, the European Parliament has consistently had a significantly higher proportion of female representatives than most national parliaments in member states. Research on women’s substantive representation hypotheses that the presence of women’s representatives is more likely to have an impact on the representation of women’s interests when the proportion of women in parliamentary assemblies reaches a certain point (Dahlerup 1988; Thomas 1994, Mateo-Diaz 2005). Informed by ‘critical mass’ theory (Kanter 1977), this hypothesis is based on the idea that, when women represent a small minority in an institutional environment that is dominated by masculine norms and values, their behaviour is likely to be rather similar to that of their male colleagues, since the pressure to conform to those norms and values will be too great to counteract. However, once the proportion of women reaches a certain point, those pressures are more easily overcome and, therefore, the likelihood that women will exert an impact on both legislative activity and legislative outcomes will accordingly increase. Although critical mass theory has become the target of increasing criticism – among other things for its failure to take other factors into account– the idea that a relatively high proportion of women representatives constitutes an important channel for the substantive representation of women continues to be widely endorsed.

A second favourable feature of the European Parliament is, as we have seen, a weak entrenchment of long-established masculine values in institutional norms and practices. The scholarship of women’s substantive representation posits that the capacity of women’s representatives to advance women’s interests is likely to be seriously constrained when the norms and practices of representative institutions are strongly male-biased, as this will leave women with very little room to manoeuvre (Lovenduski 2005). According to both Vallance and Davies (1986) and Footitt (2002) because the European Parliament has a relatively short history when compared to most national parliaments, it

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9 This marks the year when direct elections to the European Parliament were introduced for the first time. Before that, MEPs were delegates from national parliaments and the proportion of women representatives was very small. Thus, for example, immediately before the first election in 1979 this proportion amounted to a mere 5.5 per cent (Vallance 1988). Today, women make up 31 per cent of representatives in this institution.

10 In the EU-27 of today, the proportion of women representatives in national parliaments is higher than that of the European parliament in seven member states only: Sweden (47 per cent), Denmark (39 per cent) Finland (38 per cent), Netherlands (38 per cent), Spain (36 per cent) and Belgium (36 per cent).
is unencumbered by the long-established traditions of those old political institutions, which have been constructed by males and for males. Thus, the ‘newness’ of European Parliament makes it quite a distinctive institution in this respect.

A third favourable feature is that women in the European Parliament enjoy a relatively high level of institutional power. Evidence of this fact is provided by the presence of women MEPs in high-ranking positions in committees\textsuperscript{11}. In addition, it has been noted that the European Parliament provides a favourable environment for the formation of women’s cross-party coalitions and solidarity ties. This has been confirmed in a variety of interviews with women’s MEPs: ‘[T]here is more solidarity between women. Women who aren’t from my own group encouraged me to stay and work on the legal affairs committee with them’ (quoted in Freedman 2002: 185). One reason often put forward to explain why this institution provides a propitious environment for women to form alliances, is that the European Parliament lacks the adversarial style of politics that characterises national parliaments, which are marked by a government-opposition dynamic. Since such dynamic is absent in the European Parliament, the style of politics is more consensual, facilitating dialogue and the building of partnerships across members of different party groupings.

Finally, the Committee on Women’s Rights and Gender Equality, in operation since 1984, has provided an institutional channel for the incorporation of women’s demands within the activities of European Parliament and a focus for pressure by women MEPs. Furthermore, because the European Parliament is quite an ‘open’ institution as far as interest group access is concerned, members of this committee maintain regular contact with women’s trans-national organisations, jointly cooperating in the articulation of women’s interests. Though the Committee on Women’s Rights is considered to have a ‘low profile’ status among other committees, and though its existence has been questioned on numerous occasions (Freedman 2002) research on women in the European Parliament emphasises its potential to enhance women’s substantive representation in the

\textsuperscript{11} Women hold vice-chair positions in sixteen out of the twenty committees currently operating in the European parliament.
EU, because of its role in providing a channel for the incorporation of women’s interests in EU policy processes.

According to previous studies, these favourable features make the European Parliament an interesting arena for an analysis of women’s substantive representation. However, the European Parliament is also very different from national parliaments in a number of key respects, and this puts important constraints on the kinds of questions that may be asked, and the way in which those questions may be operationalised, in research on women’s substantive representation in this arena.

