Mainstreamed Away?
The European Employment Strategy and its Gender Equality Dimension from a Citizenship Perspective

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Abstract:
Two significant developments characterise present employment policies in the European Union: a substantial shift from job protection towards job promotion and the activation of all citizens and the expansion of Union activities into this area, most important through the European Employment Strategy (EES). This paper investigates the implications of these changes in Germany, Hungary and the UK from a citizenship perspective. In order to account for the Janus-faced nature of citizenship, which is always about rights but also about exclusion, a special focus is applied to the gender equality dimension of the EES.

Although not directly influencing national policies, the EES can be seen as an important site for conceptual debate. Here, a changed meaning of gender mainstreaming has contributed to the disappearance of gender equality from the process. It is argued that the best safeguard against such negative processes of meaning making is to open up the debate and to increase the participation of the affected, in this case women.
INTRODUCTION**

Over the last two decades, the European Union (EU) increasingly expanded its activities into the dimension of social and employment policies. Despite previous attempts, 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 (overview in Rhodes, 2005). In most general terms, the member states commit themselves to general objectives and quantitative 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. The Council can issue specific recommendations to particular member states (detailed accounts in Goetschy, 2003; Mosher & Trubek, 2003a, 2003b). 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 (Gerstenberg & Sabel, 2002; Zeitlin, 2003, 2005) and deliberative governance (Teague, 2000, 2001) to enhanced participation (see Cohen & Sabel, 2003) to more complex ideas about discursive regulation (Jacobsson, 2004). Not very surprisingly, the reception of the EES differs strongly across member states (Mosher & Trubek, 2003a). Moreover, the process has undergone some massive alterations, most important, its integration into the re-launched Lisbon Strategy (as Strategy for Growth and Jobs) in summer 2005 (European Commission, 2005a, 2005b, 2005c).

Regarding its content, the procedural shift to new governance was accompanied by a substantial shift from job protection to job promotion (Rhodes, 2005). The underlying main theme of the strategy could be summarised as ‘bringing as many people into the labour market as possible’ or more shortly as activation paradigm. However, this shall be achieved in a balanced way reconciling flexibility with solidarity and security. This contrast mirrors the origin of the EES in a phase of social democratic predominance in the member states and attempts to formulate new social democratic or ‘Third Way’ alternatives, which constituted an important condition for its emergence (see, for example, Jenson & Pochet, 2002).

Given the centrality of work and employment to people’s everyday life, on the one hand, and to institutions and practices of societal organisations, on the other

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1 In addition to the employment strategy (which keeps its distinct legal base in Article 129 of the Treaty), the integrated strategy covers micro and macro-economic policies.
2 Although explicit references to Third Way thinking have more or less disspeared and although it is difficult to distinguish its content in general, there is, nevertheless, some overlap between ideas that came up under that label and the contents of the EES. On the Third Way and its central ideas see Plant (1998), Giddens (Giddens, 1998) and White (2004); for problems in analysing and comparing Third Way policies see Bonoli and Powell (Bonoli & Powell, 2004).
3 For example the budget for the German Ministry for Labour and Social Affairs amounts to 119,55 billion Euros, which is about 50% of the total federal budget (261,6 billion Euros) (source: ‘Ausgaben betragen 261,6 Milliarden Euro’, Das Parlament, Nr. 26 / 26.06.2006).
hand, it can be assumed that transformations within this context will also have implications for the terms of social membership in contemporary societies or, in other words, for citizenship. Against this background, the paper is interested in the conditions under which this maximal labour market participation shall be achieved. The investigation is guided by two questions. First, what are the implications of this reform-discourse for citizenship? And second, which role does the EES play in this process?

The citizenship perspective shall allow for a thick account of ongoing societal transformations and of their implications for the citizens. Moreover, any assessment of the EES from such a point of view has to consider one essential characteristic of citizenship mainly formulated by feminist scholars. Citizenship is not only about rights and belonging but also and always about exclusion. Therefore, the investigation focuses particularly on the gender equality dimension of the EES. In fact, it is assumed that the implications of the activation paradigm will be particularly visible along the dimension of gender equality and that it can serve as a crucial test when assessing the strategy with a special interest in citizenship and its “Janus-faced” nature (Lister, 2003). It has to be emphasised that such a thick account of citizenship stretches beyond the narrow understanding of EU and national citizenship in terms of formally granted rights. The process under investigation might even add to the further blurring of citizenship.

The next section will develop the underlying conceptualisation of citizenship; the subsequent parts will fill its elements with empirical insights taken from a study on the interaction of the EES in Germany, Hungary and the UK. The final section concludes that, although the Employment Strategy should not be misunderstood as directly influencing national policy-making, it is, nevertheless, a site and a process of conceptual debate with implications for equality and justice. The disappearance of gender equality from this process calls for opening up the conceptual debate and for complementing current transformations of citizenship rights and patterns of access by participatory elements.

EXPLORING AN INSTITUTION IN THE MAKING — CITIZENSHIP IN PRACTICE

As the interest is on ongoing processes (in contrast to outcomes), it is especially important to grasp citizenship in its dynamic qualities. In addition, as the nature of new developments cannot be assessed ex ante, it is vital to start with a broad conceptualisation in order to detect the full range of potential changes. Ultimately, it is not aimed for a universal definition but for historical and contextualised concepts. The framework is based on the following basic ideas.

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4 The discussion in this section is largely based on previous and more detailed discussions in Pfister (Pfister, 2005, 2006).

5 In general, broadly informed by grounded theory (Strauss & Corbin, 1994, 1998) the study does not aim at testing a central hypothesis but rather at developing theory in a close and continuous dialogue with empirical data.
To begin with, T. H. Marshall’s (Marshall, 1992) seminal article still provides an optimal starting point. Most intriguing is his idea of citizenship as “developing institution” (Marshall, 1992, p. 18) driven by the tension between social reality and the “image of ideal citizenship” (ibid.). Accordingly, each existing citizenship formation resulted from a historical process. This does not mean that it is short-lived or fragile but rather that the possibility of change is an essential element. Moreover, the historical development of a “citizenship regime” (Jenson & Phillips, 2002) has to be seen as a process of social interaction within a specific context. This context contains the social and legal institutions, discourses and socio-economic structures as well as the broader processes a society is participating in (for example, industrialisation, globalisation or European integration).

