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Mainstreamed Away? The European Employment Strategy and its Gender Equality Dimension

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Abstract:

This paper starts from two significant developments in the field of social and employment policies in the European Union (EU). First, the contents are increasingly informed by a strong activation discourse. Second, by inventing the European Employment Strategy (EES), the EU managed to significantly expand its activities into this realm. On the one hand, this turn towards activation has massive implications for gender norms and relations. On the other hand, the EU is a major proponent of gender equality and gender mainstreaming. Therefore, this paper focuses on the strategy's specific gender equality dimension because the consequences in terms of potential exclusion and inequality will become particularly visible in this area. It scrutinises whether the EES is able to highlight and to promote equal opportunities within the general activation agenda. Comparing its reception in Germany, the United Kingdom and Hungary the paper argues that the EES is best understood as specific process of conceptual debate, which has dramatically failed in its gender equality dimension. Thereby, the Union is missing a crucial opportunity to tackle one key aspect of gendered exclusion from equal citizenship – inequalities between women and men in social policies and the labour market.

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Introduction¹

While the EU has aimed to expand its activities into the area of social and employment policies for a long time, it needed the invention of the *European Employment Strategy* (EES) as a new mode of governance in 1997 to overcome the resistance of the member states. In most general terms, the member states commit themselves to common objectives and targets, which are formulated in the *employment guidelines* (approved by the Council), the member states report back their efforts in implementing these guidelines, which are synthesised and monitored by the Commission. On that basis, the Council can also issue country-specific *recommendations* (for details Mosher & Trubek 2003). Free of sanctions and formal hierarchies, the EES depends much more on the success of a continuous communicative process than on mere compliance with legal norms. Accounts characterising this communication range from policy learning (Zeitlin 2003; Gerstenberg & Sabel 2002; Zeitlin 2005) and deliberative governance (Teague 2001) to enhanced participation (see Cohen & Sabel 2003) to more complex ideas about discursive regulation (Jacobsson 2004). The reception of the EES differs strongly across member states (Mosher & Trubek 2003) and the process has also undergone alterations, most important, its integration into the integrated Strategy for Growth and Jobs in summer 2005.

Regarding its substance, the EES is firmly based on *activation* and could be summarised as ‘bringing as many people into the labour market as possible’. However, this shall be achieved in a *balanced* way reconciling flexibility with security.² Note that this activation discourse is not limited to the Union but that the EES is the key process promoting it at EU level. Moreover, even within the EU, activation approaches differ according to their composition, relative weight and the meanings of their elements. In fact, social and employment policies remain hotly

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² In this context, the terms ‘flexibility’ and ‘security’ are used in the broadest sense as umbrella terms.

contested fields despite a new dominant discourse. Moreover, especially as continuous renegotiations of its contents are a crucial element the EES, it will most likely neither produce identical policies in the member states nor a European activating welfare state.

Despite the soft nature of the EES, some consequences of the general activation agenda can be stated (for general accounts van Berkel & Møller 2002; Jenson & Saint-Martin 2006). First of all, welfare reforms based on activation reach beyond labour market policies in the narrow sense and affect education and training, pensions and retirement or childcare. In this context, *gender norms and relationships* are a particularly important dimension. For example, the current activation agenda also implies a redefinition of the traditional meaning of full employment from the male half of the population to virtually all adults (Jenson 2003). In other words, it promotes a new general work contract and, closely connected, a move away from the *male breadwinner/female carer model*.³

The normative relevance of this transformation is best understood from a *citizenship* perspective. Each gender contract prescribes certain gender roles and divisions of labour. Male breadwinner systems have been criticised for subsuming women to the private sphere, for devaluing women's care work and, in more general terms, for excluding women from substantive equal citizenship. While all citizens may enjoy equal rights in theory, they may not equally benefit from them in practice. Such *exclusion from within* (Lister 2003a) becomes particularly visible when scrutinising gender contracts and the resulting division of labour – a crucial aspect not recognised by liberal approaches to citizenship, which mainly emphasise civil and political rights. Generally, large scale renegotiations of work and gender contracts involve the risk of new forms of exclusion, perhaps even on top of persisting older forms. However, such transformations also provide opportunities to abolish old forms of exclusion from equal citizenship in practice.

