
Interdisziplinäre Europastudien

Ulrike Liebert · Janna Wolff
(Hrsg.)

Interdisziplinäre Europastudien

Eine Einführung



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Ulrike Liebert
Jean Monnet Centrum für Europastudien
Universität Bremen
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Janna Wolff
Jean Monnet Centrum für Europastudien
Universität Bremen
Deutschland

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Vorwort & Danksagung

Europäisch zu denken heißt, die Komplexitäten Europas kennen und verstehen zu lernen. Zu verstehen, wie es die Europäerinnen und Europäer vermochten, ihre noch im 20. Jahrhundert gewalttätig ausgetragenen Konflikte weitgehend zu zivilisieren. Zu erkennen, welche Bedeutung und Auswirkungen der weltweit größte Binnenmarkt hat. Zu wissen, über welche Macht und Einflussmöglichkeiten die verschiedenen Institutionen der Europäischen Union verfügen.

Die vorliegende Einführung basiert auf mehr als zehn Jahren Unterrichtspraxen von Dozentinnen und Dozenten der Universität Bremen in Kooperation mit Kollegen und Kolleginnen ausländischer Partnerhochschulen. Sie soll dazu beitragen, Lücken im Angebot deutschsprachiger Grundlagentexte im Bereich der Europastudien zu schließen. Die hierin aufgenommenen 22 Kapitel bieten eine strukturierte Einführung in das für Anfänger und Fortgeschrittene der Europastudien relevante historische, kultur-, rechts-, sozial- und politikwissenschaftliche Grund-, Vertiefungs- und (optionale) Spezialwissen zum *Komplex Europa*, und gliedert sich in vier Teilbereiche: *Historische Entwicklungen Europas*, *Grundlagen der Europäischen Union*, *EU-Konfliktfelder* sowie *Deutschland und Europa in der Welt des 21. Jahrhunderts*. Dieser Wissensstoff ist nicht ausschließlich am Bedarf von Studierenden deutschsprachiger universitärer Europastudiengänge ausgerichtet. Er soll darüber hinaus auch europapolitisch Interessierte und Aktive ansprechen und von praktischem Nutzen sein, sei es in der Erwachsenenbildung, an gymnasialen Oberstufen, in der Fortbildung von Journalistinnen und Journalisten mit einem Europa- bzw. EU-Fokus, in und außerhalb von Parteien sowie in zivilgesellschaftlichen Organisationen.

Unser Dank gilt vor allem den inzwischen zahlreichen Studierenden und Absolventen des interdisziplinären, und neben dem Schwerpunkt der theoretischen Wissensvermittlung auch sehr praxisorientierten, Studiengangs *Integrierte Europastudien*. Von ihnen haben wir, die Lehrenden, im Laufe der Jahre mehr gelernt als es die Texte im vorliegenden Band zum Ausdruck bringen können. Darüber hinaus danken wir herzlich den Autorinnen und Autoren der Beiträge dieses Buches für ihre ausgezeichneten Texte und die immer freundliche und kooperative Zusammenarbeit. Großer Dank geht auch an Ivan Dumka und Max Schwartz für die unkomplizierte redaktionelle Assistenz bei den englischsprachigen Ar-

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Bremen, Mai 2014

Ulrike Liebert & Janna Wolff

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Prof. Dr. Gabriele Abels ist Jean Monnet Professorin für Vergleichende Politikwissenschaft und Europäische Integration am Institut für Politikwissenschaft der Eberhard Karls Universität Tübingen. Ihre Forschungsschwerpunkte liegen im Bereich der Europäischen Integration, insbesondere Fragen regulativer Politik (Risikoregulierung, Biotechnologie, Lebensmittelregulierung), der demokratische Ausgestaltung des EU- Systems, der Rolle von Parlamenten im EU- System und Gender-Perspektiven auf den europäischen Integrationsprozess.

Dr. Tatjana Evas LL.M ist wissenschaftliche Mitarbeiterin am Jean Monnet Centrum für Europastudien (CEuS) an der Universität Bremen. Nach dem Studium der Rechtswissenschaften an der Riga Graduate School of Law (Lettland), an der Concordia International University (Estland), an der Columbia Law School (New York, USA) sowie der Promotion an der Universität Bremen war sie Researcher im Global Governance Program des Europäischen Hochschulinstituts Florenz. Zu ihren Forschungsschwerpunkten gehören Europäische Integration und Europarecht; vergleichendes Verfassungsrecht (Estland und Lettland), Institutionen des Rechts (Institutions of Law), nationale und europäische Gerichte, Schutz von Menschenrechten.

Prof. Dr. Josef Falke ist Professor für Europarecht, Arbeitsrecht, Umweltrecht und Rechtssoziologie an der Universität Bremen. Zu seinen Forschungsschwerpunkten gehören Europarecht, Recht der Technik, Umweltrecht, Arbeitsrecht, Verbraucherrecht und Rechtssoziologie.

Dr. Alexander Gattig ist Lektor für Statistik und Methoden im Fachbereich Sozialwissenschaften an der Universität Bremen. Seine Forschungsschwerpunkte liegen im Gebiet der Politischen Soziologie, auf Fragen der Europäischen Integration und sozialen Ungleichheit. Er hat in den Niederlanden promoviert, Forschungsaufenthalte in Oxford, Stanford und Oslo absolviert und an verschiedenen nationalen und internationalen Forschungsprojekten teilgenommen.

Prof. Dr. Reinhard Heinisch ist Professor für Österreichische Politik in vergleichender europäischer Perspektive an der Universität Salzburg, wo er auch als Abteilungsleiter der Politikwissenschaft sowie als Leiter des Fachbereichs Politikwissenschaft und Soziolo-

gie fungiert. Zu seinen Forschungsschwerpunkten zählen die politische Populismus Forschung, Euroskeptizismus und vergleichende Parteien- und Demokratieforschung.

