Domesticated actors?
Institutionalizing gender policy in the European Union

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Introduction

In line with developments in gender theory, it is possible to map a move in feminist studies about institutions from a focus on (i) women (sexed bodies) in institutions to (ii) gender (gender relations) and institutions. The notion of gendered institutions highlights how seemingly neutral institutional processes and practices are in fact gendered.¹ This paper seeks to take seriously Meryl Kenny’s (2007) and Fiona Mackay’s (2004) contention that despite developments in gender theory, a lot of research continues to operate with notions of women (sex) rather than gender. The paper thus aims to take the debate on feminist new institutionalism further by exploring what it would mean to analytically apply a Butlerian deconstruction of gender to the study of institutions. Thus, the paper proposes a third analytical move: a focus on (iii) the institutional reproduction of gender. Institutions reproduce particular kinds of gendered subject positions and agents and result in particular performances of gender. The approach invites us to focus on the repetitive performative acts that render unity to gender identity and interests and to institutions. Thus, rather than taking the new institutionalist literature as a starting point, the paper takes gender theory and analysis as its point of departure and to scrutinises how developments in these might be combined with institutional analysis.

These questions are explored in the paper in a very practical context of EU gender policy actors. European level of policy making exhibits an increasingly complex network of gender policy actors. In this paper, I am interested in the complex institutional and discursive relations that produce both the actors and the contexts where they find themselves. The title of the paper – ‘Domesticated actors?’ – signals my interest in exploring to what extent the EU recognizes and promotes particular types actors in gender policy. In particular, the European Women’s Lobby (EWL) has emerged as a powerful women’s organisation, funded by the EU, that is actively engaged in ‘transnational women’s interests’ construction. Through complex institutional relations the EWL thus reproduces gender and gender interests in particular ways.

¹ For feminist studies on gender and institutions see Acker 1990; 1992; Chappell 2003; Kenny 2007;
The first part of the paper outlines the “institutional reproduction of gender” approach and discusses the way that it is applied in the paper. Applications of Butlerian framework of gender most often focus on discourses and use discourse analysis as their method. The analytical parts of this paper, in contrast, foreground institutional analysis. Accordingly, the second part of the paper focuses on the ways in which the EU – the Commission in particular – has been actively engaged in the construction of a European civil society and actors in gender policy. The third part analyses how a unified category of “women” is foregrounded by the gender policy actors and the consequent difficulties that these actors have had in dealing with diversity. The fourth part looks into the institutionalised co-operation between the gender policy actors and how this reinforces hegemonic constructions of gender. Finally, the paper looks into changing patterns of governance in the EU, where the new soft law measures are resulting in bureaucratic as opposed to democratic and participatory forms of engagement with the policy process. This further favours certain types of powerful lobbies.

The institutional reproduction of gender

The aim of this section is to look at the three approaches (i) women in institutions, (ii) gender and institutions, and (iii) reproduction of gender through institutions in more detail by focusing on the notions of gender, power and institutions that underpin them. The first approach ‘women in institutions’ is underpinned by a notion of women as stable and coherent subjects. Women form a unified category and have pre-given interests that can be represented in institutions. The approach also draws upon a notion of power: power over and power as possessed. Institutions are easily identifiable locations of power. Research that draws upon this approach has illustrated that women are excluded from power, have less power or different kind of power than men.

The second approach, gendered structures, uses the notion of gender as opposed to women. Gender is not a variable but rather an analytical category where gender is a social construct whilst biological sex remains given (Scott 1999). The focus shifts

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2 This is an approach developed in more detail in a book that I’m writing together with Judith Squires Gender and Political Analysis (under contract with Palgrave Macmillan).
from women’s presence in and exclusion from different institutions to understanding the gendered structures of these institutions and to transforming them. Definitions of power are not unidirectional as above but multifaceted and the interest is in studying gendered power relations. The focus shifts from women’s exclusion from institutions to understanding the gendered structures of these institutions and to transforming them (Kantola 2007). It is not just institutions that construct gender but gender also constitutes these institutions. This calls for a focus on the complex relations between gender and institutions and on the processes that continue to reproduce gender hierarchies in institutions. Nevertheless, both gender and institutions remain stable categories that can be studied as meaningful wholes: states can for example be gendered in particular ways and mean certain gendered things for women.

The third approach, the reproduction of gender, draws upon the work of Judith Butler (1990), who argues that gender is performative. From this analytic framework the ‘unity’ of gender is the effect of regulatory practices that seek to render gender identity uniform through compulsory heterosexuality. The insight that gender reality is created through sustained social performances means that the very notions of an essential sex and a true gender identity are constituted as part of the strategy that conceals gender’s performative character. In terms of the identity of women and men, this means that there is no gender identity behind the expressions of gender. Feminist analysis therefore takes the form of understanding how the category of ‘women’ is produced and restrained by the very structures of power through which emancipation is sought (Butler 1990: 2).

This approach is underpinned by a Foucauldian understanding of power where power is exercised rather than possessed (Foucault 1980). It operates by structuring the field of choices, decisions, and practices. This departs from the notion of power underpinning the women and institutions approach. Instead of being repressive, power is productive in that power relations constitute subjects. Control and dominance work more successfully by creating certain possibilities rather than simply by denying others (Sawicki 1991). The question of how power operates becomes more important than the question ‘who has power?’ Whether power operates in a progressive or reactionary way depends on its form, the terrain on which it operates, and on the
nature of those exercising and subject to power within a given social and historical moment (Cooper 1994: 452, Sawicki 1991).