³ Note that this gender model has been transformed for some time and that it refers to norms and institutions rather than describing social realities (Lewis 2001; Lewis & Giullari 2005); on the interdependence between work and gender contracts see Lewis (2004).

Against this background, it is possible to outline the central puzzle of this paper. On the one hand, it was mentioned that the current trend towards activation affects labour market and social security policies and that its effects will not be gender neutral. On the other hand, especially with regard to employment, the EU is described as progressive force promoting equal opportunities for women and men (for example Lewis & Ostner 1995; Rees 1998; Pollack & Hafner-Burton 2000). In this context, though quite variable over time, provisions on gender equality have always been an important element of the EES. Hence, this paper is interested in the conditions under which such maximal labour market participation can be achieved. The main question is whether and how the EES contributes to a reduction of risks and exclusion in social and employment policies? Or in other words, does the EES further an activation agenda that is sensitive to its gendered effects and, therefore, contributes to increased access to equal citizenship?

This question is investigated in a case study comparing Germany, the United Kingdom (UK) and Hungary. The main focus of the comparison is on national projects of welfare reforms, their gendered effects and on exchanges within the gender equality dimension of the EES. The study aims to gain deeper understanding of these processes by following Ragins's idea of *exploring diversity* (Ragin 1994), according to which meanings of phenomena and relationships are established by contrasting them across different contexts.⁴ Accordingly, Germany and the UK are selected as instances of different welfare regimes, which both have been described as 'strong male breadwinner models' (Lewis & Ostner 1995). The inclusion of Hungary reflects a new aspect of diversity within the EU as its post-communist legacy, especially with reference to gender relations, adds a very specific context that cannot be found in the old member states. The investigation departs from national welfare reforms that are reported in the NAPs and asks for possible direct or indirect influences of the EES. Moreover, watching out for contestations of those reforms can also point to potential risks of exclusion.

⁴ This mode of comparison acknowledges the interpretive core of all social research and looks for contextualised knowledge. It is preferred to quasi-experimental accounts of social science which seek to observe variation of predefined causal variables while trying to keep their environment stable.

The next section will give a brief overview of the gender equality dimension of the EES, which will be followed by three national case studies. The final section suggests that the EES is best understood as a process of conceptual-theoretical debate rather than as directly influencing national policies. Moreover, the gender equality dimension of the EES illustrates how such a debate can fail.

The European Context: Gender Equality on the Retreat

This section reconstructs the historical development of the gender equality dimension of the EES. This exercise provides important contextual information necessary to understand the strategy's reception in single member states. Explanations of this course of events, however, exceed the focus of this paper.

In the context of a balanced reform, provisions on gender equality always constituted a central element of the EES. In its original version (1997-2002) *strengthening equal opportunities policies for women and men* constituted one of the four pillars under which all guidelines of the EES were organised. This emphasis on equal opportunities was further underlined by the quantitative targets agreed at the Lisbon and the Barcelona European Councils.⁵ However, since the mid-term review in 2002 (see European Commission 2002), repeated attempts to refocus the EES affected its overall balance in general and its gender equality dimension in particular. Most important, the pillar structure was abolished and replaced by three new *overarching key objectives* (full employment, quality and productivity at work, cohesion and an inclusive labour market) and the guidelines were drastically reduced to ten with gender equality turned from a higher order principle into one priority out of ten (European Commission 2003). This trend was further reinforced by the Kok report (Employment Taskforce 2003; for implementation European Commission 2004). Its strong – and well received – argument for refocusing the strategy around four new ‘key priorities’⁶ and its emphasis on rebalancing the EES towards its

⁵ The Lisbon European Council set the target of a female employment rate of 60% by 2010. The Barcelona Council added the target to provide childcare to at least 90% of children between 3 years old and the mandatory school age and at least 33% of children under 3 years by 2010.