Dr. Anne Jenichen ist wissenschaftliche Mitarbeiterin am Jean Monnet Centrum für Europa Studien (CEuS) an der Universität Bremen. Sie absolvierte Forschungs- und Arbeitsaufenthalte am Institut d'Études Européennes, Université Libre de Bruxelles; United Nations Research Institute for Social Development (UNRISD) in Genf und Brudnick Center on Violence and Conflict, Northeastern University, Boston. Ihre Forschungsschwerpunkte liegen auf den Gebieten EU-Außenpolitik, internationale Institutionen, Mehrebenen-Governance, Religion und Politik, Geschlechterpolitik, Wiederaufbau in Nachkriegsgesellschaften.

Prof. Dr. Wolfgang S. Kissel ist Professor für Kulturgeschichte Ost- und Ostmitteleuropas an der Universität Bremen. 2006 und 2007 hatte er Gastprofessuren an der Ecole des Hautes Etudes en Sciences Sociales und an der Université Paris VIII inne und 2011/2 war er Träger der Opus Magnum Förderung durch die Volkswagen Stiftung. Seine Forschungsschwerpunkte umfassen Kultur- und Zivilisationstheorie; russische, polnische, serbische Literaturen des 18.–20. Jahrhunderts, insbesondere Drama, Memoirenliteratur, Autobiographik, Reise- und Exilliteratur, Visualität, kulturelles Gedächtnis der poststalinistischen Epoche, und Orientalismus.

Dr. Claas D. Knoop Botschafter a. D., lehrt seit 2010 an der Universität Bremen und an der Jacobs University Bremen zu europa- und afrikapolitischen Themen. Als promovierter Rechtswissenschaftler war er für den deutschen Auswärtigen Dienst tätig, u. a. fünf Jahre als Gesandter an der Ständigen Vertretung Deutschlands bei der EU in Brüssel, von 2006 bis 2010 als deutscher Botschafter in Äthiopien/Djibouti sowie als Ständiger Vertreter (mit Beobachterstatus) bei der Afrikanischen Union.

Prof. Dr. Zdzisław Krasnodebski ist Professor für Soziologie im Studiengang Integrierte Europastudien an der Universität Bremen und war als Gastprofessor u. a. an der Columbia University in New York sowie an der Universität Warschau tätig. Als politischer Publizist und Kommentator arbeitet er mit polnischen Zeitungen und Zeitschriften zusammen, u. a. mit Rzeczpospolita, Dziennik, Wprost. Seine Forschungsschwerpunkte liegen auf dem Gebiet der soziologischen Theorie, insbesondere Theorien der Modernisierung.

Gesche Lange ist Doktorandin an der Bremen International Graduate School of Social Science (BIGSSS) und unterrichtet seit 2011 in den Studiengängen Politikwissenschaften und Integrierte Europastudien der Universität Bremen. Zu ihren Forschungsschwerpunkten gehören Global Governance and Regional Integration, Europäisches Parlament, Sozialpolitik der EU, Europäische Integrationstheorien, europäisches Recht.

Prof. Dr. Ulrike Liebert ist Professorin für Politikwissenschaft an der Universität Bremen, mit internationalen Forschungs- und Lehrtätigkeiten u. a. am Europäischen Hochschulinstitut Florenz, der Universität Autònoma de Barcelona (Spanien); der Cornell University (NY, USA), der Universidad Celaya (Mexiko). Seit 2000 leitet sie als Jean Monet Chair für Europapolitik das Jean Monnet Centrum für Europastudien an der Universität Bremen. Hier führte sie drittmittelgeförderte EU-Forschungsprojekte durch, u. a. „Chan-

cengleichheitspolitik im EU Governance Prozess“ (DFG); „Citizenship and Constitutionalisation in East-West European Integration“ (Volkswagen Stiftung); „Reconstituting Democracy in Europe: The Role of Civil Society and the Public Sphere“ (EU-FP7, mit H.-J.Trenz, ARENA Oslo).

Dr. Till Markus LL.M. ist wissenschaftlicher Assistent an der Forschungsstelle Europäisches Umweltrecht an der Universität Bremen. Seine Forschungsschwerpunkte liegen auf den Gebieten des Völker- und Europarechts, Seerechts, Umweltrechts und Fischereirechts.

Prof. Dr. Steffen Mau ist Professor für Soziologie und vergleichende Analyse von Gegenwartsgesellschaften an der Universität Bremen. Seine Forschungsschwerpunkte sind die Prozesse der Transnationalisierung, Sozialpolitik und soziale Ungleichheit.

Prof. Dr. Galina Michaleva ist Professorin an der Fakultät für Geschichte, Politikwissenschaft und Recht an der Russischen Staatlichen Universität für Humanwissenschaften (RGGU) und als Lehrbeauftragte im Studiengang Integrierte Europastudien an der Universität Bremen tätig. Ihre Forschungsschwerpunkte umfassen vergleichende Studien von Parteien und Zivilgesellschaft, Transformationsforschung und die Beziehungen Europa – Russland.

Dr. Kolja Möller ist wissenschaftlicher Mitarbeiter am Exzellenzcluster „Normative Orders“ an der Goethe Universität Frankfurt am Main. Seine Forschungsschwerpunkte umfassen Affekt und Verfassung, zur Normativität affektiver Kräfte in der Weltgesellschaft.

Dr. Giovanni Moro ist Politischer Soziologe und unterrichtet an der Erziehungswissenschaftlichen Fakultät der Universität Roma Tre und an der Sozialwissenschaftlichen Fakultät der Gregoriana Universität in Rom (Italien). Seine Hauptforschungsgebiete sind Transformationen des Citizenship Paradigmas, insbesondere bürgerschaftliches Engagement in öffentlichen Politiken, neue Formen von Governance, Corporate Social Responsibility und die Perspektive der Bürger im Europäischen Integrationsprozesse. Seit der Gründung von FONDACA (Active Citizenship Foundation) ist er als Präsident dieses auf Citizenship-Themen fokussierten Think Tanks tätig.

Dr. Henrike Müller ist Wissenschaftliche Mitarbeiterin am Jean Monnet Centrum für Europastudien (CEuS) an der Universität Bremen. Ihre Arbeitsschwerpunkte sind Europäisierungsprozesse, Migrations-, Integrations-, und Geschlechterforschung sowie europapolitische Bildung.