One distinctive characteristic of the European Parliament is that it does not have powers to initiate legislation, a function that is reserved almost exclusively for the European Commission. Although the Parliament may formally request the Commission to initiate legislative action on a particular matter, and though the Parliament may be consulted during the drafting process, it is up to the Commission to decide whether or not to initiate action and also how the legislative proposal is ultimately to be formulated and framed. A second distinctive characteristic of the European Parliament is that its decision-making powers are jointly shared with the Council. In practice, this implies that any piece of legislation will not be enacted unless it is approved by a qualified majority in the Council. Furthermore, the co-decision procedure is relatively new, as it was introduced with the Maastricht Treaty (1992). Though it now covers a significant range of policy areas falling under the competence of the EU, there are still some gender-relevant areas which fall outside its scope. Hence, on these areas, the European Parliament can only issue an opinion.¹²

In designing research on women’s substantive representation in the European Parliament, these characteristics will need to be taken into account. Research on women’s substantive representation in national parliaments primarily focuses on questions such as the following:

¹² These include, for example: asylum and immigration; police and judicial cooperation in criminal matters; discrimination on the grounds of sex, race or ethnic origin, religion or political conviction, disability, age or sexual orientation; tax provisions; economic policy; agriculture and transport.
Do women representatives have interests that are distinct from the interests of male representatives?

Do women representatives act on behalf of those interests?

What is the impact of women representatives on legislation and policy?

Under what conditions does women’s substantive representation occur?

The first question is usually addressed through qualitative analyses of data collected from interviews of the perceptions and attitudes of women representatives, including their level of gender awareness, recognition of women’s interests, perceptions of their own role as politicians, and motivation to act on behalf of women’s interests. One limitation of this research, however, is that it can tell us little about women’s substantive representation (understood in terms of ‘acting’ on behalf of women’s interests) as attitudes and perceptions do not necessarily translate into behaviour (Childs and Krook 2006a; Childs, 2006).

The second question analyses women’s parliamentary activities, to explore the extent to which women representatives act on behalf of women’s interests. This can be revealed through interviews, where women representatives provide self-reports of their activities, or else through an analysis of official records such as reports, transcripts of Committee speeches and plenary debates, and voting records. In addressing this question, ‘women’s substantive representation’ is understood in terms of whether women representatives articulate women’s interests, perspectives, and concerns in their political activities. One limitation of this research is that it tells us little about the factors that hamper or facilitate women’s substantive representation.

The third question focuses on policy outputs, examining the effectiveness of women representatives in incorporating women’s interests in the content of legislation. This research is particularly interested in the capacity of women representatives to effect policy change in favour of women. One advantage of this research is that it allows for an examination not only of what women representatives do but also of the institutional and political factors that shape the impact of women in office (Reingold 2006).

13 Childs (2006) and Childs and Withey (2006) make a distinction between the feminisation of the political agenda and the feminisation of legislation.
The fourth question is similar to the third except in one important respect. Unlike questions 1-3, it does not make any assumption about the sex of representatives who may ‘act on behalf of women’s interests’, but rather leaves it open to investigation, allowing for the possibility that men representatives may play an important role in advancing women’s interests in policy.

However, since legislative processes in the EU are not confined to the European Parliament, it is difficult to see how research questions concerning the impact of women MEPs on EU policy outcomes, as well as questions concerning the conditions under which policy change on behalf of women is enacted (‘how’ questions) could be addressed in a study that focuses exclusively on the European Parliament. Furthermore, a research project on women’s substantive representation in the EU that is focused exclusively on the European Parliament will not address questions concerning the political arenas in which women’s substantive representation is more likely to take place (‘where’ questions).