⁶ The report suggested the priorities ‘increase adaptability of workers and enterprises’, ‘attracting more people to the labour market’, ‘investing more and more effectively in human capital’ and ‘ensuring effective implementation of reforms through better governance’ (Employment Taskforce 2003).

flexibility end further reduced the relative weight of its gender equality dimension and limited its scope. The most significant intervention, however, consisted in the re-launch of the Lisbon strategy, which involved integrating the EES into a broader *Strategy for Growth and Jobs*. Most important in this context, the explicit gender equality guideline disappeared. Although the key contents of previous gender equality provisions may still be found, they are now scattered across all guidelines. Gender mainstreaming was moved to the introductory section while other provisions were shifted under much vaguer headlines, such as ‘life-cycle approach’ (see Council of the European Union 2005).

These developments are also subject to academic assessments. Under the original structure with gender equality as one pillar in its own right, the EES had been highlighted as most significant for the promotion of equal opportunities and especially gender mainstreaming. For example, Jill Rubery has described the EES as "by far the most important EU influence on equal opportunities policies" (Rubery 2002, p. 500). While emphasising the final responsibility of the member states, she characterised the EES as “catalyst” (Rubery 2002, p. 503) for gender mainstreaming. Elsewhere the strategy has been portrayed as “the main possibility for pulling the gender mainstreaming approach from the European level towards the 15 EU member states” (Behning et al. 2001, p. 19). Unsurprisingly, these positive evaluations change with the decreasing visibility of gender equality since 2003. In the same year Rubery and her colleagues warned that the gender equality agenda within the EES is far too weak and patchy to be downplayed (Rubery et al. 2003). The abolition of the pillar structure was criticised as a loss of visibility of equal opportunities in general and as removal of detail clarifying the meaning of gender mainstreaming (Rubery et al. 2004). In addition, the Kok report was criticised for heavily pushing the balance of the EES towards flexibility thereby viewing equality only in terms of quantitative employment rates while neglecting substantive aspects of equality (ibid.). Most recently, the disappearance of the gender equality guideline is characterised as “a new risk that the EU’s commitment to advancing gender equality would not survive in this new round of more ‘focused’ policy” (Fagan et al. 2006, p. 572).

While there is little evidence that this continuous weakening of the once central principle of gender equality can be traced back to intentional interventions,

some structural weaknesses make this principle particularly fragile and susceptible to unintended disturbances. Most important in this context are the vague *meanings* of ‘gender equality’ and ‘gender mainstreaming’. While each can be described as an “empty signifier” (Verloo 2005, p. 356), which acquires its concrete meaning only within a specific context, this becomes increasingly difficult if respective references in the latter are constantly narrowed down.⁷

The next sections turn the attention to the member states, investigate the gender equality agendas within national projects of welfare reform and explore national interactions within the gender equality agenda of the EES.

Germany – Slow Reforms and Reservation

When a coalition of Social Democrats and Greens under chancellor Schröder came to power in Germany in 1998, expectations about overdue reforms in many fields were high. Moreover, both parties had promised to fundamentally reform the conservative German gender regime. During its first term, the government unsuccessfully attempted to reform labour market and social security institutions through a tripartite social pact (see Streeck 2003). Nevertheless, at the end of its second term (summer 2005), it had launched the most extensive welfare reforms in German history. The so called ‘Hartz reforms’⁸ constitute a major leap towards the activation of the German welfare state and still determine the welfare reform project of the current grand coalition under Angela Merkel. The main elements consist of a fundamental reform of the Federal Employment Service, concrete activation measures promoting self-employment and a more flexible low wage labour market and of the amalgamation of unemployment and social benefits (overview Kemmerling & Bruttel 2006). However, concerning gender the dynamic seems to go in the opposite direction.

Despite gender equality was initially high on the agenda of Schröder’s government, the focus was primarily on the public sector during the first term - most

⁷ For accounts of the vagueness of these concepts and its consequences in an EU context see Behning and Pascual (2001), Rubery and Fagan (2000), Beveridge (2006) or Beveridge and Nott (2002).

⁸ After Peter Hartz, chair of the expert commission that produced the report on which the acts are based.

important, gender mainstreaming was introduced to the federal employment service (Maier 2000). In the private sector, however, results were limited to a single voluntary agreement between the government and employers. During the second term, gender was finally pushed to the fringes of the general project of welfare reform. Although gender equality was named a horizontal objective in the 2002 coalition agreement (SPD & Bündnis 90/Die Grünen 2002), it was neglected during the work of the Hartz commission (Maier 2003; DJB 2002a) and is absent from the subsequent acts (DJB 2003; Kurz-Scherf et al. 2005). Instead, the reforms introduced an activation approach that is blind to its gendered effects. Does this dynamic simply reflect a broader European trend of decreasing attention to gender issues or have there been attempts to influence the developments in this specific dimension through the EES? For this purpose, identifying relevant employment recommendations and tracing the respective responses in the German NAPs is most informative.

The German indifference to gender equality was repeatedly criticised by the Council in the *employment recommendations*, which have particularly focused on the high gender pay gap, the impact of the tax and benefits system on women's employment and the lack of child care since 2000. Despite this explicit and consistent advice, the responses in the German NAPs are limited and hesitant. The gender pay gap remains largely untouched with reference to the wage setting autonomy of the social partners. Moreover, statistical data on unequal pay was not produced until 2003 (see Bundesregierung 2002; critically Maier 2001; DJB 2002c). Regarding childcare, the government usually points to the legal entitlement to care for children between the age of three and school. Concerning the immense lack of childcare places in practice, however, the NAPs normally stress the responsibility of the Länder and municipalities. Moreover, childcare for children under three or day care for schoolchildren is rarely mentioned and not a priority – although the employment recommendations have explicitly criticised lacking correspondence of childcare with working hours and school schedules since 2002. Finally, responses concerning the impact of income tax regulations on female employment are rather late (not until

2003), hesitant and display unawareness about the mutual constitution of legal and social/cultural institutions (critically DJB 2002b).⁹

Overall, the German interaction within the EES can be characterised by two basic conditions that are quite consistent. First, in Germany the EES is generally met with reservation. On the one hand, in interviews officials directly criticised the procedures of the EES, in particular the method of benchmarking. In addition, throughout all interviews and documents there are many references to federalism and to the wage setting autonomy of the social partners. While fragmented power structures certainly complicate the exchange within the strategy, this reservation is better understood as expression of a specific *administrative culture*. In Germany, politics is traditionally formulated in terms of law while softer, more fluent processes are somehow suspect to its officials. Moreover, these processes might rely on different skills, perceptions and procedures.

At the same time, this reservation is no complete refusal to cooperate as there is evidence for increased interaction through the EES. For example, the reform of the federal employment service and the merging of unemployment and social benefits were informed by experiences in the UK. German officials highlighted that this bilateral cooperation was crucially enhanced by their regular and friendly contacts with their British colleagues in the Employment Committee.¹⁰ Furthermore, German interviewees from different backgrounds referred to the crucial impact of EU-level debates on the “mainstream” debate on contemporary social and employment policies.¹¹ However, this notion of mainstream was used in a sense far away from any notion of consensus but rather refers to a synchronisation of language and cognitive frames (similarly Büchs & Friedrich 2005). Overall, the direct impact of the EES on German policies is very limited but it could still have indirect effects by providing resources or windows of opportunity for national actors.

⁹ “The regulation of the German Tax Law (Recommendation no. 4) shows no gender-specific differences per se. Effects on the employment rate of women are possible, however, in connection with the perception of values in society or other political sectors, e.g. regulations on the labour market, provision of child care facilities. Some consider it a definite disadvantage that 94% of women who earn an additional income belong to tax class V with a comparably high tax burden.” (Federal Republic of Germany 2003, p. 23).

¹⁰ Author’s interviews.

¹¹ Author’s interviews.

The major criticism of the Hartz reforms comes from trade unions (DGB-Bundesvorstand 2003; Engelen-Kefer 2005) and feminists (for example Kurz-Scherf et al. 2005; DJB 2003; Deutscher Frauenrat 2003, 2004) who have heavily criticised the ‘most regressive’ (BAG 2002) implications for women and accused the new regulations of reproducing a male breadwinner model (Reihs 2005). Especially, the high share of women in newly created *mini-jobs* (around two thirds) or recipients of small self-employment grants is heavily criticised because neither produces enough income to fully sustain a person let alone a family (DJB 2002a; Leschke et al. 2006). However, none of these critical voices refers to the EES. Trade unions prefer their existing national institutional channels and also display more fundamental scepticism against the mere supply side orientation, the soft law character but also against specific elements of the EES. For example, it has been argued that measuring employment rates in terms of *full-time equivalents* would make the gendered effects of the current activation agenda much better visible (see also Maier 2001, 2004). In general, women within the trade unions play a crucial role since members of women’s organisations complained about a lack of access resulting from a strict division between departmental competences. Gender issues are within the competence of the Ministry for Family, Seniors, Women and Youth (BMFSFJ) while the main responsibility for the EES was with the Ministry for Economics and Labour (since September 2005 with the Chancellor’s office). This strict separation also prevents the gender equality and gender mainstreaming expertise of the BMFSFJ from travelling beyond its departmental sphere of influence.

In addition to this general reservation against (soft) EU regulation, which nevertheless includes some discursive harmonisation, the specific context of gender equality constitutes a second condition that characterises German welfare reforms and the corresponding interaction within the EES. Regarding employment, equality between women and men is never portrayed as a fundamental right but rather as “indispensable factor for job quality” (Federal Republic of Germany 2004, p. 10) or increasingly in connection with demographic concerns (Federal Republic of Germany 2005). At the same time, the German NAPs contain some signs of gender sensitivity, for example, the goal that men should take on more responsibilities in care (for example Federal Republic of Germany 2000, p. 42). More recently, debates about

gender and family roles have come up within the Christian democratic parties. While it is too early to assess their substantive effects on gender equality, these debates at least demonstrate that, equally to welfare institutions, gender roles are in transformation in Germany.

The UK – Teaching or Learning?

Interacting within the EES the UK can draw on its excellent economic performance exceeding most of the Lisbon targets. Moreover, New Labour's welfare-to-work approach is among the most established and most influential manifestations of the activation agenda in Europe. Finally, gender equality has quite a different standing that is also reflected by a comparably higher degree of gender sensitivity and gender mainstreaming in the UK NAPs.

Nevertheless, the employment recommendations have consistently criticised the high UK gender pay gap, a lack of childcare facilities and lone parents (mostly mothers) are identified as facing particular risks social exclusion. In response, the UK NAPs report the 'New Deal for Lone Parents' as main instrument tackling the problems of lone mothers. These active labour market policies shall assist single parents to re-enter the labour market by a mix of personal advice, job search support, training, childcare, and in-work benefits. Introduced in 1997, the programme is reported as very successful. According to the 2005 NRP, the employment rate of lone parents has risen by 11.3 percentage points to 56.6% since 1997 (United Kingdom 2005, p. 41). Recently, John Hutton (2006), the Secretary of State for Work and Pensions announced that this rate should be even further increased by raising the 'obligations' of lone parents. Issues of better childcare are addressed by the National Childcare Strategy (see Department for Education and Employment 1998) and the Sure Start programme (see HM Treasury 2004) in combination with the childcare elements of the Working Families' Tax Credit (since 1999) and the Working Tax Credit (since 2003). Given that the UK had to admit that the previous approach of leaving childcare to the market had failed (United Kingdom 2000), this strategy sets ambitious targets and is also presented as success. However, the pay gap remains stubbornly high but receives less attention and resources. Latest research shows that

women still earn around 15% less than men –when including the gap between part-time and full time this gap can even reach 41% (Women and Work Commission 2006). Interdependencies between unequal pay, lacking childcare and labour market segregation are acknowledged throughout the NAPs. The government has also repeatedly highlighted the need to tackle gender stereotypes and aimed at motivating young women to consider alternative careers, especially in ICT.

Given the reported activity and progress in response to most recommendations, does this mean that the UK is particularly amenable to the EES? At least, UK officials have far lesser reservations against the strategy's soft policy-making style than their German colleagues. However, some doubts can be raised. For example, the UK is quite aware and self-conscious about its good performance. Moreover, its relative position among the member states is improved as many policies that are considered good practices originated in the UK and draw interest from abroad. Furthermore, in other cases of criticism there is no concern about negative reporting. For example, EU demands for stronger involvement of the social partners are usually rejected quite uncompromisingly. Indeed, it could be argued that the UK is not as much interested in policy learning rather than in *policy-teaching*.¹² This assessment is based on constant references to (over-)achieved targets, the placement of favourable quotations from the OECD {United Kingdom, 2003 #227@ 6} or the IMF (United Kingdom 2006, p. 2), and also on presentations of the UK approach to gender. From the beginning, the UK NAPs simply declare that this strategy is already in place and working well (especially United Kingdom 1999; critically Rubery et al. 2005). Overall, while the limited direct impact of the EES on UK policies is similar to the German example, the engagement of the former is much more proactive.

Searching for possible indirect effects of the EES, another similarity can be detected as neither woman's organisations nor the weak social partners in the UK use the EES as a lever. However, while the German activation approach has been fiercely contested, the UK debate is rather characterised by the limited approval of most proponents of gender equality. On the one hand, activists criticise a missing distinct gender equality dimension within the UK approach to welfare reform (Lister 2003b,

¹² For a more directly outspoken example see 'Blunkett tells EU to learn from UK's job creation plans', *The Guardian*, 13.09.2005.

2006), the governments lack of awareness about gender stereotypes, the unequal distribution of care work (Bellamy & Rake 2005), persistent unequal pay or the polarisation of the UK labour market (Rubery 2000, 2004). On the other hand, all of them acknowledge the government's achievements in promoting equality between women and men. An important condition contributing to this general approval and the matter-of-factly debate consists in the strong frame of gender equality as fundamental right, which is also embedded in a strong machinery.

Hungary – Openness and Rights without Access

Concerning gender and the reception of the EES, Hungary differs remarkably to Germany and the UK. On the one hand, Hungarian gender relations and norms have been in turmoil since the collapse of communism and the socialist adult worker model. On the other hand, it is a new member of the EU.

In the initial phase of the transition, between 1989 and 1992, Hungary lost 1.1 million jobs and the employment rate decreased by 21.4 percentage points (Hungary 2001, p. 5). Moreover, the decline in female labour market participation from 76% to 50% between 1990 and 1995 was the largest throughout the then new applicant states (Pollert & Fodor 2005). Although the situation has meanwhile improved, fundamental problems persist; moreover, the effects of the capitalist transformation are essentially gendered. While many men and women lost their jobs, men became mostly *unemployed* while many *women left the labour market completely* (Nagy 2004). Potential explanations include the dramatic deregulation of working conditions (Kollonay Lehoczky 2005b; Fodor 2005), new obstacles to reconcile work and family (Szabo 2003), generous childcare leave regulations (Nagy 2004) and, particularly important, a broad shift towards conservative attitudes (Kollonay Lehoczky 2005a, 2005b). Against this backdrop, women are not considered as facing particular difficulties in the labour market.

Since the transition penetrates each aspect of the Hungarian state and society, it is – in contrast to Germany and the UK – impossible to identify a single project of welfare reform. Similarly, gender norms and relationships are renegotiated on a much

larger scale. In this context of radical change, EU accession, especially the conditionality to adopt the complete *acquis communautaire*, had a major impact on employment and equality policies.

Overall, Hungary receives the EES with much more *openness*. Despite its soft nature, the process was introduced alongside the hard parts of the *acquis* and has a much stronger institutional basis. This is reflected in the setup of the Hungarian ministerial bureaucracy with specific strategic units for the EES and the ESF. Furthermore, the Hungarian NAP stands out as *genuine strategy paper*. While the UK and German NAPs document activities in retrospect, the Hungarian NAPs present the genuine national employment strategy for the next three years. While the sudden re-launch of the Lisbon strategy in 2005 came therefore more as a shock, the (revised) Hungarian 2006 NRP has become the central strategic document assembling 23 different national strategies. While Hungary has adopted active policies before,¹³ the 2006 NRP entirely embraces the language of activation for the first time. Finally, the different reception of the EES was also substantiated in interviews with Hungarian officials who claimed that the strategy was seen as a welcome tool providing *knowledge* and *assistance* in restructuring Hungarian employment policies and labour market institutions.

Gender equality, however, has been very low on the political agenda and under pressure from discourses emphasising ‘traditional’ values or civic freedoms over substantive equality. Moreover, corresponding policies have been fragmented, contested and unstable. This is particularly visible in the many restructurings of the governmental institutions for equal opportunities (see EIRO online 2003; Krizsán & Zentai 2006). Only shortly before Hungary’s EU accession the Act on Equal Treatment and the Promotion of Equal Opportunities created a comprehensive legal framework for equal opportunities and anti-discrimination including an independent Equal Treatment Authority with the legal powers to investigate violations and impose sanctions. However, the act does not mention gender mainstreaming. Therefore, it was hoped that softer EU policies, especially the EES would introduce concrete practices of gender mainstreaming (Krizsán & Zentai 2006).

¹³ For example, it merged unemployment and social benefits and introduced job-search agreements to its employment service (Hungary 2005).

However, the missing of gender mainstreaming from Hungarian law is not the only obstacle to gender equality. The act's main intention is the prohibition of discrimination while more proactive promotion of equality is not its key aim. Closely connected, the act applies a universal anti-discrimination approach (and a notion of equality as 'sameness') where gender is just one theme among many and in a difficult position. Especially, given the massive problems of the Roma community (and of disabled people) the former is pushed to the fringes – even more so when considering the limited human and financial resources of the national equality machinery. Overall, although the accession process certainly contributed to the emergence of this institutional framework (Dombos et al. forthcoming), it is unable to resonate positively with the more proactive and policy-oriented gender equality provisions of the EES.¹⁴ Moreover, while Hungary's participation in the EES could not introduce mainstreaming practices into the national equality framework, domestic actors were also unable to use it as political resource. On the one hand, the Hungarian feminist movement is very weak, gender equality is hardly an issue for other civil society organisations and feminism lacks legitimacy as 'emancipation' is often associated with socialism (for example Montgomery 2003).¹⁵ Furthermore, members of Hungarian women's organisations consistently and explicitly criticised the Government Office for Equal Opportunities for lacking leadership, gender expertise and cooperation. In addition, the Council for the Representation of Women, the only institution exclusively focusing on women's issues was not convened for the last four years. On the other hand, given the Hungarian openness to engage with the EES, the disappearance of gender from the strategy seems most serious and did indeed send quite disastrous signals to Hungarian policy-makers. As a consequence, although Hungary introduced important new rights not all potential beneficiaries have adequate access to those rights. Accordingly, the accession process has also been described as a missed opportunity with regards to gender equality (Bretherton 2001).

¹⁴ According to an academic involved in the drafting process, creating a sound legal base for anti-discrimination and to shield it from political disputes was the main motivation behind the strong emphasis on equal treatment over the promotion of equal opportunities (author's interview).

¹⁵ Author's interviews.