Institutions are this kind of structure, both in the traditional (narrow) and new institutional (broad) sense. Institutions embody power relations by privileging certain courses of action over others and by including certain actors and excluding others (Hall and Taylor 1996: 940-1). Different institutions express disparate and, at times, contradictory interests, values and identities (Cooper 1998) and do not necessarily fit together to form a whole or represent functionally desirable solutions (Lowndes 2002: 100). Understanding this requires sensitivity to conflicts between and within institutions. Particularly, the approach challenges the unity and coherence of the institutions. It is through re-enactments that the coherence and continuity of institutions is constituted and sometimes destabilised (Sharma and Gupta 2006: 13). I have previously explored this in relation to the state and argued that the relations between gender and the state cannot be studied in general terms (as with the second analytic approach) but the focus is instead on the construction of gender within specific state discourses and practices (Kantola 2006; 2007).

This highlights the contradictory effects of states for many women. States can have both empowering effects, such as an increased visibility and recognition of women’s work, as well as disempowering effects, such as an increased disciplining of the subjects (Kantola and Dahl 2005: 62).

The first, second and third approaches generate different research questions for gender and politics scholars. Studies on ‘women in institutions’ have traditionally asked: where are the women? ‘Gender and institutions’ approach asks in what way are the structures of political institutions gendered and how this impacts on women’s and men’s lives. Finally, ‘institutional reproduction of gender’ focuses on the gendering effects of institutions. How are gender identities and interests reproduced through

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3 In new institutionalism, institutions can be defined broadly as a ‘stable, recurring pattern of behaviour’ and that institution is a social phenomenon. In addition to formal political structures and organisations, institutions comprise rules, informal structures, norms, beliefs and values, routines and conventions, and ideas about institutions. Unlike formal institutions, informal institutions are not consciously designed nor neatly specified, but are part of habitual action (Goodin 1996; Peters 1999; Lowndes 1996: 182).

4 Laura Shepherd (2007) applies a similar framework to debates on gender and violence and traces the implications of a move from violence against women to gender violence and to violent reproduction of gender. The third approach calls for analyses of violences that are both gendered and gendering.
institutions and to what effect? Notably, I am not suggesting that the analytical approaches are exclusive. Indeed combining the second and third approaches and focusing on gendered and gendering characteristics of institutions can be fruitful and is applied in this paper.

Kate Bedford (2007) employs a similar approach in a study on the gendering processes of the World Bank. She explores the complex institutional location of Bank gender policymakers, who frame gender policy as producing ‘complementary sharing between men and women’. This results in specific subject positions for women and men in target countries (Ecuador in her case), and particular constructions of femininity and masculinity. The institutional pressure to define gender policy through a complementary focus on couples led poor men to become hyper-visible as irresponsible partners, and as the crux of the gender policy problem (Bedford 2007). In turn Bank gender policy was focused on efforts to change them, by encouraging their loving attachment to family and willingness to do domestic labour (Bedford 2007). Her analysis thus illustrates nicely the reproduction of gender through institutions and institutional discourses.

Whilst Bedford focuses on subject positions of individual women and men, I explore the constructions of women’s movement actors, organisations and agencies in the EU. Feminist theory has been concerned not just with individual women’s (and sometimes men’s) agency in gendered societies but possibilities for a collective agency of women’s movements and organisations. In other words, this paper attempts to study the ways in which this collective agency is constructed in the EU. For example Laurel Weldon (2002) argues that women’s collective agency as represented by women’s policy agencies and women’s movements results in more effective representation of women’s concerns than representation through individual female legislators. According to her, ‘women’s interests’ are best defined through collective processes of interest articulation, rather than simply the perspective of a single legislator. However, as this paper illustrates, collective agency requires constructions of common interests that, in turn, depend on particular constructions of ‘women’ and ‘gender’.
The EU as an active creator of a women’s policy network

This section explores the institutionalisation of gender policy actors in the EU and its gendered consequences. By combining the second and third approaches outlined above, I first explore how the Commission and the Parliament have created, sustained and institutionalised certain actors. Notably, the EU-level trajectory is somewhat different from the national level. Within the member states most women’s movements grew autonomously from the state in the 1960s and 1970s. Whilst their autonomy has since been compromised by state funding and amalgamation to state bodies, distinct feminist ways of operating continue to be an important value to women’s movements in a number of countries (Kantola 2006). In the EU, the official institutions, such as the Commission, have played a key role in the construction of women’s organisations and policy agencies (see also Clavero and Galligan 2007: 6). The role of the European Commission in the construction of the European civil society in general is widely recognised in academic research on the topic (Greenwood 1997; 2004). This section explores its consequences to gender policy actors. I will first focus on NGOs and then on women’s policy agencies.

Broadly speaking NGOs at the EU level can be divided into three categories on the basis of the ways they first appeared on the EU agenda. First, large national or even international NGO organizations have opened a Brussels offices. Most of the groups established between 1950 and 1980 were trade unions and had little involvement with women’s issues (Cichowski 2007: 177). Second, networks were either created or moved to Brussels because they realized the increased importance of the EU and needed to find ways to influence EU affairs. For example the feminist network Women in Development Europe (WIDE) was initially based in Dublin but in 1993 moved its office to Brussels, so that it could more effectively carry out its lobbying and advocacy work within the EU (Moghadam 2000: 69).