Previous research on women in the European Parliament provides an illustration of these limitations. The two main studies available on this subject are Foottit (2003) and Vallance and Davies (1986). Foottit examined the languages and narratives used by women’s MEPs in relation to their role as politicians in the European space, their definitions of citizenship, and their visions of Europe, seeking to ascertain the extent to which these narratives are gendered and how they are contributing to the engendering of EU democracy. In her study, ‘engendering democracy’ is understood neither in terms of women’s presence in political office, nor in terms of the difference they make by gendering the political agenda and the content of policies, but rather in terms of their contribution to political processes by way of gendering the languages of politics. This research was mainly carried out through interviews with women MEPs, although this material was complemented by an analysis of transcripts of parliamentary speeches, with the intention of exploring whether the languages of women MEPs differed from that of their male colleagues.
On the other hand, Vallance and Davies’ study provided a portrayal of women in the European Parliament – their personal, professional and political backgrounds – as well as analysing how these women perceive themselves as politicians and their attitudes towards women’s issues. Although this study specifically raises the question of whether women MEPs make an impact on EU policy, this question is not systematically addressed in their study and it is only very briefly discussed at the very end\(^\text{14}\), where it is argued that the research findings lend some plausibility to the hypothesis that women MEPs have probably made some difference to EU policy, by bringing different experiences and concerns to European politics and by supporting legislation in favour of women. However, the study does not provide any firm evidence either for or against this hypothesis.

Hence, the question of whether the European Parliament constitutes an interesting arena for the study of women’s substantive representation in the EU will very much depend on the objectives of the research and how ‘women’s substantive representation’ is operationally defined. At any rate, any research that is concerned with the question of how women’s interests are incorporated into EU political deliberation and policy, will also need to consider the other two representative institutions of the EU, namely the Commission and the Council.

3.2 The European Commission

The other supranational institution is the European Commission. Unlike the European Parliament, it is an appointed\(^\text{15}\) rather than an elected body, and its composition is not tied to the results of European elections. The Commission represents the interests of the EU as a whole. In fulfilling this function, it is intended to be a ‘neutral’ body, acting independently both from member states’ interests and also from partisan interests. As indicated above, it is the only EU institution endowed with the right to initiate legislation,

\(^{14}\) See also Vallance (1988)

\(^{15}\) The members of the Commission (Commissioners and President) are nominated by the Council, although the nominees have to receive the approval of the European Parliament.
although it has some executive\textsuperscript{16} and managing\textsuperscript{17} powers as well. In fulfilling this legislative function, the Commission acts a service provider to both the Parliament and the Council by providing the technical expertise that is needed to translate broad ‘European interests’ into specific priorities and objectives and also by mediating between the interests of the Parliament and the Member States during the legislative process. Though the Commission plays a central role as an agenda-setter, it does not carry out this function alone, but in close consultation with the other EU institutions\textsuperscript{18} and with trans-national interest organisations\textsuperscript{19}.

Despite the limited powers of the Commission, especially when compared to those enjoyed by national government executives, it has an influential role in decision-making processes in the EU, including matters pertaining to gender equality. The activities of the Commission in advancing gender equality have been greatly facilitated by the establishment of a variety of women policy agencies analogous to those that have been set up in member states. The similarities between state feminist agencies and those set up at the supranational level has led some to suggest that the these structures mark the emergence of a ‘supra-state feminism’ (Celis et al. 2007). At the centre of these, there is the Equal Opportunities Unit within the Employment and Social Affairs Directorate, in operation since 1976 and responsible for the formulation and implementation of EU equal opportunities policy. This Unit is supported by a variety of bodies located both inside and outside the Commission, including: the (newly-created) European Gender Institute; the Group of Commissioners on Fundamental Rights, Non-discrimination and Equal Opportunities; the Advisory Committee on Equal Opportunities for Women and Men, and the Inter-Service Group on Gender Equality.

\textsuperscript{16} While implementation of EU legislation ultimately rests with the member states, the Commission plays an important supervisory role, as well as laying down the guidelines that member states must follow in implementing this legislation.

\textsuperscript{17} Thus, the Commission has responsibilities for managing the EU budget.

\textsuperscript{18} These include formal consultative bodies such as the Committee of Regions and the Economic and Social Committee.