Secondly, Marshall already hints at the dynamic aspects of citizenship. However, the most convincing account of the underlying driving force is provided by Andrew Vandenberg (2000) and especially Ruth Lister (2003) who, building on Gallie (1956), classify citizenship as an “essentially contested concept” (ibid.). This view goes way beyond Marshall’s perspective; now, it will always cause dispute in theory and practice.

Regarding theoretical contestedness, a common distinction is between liberal citizenship approaches emphasising individual rights and equal status of all citizens and republican approaches stressing citizens’ participation within the political community. In addition, Gerard Delanty (2000) contrasts these two main strands with a third, even more heterogeneous one comprising a broad range of radical perspectives, such as social movements, radical democracy, multiculturalism and feminism. Among the contributions by the latter, one argument contesting mainstream approaches to citizenship is particularly important. Independently of its content in terms of rights or participation, each citizenship regime produces patterns of inclusion and exclusion. Feminists have shown how gender as organising principle has an important impact on such patterns and that they do not only produce citizens and non-citizens but also structural inequalities between formally equal citizens. Exposing this exclusion from within (Lister, 2003; Yeatman, 1994) is one of the crucial contributions of feminist thought to the citizenship debate.

The case of feminism also shows that the contestation of citizenship is not limited to academic disputes. In addition, social movements, political parties,
individual citizens, international organisations and governments themselves are regularly intervening in existing formations (in the case of governments, such intervention is more likely to be framed as ‘reform’ or ‘modernisation’).\textsuperscript{11} Needless to say, the degree of conflictiveness of such contestations will vary from rather silent change to cooperation to revolutionary opposition. Similarly, the chances of a single contestation to have an effect on citizenship lie on a broad continuum between none and high. In a sense, the concept of contestation is closely linked to the notion of agency. Contesting existing practices or institutions is a necessary condition for human agency and the possibility to initiate change of any direction or degree.\textsuperscript{12}

Given its essential contestedness, citizenship is not only prone to change over time but always a composite entity consisting of different elements, which are concepts themselves (again open to contestation) (Vandenberg, 2000). In order to grasp citizenship in this complexity, it is suggested to think of it as a bundle of institutionalised citizenship practices. It should be emphasised that this notion is different to the idea of citizenship as practice commonly associated with republican ideas in contrast to citizenship as status in liberal approaches (for this distinction see Oldfield, 1990). An alternative meaning is offered by Antje Wiener (1997; Wiener). Following Tilly, her approach is more interested in processes of institution building and the contribution of citizenship to the ‘stateness’ of the EU. Citizenship practice is said to be the “dynamic citizen-polity relation” (Wiener, 1998, 7) consisting of

“[T]he historical elements of rights, access and belonging which in turn specify the historical variability of the institutionalised link between the citizen and the polity/community. The historical elements tie individuals to the state by law and identity on the one hand, and they reflect the constraints and opportunities for access to political participation, on the other.” (Wiener, 1998, p. 31)

Such a broad empirical notion should, first of all, allow for bridging the dichotomy between republicanism and liberalism as it becomes possible to translate previously static aspects of rights and status into a more dynamic framework of historically contingent institutions which can include rights as well as participatory practices. Moreover, a broader focus on routinised relations enables understanding citizenship in terms of softer social institutions and everyday practices.\textsuperscript{13} Furthermore, this wider perspective allows for including the social, cultural and economic realities of particular citizenship configurations. What ultimately matters for the citizen is not only her status but also its realisation through specific institutions and everyday practices. Finally, and most important in the context of this paper, such a perspective is most suited to detect and to assess even subtle changes.

However, for the aims of this project, Wiener’s account has to be adjusted in some points. To begin with, the focus should be broadened from the immediate link between state/polity and citizens (i.e. the vertical dimension of citizenship) to those institutionalised relationships between citizens themselves which are predetermined

\textsuperscript{11} However, practical contestation of existing citizenship formations might often not be termed in citizenship language.

\textsuperscript{12} On the concept of agency, see Giddens (1979; Giddens); for the more specific context of (women’s) agency in struggles about citizenship see Lister (Lister, 2003) or similarly Siim (Siim, 2000).

\textsuperscript{13} In this context, see for example Elizabeth Meehan’s (Meehan, 1993) work on factual economic citizenship that preceded the legal formulation of citizenship of the Union in the Maastricht Treaty or Michael Hanagan’s (Hanagan, 1999) argument about full employment as ‘inherent promise’ in the history of British citizenship.
by the polity (horizontal dimension). Incorporation in the economy or the gender contract (for example Forsberg, Gonäš, & Perrons, 2000) underlying a particular society are just two examples. Ignoring the horizontal dimension runs the risk of subsuming all relations among citizens to the private realm thereby reproducing a strong public/private divide (cf. Moller Okin, 1998) and overlooking important patterns of inclusion and exclusion.

Furthermore, Wiener’s basic elements of citizenship (see quote above) should be reconsidered. With regards to the rights-element, especially when exploring the social and economic dimension, it is important to complement citizenship rights with a notion of duties. Moreover, the access-element contains aspects of participation (i.e. the main element of republican approaches) as well as the insight that there is a difference between having a right and having the opportunity to benefit from it. In contrast, distinguishing more clearly between participatory and access elements should reduce complexity and increase analytical clarity. Especially when the investigation is expanded to the horizontal dimension of citizenship, the number of different patterns of participation and access will multiply abruptly. At the same time, it is assumed that participatory practices will always be characterised by an element of voice. One could, for example, mention participation in the workplace, in schools, the local community or civil society. Moreover, these practices contain a constructive potential. Looking at participation merely with regards to ‘access to participation’ might expose barriers that exclude certain groups of citizens in practice. However, it would still disregard the diversity of participatory practices as well as their constructive input into a society. Moreover, having taken participation out of the access element and demarcated between them more clearly, it is suggested to interpret access in the broadest possible sense as access to societal resources. This can range from access to material benefits provided by the welfare state, to education, to labour market access to access to social resources in terms of social networks, social roles or personal autonomy. In more general terms, while participation refers to notions of democracy and voice, access to societal resources refers to notions of justice, equality and opportunity. The element of belonging, in contrast, is seen here as a second order attribute that rather follows citizenship practices than preceding it and, therefore, does not play a major role in the context of this study (for a convincing account see Ferrera, 2005).