Third, and most important for the purposes of this paper, a number of actors have been set up in the 1990s with help from the Commission including for example the European Women’s Lobby (EWL), Migrants Forum and the Platform of European Social NGOs. Pauline Cullen (1999) illustrates in relation to the Platform that the
NGOs and the Commission can have differing opinions on which one of them should take merit for the new organization each claiming the merit for themselves.

In any case, the European Commission played a key role in facilitating, regularising, and institutionalising a European ‘NGO structure’. Of the EU decision-making bodies it has both been the most open to lobbying and has also needed the expert information provided by NGOs for a number of different institutional reasons (Mazey and Richardson 1993). First, it lacks the resources for detailed preparation of policies and thus the relatively small number of EU civil servants are happy to listen to expert positions. Second, consultation with civil society actors ‘accords legitimacy to the Commission, whose position as an unelected body formally charged with policy initiation is, at least, ambiguous’ (Bretherton and Sperling 1996, 490; Schmidt 2005, 140). Third, civil society has been an attractive partner also in terms of ‘privatisation of governance’ where civil society acts as a partner in governance, also a service provider.

The European Parliament has well developed contacts with civil society organisations too and it is seen as very receptive to the demands of the NGO sector (Greenwood 1997: 191). It has been more difficult to introduce a structured dialogue with the Council of the European Union. The least open of all the EU Institutions, the Council is also the most powerful. In the minds of the public, NGOs are kept beyond the crowd control barriers during Ministerial meetings. Co-decision procedure has, however, increased bilateral informal negotiations between the Council and the Parliament. Some commentators argue that the Commission finds it difficult to fit into this network (Héritier 2001, 3).

In this context, Commission’s White Paper on European Governance (2001) can be interpreted as the Commission trying to enhance its role in policy-making and implementation (Héritier 2001, 5-6). Whilst the aim of the White Paper was to establish a more systematic dialogue with representatives of regional and local governments through national and European associations at an early stage in shaping policy (Commission of the European Communities 2001, 4), it was heavily criticized for its top-down approach to the civil society: for emphasizing the needs of the Commission and the EU rather than those of the civil society. The institutionalized
relationship promoted by the White Paper where criticized (Greenwood 2004) and it seemed to offer more control than co-operation (Armstrong 2001, 8). Notably the White Paper failed to take account gender and forgot the principle of gender mainstreaming (Shaw 2001: 1).

One of the consequences of the White Paper was the establishment of the Commission’s database for Consultation, the European Commission and Civil Society (CONECCS). The database is an example of the Commission’s attempt to provide better information about its consultation processes, and it also gives indication of the representatives of women’s voices that it recognises. European Women Lawyers Association (EWLA), European Women’s Lobby (EWL), University Women of Europe (UEW), European Men’s Health Forum (EMHF), and Groupe Consultatif ‘Femmes en milieu rural’ are the gender specific NGOs that are listed in the directory. This promotes a very limited view of women’s interests and their representation and this paper illustrates that there is a broader range of actors with views on women’s concerns in the EU.

Nonetheless, the European Women’s Lobby (EWL) has become the main formal organization representing women’s concerns in the EU. It was established in 1990 to ‘exert influence and put pressure on European and national institutions in order to ensure that women’s interests are more adequately defended and represented’ (De Groote 1992: 49). Some scholars emphasize the role of the Commission in establishing the Lobby (Schmidt 2005, 152), whilst others also attribute a role to the national women’s organizations that perceived that European level co-operation was crucial for the advancement of their national agendas (Helfferich and Kolb 2001: 148). Whilst established with Commission funding, the EWL is functionally autonomous from the Commission. Its survival, however, depends on ‘friendly individuals’ in the Parliament and the Commission (Helfferich and Kolb 2001: 148). Its two functions are to inform and raise awareness of women’s organizations about European issues, and to ensure that women’s needs and perspectives become an equal and integral part of European policies.

The consequences of EU funding can be many fold. First, it can impact on the identity of the movement. Myra Max Ferree and Pudrovska found in their comparative study
on US, Europe and Third World based women’s organisations that European organisations avoid the word ‘feminist(s)’. They suggest that this might indicate their efforts to fit into an EU-centred policy-focused discourse rather than embrace a radical social movement identity and discourse (Ferree and Pudrovska 2006: 258). EU institutions tend to prioritise organisations that express opinions and interests similar to their official policy. This can have a negative impact on the plurality of claims as well as promote problem framings that are compatible with the dominant frame used by the EU (Rolandsen Agüstín 2008). In any case, the EWL has chosen to actively cooperate with the EU institutions through different participatory mechanisms. Thus it might be expected to challenge the dominant institutional discourses less than actors who choose not to engage these institutions (Rolandsen Agüstín 2008). Second, a dialogue with and lobbying of the EU change the organisational structures of women’s movements and networks, which have traditionally promoted non-hierarchical network type structures. WIDE (Women in Development Europe), for instance, has had to deal with the tension between having a central office and being a network (Moghadam 2000: 70). Finally, scholars have noted the need to negotiate the tensions between co-optation and marginalisation. For example, WIDE balances between the need to have a good working relationship with EU officials and to be able to express criticism of EU policies (Moghada$m 2000: 70).