\textsuperscript{19} Such as, for example, the European Trade Union Confederation and the European Women’s Lobby.
According to state feminism research, these structures can, under certain conditions, enhance women’s substantive representation by providing effective linkages between women’s movement activism and state responses to women movement’s goals. Broadly speaking, this research posits that state responses to women’s interests depend on the effectiveness of women policy agencies to represent those interests. In ascertaining their degree of effectiveness, the research examines both the characteristics and the activities of these agencies. On the other hand, the research posits that the impact of women policy agencies on women’s substantive representation will further be shaped by the characteristics of the women’s movement and the features of the wider policy environment (Stetson and Mazur 1995, Mazur 2002, 2005; Lovenduski 2005a). This research proceeds, first, by pre-selecting a set of policy debates in relation to a particular issue. In selecting these debates two criteria are employed: a) the issue must be of relevance to feminist concerns and b) the debates must have resulted in a decision or any other policy ‘output’. Second, this research identifies the women’s policy agencies that play the most important role in relation to the issue under investigation. Third, the research traces the debate, examining the role played by those agencies while also paying close attention to the characteristics of these agencies, the women’s movement, and the policy environment.

This framework, however, has never been used in an investigation of the impact of women policy agencies operating within the EU. First of all, such a study would need to establish that the hypotheses informing state feminism research are still plausible when we shift our attention from women’s policy agencies operating within nation-states to those operating within the EU. Secondly, the main question of state feminism research – ‘to what extent and under what circumstances do women’s policy agencies provide effective linkages between the goals of the women’s movement and state responses to those goals?’ – would need to be revised. The reason for this is that, at this level, there is not a homogeneous unit such as ‘the state’ to investigate but, as we have already seen, a

20 The characteristics of women policy agencies are described in terms of mandate, scope, orientation, administrative capacity, type, proximity and leadership. The activities of women policy agencies are classified according to whether they advocate women’s movement goals in the policy-process and whether they are effective in changing the policy frame to these terms.

21 These include stage of development, closeness to political left, priorities and cohesion.
heterogeneous entity, made up of a multiplicity of units, which are far from forming an easily identifiable ‘whole’ – i.e., a supra-state. Nonetheless, provided that we assume that the main hypotheses of state feminism research are applicable to the EU level, one formulation of the question would look as follows: ‘To what extent and under what circumstances do women’s policy agencies operating at the EU level provide effective linkages between the goals of women’s trans-national advocacy networks and the responses of the EU to those goals?’ Addressing this question would require some adjustments to the main dependent variable (state responses to women’s movement actors) while the intervening and independent variables (the characteristics and activities of women’s policy agencies, plus the characteristics of the women’s movement and of the policy context) could be kept unchanged. Third, given that state feminism research selects debates that resulted in a decision or other kind of policy ‘output’, the task involved in tracing those debates from the time they reach the EU policy agenda to their end point would require an examination of the positions and activities of member state governments represented in the Council, and how women policy agencies within the EU acted to influence those positions during the process. However, because records of Council activities are not easily available to the public\textsuperscript{22}, undertaking this research presents a number of serious methodological problems. In addition, given the large size of EU membership today, a selection of member states would have to be carried out for each issue being investigated.

\textbf{The Council}

The Council is the body where the interests of the different member states governments are represented in the EU. It is composed of representatives of each member state at the ministerial level. Therefore, as opposed to the Parliament and the Commission, it is an inter-governmental, rather than a supra-national institution. However, in many areas of EU policy, decision-making in the Council proceeds by qualified majority rather than by unanimity, as it would be in a strictly inter-governmental institution. A key body within the Council is the COREPER (Committee of Permanent Representatives). Its function is

\textsuperscript{22}Council’s deliberations on issues that fall under the co-decision procedure are public. Equally, details of Council voting results can also be obtained through their website.
to study the technical aspects of a proposal submitted by the Commission, and to secure political agreement of the different member states.\textsuperscript{23} Since each member state is allocated a number of votes according to its population size, decision-making power within the Council is not equally distributed, as it would be in a ‘one country, one vote’ procedure. This gives the bigger member states – Germany, United Kingdom, Italy and France – a considerable amount of decision-making power within this institution.\textsuperscript{24}

The Council is considered to be the least gender-friendly institution of the EU system. This perception is supported by numerous examples in the history of the development of gender equality policy in the EU, where the Council blocked or else heavily amended proposals. The perception that the Council constitutes a barrier to the advancement of women’s interests in the EU is also informed by feminist concerns about the willingness of member states to represent women’s interests in an intergovernmental arena.