Prof. Joyce M. Mushaben ist Professorin für Vergleichende Politikwissenschaft und Gender Studien an der Universität Missouri St. Louis (USA). Ihre Forschungsschwerpunkte liegen in den Bereichen ost-, west- und multikulturelle deutsche Identität, Migrations-, Integrations- und Geschlechterpolitiken; sowie die Rolle von Frauen in der politischen Führung der EU.

Prof. Dr. Heiko Pleines leitet die Abteilung Politik und Wirtschaft der Forschungsstelle Osteuropa an der Universität Bremen und ist Professor für Vergleichende Politikwissen-

schaft und Europastudien an der Universität Bremen. Sein Beitrag geht aus seiner Einführungsvorlesung im BA-Studiengang Integrierte Europastudien hervor. Seine Forschungsschwerpunkte behandeln die Rolle nicht-staatlicher Akteure in der Politik und ihren Einfluss auf politische Regime.

Prof. Dr. Dr. h.c. Norbert Reich ist Emeritus Professor für Wirtschafts- und Europarecht an der Universität Bremen; Senior Fellow des Zentrums für Europäische Rechtspolitik; ehemaliger Rektor der Riga Graduate School of Law/Lettland (2001–2004), Extraordinarius an der Universität Tartu/Estland (2006–2008) sowie Braudel Senior Fellow am European Law Institute Florenz (2009).

Prof. Dr. Rosemarie Sackmann vertritt die Professur für Spezielle Soziologie an der Julius-Maximilians-Universität in Würzburg. Zu ihren Forschungsfeldern zählen Kollektive Identitäten, Gender-Soziologie, Migrationssoziologie; soziale Differenzierung, sozialer Wandel, soziale Mechanismen.

Prof. Dr. Hans-Jörg Trenz ist Research Professor am ARENA Centre for European Studies an der University of Oslo und EURECO Professor am Centre for Modern European Studies (CEMES) an der University of Copenhagen. Zu seinen Forschungsschwerpunkten gehören die Entstehung einer europäischen Öffentlichkeit (emergence of a European public sphere) und europäischen Zivilgesellschaft, europäische Zivilisation und Identität, Migration und ethnische Minderheiten, kulturelle und politische Soziologie, soziale und politische Theorie.

Dr. Janna Wolff ist Politikwissenschaftlerin und seit 2008 als wissenschaftliche Mitarbeiterin am Jean Monnet Centrum für Europastudien (CEuS) an der Universität Bremen tätig. Ihre Forschungsinteressen liegen allgemein auf dem Gebiet der Vergleichenden Politikwissenschaft und dem Bereich der Europäischen Integrationsforschung und insbesondere der Europäischen Populations- und Gesundheitspolitiken.

Dr. Arndt Wonka, an der Universität Mannheim promovierter Politikwissenschaftler, ist seit 2008 als Senior Researcher und Koordinator im Feld A – Global Governance and Regional Integration – an der Bremen International Graduate School of Social Sciences (BIGSSS) tätig. Seine Forschungsschwerpunkte liegen in den Bereichen Institutionen und Entscheidungsprozesse der EU sowie politische Parteien und Interessengruppen im europäischen Mehrebenensystem.

Dr. Shazia Aziz Wülbers, am Institut Science Po an der Universität Paris promovierte Politikwissenschaftlerin, ist als Lehrbeauftragte und Dozentin an der Universität Bremen und der Hochschule Bremen tätig. Ihre Forschungsschwerpunkte liegen im Bereich der Europäischen Integration und Integrationstheorien, europäischen Außen- und Sicherheitspolitik, Regierung und Politik in Indien (contemporary Indian politics), EU Beziehungen zu asiatischen Ländern, Theorien und Analysen der internationalen Beziehungen.

Abkürzungsverzeichnis

a.a.O.	am angegebenen Ort
ABl.	Amtsblatt
Abb.	Abbildung
Abs.	Absatz
Abt.	Abteilung
AEUV	Vertrag über die Arbeitsweise der Europäischen Union
AJS	American Journal of Sociology
Art	Artikel
ASTV	Ausschuss der Ständigen Vertreter
AT	Österreich
Bd.	Band
BE	Belgien
BG	Bulgarien
BVerfG	Bundesverfassungsgericht
BVerfGE	Sammlung der Entscheidungen des BVerfG
COM	European Commission
COREPER	Comité des Représentants Permanents
CY	Zypern
CZ	Tschechien
DE	Deutschland
d. h.	das heißt
DK	Dänemark
EAG	Europäische Atomgemeinschaft
EB	Eurobarometer
ebd.	ebenda (aus derselben Quelle)
ECJ	Court of Justice of the European Union
Eds	Editors
EE	Estland
EG	Europäische Gemeinschaft
EIAA	European Interactive Advertising Association
EMP	Europäische Mittelmeerpolitik

EMRK	Europäische Menschenrechtskonvention
ENP	Europäische Nachbarschaftspolitik
ENPI	Europäisches Nachbarschafts- und Partnerschaftsinstrument
EP	Europäisches Parlament
ES	Spanien
ESM	Europäischer Stabilisierungsmechanismus
ESZB	Europäisches System der Zentralbanken
et al.	et alii (und andere)
etc.	et cetera (und so weiter)
EU	Europäische Union
EU-15	Europäische Union der 15 Mitgliedstaaten
EU-28	Europäische Union der 28 Mitgliedstaaten
EuGH	Europäischer Gerichtshof
EuR	Europarecht (Zeitschrift)
EURES	European Employment Services
EWG	Europäische Wirtschaftsgemeinschaft
EWG-6	Europäische Wirtschaftsgemeinschaft der sechs Gründerstaaten
EWSI	Europäische Website für Integration
EZB	Europäische Zentralbank
EUV	Vertrag über die Europäische Union (Lissabon)
EuZW	Europäische Zeitschrift für Wirtschaftsrecht
EWG	Europäische Wirtschaftsgemeinschaft
f./ff.	folgende
F&E	Forschung und Entwicklung
FI	Finnland
FR	Frankreich
Fus KVO	Fusionskontrollverordnung
GB	Großbritannien
GG	Grundgesetz für die Bundesrepublik Deutschland
GR	Griechenland
Hrsg	Herausgeber
HU	Ungarn
ICJ	International Court of Justice
i.d.R.	in der Regel
IE	Irland
IMIS	Institut für Migrationsforschung und Interkulturelle Studien
iSd	Im Sinne des/der
IT	Italien
iVm	In Verbindung mit
KOM	Europäische Kommission
LIFE+	Finanzierungsinstrument der EU im Bereich Umwelt
LT	Litauen