As well as focusing on gender policy actors funded by the EU, it is useful to see what it does not fund. For example, the EU provides funds for women’s organisations working on reproductive rights only for developing countries rather than member states (Roth 2007: 469). The ASTRA federation (the Central and Eastern European Women’s Network for Sexual and Reproductive Health and Rights founded in 1992), which seeks to prevent a backlash against reproductive rights in the conservative new member states, ironically had its funding cut after EU accession and faces severe financial difficulties (Roth 2007: 469). A dramatic consequence of EU accession to a number of other women’s organisations in Central and Eastern European Countries (CEEC) has been that international donors withdrew financial support from women’s organisations in the new member states. They assumed that these funds were no longer necessary (Roth 2007: 473). The financial problems were further exacerbated by the NGOs not having the experience, knowledge or human resources to apply for
EU funds. Alternatively they did not meet the requirements of EU donors, for example have sufficient matching funds (Roth 2007: 473).

In addition to promoting a certain type of European civil society, the European Parliament and the Commission have established their own structures for advancing gender policy in the EU. These bodies come close to what are called ‘women’s policy agencies’ in the national level. Women’s policy agencies describe any structure established by government with its main purpose being the betterment of women’s social status (Kantola and Outshoorn 2007, 3). The status of women’s policy agencies as formal and official bodies that are part of the state’s apparatus distinguishes them from other organizations such as the women’s movement (McBride and Mazur 2006: 227). Whilst women’s policy agencies have almost exclusively been studied in the context of nation-states, a closer scrutiny of EU structures reveals their existence in the EU (Woodward and Hubert 2007). Like women’s policy agencies in the nation-states, those in the EU have different characteristics. Features that impact on the efficiency of these agencies include status, location, resources, questions about accountability and relationship to the women’s movement. Notably it is the Parliament and the Commission and not the Council that have established these bodies. The Council has a Social Affairs Council but no gender equality council.

These women’s policy agencies represent institutional channels for women’s representation in the EU (Clavero and Galligan 2007: 12). The Parliament has had a Women’s Rights Committee since 1984. Its role in promoting gender mainstreaming, affirmative action, in combating violence against women and trafficking in women, and enactment of new directives in the 2000s has been widely recognized (Woodward and Hubert 2007, 14; Schmidt 2005, 159). Signalling that its focus on women and gender equality has been considered passé and old fashioned by some EU politicians and bureaucrats, it was threatened with dissolution in 1998 and 2004. The timing coincides with a similar trend in some member states, such as the Netherlands, Austria and Germany, where women’s policy agencies were either dismantled or faced the threat of it (Outshoorn and Kantola 2007). Gender mainstreaming was thought to be enough and no need for gender specific agencies.
The Commission established the Advisory Committee on Equal Opportunities for Men and Women in 1982 (Hoskyns 1996: 125-126). It is comprised of 40 members with 3-year, renewable terms that include representatives of member states’ national equality bodies and, since 1995, the social partners and representatives from the European Women’s Lobby as observers. Although the Advisory Committee has no official decision-making status in European level governance, it is still considered a European level women’s policy agency. It has a political-advisory function in that it assists the Commission in drawing up and implementing its policy on gender equality. It also plays an important role in managing multilevel governance within the EU policy process and in building consensus among a diversity of actors on gender issues (Laatikainen 2001, 83; Stratigaki 2000, 33). One of the first achievements of the Committee was proposal that eventually became the Commission’s First Action Programme on Equal Opportunities (Cichowski 2007, 191-2).

In addition to the Advisory Council, the Commission has established a complex web of women’s policy agencies. These include two units that deal with equal opportunities for women and men within the Employment, Social Affairs and Equal Opportunities Directorate-General (DG). The Commission has also created a number of expert networks, such as the Legal Experts Network that consisted of legal experts from member states’ trade unions, academia and legal profession. Rachel Cichowski (2007, 192) notes that whilst the Commission created this network, the activities of the network have taken a life of their own and have facilitated the expansion of EU law in the field of equal opportunities. This has also been one of the few networks to survive. Whilst the Commission’s Third Action Programme on Equal Opportunities in 1990 established a total of nine networks that covered issues from childcare to positive action in enterprise, the funding of such networks came under scrutiny. In 1995 and in 1998 the ECJ issued a ruling brought by the UK government against the Commission arguing that the Commission had overstepped its competence by funding 86 projects focusing on social exclusion. As a result only the original two networks continued to receive funding (Legal experts and Women in the Labour Market) in the subsequent Fourth Action Programme (Cichowski 2007, 203). The Commission’

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5 the ‘Equal Opportunities for Women and Men: Strategy and Programme’ Unit (established in 1976) and the ‘Equality of treatment between Women and Men: Legal Questions’ Unit (established in 1983).
funding and support proved to be for fixed term only, which illustrates the boundaries that the Court can set for the Commission’s actions.

In addition to these formal bodies, the Commission also has a number of other networks. One example is the High Level Group for Gender Mainstreaming, which is an informal forum for discussion and exchange of information about gender mainstreaming set up by the Commission in 2002. It consists of representatives of member states women’s policy agencies and meets twice a year to support and assist the Commission in identifying relevant policy areas and in preparing the annual report to the Council. It provides one access point to the member states’ women’s policy agencies to EU level policy making.

The aim of this section was to establish the role that the Commission has played in creating European gender policy actors. This represents a different trajectory from national level, where women’s organisations and movements have been created bottom up, by women and for women. It points to the differences between national civil societies and a suprastate or transnational European civil society.