Feminist thinking on gender and the state has been traditionally suspicious of the capacity of the state to represent women’s interests, as it is viewed as a locus of male power which reflects, perpetuates and upholds women’s subordination in society (McKinnon 1989). In recent years, the view of the state as an inherently patriarchal ‘entity’ that strives to defend its own masculine interests has been challenged by state feminism research. Contrary to the monolithic idea of the state, this research emphasises the plurality and heterogeneity of state discourse and institutions, some of which can effectively act to enhance women’s substantive representation by engaging feminist activism in state policy making (Stetson and Mazur 1995; Chappel 2000). Nonetheless, according to some scholars, a distinction needs to be made between what goes on inside the state (where, under certain conditions the state might provide a channel for women’s interests to effect policy change) and what goes on outside it, in the context of inter-governmental decision-making. This is because, within the inter-governmental arena, each state is required to

\textsuperscript{23} Once in the hands of COREPER a proposal is not submitted to Council vote until it achieves a sufficient level of consensus. This means that, on many occasions, the voting procedure is merely symbolic, as the outcome of the vote has been decided in advance. In other cases, if a decision has been reached by consensus, there is no vote (Gargarella 2000).

\textsuperscript{24} Nonetheless, for a proposal to be approved it must be backed by a majority of member states and the states supporting the proposal must represent at least 22 per cent of the EU population.
deliver a single ‘national’ position, which is likely to be shaped by the most influential/powerful interests in society (which will be most likely ‘male’). In this context, it is plausible to conclude that women’s interests will become marginal, even in the case of member-states with a reputation of being especially women-friendly, such as the Scandinavian countries (Kronsell 2005).

Secondly, critics have claimed that intergovernmental deliberation in the Council takes place mostly amongst men and in an arena that is especially inaccessible to trans-national women’s groups (Rossilli 1997). These features can place serious obstacles to the possibility that the initial state interests will be transformed during the deliberative processes following a particular proposal that is aimed to enhance women’s rights and gender equality in the EU.

Such negative assessments about the potential of the Council to represent women’s interests has rendered this institution one of the least researched within the corpus of scholarship on women and politics in the EU. Nonetheless, a recent study by Van der Vleuten (2007) constitutes an exception to this rule. Her study examines the development of gender equality policy in the EU since the Treaty of Rome, with the objective of eliciting the conditions under which member states have approved, even against their own interests, Commission proposals on gender equality which proved to be ‘costly’ to member states either in economic, political or ideological terms. During negotiations the state confronts its preferences with that of other member states and with relevant supranational actors and trans-national organisations. The study posits that this will happen when a number conditions are fulfilled: a) the power position of the state vis-à-vis other member states; for example if the state was not able to form a blocking majority coalition it will be forced to adopt the policy against its interests b) the intensity of state preferences; c) the attractiveness of the proposal in terms of its scope – i.e., whether it is a far-reaching package, with other elements that the state perceives as beneficial c) a no-decision is more costly than a decision, given that the existing status quo is perceived as unattractive e) the state is ‘sandwiched’ by simultaneous pressure by sub-national and supranational actors (van der Vleuten 2005; 2007).
In this study, politics in the EU multi-level polity is regarded as a power-struggle process where a wide variety of self-interested actors compete against each other to pursue their own interests. Moreover, these interests are established in advance, before the process of negotiation and bargaining begins. During this process, the original interests of an actor may be accommodated according to a strategic calculus where the relative costs and benefits of such a change are waged. One of the problems of this theoretical framework in an analysis of decision-making in the EU is that it leaves no room for alternative explanations to ‘preference-maximisation’, for why a member-state might end up agreeing on a proposal which apparently runs counter its own original interests. Thus, it does not allow for the possibility that the original interests of EU actors may be transformed in an inclusive deliberative process that seeks to solve shared problems and to achieve common goals (Eriksen and Fossum 2000). More broadly, many aspects of such a ‘mutual advantage’ view of EU politics are implicitly shared by other studies on women and politics in the EU. Thus, in many of those accounts women’s interests are conceived in very similar terms to those of other interest groups in the EU – a group striving to gain power and influence through a variety of channels, with a view to pursuing their own interests. Yet, these accounts leave other dimensions of women’s interest representation untouched. One advantage in considering the EU as a political arena with a strong deliberative imprint is that it opens up a new set of research questions in the field of women and politics to be explored empirically. How do women’s interests interact with other interests in EU decision making? To what extent and under which conditions do women’s interests play a transformative role in those decision-making processes (i.e., when other interests are transformed as a result)? What are the main obstacles? How are in turn, women’s interests transformed during those deliberative processes?