LU	Luxemburg
LV	Lettland
Mio.	Millionen
MOE	Mittel-Osteuropa
Mrd.	Milliarden
MS	Mitgliedstaaten/member states
MT	Malta
n. Chr.	nach Christus
NL	Niederlande
N.Y.U.L.	New York University Law Review
p.	page
PL	Polen
PT	Portugal
Rdz.	Randziffer
Rn.	Randnummer
RO	Rumänien
S.	Seite
SE	Schweden
SI	Slowenien
SK	Slowakei
Slg.	Sammlung
s.o.	siehe oben
sog.	sogenannt(e/r/s)
SSOAR	Social Science Open Access Repository
s.u.	siehe unten
TACIS	Technical Assistance to the Commonwealth of Independent States
TFEU	Treaty on the Functioning of the European Union
u.a.	unter anderem
UAbs.	Unterabsatz
UK	Vereinigtes Königreich
u.U.	unter Umständen
v. Chr.	vor Christus
vgl.	vergleiche
Vol.	Volume
z.B.	zum Beispiel
Ziff.	Ziffer
ZUR	Zeitschrift für Umweltrecht

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Joyce M. Mushaben and Gabriele Abels

15.1 Introduction

Despite the European Community's longstanding reputation as a *rich male industrialists' club*, a small group of committed women were quick to grasp the strategic potential inherent in the serendipitous adoption of Art. 119 EEC Treaty on equal pay in 1957. Since the 1970s, widening circles of feminist experts and equality activists have produced a multitude of studies focusing on EU gender policies. They have forged networks, collected mountains of data, promoted new discursive frameworks, and embraced two Community institutions as formidable allies in the struggle for the equal treatment of women and men. Nowadays, EU-focused gender studies are appearing in rapid succession in many places and in many languages, but even feminist scholars often face the problem presented by Donald Puchala's classical metaphor of the EU as an elephant (Puchala 1971, p. 267 ff.).¹

¹ Several blind men approached an elephant and each touched the animal in an effort to discover what the beast looked like. Each blind man, however, touched a different part of the large animal, and each concluded that the elephant had the appearance of the part he had touched. Hence, the blind man who felt the animal's trunk concluded that an elephant must be tall and slender, while his fellow who touched the beast's ear concluded that an elephant must be oblong and flat. Others of course reached different conclusions. The total result was that no man arrived at a very accurate description of the elephant. Yet, each man had gained enough evidence from his own experience to disbelieve his fellows and to maintain a lively debate about the nature of the beast. Puchala 1971, p 267

J. M. Mushaben (✉)

Department of Political Science, University of Missouri-St. Louis,
One University Boulevard, MO 63121-4400 St. Louis, USA
e-Mail: mushaben@umsl.edu

G. Abels

Institut für Politikwissenschaften, Abt. Innen- und EU-Politik, Universität Tübingen,
Melanchthonstraße 36, 72074 Tübingen, Germany
e-Mail: gabriele.abels@uni-tuebingen.de

According to this story, the problem of EU studies is that no researcher can simultaneously cover all parts and track all movements of Member States while monitoring the body of the elephant in Brussels.

Another core dilemma is that fundamental goals of European integration often conflict. There are different visions of the EU's dual nature, one of which is captured by the *Venus versus Mars* metaphor. *Venus*, identified with women, is associated with soft power, while *Mars*, representing hard power, is linked to national conflicts of interest. Robert Kagan characterized the EU as only being partial to Venus, and the United States as embodying Mars, ostensibly forgetting that it was European nation states' experiences with the ravages of war, especially during the twentieth century, which led them to pursue a peaceful and prosperous, border-transcending community in the first place (Kagan 2003). More useful for present purposes is Joseph Nye's juxtaposition of *soft power* and *hard law* as dialectically gendered approaches to conflict resolution and crisis prevention (Nye 2004). Venus would focus on *getting what she wants* by means of attraction, economic assistance, and cultural exchanges with other countries, such as supporting democracy and human rights. Mars would worry less about transparency or participation, preferring the notion that the ends ultimately justify the means, which may include coercion. Alternatively, feminist writer Carol Gilligan's sex-differentiated conception of human moral development recognized Venus as committed to personal relationships, such as *social inclusion*. This contrasts with Mars' insistence on abstract principles, like *competitiveness* (Gilligan 1982).

This chapter focuses the *Venus dimension* of the evolution and expansion of the European Union. That is, it reviews the contributions of feminist scholars from different countries, utilizing a *gender lens* to assess the historical evolution, changing conceptual frameworks, key institutional actors, and EU policy developments over a span of 60 years of European integration. Its aim is to demonstrate that the societal changes promoted by the *supranationalisation* of gender equality policies have been dramatic, affecting women's and men's daily lives in ways that one rarely thinks about. The incorporation of gender equality principles into successive EU treaties has established them as legally enforceable and directly effective fundamental rights. New policies for the reconciliation of family and career have been introduced via the EU to directly engage men with care and to deconstruct patriarchal norms in the work sphere. These provisions operationalise the *completion, deepening and enlargement* of the equality principle that has long been espoused via the mantra, *the personal is the political*.

The chapter proceeds in four steps: It begins with a her-storical account of some of the paradoxes of the EU's democratic deficit and institutional developments. It then proceeds with an overview of select analytical contributions to the gender dimensions of European integration. Next it presents some lessons from the most important insights gleaned from EU gender policy studies, before summarising and drawing conclusions.