Transnational constructions of ‘women’ and ‘women’s interests’

This section explores the reproduction of gender in the EU gender policy making. More specifically, the focus is on the constructions of a unified category of women and the practical and political challenges that this has represented for diversity. Feminists have long debated the notion of women’s movements (Beckwith 2000; 2007, Ferree, McBride and Mazur 2006). What is a women’s movement and who exactly does it represent? What constitutes women’s needs and concerns that are being represented? Further challenges follow from the growing fragmentation of the women’s movement today. Wiercx and Woodward (2004) identified 90 formal organizations of women working at the European level with an inter- or transnational membership in the beginning of 2000s. These included professional, political, church organizations, and women’s interests groups around the environment, peace and feminism itself.
The importance of these questions is heightened when analysing women’s policy agencies that are often thought to be accountable to women’s movements (Mazur 2002). Which parts of the women’s movement are they accountable to? (Squires 2007) Can they be called ‘women’s policy agencies’? In many European countries their mandate has been extended to gender mainstreaming and some scholars write about gender equality machineries rather than women’s policy agencies (Kantola and Outshoorn 2007: 5-6). Raises interesting questions: should they give a voice to the men’s movement and be held accountable to that too? (Holli and Kantola 2007: 92).

EU represents one site where efforts are made among gender policy actors to build consensus on what constitutes women’s interests. European Women’s Lobby (EWL) is an interesting case study about the process of construction of women and women’s interests. Its key areas of lobbying represent a selection of issues that the members and the delegates have been able to agree upon. The actors themselves argue that effective lobbying in the EU requires the construction of common interests and shared goals, as the Commission prioritises input from umbrella organisations like the EWL (Helfferich and Kolb 2001: 149). This is in turn points to the need to construct a transnational women’s constituency, which is likely to be a challenge in the diverse context of 27 member states. Certain issues such as abortion and prostitution have proved too contentious ‘with many meetings ending with some members walking out of the room’ (Cichowski 2007, 201). These represent issues where gender equality and women’s interests are framed very differently across the member states (see Outshoorn 2004, Verloo 2007). On other issues such as positive action, after years of debate, members have been able to reach agreement and put forth a concrete policy agenda and action plan (Cichowski 2007, 201).

Thus, the interest formation is not an easy process, but once consensus is achieved it is cemented in one of EWL’s policy papers that act as blueprints for lobbying (Interview 15 January 2008). Barbara Helfferich and Felix Kolb (2001, 149-150) identify three factors that shape ‘transnational interest formation’ in the EWL. First,

\footnote{In 2007, the key areas of lobbying were (i) EU gender equality policies and legislation, (ii) women in decision-making, (iii) revision of European treaties/Convention on the future of Europe, (iv) economic and social justice for women, (v) women’s diversity, (vi) women and the enlargement of the EU, (vii) violence against women, (viii) international action for women’s rights/Beijing follow up and (ix) immigration.}

\footnote{This refers to an interview with a board member of the European Women’s Lobby (15 January 2008).}
the EWL has to mediate between differing national conceptions of gender equality. Some of its members, like the National Council of German Women (Deutsche Frauenrat), are centralised and conservative organisations, others, like the Greek women’s organizations, loose and decentralised lobbies. There might also be great variation within specific countries, as for example North vs. South Italy.

Second, the relations between national governments and women’s organizations play a role. For example, the National Council of German Women is funded by the German government, which has prevented the Council from taking positions independent of the government. Other organizations have less funding and more insecurity and problems of efficiency, but have been freer to put forward new and innovative ideas. At times, however, common interest formation on the European level changes the views of national women’s organisations. For example, the National Council of German women changed its views on maternity leave and took common positions advocated by the EWL against its own Conservative government (Helfferich and Kolb 2001: 149-150).

Third, the structures of the national and European organizations that are members of the lobby are very different. Some are individual membership organizations, others umbrella organizations with associations as members. This has resulted in debates about representation and voice in EWL decision-making and ‘transnational interest formation’ where each organization, no matter its size, has one representative (Helfferich and Kolb 2001: 149). The tendency to monopolise women’s voice is often multiplied by the fact that national roof organisations represent member states’ women in the EWL. These roof organizations can themselves be exclusionary. For example Finnish women are represented by NYTKIS,8 which is a roof organization for political women’s organizations and has in the past refused to take ethnic minority women’s organization as its member.

Finally, I would like to add a fourth, very practical factor that shapes EWL’s transnational interest formation. The Commission can through project funding through different programmes shape the activities and priorities of the lobby. For

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example, diversity and the position of ethnic minority and migrant women represent an issue area for which there are currently many funding opportunities in the EU. This partially explains its emergence to the EWL agenda (Interview 15 January 2008). Fixed term project funding can help to raise issue’s profile but it rarely results in long-term sustained equality policy (Brunila 2008).

Transnational interest formation is not enough to ensure policy success. The EU institutions can be more open to some issues than others, which shapes policy success. So for example in the negotiations for the Amsterdam Treaty (1997) the institutional context was favourable. The EWL had a shared goal to extend gender equality provisions beyond its narrow frame of the labour market. But the entry of Sweden and Finland to the Union and the increased powers of the European Parliament created a favourable policy environment. In the national position papers Denmark, Finland and Sweden – along with Greece – urged anti-discrimination provisions into the Treaty. The European Parliament, in turn, was open for lobbying by actors (Helfferich and Kolb 2001: 144-146). On other issues such as the campaign around the Convention the policy-making environment remained closed and hostile. Despite lobbying around a shared interest only two of the 12 members of the Presidium of the Convention were women. The president and the two vice-presidents were men (Gréboval 2004: 8). Here EWL formulations of women’s interests not compatible with the Commission’s or Council’s.

Despite the successful lobbying and interest representation that the EWL ensures on the EU level there have been some downsides to and in its existence. A combination of the EWL attempting to represent diverse interests and the Commission preferring to listen to one centralised voice has resulted in the Commission discouraging women’s groups from operating autonomously from the EWL (Cichowski 2007: 201). This emphasis on the EWL as a formal access point raises questions about whose voice is heard and whose not, which parts of the women’s movement are represented and which not in EU level policy making.

Traditionally, the representation of black and ethnic minority women has been poor in the EWL. Only two women out of 70 that attended its inaugural meeting in September 1990 were ethnic minority women (Hoskyns 1996: 186). The first attempt to address
the concerns of black and ethnic minority women was drafting the report *Confronting the Fortress* in 1993. The report was written by a mixed group of black and white women who worked together uneasily (Hoskyns 1996: 187-8). The report focused on the better involvement of black and ethnic minority women in the EWL and recommended developing more open and democratic structures and taking up the issues of racism and immigration. The report was contentious within the lobby and was adopted with a narrow margin at its General Assembly in 1993 (Hoskyns 1996: 188). The EWL has since sought to address the lack of black and ethnic minority women in its representative structures, but for example its Executive continues to be all-white. The lobby feels that its hands are tied to some extent by the national organisations who elect the representatives to the lobby from within their ranks (Interview 15 January 2008).

Here the lobby’s stance parallels the Commission’s efforts to increase the representation of women in its committees. In considering how to increase the gender balance in its expert groups and committees, the Commission was faced with the problem that whilst it has the formal power of appointment to such groups and committees, nominations for members usually come via the member states. Frequently member states merely pass on to the Commission nominations from the social partners, NGOs and professional bodies. Thus, while the Commission can try and appoint members to expert groups and committees in order to achieve a gender balance, if there is no gender balance among the nominees put forward, the Commission’s ability to appoint members to achieve a gender balance is severely limited.  

The EWL has also been criticised for its slowness in including the women’s organizations from the new member states of Central and Eastern European Countries in the 2000s. Before May 2004 when ten new member states joined the EU, only Hungary and Latvia had established EWL national co-ordinations. The Czech Women’s Union was only an associate member. Some commentators have described EWL’s attitude as ‘cautious’ towards these organizations because of differing views on gender equality (Forest 2006: 179). For women in the East, the EWL’s lack of

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9 European Commission, Communication from the Commission 7 July 2000.
knowledge about women’s situation in the former communist countries was ‘shocking’ and they were disappointed about its lack of action during the accession process (Roth 2007: 472). EWL addressed Eastern enlargement mainly through the dangers of trafficking, migration and prostitution. The first general conference about the enlargement was held only in 2003 and in that year the EWL extended its network to NGOs in the accession countries (Roth 2007: 472). The fact that the lobby promotes the participation of umbrella organizations rather than individual subscriptions may also have delayed co-operation with Eastern NGOs that remained weak and acted separately (Forest 2006: 179).

Currently promoting diversity and tackling multiple discriminations are high on the Commission’s agenda.\(^\text{10}\) The legal basis for this development is found from Article 13 EC (Amsterdam Treaty 1997) that identifies six key strands as requiring measures to combat discrimination: sex, racial and ethnic origin, disability, age, religion and sexual orientation. Two new directives were swiftly enacted in the 2000s and need to be transposed to the member states legislation. Diversity poses particular challenges to gender theory, gender policies and gender equality legislation. It highlights that it is not enough to focus gender equality or gender based discrimination but one needs to understand and study inequalities and discriminations in plural. In other words, discrimination and inequality are shaped in fundamental ways not only by gender but, for example, by race, ethnicity, class, sexuality and disability. Feminist theory has tackled this question with the concept of intersectionality that stresses the importance of the intersecting hierarchies of various prohibited grounds of discrimination (Crenshaw 1998; Weldon 2007; Yuval-Davis 2006). In this way both the EU policies on diversity and feminist theories of intersectionality seem to be pointing to the same direction.

However, there is a significant gap between theory and practice and for example, the EWL has been split on the issue (Interview 15 January 2008). Lise Rolandsen Agustín (2008) has studied its response to the Commission’s ‘Green Paper on on equality and non-discrimination in an enlarged Europe’ (2004). The EWL argued that an integrated

approach to equality and diversity results in decrease in the allocation of funding and resources to women’s organisations (Rolandsen Agustín 2008). Other perceived dangers include eclipsing gender, conflicting interests (for example between religion and gender), and institutional competition. Feminist scholars have inquired whether different inequalities can be addressed with similar policies. Mieke Verloo (2006: 222) argues in relation to gender, race, class and sexuality that these bases for inequality are so dissimilar that the tools (for example gender mainstreaming) to tackle one form of inequality cannot simply be adapted for other forms. Feminist scholars thus inquire whether the equality tools needed by diverse disadvantaged groups are sufficiently similar so that they can share institutional spaces and policies rather than each needing their own (Walby 2005: 462).

EWL has emerged as the organisation representing women and women’s concerns in the EU. Over the past years it has developed professional lobbying style. Transnational interest formation is a constant challenge in the context of diverse member-states, but it is identified as an important precondition to success. Theoretically it is an example of constituting gender, gender interests and a women’s constituency. Transnational interest formation and lobbying depend on perceived unity of women.