Finally, it is aimed at taking the notion of citizenship practice in a more literal sense. While Wiener mostly uses it in singular form as abstraction representing the total of all institutional ties between citizenry and polity in a certain context at a certain time, this study is interested in the multifaceted image of actual political, social and economic activities and relationships. In other words, instead of citizenship as practice or citizenship as status, this paper is particularly interested in understanding citizenship in practice.

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14 The distinction between a vertical (state-citizen relations) and a horizontal dimension (citizen-citizen relations) of citizenship is borrowed from Birte Siim (Siim, 2000).
15 In this respect, see Paul Teague’s definition of economic citizenship: "the rules and obligations set down for the incorporation of people into economic life" (Teague, 1999, 12). Its range goes way beyond Marshall’s discussion of the prospects of industrial citizenship (Marshall, 1992).
16 Although he remains much vaguer on duties than on rights, even Marshall states that the duty to work is of “paramount importance” (Marshall, 1992, p. 43); on the broader normative debate about ‘citizenship duties’ see Kymlicka and Norman (Kymlicka & Norman, 1994).
To sum up, citizenship is viewed as an open-ended historical process driven by continuous contestation. Moreover, it can be understood as a composite of different citizenship practices establishing and reproducing institutionalised relationships. More specifically, they can be about rights and duties, about participation and about access to societal resources. The next sections will investigate, which changing citizenship practices can be identified and which kind of contestations were taking place. At the same time, this broad and general conceptualisation of citizenship shall be filled with empirical content in order to arrive at a contextualised concept of citizenship.

**THE EUROPEAN CONTEXT: GENDER EQUALITY ON THE RETREAT**

In order to include a focus on the inherent problem of inclusion and exclusion when assessing the EES from a citizenship perspective, it is opted for concentrating on a dimension that is essential for fair and inclusive citizenship and where the implications of the activation paradigm will become particularly visible: gender equality. Unequal treatment of women and men constitutes one of the most tenacious patterns of exclusion from within. Women are the largest group targeted by activation policies\(^{17}\) and the paradigm shift will not only affect institutions and social relations in the labour market but also upset the corresponding gender contract.\(^{18}\) Moreover, as gender equality is the most established among the wider field of equality in EU law and policy, it is hoped to gain some insights of a more general value.

In the context of a balanced reform, provisions of gender equality always constituted an important element of the EES. However, it gradually lost visibility since 2003. While gender equality constituted a pillar\(^{19}\) in its own right it became gradually compromised and weakened in a series of key documents and reorganisations. By adding three new ‘overarching key objectives’ in the beginning of 2003\(^{20}\) and four ‘key priorities’ formulated by the Kok-Report,\(^{21}\) the standing of gender equality was crucially weakened. Instead of being a principle in its own right, it was now subsumed under ‘quality at work’ or serving the priority of ‘attracting more people to the labour market and making work a real option for all’. In other

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\(^{17}\) Jane Jenson, for example, argues that the shift towards activation also implies a redefinition of the meaning of full employment from the half of the population to virtually all adults (Jenson, 2003).

\(^{18}\) In this context, Jane Lewis argues that the standard work contract underlying a society is mutually dependent on a corresponding gender contract. If one of them is changed, the other will be affected as well. Such change can be a risk or a window of opportunity (Lewis, 2004).

\(^{19}\) In its original structure, the reporting procedures and guidelines of the EES were organised along four pillars (employability, entrepreneurship, adaptability and equal opportunities between women and men).

\(^{20}\) These key objectives are: full employment, quality and productivity at work, cohesion and an inclusive labour market (see European Commission, 2003a).

\(^{21}\) A task force, led by the former Dutch prime minister Wim Kok formulated the following priorities in order to add new momentum to the EES: increasing adaptability of workers and enterprises; attracting more people to the labour market and making work a real option for all; investing more and more effectively in human capital; ensuring effective implementation of reforms through better governance (Employment Taskforce, 2003). The priorities were incorporated in the strategy in spring 2004 (see European Commission, 2004).
words, the meaning and justification of gender equality shifted from fundamental rights to much weaker and narrower contexts. Moreover, after the integration of the EES into the new Lisbon Strategy, there is only very little explicit reference to gender equality. The new integrated guidelines do not include a specific guideline on gender equality. Gender mainstreaming, gender gaps and the need to balance work and private life are still mentioned but were shifted to the introductory paragraph or under much less explicit, vaguer headlines such as ‘life-cycle approach’ (see Council of the European Union, 2005a). Overall, the new strategy has shifted considerably towards competitiveness and growth while gender equality and other ‘balancing’ elements were pushed to its fringes.

The crucial role of the Kok Report (Employment Taskforce, 2003) in the process of refocusing and narrowing was stressed by different actors close to the EES. Moreover, while there was no consensus about the necessity of this refocusing, most agreed that explicit reference to gender equality and particularly to positive action fell victim to this concentration of the process. However, direct questions about this development often repeatedly got the response that gender issues did not disappear but were now mainstreamed (esp. in the Commission). Parallel, others argued that this loss of visibility was largely due to serious ‘misinterpretations’ of gender mainstreaming.

The next sections will investigate the different receptions of the EES in Germany, the UK and Hungary. In each case, the documents produced within the reporting procedures of the EES did serve as starting point for the investigation. In this context, it should not be assumed that every activity that is reported by the member states in their National Action Plans (since 2005 National Reform Program) has to be accounted to the existence of the EES. Nevertheless, the NAPs and NRPs help to identify fields of activity, problems and change over time. Once a new practice is identified, it is possible to investigate whether the EES did play a role in the processes of contestation behind its origin.