15.2 Historical versus *Her*-storical Institutionalism

The fledgling European Economic Community (EEC) offered women unique opportunities to mobilize in the 1960s and 1970s, coinciding with a post-War Baby Boom, the dramatic expansion of higher educational access, and a revolution in communications technology. Democratic theorists routinely complained about fuzzy competences, a lack of transparency, and the questionable legitimacy of EU decision-making practices, but such criticism intensified subsequent to the 1992 Maastricht Treaty. Paradoxically, it was actually the lack of entrenched incumbents, codified procedures, institutional hierarchies, and official databases that opened the door to women's participation in problem-definition and policy-formulation on gender issues. This gave rise to a first institutional paradox: the democratic deficit, as conventionally defined in terms of a lack of *representative elites* (that is, traditionally male-dominated parties and elections), allowed new players onto the field. This gave women an opportunity to remedy a "problem that had no name" (as noted by Betty Friedan) with the onset of second-wave feminism. A second, more deeply rooted *democratic deficit* soon became known as *the gender gap*.

The Commission's desire to overcome the *Euro-malaise* of the 1970s, along with the European Court of Justice's (ECJ) expanding powers of judicial review (Cichowski 2007) and the youthful (yet powerless) European Parliament (EP), facilitated women's great leap forward into EU politics and policy making in 1979. Hardly visible under the 1957 appointment system, women's parliamentary presence rose significantly after the first direct EP elections in 1979: Male party leaders could reward loyal but subordinate female party activists without sacrificing the legislative seats that came with *real* powers at home. Even the EP's architecture was new and modern. As UK-MEP Joyce Quin observed, it has "No holy of holies where women aren't supposed to go [...] and there's no place to hang your sword!" (Vallance and Davies 1986, p. 10).

The exponential increase in the number of female EP members (MEPs), from 5.5 % prior to direct election, to 11 % in 1979, to 35 % in 2011, enabled women to engage in *critical acts*, i.e. symbolic, consciousness-raising politics that triggered "an irreversible take-off" for women well before they attained *critical mass* (Dahlerup 1988, p. 276; Mushaben 1998, p. 51 ff.) Relying on their own expertise and networks across the Member States, women forged alliances with the Commission through the so-called *femocrats* within its Directorates-General. They often mobilised in areas where formal competencies and rules did not yet exist, creating their own "velvet triangles" (Woodward 2004, p. 76 ff.; Abels 2011, p. 332 ff.), as opposed to the "iron triangles" (politicians, bureaucrats, and business leaders) found among men.

Among the most important changes of this era were the following: (1) shifts from negative reactions to women's presence, to signs that decision-makers welcomed their input; (2) a strengthening of women's performance, thanks to *old girl* networks that shortened learning processes for new MEPs; (3) a new *political culture* accepting gender issues as a part of the normal political agenda; (4) a transformation of political discourse; (5) innovative, consensus-driven approaches to decision-making; (6) the adoption of new norms

and fundamental rights; and (7) increases in women's power through professionalised networks. By 2000, women had attained critical mass (30%) in many Member State parliaments as well as in the EP.

Equality advocates forced member governments to eliminate laws rooted in sex discrimination and highlighted the EP's potential for democratizing the EU overall. Despite the small number of women in the Commission, the Council, and the ECJ, the Community began to pool capacities and resources in ways suggesting a second institutional paradox. Indeed, since the 1980s, "the traditional mode of decision-making, *power over* has increasingly been replaced by a distinctive mode of what feminists label *power with*" (Deutschman 1993, p. 3 ff.) throughout the EU: While the former was defined by Max Weber (and later by Robert Dahl) as "A's ability to make B do what B would not necessarily do", the latter comprises a form of multilevel and transnational governance that entails neither an abdication of national authority nor the imposition of decisions from above but rather a *pooling of sovereignty*; based on a *positive sum of the parts* orientation, it seeks to avoid winner-take-all thinking. Women were the first to learn that the most effective use of power in the global age is one utilising a *win-win* strategy.

A third institutionalisation paradox emerges out of new rules found in the 2009 Lisbon Treaty. While the early Community structures reflected the gender biases of the *founding fathers* in the 1950s, it became harder to justify female underrepresentation by the 1980s, as more women with university degrees continued their long march through these institutions. The European Women's Lobby pushed for more female appointments to the Delors (1990) and Santer (1995) Commissions, while pressure from the *Expert Network on Women and Decision-Making* in 1994, the 1996 adoption of the gender mainstreaming principle², and the Council Recommendation espousing "the balanced participation of women and men" should have triggered *positive action* inside the European house. Indeed, the Commission's promise to grant women 40% of the committee and expert-group seats stands in stark contrast to the overwhelmingly male composition of the 2002 European Convention that was charged with writing a Constitution for the EU. Although its main purpose was to establish the EU as a *democratic value community* committed to *gender equality*, only 18 of 105 delegates were female in 2003, including 3 of 15 heads of state, and 3 of 30 national parliamentarians, while women made up only 6% of the Presidium members (Leon et al. 2007, p. 218 ff.; Millns 2007, p. 218 ff.).

Still, the 2009 Lisbon Treaty that emanated from the failed Constitutional Treaty has strengthened the EP by extending the legislative co-decision procedure. It also empowered national legislatures by recognising them as watch-dogs of Commission legislative

² Gender mainstreaming systematically assesses the implications of any planned action to ensure that all policies contribute to gender equality. Starting with the policy planning stage and proceeding through the policy cycle, the aim is to evaluate policy effects in all policy areas by using a gender perspective. To implement mainstreaming, actors have developed different policy instruments, including gender equality indicators, ways to gender test policy proposals through impact assessment procedures and gender budgeting.

initiatives, while introducing an innovative mechanism for greater citizen input, namely, the European Citizens' Initiative. These democratic reforms gave rise to a fourth paradox: multi-level governance is a messy process to be sure, but if the *streamlining* of EU internal relations and competencies offered remedies to the institutional democratic deficit, these came at the cost of deepening the gender-democratic deficit. The more the EU starts to look like a *real government* (favoured by Mars)—with routine procedures, hierarchical information flows, organized interest groups, as well as set management and control functions with formal feedback channels—the less likely it becomes that new social groups will be able to secure the access needed to effect the kind of *unanticipated* social-cultural revolution witnessed over the last 30 years. The 2001 White Paper on European Governance stressed the need to integrate more stakeholders (European Commission 2001), but being *heard* is not as compelling as being legally guaranteed amendment or veto powers. At the same time, governance reforms can marginalise the role of democratic institutions, just as more women are entering the formal political sphere. In short, the relationship between institutionalisation, transparency, accountability, and *unanticipated* opportunity structures is very ambivalent. The next generation of equality advocates will face ever more complex negotiations with ever more recognized stakeholders at every step of EU decision-making (see Wonka and Lange, this volume).