**Institutionalised co-operation – more effective gender policy or monopolised voices?**

The institutionalisation of co-operation between the movement actors, organisations, policy agencies and European institutions can be interpreted to result in more effective gender policy (positive story) or entrench the tendency to monopolise women’s voices in Europe (negative story). Anne Maria Holli (2008) explores in detail the language that feminist scholars use to describe institutionalised women’s co-operation, namely ‘strategic partnerships’, ‘triangles of empowerment’ and ‘velvet triangles’. She argues that their ‘borrow power’ from mainstream political science language of iron triangles by presenting triangular institutionalised relationships. The

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11 Holli (2008) notes that the three corners of the triangle tend to consist of different actors, but include some combination of women politicians, women’s movements, women’s policy agencies, femocrats, and/or feminist academics.
aim of this section is to illustrate that they also borrow power by presenting singular unified subjects and actors – women – that they represent. One of Holli’s critiques towards these approaches is too that presume that they presume that the actors are women and thus exclude the role of male allies.

State feminist literature studies the ways in which women’s policy agencies and women’s movements working together are effective in pushing for gender equality policy in the state level (McBride Stetson and Mazur 1995). The strength of the women’s movement is argued to be important in maintaining or strengthening both women’s policy agencies and gender policy. The two go often hand in hand so that dismantling of women’s policy agencies can have negative repercussions to women’s movement actors and vice versa (Outshoorn and Kantola 2007: 280-284). In a number of Western European countries women’s movements have become highly institutionalised and autonomous feminism is often in decline (Outshoorn and Kantola 2007: 281).

Feminist scholars of EU politics have drawn heavily on theories of social movements and policy-networks bringing into view the role of the women’s movement and of women’s networks as political agents. (Prügl 2007: 2). The positive story about women’s co-operation in the EU level has two dimensions: (i) velvet triangles in the EU and (ii) boomerang pattern between the member states and the EU. Alison Woodward (2003) uses the notion ‘velvet triangle’ to describe partially institutionalised forms of co-operation in gender policy in the EU. The velvet triangle consist of, first, femocrats in the Commission and feminist MEPs, second, gender experts in academia or consultancies, and, third, the established women’s movement (Woodward 2003: 85; see also Holli 2008). These work together to ensure policy success. Woodward stresses personal ties, common biographies and career mobility between both individuals and representatives of movements and institutions in the area of European gender policy.

Margaret Keck and Kathryn Sikkink (1998) develop a framework for understanding transnational advocacy networks. The pattern of social change brought by transnational feminist activists includes issue creation and agenda-setting, transformation of prevailing discourses, and modification of global conventions, and
the alteration of national governments’ and international institutions’ policies and procedures. In what Keck and Sikkink (1998) call a ‘boomerang pattern’ gender policy actors at the national level bypass recalcitrant governments and seek support and policy change from the transnational level. Boomerang pattern has been established in various studies on EU member states including gender equality machineries’ actions in Sweden (Olsson Blandy 2004), parental leave policy in the UK (Sifft 200X) and sexual harassment policy in German (Zippel 2004).

In line with the notion of ‘velvet triangles’, the EWL has highly institutionalized relations to the Parliament and the Commission. It has an observer status on the European Parliament’s Women’s Rights Committee and the Commission’s Advisory Committee on Equal Opportunities. Furthermore, it works in close cooperation with the Equal Opportunities Unit and with politicians from all parties at European level (Laatikainen 2001: 83).

Research often emphasises consensus between the co-operating partners. It is argued that the Parliament’s Women’s Rights Committee has generally been in agreement with the views and advice of the Commission’s Advisory Committee on Equal Opportunities for Women and Men, and it has played an important role in promoting equality (Stratigaki 2000: 33). Further it is noted that the Committee has supported the European Women’s Lobby, often arguing against reductions in funding proposed by the European Parliament’s Committee on Budgets, and opposing the positions adopted by the Council of Ministers (Stratigaki 2000: 33).

Katie Laatikainen (2001) challenges this harmony in her study by on women’s movements and women’s policy agencies’ impact on the EU job training policy. Her analysis points to competing definitions of women’s interests and appropriate gender policy among the actors and illustrates a number of points. First, whilst the co-decision procedure has enhanced the role of the European Parliament and afforded women’s groups greater access and voice in the process, the pre-eminent role of the European Council remains a source of frustration. It is both impervious to European level lobbyists and too far removed from the national context to be influenced by national women’s lobbies (Laatikainen 2001: 79, 87-8). There are very few femocrats in the Council to support policy change.
Second, in this case study there was a split between the women’s policy agencies (the Equal Opportunities Unit) and the women’s organizations (the EWL) on the issue of gender mainstreaming in job training. The Commission’s proposals on Agenda 2000 drove a wedge between these actors. In general, the EOU was supportive of the mainstreaming approach that characterized the reform process. However, gender mainstreaming in this context meant dismantling women specific programmes (Laatikainen 2001: 84). Although the representatives of the women’s movement, led by the EWL, supported mainstreaming, they were critical of the Commission and EOU for abandoning positive, these gender-specific training programs. The EOU promoted the idea of flexibility and selling equal opportunities approach with this language. EOU thus bought into the dominant, liberal discourse of the employment subsystem (Laatikainen 2001: 101). Unlike the EOU, the Advisory Committee, the Parliamentary Women’s Rights Committee, and the EWL were opposed to losing European-level positive action programs for women (Laatikainen 2001: 99-100).

Institutionalised co-operation patterns between different actors for gender policy are most often presented in positive terms. They enhance the chances for policy success. They can, however, also result in the empowerment of the already powerful. Institutionalisation can cement the voices that are heard in policy debates.