GERMANY — SIMULTANEOUS REFORM ACTIVITY AND EUROPEAN RESERVATION

During its second term in government, the SPD/Green coalition under chancellor Schröder launched the most extensive reforms of employment policies in German history based on a number of legal acts. However, this was not the first attempt to reform. In its previous term, the government’s approach to reform was based on a social pact, the ‘Alliance for Employment, Education and Competitiveness’ (=Bündnis für Arbeit, Ausbildung und Wettbewerbsfähigkeit), which collapsed in 2002 (for example EIRO online, 2003b). Named after Peter Hartz who chaired the commission that produced the original proposals The original mandate of the commission was limited to making suggestions for reorganising the German public employment service but it came forward with a much broader set of proposals (Schmid, 2003).
refers to the activation paradigm and contains a broad range of related principles. The main elements consist of a fundamental reform of the Federal Employment Service, measures to increase temporary work, to promote new forms of self-employment (Ich AG) and the amalgamation of unemployment and social benefits. Although the reforms certainly constitute an important step to address Germany’s current labour market problems, especially the fourth Hartz Act provoked heated debate and resistance. Critics accuse the reform of blaming the unemployed for their joblessness (for example, Hickel, 2003) and of a strong bias towards ‘negative incentives’, such as, cutting of benefits, sanctions in case of non-compliance or decreased reasonability criteria. While the new combined jobseeker benefit (ALG II) proved to be a huge success with view to the federal budget, it resulted in massive cutbacks, an increased risk in poverty, and much disputed conditionalities for the recipients. Criticism against the Hartz reforms is mainly raised by trade unions (DGB-Bundesvorstand, 2003; Engelen-Kefer, 2005) but also from feminists (BAG, 2002; Kurz-Scherf, Lepperhoff, & Scheele, 2005). Simultaneously, a strong debate about free riders and abuse of social benefits provides legitimising arguments for restrictive measures. The most recent adjustments of the fourth Hartz act seem to follow rather this point of view.

Although gender equality was named a horizontal objective in the 2002 coalition agreement (Erneuerung - Gerechigkeit - Nachhaltigkeit, 2002), it is not very high on the German reform agenda. Measures targeting inequalities between men and women are patchy. Although they include some specific measures, for example for single mothers, the composition of the Hartz commission, the language of its original report as well as the implications for women in practice are heavily criticised (for example BAG, 2002). Most important, it is argued that the reforms undermine women’s autonomy and reproduce or even strengthen negative stereotypes (Reihs, 2005). In addition, an anti-discrimination bill implementing Directives 2002/73/EG, 2000/78/EG and 2000/43/EC is stuck in the legislative process. In contrast, the employment recommendations by the Council repeatedly specify gender issues as a dimension where more has to be done. Particularly, the high gender pay gap, the impact of the tax and benefits system on women’s employment and the lack of childcare are continuously highlighted between 2000 and 2004 (Council of the European Union, 2000, 2001, 2002a, 2003a).

Despite this explicit and consistent advice, the responses in the German NAPs are limited. The gender pay gap remains largely untouched with reference to the wage setting autonomy of the social partners. Moreover, it took the German government several years to produce statistical data on unequal pay. Similarly, regarding childcare the government usually points to the legal entitlement to care for children between the age of three and school age. Concerning the immense lack of childcare places in practice, however, the NAPs usually point to the responsibility of the Länder.

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26 The Federal Employment Agency is expected to achieve a budget surplus of between 8.8 and 9.6 billion Euros for 2006 (see http://www.arbeitsagentur.de/nr_124664/zentraler-Content/A01-Allgemein-Info/A011-Press/Presse/2006/Presse-06-061.html).
27 In this context, the ‘Gesetz zur Fortentwicklung der Grundsicherung für Arbeitslose’ introduces stricter sanctions and eases the exchange of data on recipients of unemployment assistance.
28 On 29 April 2005 the European Court of Justice has ruled that Germany had failed to transpose fully Directive 2000/43/EC. The deadline to transpose this Directive was 19 July 2003.
29 Appropriate data on the pay gap was not available in the German NAP until 2003.
and municipalities. Moreover, childcare for children under three or day care for schoolchildren is rarely mentioned and not a priority.\textsuperscript{30} Finally, responses concerning the impact of income tax regulations on female employment were rather late (not until 2003), hesitant and display some unawareness about the mutual constitution of legal and social/cultural norms and structures.\textsuperscript{31}

From the broader perspective on changing citizenship practices, everything is still in flux and it is impossible to speak of a new German citizenship regime. Nevertheless, some patterns can be observed. In general, the current reforms seem to cut back on social rights and to create a wide range of new duties, which could be summarised as the ‘duty to cooperate to get into work’. In contrast to Marshall’s vague duty to work, these duties are often combined with concrete sanctions, mostly as conditionalities on existing rights or benefits. These restrictions and conditionalities can also translate into decreasing access to societal resources. On the other side, jobseekers can receive personal, tailor made service and training by the reformed employment service. However, these measures do not create new right(s) to benefit from active labour market policies. Moreover, this aspect of the reform is criticised as underdeveloped (for example DGB-Bundesvorstand, 2006; Engelen-Kefer, 2005) and insufficiently funded.\textsuperscript{32} Concerning gender equality, with some exceptions, the reforms are largely blind to possible differences in their impact on women and men.

Overall, the exchange of documents within the EES raises the impression that Germany is little receptive if not resistant to its gender equality provisions. Throughout the interviews, reports and complementary texts consulted, two basic conditions are quite consistent. First, in Germany the EES is generally met with reservation. On the one hand, this was expressed in direct criticisms of the procedures of the EES, in particular the method of benchmarking. In addition there were many references to German federalism and to the autonomy of the social partners in negotiating wages (most important with regards to gender pay gaps). While the fragmented power structures certainly add to the problem compromising the effectivity and efficiency of the Strategy, it could, however, be argued, that this reservation has to be understood as expression of a different administrative culture. In Germany, politics is exclusively formulated in terms of law while softer, more fluent processes seem to be somehow suspect to its officials. Moreover, these processes might rely on different skills, perceptions and procedures. In addition, with the Lisbon re-launch the coordination of the whole process was shifted from the Labour Ministry

\textsuperscript{30} Although the Employment Recommendations do not only criticise a lack of childcare in quantitative terms but also lacking correspondence with working hours and school schedules (Council of the European Union, 2002b, 2003b, 2004, 2005b).

\textsuperscript{31} “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, 23).