15.3 Gendering European Integration: The State of the Art³

Until recently most EU integration theories have neglected gender power dynamics. Nonetheless, most integration paradigms, with the exception of *liberal intergovernmentalism*, could potentially be used to incorporate equality issues (Kronsell 2012, p. 23 ff; Abels 2012a). Feminist scholarship offers fertile ground for bringing not only gender regimes but also other emerging *orders* (like ethnic or religious minorities) into the integration process. However, this will only succeed if a dialogue develops between *mainstream* theories and those gender approaches which question male-biased assumptions regarding EU processes and institutions. Instead of deconstructing them, many market-driven norms in the Lisbon Treaty tend to reproduce power asymmetries across the Union. To date, *grand theories* have left us with an incomplete picture of why and how the outcomes of European integration are different for women and men across Member States. The following overview selects a range of *state of the art* and *middle range* analyses that help advance gender research on different aspects of European integration.

Investigating key EU institutions, actors, and interest groups, Anna van der Vleuten (2012) discovers that *women in decision-making* positions really do make a difference. Committed individuals in the Directorate-General for Employment (e.g. in the Equal Opportunity Unit), Euro-parliamentarians, ECJ judges and Advocates-General, as well as

³ This chapter synthesises findings from the volume by Gabriele Abels and Joyce Marie Mushaben (2012).

Council ministers (e.g. Scandinavians) who were personally committed to gender equality proved quite successful in playing a multi-level game: Mobilizing locally and forging supranational coalitions helps to create a crucial *pincer effect*, squeezing national governments into policy compliance from above and below. Although she sees the EU as a *progressive champion of gender equality* with an impressive regulatory *gender acquis*, Birgit Locher (2012) demonstrates that EU norm-development usually outpaces national practice. Still, the multi-level system creates new openings for women's agency. Multiple access points have let in new types of policy framing, crucial external expertise, and (unintended) chances for national implementation.

Alison Woodward (2012) observes a troubling tendency among national decision-makers to water down successes in gender policy, even if they do give a new emphasis to diversity management. The shift from *equal treatment* to *positive action* to *gender mainstreaming* mirrors big changes in the feminist agenda over the course of the decade. Equality advocates initially believed that the main barriers to participation rested with formal requirements and bans on women's paid labour (e.g. if they were married or pregnant). Even the gender-friendly EU Court used male standards to judge what was *equal*, however, pushing feminists towards structural paradigms. International conferences and grassroots campaigns helped women to re-frame their demands. Gender equality activists figured out how to *upload* and *download* policy ideas long before these terms were commonly associated with the Internet.

Successive rounds of EU enlargement since 1973 have consolidated Europe's position in the global economy, as Yvonne Galligan and Sara Clavero (2012) show, but gender equality has remained a highly contested political field. While Greece, Spain, and Portugal eagerly advanced democracy and the market economy on their way to EU membership, the incorporation of new Central/East European member states challenged the EU's institutional and political-economic capacities. The marginalisation of gender issues during eastward enlargement can be explained as a result of more *formal powers* having dominated the accession negotiations. Because decision-makers were less open to alternative policy frames, there is evidence that the *gender acquis* is *rapidly coming undone* in Poland, the Czech Republic, and elsewhere.

Examining one of the oldest, best subsidized EU policy domains, Elisabeth Prügl (2012) finds that the Common Agricultural Policy (CAP) remained fiercely resistant to gender equality strategies throughout the 1990s. The good news is that recent directives slowly but surely are gendering even this predominantly male occupational bastion. Women have taken on the *agricultural welfare state* by re-defining farm work, rural development, and environmental policy regimes. Still, gender mainstreaming has been largely sidelined in this policy domain. New social security entitlements have filled some holes, but *assisting spouses*—rather than being treated as *co-farmers* with recognized rights—have been recruited for self-employment ventures involving agro-tourism, artisanal food production, craft enterprises, and *caring* services. Rural development policies under the CAP have opened up new female self-employment opportunities while also reproducing old gendered divisions of labour in novel (low-paid) ways.

Analyzing the field of EU employment policy, the first domain to experience pro-active intervention by the Commission, Agnès Hubert (2012) points to a crucial shift from *soft* to *hard law* and back again to softer mechanisms involving *dialogue* and *best practices*. Female participation evolved into a central focus of EU employment policy, albeit as a strategy for economic growth. The EU has reduced barriers to women's economic autonomy rooted in occupational segregation, neglect of work-life balance, and the lack of women in management structures, including unions. Unfortunately, the European Employment Strategy stresses quantitative goals, neglecting the qualitative dimensions of *women's work*. The period after the 2008 financial crisis finds states transferring reproductive work back into the private sphere, despite the EU 2020 promise to pursue "smart, sustainable and inclusive growth."

Maria Stratigaki (2012) examines how EU social policy has moved beyond *workplace* issues (under Art. 119 EEC) into new fields of *social inclusion* and *social protection*, thanks to the Amsterdam Treaty. Falling under national welfare-state provision, dependent care, protection for vulnerable groups (e.g. single mothers or the disabled), health, and pension systems all required modernisation to promote economic growth and labour market participation. Despite a shift to the non-binding *Open Method of Coordination* (OMC), Stratigaki argues that equality advocates will need to use new EU definitions of *social citizenship* and *social governance*, to ensure the gender-sensitive application of the Charter of Fundamental Rights.