**New forms of governance**

The process of policy making in the EU has shifted institutionally from the classic community method to the Open Method of Co-ordination (OMC), from harmonisation and hard law to self-regulation and semi voluntarism, giving nation-states more freedom to implement policies as they see fit (von Wahl 2005: 87). This section explores the impact of the changing policy making process on the gender policy actors. I argue that the nature of the policy process is such that it results in only certain type of actors being able to take part. The OMC is a bureaucratic rather than political or democratic process and it requires, favours and constitutes established policy actors rather than loose movements.
Traditionally, proposals for directives setting EU-wide standards have been initiated by the technocrats in the European Commission and approved by the European Council with some participation of the European Parliament. A few directives emerged from the neo-corporatist track called ‘Social Dialogue’, which allows peak organisations representing labour and management at the EU level to prepare directives for Council approval (Trubek and Trubek 2005: 347-8). These employment and social policy directives usually led to more or less uniform rules that have been incorporated (‘transposed’) into national law, creating, at least in theory, a relatively harmonised area of law throughout the EU (Trubek and Trubek 2005: 347-8, van der Vleuten 2007).

The Lisbon Strategy for Jobs and Grow that commenced in 2000 and was relaunched in 2005 marked a spurt in EU social policy. Its three goals are more jobs, more competition and great social cohesion (Daly 2007: 4). It introduced a new soft law policy making process, namely Open Method of Co-ordination (OMC). In general, OMC deals with areas of policy in which there are great differences between the member states and in which the experts do not have all the answers (Trubek and Trubek 2005: 347-8). OMC represents a new governance model that differs radically from the top-down, rule-based, centralised approaches. First, it is based on joint definitions by the member states of initial objectives, indicators, and in some cases guidelines. Second, member states draw up national reports or action plans that assess performance in light of the objectives and metrics, and propose reforms accordingly. Third, these reports are peer reviewed by other member states and include mutual criticism and exchange of good practices, backed up by recommendations in some cases. Finally, member states re-elaborate their plans and, at less frequent intervals, of the broader objectives and metrics in light of the experience gained in their implementation. (Trubek and Trubek 2005: 347-8.)

In terms of gender policy, childcare is a good example of an area that is being regulated through OMC. This takes place within the European Employment Strategy (EES) that promotes public provision of childcare or other supportive measures that
facilitate work and family life reconciliation. This has a number of interesting consequences for gender policy. First, the non-binding nature of the policy has created problems. The OMC and the reports and recommendations that go with it are unlikely to bring about drastic changes in childcare policies in countries that seriously lack behind in provision. These kinds of soft-law measures can in general result in ‘window-dressing’ rather than genuine policy change in member states (Van der Vleuten and Verloo, forthcoming). Furthermore, soft law, unlike hard law like binding directives, does not allow interests groups to enforce compliance by calling upon a third party, such as the European Court of Justice (ECJ), on the matter (Richardt 2005). Notably, some women’s policy actors, such as the British Equal Opportunities Commission (EOC) were very effective in using litigation strategy through the ECJ to advance gender equality legislation in Britain. This opportunity has been closed off by the new mode of governance through the OMC. Not surprisingly, the EES has not resulted in significant increases in publicly funded childcare.

Second, the influence of civil society actors is limited in EES and interest groups can only indirectly, through the Commission or the European Parliament, influence the direction of the strategy. National action plans and EU targets are not debated in national parliaments and there is little media attention to the issue (Morgan 2008). Rather, a small number of bureaucratic actors dominate the process of drafting the national reports to the EU (Morgan 2008). This turns the process into a bureaucratic rather than a political or democratic process. For example in Britain, the public visibility of the strategy has been limited and there have been little opportunities for challenging government’s interpretations of the implementation of the strategy (Richardt 2005). As a result, women’s organisations and activists have not had an impact in the implementation of its priorities. In Germany, in contrast, interest groups have succeeded in mobilising around the policy and have had some success in influencing its implementation (Richardt 2005: 3).

12 The European Council of Barcelona affirmed in 2002 that member states should remove disincentives for female labour force participation and strive, in line with national patterns of provision, to provide childcare by 2010 to at least 90 percent of children between 3 years old and the mandatory school age and at least 33 percent of children under 3 years of age.
In this context, it is notable that actors on the European level have become active in childcare policy. Arguably they are better suited to intervene in a bureaucratic process such as the EES. The European Women’s Lobby (EWL) launched a campaign ‘Who Cares?’ in 2006 and issued a position paper on childcare. The campaign and the position paper grew out of the frustration with member states not meeting the Barcelona targets of childcare. The position paper calls for a full implementation of the Barcelona targets on childcare and the Roadmap for Equality (EWL 2006). At the same time, it critiques the EES for having different targets for childcare provision depending on the age of the child and calls for more provision for children under the age of three and above the age of six (EWL 2006: 3). The Expert Group on the Situation of Women in the Labour Market headed by Jill Rubery has also played an important role in keeping gender equality in the agenda. Its demands were partially taken into consideration (Richardt 2005).

Conclusion

This paper has explored the construction of collective actors. One of the key gendering processes is the necessity for the categories of women and women’s interests. Whilst important for strategic reasons (see for example Spivak on strategic essentialism), promoting the unity of these can result in genuine differences in accommodating diversity and intersecting inequalities. The paper has foregrounded institutional analysis and institutional factors that contribute to these processes. The Commission was shown to be very directly engaged in the construction of gender policy actors. Institutional co-operation between different actors such as the women’s organisation EWL and women’s policy agencies in the Commission and the Parliament as well as the new bureaucratic forms of governance further shaped this trend.
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