4. Operationalising ‘Women’s Interests’ in the EU

Studies on women’s substantive representation presuppose the existence of a distinct set of interests that can be assigned to women as a group. One of the main criticisms of this
assumption is that, in tying interests to sex, it reduces all women to a common essence. As a consequence, it cannot account for the possibility that women’s interests might also be shaped by class, ethnic origin, race, nationality, cultural background, sexual orientation and so on. In addition, critics point out that essentialists understanding of women’s interests cannot account for the possibility that women’s interests might change over time.

In response to the charges of essentialism, feminist scholars have incorporated a distinction between sex and gender to the discussion on women’s interests, claiming that interests are gendered rather than being differentiated by sex.

Most contemporary theorists will shy away from the implications of an essential female subject, or an authentic black subject, that can be represented by any one of its kind; far more dominant today is the notion of multiple identities or multiple ‘subject positions’ each of which is subject to political transformation and change (Phillips 1996: 142).

In trying to account for interest diversity, some scholars have argued that what distinguishes women as a collective group is not a set of fixed interests, but particular experiences and perspectives which stem from women’s position in a gendered society which has been historically dominated by the male norm. 25 On the other hand, scholars have argued that the interests of women as a group are undetermined and, therefore, not ‘given’ or ‘known’ before the process of representation begins.26 Women’s interests are rather articulated through a process of group deliberation that is not external to the process of representation itself, but rather constitutive of it (Phillips 1995; Mansbridge 1999; Young 2000; Weldon 2002). These elaborations on the notion of ‘women’s interests’ avoid the essentialist implications that all women share the same set of interests, while still maintaining that there are differences in interests between women

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25 With regard to these issues, the work of Iris Young (2000) has been especially influential. In Young’s account, what distinguishes social groups from each other are not interests or opinions, but different social perspectives arising from experiences which are tied to the position that members of the group occupy within structural relations of privilege and disadvantage in society. Unlike interests, a social perspective does not contain any specific content; it rather determines the set of questions, kinds of experience, and assumptions with which deliberation begins, rather than the conclusions to be drawn (2000: 136-137).

26 This applies to all social groups which have been historically silenced and marginalised. As a result of such history of marginalisation, the interests of these groups are uncrystallised (Mansbridge 1999, Young 2000)
and men (Phillips 1995: 145). In addition, the sex/gender distinction makes room for the possibility that women’s interests may be subject to change over time.

Nonetheless, once diversity and change are acknowledged, there is a question of how to operationalise women’s interests. In a review of the literature, Celis (2005) identified two broad strategies for providing operational definitions of women’s interests that are most often pursued in empirical research on women’s substantive representation. The first strategy consists in carrying out a thematic selection of what counts as ‘women’s interests’. This is usually done by way of: a) selecting in advance a number of policy themes or issues that are directly relevant to women’s lives, or that are included among traditional feminist concerns (e.g., electoral quotas, domestic violence, carers leave, equal pay etc.) or b) selecting themes from the current agendas of the women’s movement.

The second strategy consists in constructing a formal definition of ‘women’s interests’, avoiding any reference to their specific content, so that the question of what those interests are is left open for investigation. Because in this strategy ‘women’s interests’ are viewed as something that has to be found out empirically in advance, it thus introduces an extra step in the research prior to the selection of themes. Thus, for example, within the framework of research on state feminism (RNGS project) a policy is understood to incorporate women’s interests if it puts forward at least three of the five following ideas (Mazur 2002):

- the improvement of women’s rights, status, or situation to bring them in line with men’s, however rights, status and situation are culturally defined within a given context;
- the reduction or elimination of gender-based hierarchies or patriarchy;
- a focus on both the public and private spheres or an approach that avoids distinctions between the public and the private;
- a focus on both women and men;
- ideas that can be readily associated with a recognised feminist group, movement or individual actor in a particular context.

Another formal definition can be found in Wangnerud (2000), according to which women’s interests have to contain three elements:
- the recognition of women as a social category;
- the recognition of a power imbalance between women and men;
- the wish to implement a policy that increases the autonomy of female citizens.