\textsuperscript{32} Regarding tensions between the principle of “foerdern” (facilitate) and insufficient funding see press releases by Ulla Burchardt, Chairwoman of the Committee for Education, Research and Technology in the Bundestag (http://www.netzwerk-weiterbildung.info/meldung_volltext.php3?si=1&id=44fd398e89edf&akt=news&view=&lang=1; 25.08.2006) and by Buendnis 90/Greens in the Bundestag (http://www.gruene-bundestag.de/cms/presse/dok/145/145408.htm; 30.08.2006).
to the Chancellor’s Office and to an entirely new group of actors. Interestingly, this basic reservation is also shared by German women’s organisations and trade unions that do not spend much energy on using the EES as a political resource. Women’s organisations complained about a lack of access and institutional hurdles due to the strict distinction between departmental competences. Trade unions prefer the existing national institutional channels and also displayed some more fundamental scepticism against EU employment policies, most importantly against the mere supply side orientation of the activation paradigm and against soft law.

However, despite this basic reservation, there is evidence for enhanced communication and increased interaction through the EES/Lisbon Strategy. Most important, the reform of the federal employment service and the merging of unemployment benefits and social benefits were clearly informed by experiences from abroad. In particular, the German and British members of the Employment Committee played a crucial role actively facilitating intensive bilateral exchanges up to ministerial level. German officials highlighted that this extensive bilateral cooperation was crucially enhanced by their regular and friendly contacts with their British colleagues in Brussels. On a more general level, there was much reference to the importance of the European level for the emergence of some form of mainstream debate on employment policies, which was said to be furthered by the EMCO discussions, peer review sessions, thematic seminars and numerous bi- or trilateral events. However, it should be noted that this notion of “mainstream” was used in a sense far away from any notion of consensus but rather referred to the broader structure of the debate.

The second basic condition is the general context of gender equality. At least in the field of employment policies, 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, p. 50). At the same time, however, the German NAPs contain signs of awareness. For example, there is reference to the objective that men should take on more responsibilities in care (see for example Federal Republic of Germany, 2000, p. 42), which is promoted by new regulations allowing to split parental leave between parents (since 2001). Moreover, after the last federal election, a new debate about family policies and the role of women emerged within the Christian Democrats. However, this debate is rather motivated by concerns about low birth rates than about persistent inequalities and it is to be seen whether this debate will have substantial consequences for the relations between women and men (for potential problems and contradictions see Verloo, Maratou-Alipranti, Tertinegg, & van Beveren, 2005).

33 This change of procedures and people is also clearly visible in the reports. The structure of the 2005 is entirely different to every NAP submitted before (partially the NRP does not even quote the correct guidelines).
34 Women’s issues are within the competence of the Ministry for Family, Seniors, Women and Youth while the main responsibility for the EES was with the Ministry for Economics and Labour (until September 2005).
35 Author’s interviews.
THE UK — TEACHING OR LEARNING?

The main characteristic of the UK’s interaction within the EES is its excellent economic performance with employment rates well above EU average and well above the original Lisbon targets. Moreover, Tony Blair and New Labour are in government for nearly a decade and were key promoters of Third Way politics and the closely connected activation paradigm (see for example Blair, 1998) (Plant, 1998). Finally, gender equality has a completely different standing that is also reflected in the UK NAPs, which are characterised by a much higher degree of gender sensitivity and gender mainstreaming.

However, the EU recommendations consistently note a high gender pay gap and lack of childcare facilities. In addition, lone parents (the vast majority are mothers) are identified as a group facing particular high risks of unemployment and social exclusion.

The UK NAPs report the ‘New Deal for Lone Parents’ as main instrument tackling the problems of lone mothers. These active labour market policies attempt to assist single parents to re-enter the labour market by a mix of personal advice, job search support, training, offering childcare places, and in-work benefits. The program was introduced in 1997, continuously refined and reported as successful. Issues of improved and affordable provision of childcare are tackled with the National Childcare Strategy (see Department for Education and Employment, 1998) and the Sure Start program (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 the low starting point and the fact that the UK government had to admit the hitherto approach of leaving childcare to the market had failed (United Kingdom, 2000, p. 10), this strategy sets ambitious targets and seems to do relatively well (for a critical evaluation see Lister, 2006). The stubbornly high pay gap, however, remains a big problem. Latest research, thirty years after the Equal Pay Act, shows that women still earn around 15% less than men (Women and Work Commission, 2006). The interrelation between pay gap, lack of childcare and the strong segregation of the labour market are acknowledged throughout the NAPs. The government also repeatedly specified tackling gender stereotypes as crucial antidote and adopted a number of policies to motivate young women to consider alternative jobs, especially in ICT. However, these strategies are in most cases restricted to women and the labour market while neglecting male roles/stereotypes and unpaid labour/care (on this problem see also Verloo, Maratou-Aliprandi, Tertinegg, & van Beveren, 2005). Moreover, against the background of diverse working time arrangements in the UK labour market, part-time is continuously portrayed as opportunity for women to balance work and care responsibilities and most women working part-time are said to do so by choice. It could be argued that this practice actually undermines efforts to tackle gender stereotypes. Indeed, it could be argued that the practice of silencing masculine roles and the dimension of care reproduces a

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36 According to the 2005 NRP, the employment rate of lone parents has risen by 11.3 percentage points to 56.6 percent since 1997 (United Kingdom, 2005, 41).

37 The pay gap is even wider when including the gap between part-time and full time. Women working part-time can earn even 41% less per hour than men working full time (Women and Work Commission, 2006).
strong public/private divide. If part-time work remains a mostly female domain, this will also have negative effects on attempts to close the pay gap. In fact, there is not only a problem of unequal pay between men and women but also between part-time and full-time. Discussions about the role of men in childcare around the parental leave provisions of the Work and Families Act 2006 might be a start (Equal Opportunities Commission, 2006; for a more negative assessment see James, 2006).

With regards to changing citizenship practices, the political style in the UK is much more oriented towards access related practices such as the New Deal Programme, the Childcare Strategy or the childcare element of the Working Tax Credit. In other words, the political style in which citizenship is developed in the UK has another direction. Instead of starting with a general law installing rights and duties, this mode starts with policy pilots on the ground. Of course, these elements also contain inherent promises, which could theoretically develop into rights.