The campaign to create a *Europe of Knowledge* has made it easier to demand women's inclusion in the expanding research, science, and technology arenas. Gabriele Abels (2012b) reports that women are making *quantum leaps* forward in these policy domains, based on Gender Actions Plans (GAP). The eastern enlargement has strengthened their mobilisation, given women's greater presence in the natural and engineering sciences prior to the collapse of state socialism. Despite *leaky pipeline* problems, gender mainstreaming here may affect the nature of science itself as a male-normed endeavor.

Looming demographic deficits and global competition for *the best brains* opened Member States to women's inclusion in science and technology, while barriers to recruiting foreign workers continue to invoke the image of *Fortress Europe*. Joyce M. Mushaben (2012) has shown that EU commitments to gender equality regarding migration and citizenship are more rhetorical than real, due to the post-9/11 emphasis on *homeland security* over human rights. The latest anti-discrimination directives (2000/43/EC, 2000/78/EC) are likely to change this, however, by applying the equal treatment principle to all Union residents irrespective of racial/ethnic origin, sex, sexual orientation, disability, or religious affiliation. Efforts to render these principles directly effective by way of the ECJ may take five to ten years, but the proverbial writing is on the wall.

The dimensions of European integration covered in *Gendering the European Union* (Abels and Mushaben 2012) testify to the ways in which EU equality initiatives have, sooner or later, improved the everyday lives of women and men, for that matter, in every Member State. The democratic accountability problem here is that the EU often gets very little credit for such achievements: because policies are implemented at the Member

State level, the average citizens who benefit often see them as progressive (or unwanted) changes undertaken by their own leaders, rather than as the result of hard work undertaken by transnational actors applying multi-level *pincers*. This partly explains women's diffidence and even scepticism regarding the EU in a broader sense (Liebert 1999, p. 197 ff.). National *wheeling and dealing* has often delayed, watered down or completely pulled the brakes on holistic policies. Yet even the worst laggard states have been impelled over time to generate databases, file national reports, bow to court referrals and, ultimately, to cross that gender-equality bridge into the twenty-first century (Zeff and Pirro 2006; Liebert and Sifft 2003).

15.4 EU Gender Policy Research

When examining more specific EU policy fields from a gender perspective, some surprising insights can be drawn: First, the oldest arena of Community responsibility, agriculture, has not witnessed the greatest progress regarding equality, compared to the younger field of science and technology policies. Second, while there has been a steady move from symbolic and creative instruments, to soft law, and then to hard law instruments, actual progress on gender equality has been more fitful than linear. Employment policy, for instance, was rooted in the 1957 Treaties, but it took nearly 30 years of ECJ verdicts, pilot projects, multi-year Action Programmes, lobbying by expert networks, and other activities *outside the legal box* to enforce national compliance with basic equal treatment directives.

Third, some policy changes in Member States such as Sweden, Denmark, and Finland far outpaced changes in EU discursive framing and norm-development, while others required supranational value-constructs (*EU citizenship, family-work reconciliation*) to force countries such as Germany, the UK, and Greece to reform patriarchal policies. Fourth, there is no clear, one-size-fits-all template regarding the core actors who have shaped the gendering of EU policy. The ECJ unintentionally became a driving force in turning Art. 119 (*equal pay*) into binding law, in both the Belgian *Herstal defence* industry and the *Defrenne* cases. The Commission has been actively subsidising feminist expert networks, including the European Women's Lobby. During the second Barroso Commission, Vice President and Commissioner Viviane Redding has pushed for gender quotas in the corporate executive suites of major European firms. The OMC, by contrast, re-inserts the Member States as core actors but ties them to annual reporting requirements, quantitativ-eindicators, and concrete benchmarks.

Fifth, the predominance of national ministers with strong ties to farmers' organisations did not allow the Commission much room for maneuver on the CAP, despite activists' involvement in the Committee of Agricultural Organizations (COPA), the Woman's Committee, and the European Parliament. National leaders still fail to recognise the economic contributions of *the farmer's wife* at even the most basic levels. Neither equal treatment nor mainstreaming strategies have succeeded in the field of farming. The ECJ has helped gender advocates only at the margins, mostly in relation to Single Market questions. *Sus-*

tainable economic development has recently created space for women but ignores their interest representatives and networks.

Sixth, these findings contrast with the research and technology domain, which relies heavily on the Commission, equality-oriented DGs, and transnationalised, professional women's associations. The statistical databases generated by professional networks have become powerful tools under the 2000 Lisbon Agenda on European Competitiveness. Nonetheless, it is still up to the Member States to use the OMC to improve women's position both as researchers and as the subjects of scientific study. Because migration and asylum policy strikes at the very heart of national sovereignty and national security, the European Council, along with national interior, justice, and home affairs ministers dominate the policy stage but allow the Commission to shape the core value premises (Common Principles of 2005) as a foundation for *intergovernmental* action. Neither employers' associations nor unions are directly involved in this domain, however, despite imminent skilled labor shortages. Nor have women's networks actively joined in.

Seventh, the effectiveness of specific instruments has varied from one domain to another and across divergent points in time. The employment sector served as an incubator for a multitude of symbolic, creative, and soft-law mechanisms later extended to other arenas. Given the centrality of the Single Market, it is no surprise that successive Action Programmes, Roadmaps, directives, recommendations, ECJ verdicts, and extensive subsidies have culminated in broadened and deepened *hard law* in the form of major Treaty revisions, especially since 1991. Each policy domain has nonetheless contributed new framing concepts (balanced participation, gender mainstreaming, social inclusion, work-life reconciliation, leaky pipelines, civic citizenship, social governance), which have led, in turn, to the adoption of new mechanisms ranging from women-targeted programs (DAPHNE, European Platform of Women Scientists, Gender Watch System) to the Lisbon Strategy, the Social Dialogue, and the OMC. These are now being extended to not-yet-gendered policy fields.

Eighth, EU directives—binding as to the goals but open with respect to the means—have repeatedly unleashed creative, programmatic energies, while also supplying critical leverage for willing lawmakers in the Member States to overcome resistance at home. Council Directive 2010/18/EU, for example, gave Germany's Social Affairs Minister Ursula von der Leyen the leverage she needed to force conservative cabinet members to grant paid parental leave to men, as well as to guarantee care facilities for 90 % of 3–6 year-olds and 33 % of toddlers under three (Wahl 2011, p. 392 ff.). Earlier, the ECJ had required Germany to change its constitution, specifically Art. 12a GG, having ruled that barring women from *Bundeswehr* military units utilising weapons amounted to employment discrimination, plain and simple.

Ninth, although all EU policies are subject to gender mainstreaming requirements, few national governments take them seriously, despite the proliferation of training programmes, toolkits, and handbooks full of *best practices* available to policy-makers hoping to utilise this process throughout the multi-level governance system. While actors in the employment and social domains are *required* to apply equality mainstreaming as a hori-

zontal task covering all policy actions rooted in common objectives, the results involving the European Employment Strategy and the Social OMC have proven quite disappointing (see Behning and Serrano Pascual 2001; Corsi and Samek Lodovici 2009; Villa and Smith 2009). Likewise, mainstreaming practices have barely penetrated the agricultural and migration spheres. In fact, the one area offering evidence of progress is the research, science, and technology field. National leaders often try to ignore the dual-strategy obligation, hoping to use *diversity management* to do away with women-targeted programs, usually in the name of *savings and budget cuts*.

Several of the major conceptual challenges highlighted above clearly transcend policy boundaries. The need to *modernise social protection regimes* in response to shifting demographics will require ever more coordination among educational, employment, migration and social policymakers, as well with the science and technology domains. Redefining the proper relationship between *residency rights, social citizenship, and political enfranchisement* will pit Member States against the Commission, the EP, the ECJ, and local authorities in unexpected ways. Yet, finding effective ways to *measure* the gendered nature and value of *time* holds significant implications for future employment (care-work), social policy (active aging), migration (civic citizenship), and the balanced participation of the sexes in political and economic decision-making.

Our attempt to trace the history of gendering across multiple decades and domains of European integration illustrates several remarkable changes. For one, the extent to which gender has become a dominant factor in some arenas, and at least a consistent variable in others is amazing. The inclusion of gender concepts into formal EU documents and policy frameworks since the 1970s has become breath-taking in its normality. *Gender equality* is almost everywhere in rhetoric, though its practice often lags behind. Secondly, our policy studies reveal the extent to which different instruments have proven at times more or less effective across various stages of EU development. The trend has been to move from *symbolic politics* to *soft law* to *hard law* instruments over periods of one to two decades.

Third, we discerned that certain mechanisms are better received by some Member States than by others, but that new framing can be used to win over laggards with regards to the implementation of gender policies. The most promising trick is to turn gender equality into a win-win proposition, by adopting the language of economic efficiency, for example. Compromise isn't always a dirty word, but there is certainly a price that comes with the economic framing of gender equality policy. Among other things, we determined that contextual factors can help or hinder the implementation of *equal treatment, positive action*, and *gender mainstreaming* approaches at different points in time, while multi-level governance can serve all three purposes. Finally, certain instruments work better in particular policy arenas, allowing administrators to use available tool-kits and *best practices*.

Assessing the degree of progress attained thus far, we have zoomed in on persistent stumbling blocks in each policy arena. The bottom line is that the EU itself does not practice what it preaches within its own institutions. Indeed, procedural changes that would automatically incorporate gender experts as social partners to the same extent as employers, unions, and other interest groups, for example, would expedite our progress. In sum,

the biggest barriers to effective implementation are still the lack of female decision-makers at the top, a lack of political will among Member States and the absence of effective supranational sanctions for those who fail to comply.

15.5 Summary and Conclusions

European women are definitely better off today than they were in 1957, 1979, or even in 1999. Women have secured more equality rights than EU *founding fathers* could have ever imagined, attesting to the impact of thoughtful, committed women like Éliane Vogel-Polsky, Gabriella Defrenne, Hanna Maij-Weggen, Anna Diamantopoulou, and Barbara Helfferich who helped trigger paradigm-shifts in their pursuit of a better life for the women of Europe. Yet, not all feminist scholars will share this pragmatism. Feminist scholars and equality activists are still divided over whether the EU glass is half-full or half-empty. In times of major financial and economic crisis, women, foreigners, and other vulnerable groups have historically been blamed, especially for mass unemployment, often resulting in war. Paradoxically, a dramatic increase in women's rights is often interpreted as *too much competition* by those who had received disproportionate privileges under the previous status quo. Individual researchers inevitably use disparate units and levels of analysis, leading to the *Puchala effect*: Given that no single scholar is able to study the entire *elephant* and to capture its often conflicting parts, she will—depending on her specific focus—arrive at optimistic, pessimistic, or missing-in-action conclusions.

Nonetheless, the evolving body of gender studies of EU politics and policy-making has helped to generate a deeper understanding of why inequality and social exclusion have increasingly come to inform policy conceptualisations, even by (still) male-dominated bodies like the European Commission. They have shed light on the fundamental overhaul of historically shaped male-norms, market-driven governmental institutions, policies triggered by feminist mobilisation, gender differentiated data-collections, and theoretically grounded gender impact assessments.

Regarding the contemporary new struggles about issues of reconciling family and career, gender research suggests a need to go back to the roots of discrimination, unravelling the puzzle of unequal division of household labour in view of the mechanisms of a centuries-old *natural gender order*. Correcting the failure of national governments to apply gender mainstreaming to all policy domains is more than a question of “getting the incentives right” (Hafner-Burton and Pollack 2009, p. 114 ff.). The problem is one of political will, but demographic change has become a driving force for gender-friendly reforms across most policies fields. Older generations had to work hard to secure changes that younger women now will take for granted. Because the latter enjoy a better starting position, they are well positioned to boost gender policy implementation as they move into positions of influence. They should be cautioned, however, not to forget about earlier concepts, strategies, networks, and coalitions. To succeed under conditions of multi-level governance, gender policy advocates should aim to build coalitions in all places, at all times, and make

better use of forms of framing that draw in what may look like *opposites*. Rather than fighting over whether the elephant consists of tails or ears, they must move a few steps *right* or *left*, or even from a circle with potential adversaries to get the full measure of the *the elephant*. Venus is rising, and Mars will have to adjust to her sharing cosmic and other forms of public space.

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