According to Celis, an advantage of the second strategy over the first one is that it incorporates the main insights provided by theoretical thinking on women’s interests: a) that there is not a fixed set of ‘women’s interests’ that could be assigned to all women as a group, b) that these interests are variable over time and c) that these are not fixed in advance, but are rather articulated through a process of collective deliberation.

However, the use of both of these strategies for operationalising women’s interests presents a number of difficulties for a study of women’s substantive representation in the EU. First, if we carry out a selection of issues related to traditional ‘women’s concerns’, this will require a careful examination as to how those issues are being framed in EU policy-making. As a number of studies have shown not all ‘women’ or ‘gender equality’ policies in the EU are aimed at enhancing the situation of European women, but are rather primarily aimed towards the attainment of other EU goals (Stratigaki 2005, Daly 2005).

On the other hand, if we opt for a selection of themes in relation to women’s rights and gender equality that are on the agenda of trans-national actors operating at the EU level, the question is to what extent such selection would be representative of women’s interests in Europe. First there are studies which have shown how these trans-national networks exclude a variety of strands of the women’s movement in Europe. For example, Hoskyns (1996: 186) noted that the EWL is biased towards the interests of educated and professional women and, hence, it touches only a fraction of women’s activism in the EU. In addition, the EWL agenda has long been confined to employment issues and, while its agenda has been expanding in recent years to include issues such as violence against women, trafficking, and prostitution, in many of these issues it has adopted positions which are highly controversial among the wider feminist community (Outshoorn 2005). Finally, the EWL is not a fully independent trans-national organisation, since it is funded by the European Commission. Because it operates within a specific institutional structure, its mandate is quite narrowly defined. This limits the
range of issues that it can include in the agenda and how those issues are to be framed. Furthermore, as an umbrella organisation advocating for change in EU policy, the EWL excludes a whole range of European women’s grassroots organisations that are not particularly concerned with EWL-related activities, as well as excluding those who lack the resources and expertise to engage in activism at this level (Pudrovksa and Ferree, 2004).

A second possible strategy would be to draw up a definition of women’s interests that lays down formal criteria for their identification, without making any specification with regards to their content. What constitutes ‘women’s interests’ could then be identified through an analysis of debates taking place during the deliberative processes across different EU institutions. In order to pre-empt the possibility that these issues may be geared towards the achievement of different EU goals, we could then compare them with how these are being articulated and framed by women’s trans-national advocacy organisations and other relevant groups.

One problem with this strategy is that it will not capture women’s interests in areas that fall outside traditional women’s and gender issues. However, some of these interests may quite relevant for a study of women’s substantive representation in the EU. One such area is European integration, where women, especially Nordic feminists, have articulated a distinctive collective voice (Bertone 1998). A second problem with this strategy is that it will need to consider different ‘feminisms’ in the EU beyond that articulated by the EWL. For example, the view on European integration articulated by Nordic feminists is one which differs in important respects from the views of feminists activists in Southern member states (Edquist 1995). This example thus provides an excellent illustration of the extent to which feminist articulations of women’s interests in the EU can be quite diverse. Feminisms in the new member states of Central and Eastern Europe will also need to be considered. A recent study by Galligan et al (forthcoming) highlight the extent to which women’s movements in these countries have constructed distinct gendered notions of citizenship, representation, democracy and the private sphere.
5. Future Research

This paper inquired into the scope for applying existing frameworks being utilised in empirical research on women’s substantive representation in liberal democratic states to a study of women’s substantive representation in the multi-level EU polity. It showed how the hybrid nature of the EU, made up of a mixture of intergovernmental and supranational institutions, poses a number of analytical questions which need to be addressed in the design of such a study.

The questions considered in this paper constitute the preliminary steps in a research project on gender and EU democracy. A central objective of this project is to ascertain how the EU, as currently constituted, fosters the representation of women’s interests and gendered perspectives in politics and policy. What aspects of this evolving political arena facilitate women’s representation? What are the main obstacles? This empirical study will serve as the basis to address a series of normative questions about gender and democracy in the EU, assessing the conditions under which gender democracy can be best realised in this multi-tiered polity.

References