Given the reported activity and reported progress on most recommendations, does this mean that the UK is particularly amenable to the EES? There certainly are some conditions in favour of such assessments. UK officials have far lesser reservations against the policy-making style of the EES than, for example, their German colleagues. On the one hand, it does not even contain the risk of new European legal (esp. labour law) norms that could be imposed on the UK. On the other hand, the administration is much more familiar with policy formulation in terms of benchmarks and targets or with designing pilots in order to create best practices. However, some doubts can be raised. Many patterns and policies that are considered good practices originated in the UK. In fact, German as well as Hungarian officials repeatedly mentioned that they had a strong interest in the British example. This experience combined with the good performance puts the UK in a favourable position. And, indeed, the UK seems not as much interested in policy learning rather than presenting its success and in ‘policy-teaching’. In cases of criticism from the EU level, there is, if any, little concern about negative reporting. For example, the demand to involve the social partners more strongly is usually rejected quite uncompromisingly. While the role of social partners is weak, women’s organisations do not take a big interest in the EES to gain access to political processes. Given the national machinery, the EES does not appear to provide any value added.

However, the remaining pay gap shows that there still are major problems. While it is acknowledged that the reasons may be complex, the UK can be criticised for neglecting the roles of men as well as the dimension of care thereby reproducing other stereotypes. The definition and discussion about the concepts of choice and flexibility could be crucial in order to tackle this problem.

38 On intersections between irregular working hours, gender and pay see Harkness {Harkness, 2002 #465} on unequal pay in general see Rubery and Grimshaw {Rubery, 2001 #464}.
39 Here, the use of OECD quotations (United Kingdom, 2003, 6) reference to achievements of different Lisbon targets (throughout all NAPs) or some NAP sections on gender mainstreaming (see esp. United Kingdom, 1999) provide good examples. For another example see ‘Blunkett tells EU to learn from UK’s job creation plans’, The Guardian, 13.09.2005.
HUNGARY — THE GAP BETWEEN RIGHTS AND ACCESS

With a view to gender equality as well as to its reception of the EES, the case of Hungary is characterised by a very different context. On the one hand, it has an entirely different history of female employment; moreover, the main challenges for the economy and the labour market are determined by the transition after the end of the socialist regime. On the other hand, Hungary is a new member of the European Union.

The most difficult phase of economic transformation took part in the nineties with strong negative effects on employment, especially among women and older workers. In fact, the decline in female labour market activity from 76% to 50% between 1990 and 1995 was the largest throughout the then new applicant states (Pollert & Fodor, 2005). Since the late nineties, the situation has improved; employment rates for women and men were rising again in 1998 (Hungary, 2001). By far the main characteristic of the Hungarian labour market is the high inactivity coupling low levels of employment (56.8% in 2004) with low unemployment rates (6.1%). Accordingly, increasing the overall employment rate is the key government priority (see Hungary, 2004, 2005). Although women’s employment is below the EU average, the gap is smaller than for employment rates of men or older people (Hungary, 2005). In addition, until 2005, the unemployment rate of women has been lower than that of man. Although it was acknowledged that there are particular reasons for female inactivity, women are not mentioned among the groups facing particular difficulties in the labour market. However, the system change and the transition process did not only affect Hungarian economy and labour market figures but also triggered some shifts in social attitudes. Arguably, a conservative shift is negatively influencing the cause of gender equality (see also Hungary, 2004; for details, see Kollonay Lehoczky, 2005).

In the run up to its accession to the Union, Hungary was obliged to implement the complete acquis communautaire into national law. This conditionality also had an impact on the role of the EES as well as on the situation of gender equality, at least in formal terms. Because the EES is included in the Amsterdam Treaty, this instrument of soft governance has a much harder basis, which is, for example, reflected in the organisational structure of the ministry for Labour and Employment, with specific units responsible for the EES and the ESF. Although the Hungarian NAPs emphasis the specific problem of the post-communist member states, based on these institutional conditions, the Hungarian NAP has much more weight as a genuine strategy paper than in the UK or Germany. Furthermore, Hungary’s institutional set-

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40 During the first phase of transition between 1989 and 1992, Hungary lost around 1.1 million jobs and the overall employment rate decreased by 21.4 percentage points (Hungary, 2001, 5).
41 In particular, one has to mention the extensive maternal leave regulations and the “high-level involuntary inactivity, particularly in disadvantaged rural areas”. (Hungary, 2001, 10) Instead the most disadvantaged groups are young people, disabled people and, above all, the Roma (see Hungary, 2004; , 2005, 37/38).
42 These perceptions are corroborated by recent research on gender stereotypes in Hungary showing that the younger generations display much stronger conservative attitudes towards the roles of men and women. This research was undertaken by the Jól Lét Foundation (Budapest) as part of the Eu funded project STERE/O. A publication of the results in English is planned.
43 In contrast to the German and UK NAPs documenting activities from a retrospective standpoint, the Hungarian NAP is laying out the strategy for a period of three years (see Hungary, 2005, p. 37).
up regarding anti-discrimination and equal opportunities seems comparatively sophisticated. On the government side, the Government Office for Equal Opportunities located in the Ministry of Social Family and Equality Affairs that was created in October 2004 is responsible for the political leadership and promotion of equal opportunities. In addition, based on the Act on Equal Treatment and Promotion of Equal Opportunities (January 2004), the government funded but independent Equal Treatment Authority investigates violations of the act and can impose sanctions up to 20,000 Euro. However, despite being the essential legal instrument with regards to equal opportunities, the act does not mention gender mainstreaming. Finally, the Council for the Representation of Women is a consultative body, where Hungarian women’s organizations shall have the possibility to comment on government policies.

Hungary contributed to the system of EU employment policies even before its formal accession, for example through a Joint Assessment Paper (European Commission, 2003b, 2003c; Hungary, 2001) or participation in EMCO. While these procedures should serve the integration into the EES the emphasis was largely on formal implementation of the acquis than on actual policies, especially with regards to gender equality. Similarly, the call for more flexible and family friendly working time patterns in the 2004 employment recommendations is met with the plan to review the Labour Code to pave the way for more non-standard employment. However, in practice, this review of the Labour Code seems got stuck under way. In addition, wages are so low that part-time is not really an option and more likely to stay marginal (see Hungary, 2004).