Conclusion

This investigation shows that, although the currently dominant activation agenda is broadly adopted, the EES as key process promoting this agenda at EU level has only limited causal impact. Instead, the national political and administrative contexts are crucial and must not be neglected in any theoretical account of the EES. Against this background, I argue that the EES is best understood as a specific process of *conceptual debate*, which is much more about the *social construction of knowledge* than about regulating national policies. This process makes specific practices “of European governing ‘thinkable and practicable’, and (...) excludes other objects and forms from the remit of public or political action” (Carmel 2005, p. 42). How does this work? Participating in the strategy, the member states and the Commission constantly negotiate definitions of problems, possible solutions and strategies to get there. Furthermore, these themes are translated into *conceptual language* whereby certain problems and solutions are combined and amalgamated in specific technical terms such as activation, employability, adaptability. However, the EES is not only about naming concepts and including them in the process. In addition, it is about their interplay and relative weight as these theoretical terms will support, explain and sometimes contradict each other. Finally, especially as the concepts of the EES are intentionally defined rather broadly and as the strategy does not prescribe specific policies but rather identifies problems, strategies and targets, the particular *meaning* of each concept is a further crucial aspect. This does not imply consensus but that the discursive contexts and practices in which a concept is used delineates the scope of its potential meanings.¹⁶ While this construction of knowledge is taking place in all exchanges within the EES, the employment guidelines and recommendations are crucial as they regularly fix the contents of the strategy at a specific point of time.

The gender equality dimension of the EES demonstrates how this conceptual debate can go wrong. This dimension is also characterised by specific key concepts like *reconciling work and family life*, different *gender gaps*, *labour market segregation* and, most important, *gender mainstreaming* and *gender equality* as such. The initial vagueness and fragility of the latter two was already mentioned in the

¹⁶ This view on meaning is inspired by Wittgenstein’s notion of language games, according to which the meaning of a term arises from its use in concrete contexts. For an applications to social theory, see Tully (2004).

second section. In addition, the gender equality dimension of the EES suffered from two main problems. First, its relative weight was affected by repeated attempts to refocus the EES (and the Lisbon strategy) on flexibility and activation in terms of employment rates. Although its importance or inclusion in the process has never been questioned, gender equality had been narrowed down, subordinated to other concepts and finally lost most of its visibility. Referring to Carmel's quote above, it was still a possible element of governance but had lost its status as *necessary* ingredient of all employment and social policies. Secondly, this shift of relative weight was aggravated by a shift of meaning of the already vague key concepts gender equality and gender mainstreaming. On the one hand, with the disappearance of detailed information and advice both concepts also lost essential *contextual information* that could have endowed them with concrete meanings. On the other hand, the principle of gender equality became increasingly *conflated* with the strategy of gender mainstreaming. However, without a notion of gender equality that is to be achieved, the strategy of gender mainstreaming becomes toothless. In the process, the strategy had lost its ability to detect and to raise awareness to questions and problems of substantive inequality. Instead, gender equality had become synonymous with quantitative equality in terms of employment rates.

The normative relevance of this analysis can again be demonstrated when using a broader citizenship perspective. While the EES does not intervene in the ultimate status and social relationships of EU citizens, it nevertheless contributes to the context in which national formations of citizenship are being renegotiated. Although it is a hypothetical question what would have happened if gender equality were still a visible top priority, the study also shows that the activation discourse is informing reforms in each member state and that gender norms are in transformation, too. While the impact of the EES might be most direct in Hungary, for example, the German case also showed that gender relations and norms as well as welfare institutions are in transition. Hence, although it seems impossible to steer their development from outside, it would have been nevertheless important to engage in productive communication about these developments.

Are there any safeguards against such (unintended) hollowing out of key principles like gender equality? A crucial hint is provided by feminist students of

gender mainstreaming who argue that mere *expert-bureaucratic* approaches had to be complemented with *participatory-democratic* practices (Beveridge et al. 2000; Beveridge 2006; Shaw 2005). In other words, if the EES is about the social production of knowledge and has effects on the everyday lives of EU citizens, their knowledge has to be included in the debate.

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