From a citizenship perspective, the Hungarian citizenship regime found itself in turmoil due to the transition from socialism to liberal democracy and market economy. More recently, the implementation of the acquis communautaire before the EU accession created a number of important new rights, most important in the realm of equal treatment and anti-discrimination. However, in the narrow realm of gender equality, these new rights seem to be connected with problems of access for their potential beneficiaries. Moreover, apart from cuts of social security contributions of employers who employ disadvantaged people, more access oriented programs are rather mentioned as vague intentions than as actual practices (see for example Hungary, 2004, p. 31).

That the EES is meeting different conditions 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, at least at the more technical levels of policy making. Some more recent active labour market policies are pretty similar to the UK New Deal (see Hungary, 2005). Under the gender equality guideline the 2004 NAP delivers at least some clear analyses about the particular problems of women in the labour market while policy responses are still rather hazy.

This specific openness to the EES stands in strong contrast to the specific institutional and social context regarding gender issues. The respective legal and institutional set-up may sound convincing. However, at a closer look, the promotion

However, the re-launch of the Lisbon strategy came more as a shock for Hungarian officials as the original strategy was set out in the 2004 NAP for a period of three years, while in 2005 the guidelines, and the whole procedural setup were changed again (author’s interviews).
and implementation of gender equality is confronted with a number of problems. First of all, the Equal Treatment Act follows a universal anti-discrimination approach. Gender equality is just one theme among many and in a difficult position. Especially, given the massive problems of the Roma community and of disabled people, gender equality is under threat to be pushed to the fringes – even more, so when considering the limited human and financial resources of the Hungarian equality machinery. There are concerns that the case of gender equality in Hungary has only a very weak ‘voice’ and is lacking a specific ‘face’ (see Open Society Institute, 2005, p. 75). Similar concerns were also raised in interviews with representatives of women’s organisations. They reported problems to make their case heard and particularly criticise the Government Office for Equal Opportunities for inadequate cooperation and neglecting questions of gender equality. Furthermore, the main intention of the Equal Treatment Act is the prohibition and sanctioning of discrimination while the active promotion of equality is not a key aim. Accordingly, as the core of the national legal framework, the act might not positively resonate with the more policy oriented gender equality provisions of the EES. Most important, as the act does not mention gender mainstreaming, this is introduced into Hungarian politics through EU processes only (Krizsán & Zentai, 2006). Against this background, the gradual disappearance of gender equality from the provisions of the EES did send dramatic signals to Hungarian policy makers. In fact, the 2005 National Reform Programme displays only very limited knowledge of the particularities of women’s problems and limited commitment to implement and promote equality between women and men. Gender mainstreaming is not even mentioned. Finally, the Council for the Representation of Women, the only institution exclusively focusing on women’s issues was not convened for the last four years.

Overall, the institutional history of (gender) equality in Hungary is characterised by instability and constant reshuffling, mostly in accordance with changing governments (EIRO online, 2003a; Krizsán & Zentai, 2003, 2004). For example, after a short lived elevation to ministerial level between May 2003 and October 2004, equal opportunities slid down the hierarchy after the minister for equal opportunities without portfolio, Katalin Levai, was elected as an MEP. This story continues as after the latest elections, a major reshuffle of the Hungarian government and administration is taking place. Most important, the Ministry for Labour and Social Affairs is merged with the Ministry for Youth, Family, Social Affairs and Equal Opportunities. Moreover, the number of staff in the Government Office for Equal Opportunities will be further reduced. However, the reorganisation was still in process while this paper was written.

44 According to one of the lawyers involved in the drafting process, it was one of the key aims to create a sound legal base for anti-discrimination in order to shield it from political disputes. Against this background, the strict distinction between the legal protection of equal treatment and the political promotion of equal opportunities was clearly emphasised.

45 In this context, the main documents featuring gender mainstreaming are the National Development Plan (Structural Funds), the National Action Plan on social inclusion and the National Action Plan on Employment (only in 2004).

46 Based on interviews in the Hungarian Ministry of Labour and Employment.

47 However, the reorganisation was still in process while this paper was written.
In sum, in contrast to Germany and the UK, where the new policies of the EES meet relatively stable contextual conditions, the latter are somehow less consistent in Hungary. While the Hungarian administration seems to be closer to the German one, there is more openness and willingness to engage with new methods. Similarly, the constant restructuring of the equal opportunities field illustrates that the conditions for the latter are more unsteady. Although it should not be assumed that external influences will be automatically effective under such circumstances, the massive lack of substantive input after the disappearance of gender equality from the EES will quite certainly not contribute to the outcomes originally desired.

CONCLUSION

Overall, in all three member states changing citizenship practices can be observed. Although it is unclear whether this process will crystallise into a completely new citizenship regime, it is, nevertheless, possible to identify some patterns. In general, we can see shifting citizenship practices in terms of rights and duties and in terms of patterns of access to societal resources in all cases. We can see how a specific discourse centred around core ideas like activation, the reconcilability of flexibility and security, or social capital and based on notions of current challenges like global competition or demography increasingly translates into policy-making, law and eventually into citizenship practices.\(^{48}\) Part of this process is a differentiation and individualisation of certain aspects of citizenship that were granted on a broader basis before.\(^{49}\) Whether that is a good or a bad thing, whether this creates new exclusion or whether it contributes to a more inclusive and fairer society has to be judged from case to case. On the one hand, this debate can deliver arguments for the state to withdraw from previous responsibilities, to make rights conditional or even to blame victims of structural change. On the other hand, there can be real empowerment of citizens and increased opportunities. Childcare, work-life balance, individualised support and services and the emphasis on education and training could trigger substantial extensions of rights and access patterns.\(^{50}\) Moreover, a more narrow focus on the dimension of gender shows that this transformation could open up opportunities to tackle structural inequalities between men and women. However, the investigation also showed that the discourse alone does not change citizenship. It is the particular contexts that matter.

What role does the EES play in these processes? Clearly, the strategy itself cannot successfully contest national citizenship and policy-making. Moreover, at least in the confined dimension under investigation, it did not seriously affect the institutionalised relationships between actors contesting citizenship on the national

\(^{48}\) As a reminder, it shall be emphasised that citizenship practices are distinguished from other social practice through elements of relationships and institutionalisation. Not every discourse is automatically a citizenship practice.

\(^{49}\) This is very close to what other authors described as ‘contractualisation’ (for example Gerhard, Knijn, & Lewis, 2002) (S. White, 2004).

\(^{50}\) As the focus on gender equality is based on an interest on inequalities between formerly equal citizens, possible extensions/reductions that can be uncovered with such a focus will be rather of a substantive nature. In addition, it could be interesting to investigate extensions/reductions with a view to new groups of beneficiaries, for example migrants.
level. In other words, the value of the EES as discursive resource should not be overestimated. The strategy can provide very limited resources but this should not be interpreted as a changing the general institutional set-up or increasing participation and inclusiveness of political processes. Rather, it should be understood as a site and a process were the activation discourse is taking place. It will provide sites and occasions for exchange in general and for conceptual debate in particular pre-structuring political debates by excluding certain options and providing problem analyses as well as terminology. In the context of conceptual debate, the story of the gender equality dimension gives the best example what can go wrong. It can be argued that the concept of gender mainstreaming underwent a change of meaning lying at the core of the problem. By adding additional objectives and priorities and by omitting all explicit references to gender (in)equality apart from a general provision on gender mainstreaming, the strategy has, more or less, lost a crucial objective. On the one hand, it lost the clear commitment to positive action and to the active tackling of distinct disadvantages of women. On the other hand, the more precise guideline(s) also served the purpose of analysing and defining specific problems (for example, the pay gap and labour market segregation) as well as what is meant by the objective of gender equality. This problem is best illustrated by a response repeatedly received on questions about the disappearance of gender equality: ‘gender equality did not disappear but is mainstreamed now.’ This can be interpreted in a way that targeted positive action has become unnecessary and, moreover, that gender equality is largely achieved. In fact, such a minimal meaning of gender mainstreaming has only little to do with the prominent definition by the Council of Europe (Council of Europe, 1998) or previous commitments of the Commission (for example, European Commission, 1996); it also implies a minimal meaning of gender equality (on the connection between these concepts see Verloo, 2005).

If this empty notion of gender mainstreaming feeds into the EU wide conceptual debate, this could undermine previous successes of the Union in promoting equality between women and men. With a view to transformations of citizenship, this can mean at least indifference towards existing and future exclusion if not increasing double burden on women. Of course, it was emphasised that the resonance of the EES depends on what member states make of it and that receptions of the conceptual debate will differ. Focusing on the meaning of gender mainstreaming it can be stated that the implications are most serious for the Hungarian case while the UK might be least affected with Germany ranging somewhere in between. The UK example clearly shows how a strong (und culturally rooted) framework of formal rights can safeguard against such changes of meaning. Given the general reservation as well as the weak and narrower context of gender equality in Germany, keeping gender equality clearly visible in the process could, at least, have contributed to keeping it on the German agenda as structuring element of the mainstream debate German respondents referred to. Moreover, the German government was at least held responsible to report on gender equality policies and related problems, which would have had some awareness raising and agenda setting functions. Finally, the fundamental misinterpretations that the need for tackling existing inequalities was now replaced by mainstreaming would have been impossible. The change in the case of Hungary is most serious. Given the higher importance of the Hungarian NAP as strategy document as well as main source

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51 In this context, the research project mageeq focuses on the particular meanings of gender equality underlying policies throughout the EU; for the project website see www.mageeq.net.
for the concept of gender mainstreaming, the disappearance of gender equality from the EES had the most direct influence. This becomes clearly visible when comparing the 2004 NAP with the 2005 NRP. While there were at least explicit analyses in the 2004 document, the weak institutional and social context underlying gender equality issues had nothing to oppose to the disappearing of gender from the European process.

It is not of much use to speculate about motivations behind these developments as they could also be the unintended consequence of attempts to raise the effectiveness of the process or a mere misinterpretation by mistake. Nevertheless, it should be searched for ways to prevent even unintended shifts of meaning. At this point, it makes sense to return to the discussion of citizenship and to the patterns of shifting citizenship practices described above. While there is much change along the axes of rights, duties and access, there is hardly any change in terms of participation. However, participation could offer solutions to the problems uncovered here (on gender mainstreaming in particular see Bacchi, 2005). In a sense, the spread of new modes of governance in the EU can also be interpreted as an attempt to turn to more pragmatic politics in a context of complexity and diversity. However, such a reorientation can be a risk as well as an opportunity. The British case demonstrates that a strong (i.e. culturally embedded) legal framework might be the best protection against exclusion resulting from pragmatic political experimenting. However, in the EU, although gender equality has a stronger legal base than employment policies as such, this normative framework cannot always be taken for granted. Participation in policy-making throughout all stages from planning to implementation might be an alternative safeguard. Pragmatic policy-making has to be oriented towards real problems and including the experience and the perspective of the affected is crucial to identify, to analyse and to tackle these problems.

In general, the claim for more participatory practices is based on a broader understanding of activation and aspires to extend its meaning beyond the labour market. Instead, this broader understanding seeks substantive empowerment of citizens to actively participate in their own affairs.\(^{52}\) Returning to the issue of gender equality in the EES, for example, such a thinning out of gender mainstreaming and gender equality would have been much less likely with a more active participation of women and women’s organisations in the conceptual debate.\(^{53}\) In other words, the EU’s expert-bureaucratic approach to mainstreaming has to be complemented by a participatory-democratic approach (see Beveridge & Nott, 2002; Shaw, 2005). The need to bring in the expertise of the affected can be further illustrated by another experience from setting up and conducting interviews. The response “I am not a gender expert” was received so frequently, thereby raising doubts about the state of gender equality as horizontal objective. Unless, there is more input by the experts of everyday life, the citizens and in this particular case, women.

\(^{52}\) In this context see also James Tully’s claim for a completely new approach to European integration based on citizens’ participation (Tully, 2006).

\(^{53}\) Against this background, Behning and Serrano Pascual (2001) argue that gender mainstreaming has to be connected with debates about its objectives and that the participations of citizens and women’s organisations will contribute essential expertise.
References:


