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The European Union and Gender Equality: Emergent Varieties of Gender Regime

Abstract

The implications of the development of the European Union for gender equality are analyzed through an assessment of the development of a path-dependent form of the gender regime in the EU. Two issues underpin this analysis, one concerning the theorization of gender relations, the second concerning the nature of EU powers. The analysis of gender inequality requires more than a simple scale of inequalities and additionally requires the theorization of the extent and nature of the interconnections between different dimensions of the gender regime. The powers of the EU are extending beyond the narrowly economic in complex ways.

The European Union (EU) is a polity growing in importance as it deepens its powers over a wider range of policy domains, enlarges the number of member countries, and has an increasingly coherent and powerful presence on the world stage (European Commission 2003c). What are the implications of this growth for gender equality in the EU? Two key issues underpin the answer to this question, one concerning the diverse patterns of inequality in gender relations and a second concerning the nature of the powers of the European Union.

In the first instance, theorizing gender relations and gender inequality is more complicated than the construction of a simple scale of inequalities, because there are different possible standards and goals.

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This problem has long been addressed in the sameness/difference debate (Holli 1997; Lorber 2000; Scott 1988). In the context of the EU, this discussion has included the question of whether the EU strategy toward gender relations adopts a narrow practice of delivering equality that is effective for only those women who are able to act in the same way as men. Recent EU developments have rendered some of the more skeptical responses to this question out of date. Just as important, the extent and nature of the interconnections between different domains of the gender regime necessitates a more complex answer.

The second issue, the nature of the powers of the EU over gender inequality, has two key components. First, although the EU has considerable power to regulate the economy, its powers over several other domains relevant to gender relations might appear limited, not least by the principle of subsidiarity, that is, decisions are to be taken at the most local level practical. The question here is how serious a restriction to the impact of the EU on gender equality this limitation creates. The second component concerns the relationship between globalization and states/polities. There are two schools of thought here. One is that the powers of states are eroded in the face of globalization, leading to the homogenizing of political and social structures and the curtailing of welfare and other policies for equity and justice (Cerny 1996; Crouch and Streeck 1997). The other holds that there is a diffusion of equal rights values around a developing world polity (Boli and Thomas 1997; Meyer et al. 1997). Both positions suggest a process of convergence, of increasing homogeneity. However, there is evidence of some distinctiveness of the EU, raising questions as to these theories of globalization.

This article explores the ways in which the EU in its developing powers affects the nature and degree of gender equality. It contributes a sociological lens to concerns more typically addressed by political science and law. This involves rethinking gender relations within the concept of gender regime and establishing the nature and powers of the EU in a globalizing era. I argue for a stronger theorization of varieties of gender regime. By recognizing the several elements of gender regimes, the extent and the limitations of the EU in establishing new forms of gender relations can be better understood.

The EU and Gender Equality

There is a wide range of views about the extent to which the development of the EU has been associated with the reduction of gender inequality, varying from very considerably (Wobbe 2003) to very limited (Elman 1996; Rossilli 2000). Typically, scholars recognize that the EU

has made some impact on the project of gender equality because of its binding legal Directives on equal treatment in employment (Barnard 2000; Mancini and O'Leary 1999; Rubery et al. 1999a; Shaw 2000) but see significant limitations on its potential for further reductions in gender inequality. Seven of the major limitations identified are noted in what follows, together with brief comments on them that are amplified with evidence in later sections.

First, it has been argued that the actions of the EU are limited by its primary concern with standard employment, whereas women are often employed in nonstandard forms, such as part-time and temporary employment, and thus many women do not benefit from its regulations (Rossilli 1997). However, recent EU Directives have required the equal treatment of some of the more important forms of nonstandard work, including part-time employment and temporary work.

Second, equal treatment laws take the male pattern of life as the norm and do not tackle the deep-rooted causes of inequality. The EU adopts a "male standard of worker and citizen" (Guerrina 2002, 63), whereas the sex equality jurisprudence of the European Court of Justice (ECJ) is considered to reproduce the dominant ideology of motherhood (McGlynn 2000). The EU fails to recognize the different needs of those women whose employment patterns are affected by caring (Lombardo 2003; Longo 2001). In particular, although the key to gender equality lies in the state taking up the burden of care from women (Ostner and Lewis 1995), the EU does not do this for several reasons, including a narrow focus on the needs of workers; the principle of subsidiarity makes subsidies for care the remit of Member States; the project of the EU is essentially a neo-liberal project, as entrenched in the founding documents of the European Central Bank, so that fiscal conservatism is built into the foundations of the EU, limiting its capacity to ever provide or allow its Member States to provide the welfare policies needed by mothers if they are to gain equality (Rossilli 2000; Young 2000). However, Directives on the regulation of working time associated with parenthood have begun to embed the concept of the worker-parent, not only that of worker, within employment law; and state provision is not the only route by which women gain access to paid employment, as the experience of the United States has shown.

Third, implementation of EU equality Directives and other policies is uneven, as a result of national differences in a variety of institutions (Ostner and Lewis 1995; Rubery et al. 2000, 2001), including legal machinery (European Commission 1994), political will (Liebert 2002; Lombardo 2003), and differences in the transposition of EU law (Dimitrakopoulos 2001).

Fourth, there are key areas of gender inequality in which the EU does not intervene to promote gender equality, including sexual preference (Elman 1996), abortion (Smyth 1996), and violence against women (Hanmer 1996). However, the EU has extended its economically based legal preeminence into a wide range of noneconomic issues, including legislating against discrimination in employment on the grounds of sexual preference, extending the notion of a free market in services to the provision of abortion as a service, and facilitating policy development to reduce violence against women.

Fifth, the new EU strategy for taking forward gender equality projects, gender mainstreaming (Mazey 2000), is supported only by "soft" rather than "hard" law interventions, that is, those that are advisory rather than judicially enforceable, such as the new open method of policy coordination. This, together with the loss of focus implied by "mainstreaming," limit the effectiveness of the interventions (Beveridge and Nott 2002). However, hard law Directives remain at the core of the EU's interventions on gender inequality.

Sixth, the inclusion of gender equality in Article 2 of the 1997 Treaty of Amsterdam, instead of Article 119 in the 1957 Treaty of Rome, may have marked the high point of the gender equality strategy. Support for gender equality is seen as ebbing, because the draft of the new Constitution for the EU by the Convention proposed that gender equality was merely an objective and not the higher-order value (European Convention 2003a). This may be because so few women are involved in the Convention to establish a Constitution for the EU (Shaw 2002). However, the location of gender equality in the constitutional priorities is not yet settled but subject to ongoing debate (European Convention 2003b; Shaw 2003).

Several of the key issues thus raised hinge on how the determinants of gender inequality are conceptualized and how different elements of a gender regime fit together. To address these questions, it is necessary to address the theoretical debates on the nature of the gender regime and on the powers of a polity in a global era.

Theorizing Varieties of Gender Regime

There are several different concepts of "regime" and of "gender regime" developed in the context of different social science disciplines, especially political science, law, social policy, and sociology. There are two main issues here: first, the definition of the field of inquiry given by the term *regime*; second, the nature of the relationship between the elements of the gender regime.

The concept of system is well established in studies of international relations in political science to capture the nature of relations

between states (Waltz 1979; Jervis 1995). This has been revised to a concept of regime to capture a wider range of institutionalized factors that affect the relations between states within the global order (Keohane 1989; Ruggie 1996). In this usage within political science, the concept of regime is limited to issues of politics and states. This restriction is not intended here, because the focus is wider than the political system.

Similarly, other disciplines have used the concept of regime to capture the systematic relations between elements of a system while restricting those elements to those in focus within that disciplinary context. An example is the use of the concept "welfare state regime" by Esping-Andersen (1990) to define a system of welfare provision. Furthermore, Connell (2002) uses the notion of gender regime to look at only one institution at a time (reserving the concept of gender order as the sum of these gender regimes). Again, this restriction is not intended here, because the focus is wider than welfare or singular institutions.

The second issue is the nature of the relationship between the elements of the gender regime. The models range from simple single-dimensional scales of gender inequality to the complex articulation of several elements. Some, but by no means all, of this variation is associated with academic discipline.

The simplest model is that of "norms" of "sex equality," or "gender norms." This is common in writings that use the notion of world polity in their analysis of gender relations, including Berkovitch (1999) and Wobbe (2003). Wobbe (2003, 88) writes of the importance of "evolving EU sex equality norms" in understanding the changing legal practice of the courts in Europe in relation to women's employment rights. This is a single-dimensional scale of transition from "difference" to "equality". The domain is that of norms, sometimes referred to as codes. The primary mechanism of change is the "diffusion" of gender norms within the development of a "world polity," with secondary reference to the specificity of Europe in its "legal and administrative procedures," "normative mechanisms," and processes of "imitation" (Wobbe 2003, 91). Her substantive interest is the relationship between legal practice and cultural norms in relation to gender inequality. Although there is great complexity in her analysis of the legal developments, this is too simple a model of gender relations.

Another example of a single-dimensional model is that arraying "male breadwinner," "modified/weak male breadwinner" and "dual earner" systems (Lewis 1992). Here the key feature is the extent to which the family form invokes women as housewives or workers. This is slightly more complex than the use of gender norms because the different types are defined not only by different types of values

but also by the form of the welfare state. A complex debate has arisen around this typology as to the impact of specific forms of benefits to women as wives and mothers on the form of the family and by implication on the gender order (Hobson 2000; Jenson 1997; Sainsbury 1994, 1996). This discussion builds on a critical response to Esping-Andersen's (1990) threefold typology of welfare state regimes (Orloff 1993) to broaden the range of factors involved (O'Connor et al. 1999). However, as Brush (2002) has argued, this model underestimates the importance of other, nonfamilial forms of gender relations. In the context of the EU, this model is particularly restrictive because it leaves out the regulation of employment, which is the prime arena in which the EU intervenes in gender relations. Furthermore, the typology implicitly presumes a correlation between form of gender relations and degrees of inequality, that is, less inequality in dual-earner than male breadwinner families. But this is challenged by the United States and the United Kingdom, where high rates of female employment are combined with large gender pay gaps.

Many early theories of gender relations used an implicit base-superstructure model in which one key element was identified as causing gender inequality. The selection of key element varied widely, including women's confinement to the domestic (Rosaldo 1974), heterosexuality (MacKinnon 1989), sexual violence (Brownmiller), and a domestic mode of production (Delphy 1984). All such models have intrinsic problems in that, with only one causal element, they are unable to theorize variations and changes in gender relations. The rejection of such simple models as reductionist, even essentialist (Segal 1987), has often been associated with priority being given to the analysis of difference (Spellman 1988), especially differences associated with racialized ethnicity. This, however, has been associated with fragmenting the analysis of gender and ontologizing difference (Felski 1997). This strategy also makes it hard to theorize the sources of difference, although they can be richly described. Furthermore, there are dilemmas in how to recognize difference while avoiding the traps of essentialism (Ferree et al. 2002).

The way forward is to reject the simple base-superstructure and single-dimensional models of gender relations, as well as rejecting the fragmentation of the analysis of gender, and instead build a theoretical model of gender relations as a regime or system with a limited number of key elements. In parallel and independently, both Walby (1986, 1990, 1997, 2004) and Connell (1987, 1990, 1995, 2002) developed such models. In both cases the plurality of such key elements provides the potential to theorize variations in the forms taken by the gender system.

Connell's (2002) gender order "of a society" contains four structures: production relations, power, emotional relations (especially sexuality),

and symbolic relations. Each social institution contains a specific gender regime. In his work on masculinity, Connell (1995) differentiates between different forms of masculinity, in particular the splitting and then replacement of the old form of hegemonic masculinity of the gentry by a new hegemonic form and the emergence of a series of subordinated and marginalized masculinities. However, this richly detailed account of these diverse forms makes little analytic use of his four structures, instead deploying a different conceptual repertoire. The result is that his account is more descriptive than explanatory, as Connell (1995, 186) notes, "only a sketch of a vastly complex history."

The model of the gender regime I use here has four levels of abstraction. The first level is that of regime, by which I mean the overall social system (parallel to though somewhat different from Connell's concept of gender order). The second level contains various forms of gender regime that are differentiated along two dimensions. The first is that of a continuum from domestic to public, which is further differentiated into market-led, welfare state–led, and regulatory polity–led trajectories. The second dimension is that of the degree of gender inequality, which is analytically distinct from the domestic/public dimension. The third level is constituted by a series of domains: economic (divided, in industrial countries, into market and household), polity (including states and transnational bodies, such as the EU), and civil society (including sexuality, interpersonal violence, and social movements). The fourth level is that of a series of social practices. Gender relations are constituted by all of these levels, rather than there being one privileged level. As the nature of gender relations change at all these levels, so do conceptions as to what constitutes women and men, and perceptions of what might constitute their cultural, political, and economic preferences and projects.

I argue that in most industrialized countries there is an ongoing transformation of the gender regime from a domestic to a public form. There are several different routes by which this transformation may take place, which are differentiated according to whether the market or the state is the location of socialized domestic labor and by the nature of the political activity associated with the process. In the context of the EU and North America, three main types are found: market-led, welfare state–led, and regulatory polity–led. The distinction between the form of the gender regime and the degree of gender inequality is necessary to capture key differences in the outcome of the transformation, with different routes of transition producing varying levels of gender (in)equality. In particular, the movement of women into paid employment may or may not be associated with diminution of gender equality, depending on the nature of the politics involved, and the relationship with other systems of social relations.

For example, if the route is via a polity in which women's political projects are already represented and voiced, then there is likely to be lesser gender inequality than if the transition is via the market in a country where women lack such representation of their political projects. This analysis is based on Walby (1990, 1997) and developed in Walby (2004).

Three (of the several potential) models of transition to a public gender regime are as follows. First is the social democratic public service route, followed in particular by the Nordic countries (Sweden, Norway, Finland, and Denmark), in which the development of public services (especially but not only to provide child care) provided women with the capacity to increase their paid employment. Second is the market-led route, followed in the United States, where the provision of the services necessary to support women in employment takes place through market mechanisms. Third is a regulatory route, developed in particular by the European Union, in which women's access to employment is facilitated by the removal of discrimination, regulation of working time so that it is compatible with caring, and policies to promote social inclusion. Of course, most of the Nordic countries are members of the EU, but their transition in gender regime was taking place before the development of the EU model.

Many accounts of changes in the system of gender relations have focused on the role of the state in socializing domestic labor, traditionally understood as a social democratic route, whereas a less common approach has been to analyze the market-led transitions. I argue here that theorizing the third route also is necessary to understand the implications of the EU for changes in gender relations. To do this, I use the more complex model of the gender regime presented. In the context of this theoretical project, I address the debates on the significance of the EU for gender inequality that were introduced. Before doing so, I turn to the additional theoretical question of globalization that the EU raises.

The Nature and Power of Polities in a Global Era

Is the EU capable of producing a distinctive form of gender regime in the context of globalization? Of the many debates on globalization, I see two as most important in this context. First, does globalization erode the distinctiveness of political and social forms in relation to capitalism, business systems, and welfare states (Castells 1996)? Second, does the development of a world polity entail the diffusion of similar values around the world, including those of equal rights (Boli et al. 1997; Meyer et al. 1997; Berkovitch 1999)? Each of these debates considers whether there is increasing homogeneity in

forms of polity as a result of global processes. If globalization does erode the diversity of state practices, then the likelihood of the EU producing a distinctive form of gender regime is much reduced.

The first argument is that globalization reduces the capacity of states to act or respond to the democratic wishes of their citizens, and as a consequence the diversity of political and cultural forms is reduced (Castells 1996; Cerny 1996; Crouch and Streeck 1997; Held et al. 1999). Because globalization disproportionately facilitates the mobility of capital rather than labor, the balance between capital and labor tilts toward capital, reducing welfare state and other state-based protections for workers to attract or retain increasingly mobile capital. However, these arguments may be overstated, partly because this is not such a new process (Hirst and Thompson 1996) and partly because political and industrial relations institutions can critically mediate the impact of globalization (Hall and Soskice 2001; Swank 2002), possibly leading to a new form of regionalism (Hettne et al. 1999). The political institutions of advanced capitalist countries have different capacities to respond to the challenges of globalization as a consequence of their forms of electoral system, the nature of interest group representation, relative centralization or decentralization of policy-making authority, and the structuring of welfare provision. Only in those countries that have a more liberal political structure do pressures of globalization lead to reductions in the welfare state, whereas in the large welfare states of northern Europe there has been little impact (Swank 2002). To the extent that such institutions mediate the response to the pressures of globalization, there can be no simple assertion that globalization undermines the particularity of social and political forms. Furthermore, there is evidence of a developing regionalism in the emergence of three major, competitive trading blocs: the United States (and NAFTA), the EU, and Southeast Asia led by Japan (Hettne et al. 1999; Homes and Smith 1992).

The second argument is that the development of a world polity entails the diffusion of common values around the globe (Boli et al. 1997; Meyer et al. 1997). These include values of human rights and their application to women (Berkovitch 1999). Although there are some important examples of similarities, nonetheless, there remain considerable variations in values among countries (Inglehart 1997). The problem is to identify the circumstances associated with these variations. These include the specific political institutions, opportunities, and projects in the EU.

There are two complexes of political activity and institutions relevant to the specificity of the EU in this global era. The first is social inclusion as part of the specific nature of the EU capitalist project; the second is feminism (as a global movement and political project).

EU, Capitalism, and Social Inclusion

One distinctive aspect of the EU as compared with the United States is its concern with the development and maintenance of social cohesion through processes it calls social inclusion. Social exclusion (the reverse of social inclusion) is seen not only as unjust but as damaging the social cohesion that is seen as essential for an efficient, productive, and globally competitive economy. Social exclusion is a concept related to but different from social inequality, being both wider and narrower in some respects. The concept is intended to capture a complex of related processes of social disadvantage that inhibit full and effective human functioning, impairing employment and thereby harming the economy. An example would be when poverty leads to homelessness, which is associated with inability to engage in productive employment, or when poverty leads to despair, criminality, and drug taking and thereby to less productivity in employment. A different type of example is when the prospect of the closure of a major industry (e.g., coal, shipbuilding) that has dominated a regional economy would potentially generate social unrest and protest that thereby would destabilize the political and economic framework. A further example is when discrimination leads to reduced employment opportunities and so to increased poverty and lower productivity. In each of these diverse instances, the policy logic of the social cohesion approach is to intervene before the situation becomes critical and to use state resources to provide remedies, from housing support to regional regeneration policies to equal treatment laws. Social inclusion involves both the social and economic conditions necessary for the effective human functioning that makes for an efficient economy and also a process of inclusion in the political decision-making process to ensure social and political stability.

The suite of concepts of social cohesion, social inclusion, and social exclusion is important in EU institutions and policy (European Commission 2003a, 2003b). These concepts represent a compromise after a historical series of political contestations over the nature of the economy, polity, and society (Bornschier and Ziltener 1999). They are not only a form of ideological political legitimation but are given effectivity in the institutional structure and practices of the EU. This historical compromise is embedded within social, economic, and political institutions and policy frameworks. For instance, the social partners, that is, trade unions and employers, have a privileged institutionalized position in the procedures for the development of Directives and policies concerning employment, being asked to jointly agree on a position before a policy proposal comes to the European Parliament. Furthermore, the EU set out to create and maintain an institutional vehicle for

the political representation of women's voices, resulting in its funding of the European Women's Lobby. Social inclusion is a political as well as an economic and social institutionalized practice.

This institutionalization of social cohesion as a primary policy aim differentiates the EU from both the U.S. and Japanese models. It is different from the United States in its concern for social and economic inclusion; it is different from Japan in its concern for political inclusion. Member States within the EU vary in the extent to which social inclusion has been a core part of their own development of social, political, and economic institutions. The Scandinavian social democratic and central European corporatist countries (using Esping-Andersen's 1990 typology) have institutions that fit more closely with the EU model than does the United Kingdom, which has elements of a more liberal tradition, one closer to that of the United States. Perhaps as a result, the pressure on the United Kingdom to change, as a consequence of EU membership, is perhaps more contested.

Much of the existing analysis of varieties of capitalism (Hall and Soskice 2001) and of welfare state regimes (Esping-Andersen 1990; Swank 2002) focuses on class and capitalism. But I argue that gender regimes also vary. Insofar as gender and class share the same institutions, the typologies of forms of capitalism and forms of gender regime will be similar; insofar as the gender regime has different institutions, they diverge.

Feminism and the EU

In this context, the relationship of feminist political activity to national and EU political institutions is critically important. Of course, not all feminism in Europe has taken the state as its main target. Radical feminism has often avoided the state, seeking to build independent feminist institutions, such as refuges for battered women and crisis lines in the fight against domestic violence and rape, whereas socialist feminism has been involved in struggles centered on the workplace and trade unions. However, there has been an increasing turn to the state and other sources of legal regulation as a focus of feminist politics. This reflects the development of new political opportunities, the increased capacity of women to build the organizational forms necessary for effective intervention in the state consequent on changes in the nature of the gender regime, and the development of political discourse framed by notions of equal rights and human rights (Walby 2002). The development of these feminist practices in the EU needs to be located within a wider context of international feminism from which the EU draws (Berkovitch 1999) and to which it contributes (Moghadam 1996).

For understanding feminist interventions, it is important to distinguish between those policy domains where the EU has legal and political supremacy from those where it does not. In the latter, the political dynamic continues to focus on the national states. But in the former sphere, on employment-related issues where the EU has been legally supreme for some time, an EU-wide feminism has developed the most effectively. However, I argue that the relevant policy domains are now extending as a result of the development of the strategy of gender mainstreaming that aims to encompass all areas of policy making, and the potential reach of EU feminism is widening as a result.

There are three kinds of political pressure for advancing women's political interests: feminist movements in civil society, elected women representatives in parliaments, and the gender machinery (women's units) in government administrative bureaucracies (Mazur 2002; Vargas and Wieringa 1998). In this third domain, it is evident that the EU has long had a significant gender equalities unit within the EU Commission that has been highly effective in bringing forward proposals for policy development. In particular, this unit has been central to developing the many Directives to promote gender equality, establishing programs of action on equalities issues, and building EU-wide networks of experts on gender equalities issues.

Electorally, feminist influence has come later but is now being felt. In the 1999 European Parliament elections one-third (31%) of those elected were women (more than the average for Member State parliaments). This body has also been associated with pressure to extend the EU remit in relation to gender, for example, supporting the development of policy against sexual harassment (European Parliament 1994). The Parliament was developed after the other EU institutions of Court, Commission, and Council of Ministers and has been considered relatively weak relative to legislatures in other kinds of polities. This contributes to the widely shared perception of a democratic deficit in the EU. However, the Parliament has recently been developing its effectiveness, not least on gender issues, where it has acted as a progressive force.

The "democratic deficit" refers additionally to the difficulty of formulating interests in civil society that can be represented at the EU level. The EU funds the EU-wide European Women's Lobby to support the representation of women's views, and this is linked to a variety of civil society groups in Member States, although this group has been subject to a number of internal divisions. In addition to, and probably more important than, the European Women's Lobby, women members of trade unions in Member States have played a critical role in driving forward the implementation of EU policy on gender, for example by supporting test cases through the complex

legal process of the ECJ, and feminists in transnational expert networks in the EU have played an important role in critiquing and developing EU policy on gender (Cichowski 2003; Hoskyns 1996).

There are complex linkages between feminists at local, national, and EU levels, including a boomerang effect (Keck and Sikkink 1998) in which feminists go over the heads of national governments to develop new legal instruments and policies for equality at an EU level that are then used to improve conditions at a local or national level. This process thus sidesteps the national polity in the development of gender equality policies, even though the national level remains important for their implementation. In some ways the emergent EU polity has been more open to gender equality claims, making than older, more entrenched, national ones.

One source of EU integration has been the development of a common discursive political vocabulary that constitutes a source of political legitimation. This development has included claims making couched in the language of rights—first equal rights and then more recently human rights—that are part of a wider, global development of liberal political norms (Berkovitch 1999; Peters and Wolper 1995). This connects the EU to the United Nations in a globalization process that cuts both ways for women. Further discursive developments of particular importance to feminist claims have included political concepts and projects associated with social inclusion, as well as gender mainstreaming.

With this theoretical grounding in place, I now examine the nature of the powers of the EU and its role in the development of varieties of gender regime.

The Nature of EU Powers

The EU and its powers are unique and complex (Zürn and Wolf 1999). The EU is not a conventional nation-state, nor ever likely to become one (Kapteyn 1996). The powers of the European Union ultimately rest on treaties signed by all Member States. This has sometimes been taken to mean that the EU is little more than an intergovernmental committee, the function of which is to implement the domestic agendas of Member States more successfully than they could do by themselves (Milward 1992; Moravcsik 1994; Wallace 1994). However, this would be to underestimate the cohesion of the EU, its capacity to act as a unity, and the extent to which it advances an agenda distinct from that of Member States. The institutions that together constitute the governmental machinery of the EU each have a different balance between the cohesive EU interest and the diversity of Member State interests. The Council of Ministers from each

Member State is the body that perhaps comes closest to an intergovernmental committee. However, the European Commission, which functions as the executive initiating new policy developments, the European Parliament, and the ECJ, which functions as if it were a supreme court, have tended to represent the interests of the EU as a whole (Weiler 1997). The development of an EU Constitution, which is likely to include further EU-wide positions of authority, would take the coherence of the EU to another level (European Convention 2002).

Although the powers of the EU are limited to domains within its remit, within these it is the supreme political and legal authority. The EU has binding legal and political authority over the regulation of markets for labor as well as for products and services. Its powers lie primarily in regulation, rather than in those kinds of social policy that depend on taxation (Majone 1993; Walby 1999a). EU Directives have direct legal effect on EU citizens. Even if a Member State has not brought its domestic legislation into line with the Directive, the EU rule is still binding on the courts in that country, which are obliged to prioritize EU over domestic law on these matters. This direct effect means that procrastination by domestic governments cannot block the legal extension of EU-defined rights to women (although there are variations in implementation). For example, part-time workers were awarded the same rights as full-time workers in the United Kingdom in the 1990s by the House of Lords applying EU-based law saying that to do otherwise would be to discriminate against women (because the majority of part-time workers were women), several years before this entitlement was clarified in the Part-Time Workers Directive.

The EU does not simply follow the lead of national governments, but on equal opportunities issues has often been in advance of many Member States, sometimes with the exception of the Nordic countries. For example, in the early 1980s, the European Commission (the executive branch of the government of the EU) took several Member States, including the United Kingdom, to the ECJ (a de facto supreme court for the EU), because their equal pay legislation was considered not to meet EU standards of equal pay for work of equal value. The Member States lost the legal case and were forced to amend their domestic legislation (Hoskyns 1996; Pillinger 1992).

Though EU equal opportunity regulations were initially restricted to "typical" forms of employment, there has been a steady expansion into "atypical" forms of working and a series of policy measures that impact on aspects of gender relations beyond employment even when their prime focus is employment. The Treaty of Rome in 1957, signed by all then-Member States, mandated in Article 119 that women should be paid equally with men (Pillinger 1992). The implications of

this broad principle for action are then detailed in the legally binding Directives. From the mid-1970s onward there have been a series of such Directives that spelled out a series of far-reaching legal rules to implement the equal treatment of women and men in employment and employment-related matters (Hantrais 1995; Hoskyns 1996). These included issues of direct discrimination in the Directives on Equal Pay for the same work or work of equal value (1975); equal treatment for men and women in relation to access to employment, vocational training, promotion, and working conditions (1976); equal treatment for men and women in statutory social security (1978); and occupational social security schemes (1986); equal treatment for those who are self-employed (1986); and shifting the burden of proof of discrimination away from the complainant (1997).

The interpretation of equal opportunity then moved beyond direct discrimination to consider (1) the reconciliation of working and family life in the Directives on the protection of pregnant workers and those who have recently given birth (1992), working time that establishes limits to hours of work (1993), not only maternity leave and paternity leave but also parental leave of at least three months to both men and women workers (1996); and (2) a series of Directives that engage with the issue of atypical or nonstandard workers, which may have a disproportionate impact on women. These latter Directives aim to remove discrimination against part-time workers so that they are not treated less favorably than full-time workers and to facilitate voluntary part-time working as a contribution to flexible working-time arrangements (Rubery et al. 1999a, 1999b); they also set standards for fixed-term contract workers (1999) and develop of standards for temporary agency workers, so that those working in temporary employment are not treated worse than comparable permanent employees (www.eiro.eurofound.eu.int/2002/04/feature/EU0204205F.html). The next Directive to come into force relevant to gender will be the Employment Directive, which, when it comes fully into effect in 2006, will extend the range of employees against whom it will be illegal to discriminate, so that not only gender, race, and disability are covered but also sexuality (including sexual orientation), religion, and age are included. It is not yet clear whether its implementation will lead to the establishment of a hierarchy among these grounds, nor how the complex self that simultaneously embodies all these characteristics will be recognized and multidimensional discrimination dealt with.

Although the early interventions, such as the Directives on Equal Pay and Equal Treatment, are easily interpreted as providing women's equality on a sameness model consistent with men's experiences, the later interventions have gone beyond this, developing the strategies

of "reconciliation of working and family life" and, most recently, "gender mainstreaming." The equality through sameness strategy is found not only in the early equal treatment Directives from 1975 to the mid-1980s, but also in those between 1999–2003 that sought to extend equal treatment to women (and others) who were in atypical forms of employment, such as part-time and temporary working. The latter strategy does not assume sameness; rather, in the attempt to "reconcile working and family life" these measures focused on the better articulation of employment with care work, often via the regulation of time rather than payment. These include the Directives regulating maternity, paternity, and parental leave as well as excessive hours. These policies affect not only women's but also men's capacity to care. This latter set of Directives thereby extended the EU policy into matters that affected the family, even though under the principle of subsidiarity family policy was still formally a national matter alone. This strategic phase thus goes beyond any "male" model, incorporating features more typical of women's lives, such as child care, into the organization of employment. To some extent I argue that the latter model is potentially transformatory, in that men are given rights to care, not a typical feature of most men's lives, through entitlements to paternity leave and to parental leave.

The most recent development in strategy is that of gender mainstreaming (Pascual and Behning 2001; Rees 1998; Rubery et al. 1999b; Walby 2001), in which gender issues are to be examined in all areas of policy development, not just those that obviously pertain to women or gender relations, and these analyses are to be conducted by policy actors regularly engaged in that area. This strategy goes beyond narrowly defined women's issues to touch all policy areas. This policy initiative was given impetus at the UN 1995 Beijing Conference on women. Though it has been officially adopted by the EU, it has an uneven implementation within the different directorates of the EU Commission (Pollack and Hafner-Burton 2000).

Gender mainstreaming is currently being advanced primarily through a new method of stimulating policy developments across the Member States of the EU, that of the open method of policy coordination (European Commission 2003a, 2003b; Zeitlin and Trubek 2003). Although targets and principles are set at the EU level, the implementation of them is left to Member States, which report annually on developments in the National Action Plans, which are evaluated by the EU Commission with the assistance of an expert network (Rubery et al. 2000, 2001). The policy areas where this practice is of most relevance to gender are those of employment and social inclusion. The effectiveness of the open method of policy coordination depends on the extent to which processes of argumentation and

development of shared norms can be effective in securing change (Risse 1999). Some analysts (Beveridge and Nott 2002) doubt that is likely. However, although some questions remain as to effectiveness of the open method of policy coordination, of which gender mainstreaming is part, this reserved judgment does not apply to the legally binding Directives, where the evidence of impact is robust.

Although employment has been the focus of many of the initiatives for gender equality, gender equality policies have also migrated into many other areas. There are two main ways this has occurred: first, the deepening of EU powers over equality for women in the Treaty of Amsterdam; second, the broad interpretation given to employment policy and, most important, recognizing the interconnectedness of the economic with other domains within the gender regime. EU powers over equal opportunities were strengthened in the Treaty of Amsterdam (1999), which went beyond Article 119 of the Treaty of Rome in raising the priority of gender equality issues as a consequence of its inclusion within Articles 2 and 3. This includes a statement that the EU will promote equality between women and men (*Women of Europe* 1998), not merely outlaw discrimination. The development of a formal Constitution for the EU is likely to further deepen its powers (European Convention 2002), although there are arguments as to how and where gender equality and human rights should be located in this document (European Convention 2003a, 2003b). In particular, there is an ongoing discussion in 2003 as to whether it is sufficient that equality between women and men is located as an objective of the EU in Article 3, as the early 2003 draft of the Constitution (European Convention 2003a) has it, or whether, as was argued by the Convention's Working Group on Social Europe (European Convention 2003b), equality between women and men should be stated to be an EU value and located alongside "human dignity, liberty, democracy, the rule of law and human rights" in Article 2.

Second, not only has employment policy been interpreted very broadly, but the actual interconnectedness of employment with other domains in the gender regime means that policies that affect employment affect many other domains of gender relations, even though these domains were not ostensibly the primary focus. There are three key examples where a policy area is defined as an area of Member State competence but where EU concerns with employment policy have led to gender policy innovations: (1) policies concerning taxation and the provision of benefits and welfare; (2) issues of fertility and sexuality, especially contraception, abortion, and sexual preference; (3) combating of violence against women through policies for criminal justice and public services.

Taxation and Benefits

The extent to which Member States have independent welfare policies is being curtailed by two developments. First, EU Directives forbidding discrimination in social security and occupational pension schemes have implications for the state provision of pensions on retirement. It was deemed to be discriminatory against men for men's retirement age to be later than that of women, as had been customary in many EU countries. For example, in the United Kingdom, women's retirement age is being increased in stages from age 60 to 65 to eliminate this difference. Second, the development of a common finance structure consequent on the development of the European Central Bank and the euro has included limits on the size of the deficits that governments are allowed to develop, with potential restrictions on spending on public services, such as health and education (Rossilli 2000; Young 2000). This is a recent development, and the full implications have yet to be seen, not least because national finance ministries still retain considerable authority on tax and benefit issues.

Sexuality and Fertility

Distinct national policies on the regulation of sexuality and fertility might be thought to lie at the heart of national and cultural specificity and so be exempt from the "economic" policies of the EU (Smyth 1996). However, these policies are being challenged in two ways. First, the freedom to travel and to sell services anywhere in the EU, as part of the Single European Market, makes it increasingly easy to cross borders within the EU, without a passport in many cases. This makes access to contraception and abortion services in a country with more liberal legislation easy, for those who have the money to travel, whereas the right to sell services across the EU limits the ability of national governments to limit knowledge about the availability of these services. Thus, for instance, the attempt by the Irish government to limit access to abortion is limited by the availability of such services in the United Kingdom (Reid 1992).

Second, the ECJ has ruled that discrimination against transsexuals contravenes the Equal Treatment Directive (Bell 1999), whereas the Employment Directive coming fully into force in 2006 will make it illegal to discriminate on ground of sexuality, including sexual preference, in employment. This will have implications for family-based employment benefits and affect legal recognition of nonstandard families. The EU regulation of the market reaches all manner of domains that may not be initially thought to be economic. If something is traded or related in any way to employment, then it is increasingly the case that it is subject to EU gender equality regulations.

Violence against Women

The policies of criminal justice systems and public services relevant to the reduction of men's violence against women are ostensibly a matter for Member States under the principle of subsidiarity (Hanmer 1996). As in many countries around the world, men have rarely been subject to criminal prosecutions, and the development of appropriate policies in public services is slow. There have been a series of policy developments in Member States and changes in national laws (such as ending the marital rape exemption), but these are not directly driven by EU mandate in the same way that employment nondiscrimination is. Individual women have no supranational right of complaint to the ECJ on these grounds. However, the EU has funded several initiatives, for example, STOP and Daphne, intended to facilitate and stimulate policy development and policy transfer. The line between this and the persuasive modeling of the Open Method of Coordination design in employment policy is rather blurry.

Insofar as crossing borders is involved, as is the case in the trafficking of women for the sex trade, this is within the EU remit to regulate because economic transactions are involved. So again, the practice is one of the EU extending and developing its authority over gender relations. This is an area where gender intersects with migration, ethnicity, and nationality with consequent complexity. The extent to which the engagement and mobility of women in the sex trade is voluntary or coerced, or if any such dualist division is even possible, is at the heart of the political sensitivities of this issue for gender politics.

Conclusions

Although those skeptical of the EU's potential for positive impact on gender equality have highlighted the importance of noneconomic issues in gender inequality, this analysis has demonstrated that the ostensibly noneconomic nature of these issues has merely slowed (rather than prevented) EU engagement with these domains. This is because the different domains of the gender regime are interconnected in practice, not sealed into separate compartments of economic and noneconomic issues. When gender relations are understood as part of a gender regime, as a system, not a series of dispersed separate phenomena, then it is possible to see how such a wide range of inequalities may be addressed by the EU, and the specific merits of the EU regime compared to those that are developing in the United States or Asia. The particular ways gender relations are brought into the public realm are seen to matter, and the dimensions of state (versus market-led) policy making, voice for particular groups in decision making, and

degrees of attention to inequality are independently crucial for making this assessment.

I have attempted to outline the new kind of gender regime developing within the European Union with distinctive patterns of gender inequality. The EU's new variety of gender regime has a public form shaped by a distinctive institutionalized practice of social inclusion articulated through a new employment-based set of regulations. Against the claims about convergence and the erosion of difference between polities offered by some theorists of globalization and of the world polity, I argue there is something distinctive here. The EU as a polity is important in the path-dependent creation of a new model of gender regime.

Both the extent of and limits to the importance of the EU for the feminist project of achieving gender equality can be best understood within the analytic context of a theory of gender regime. This allows for nuances and interconnections that cannot be captured in single-dimensional models of gender relations, which rest either on the diffusion of sex equality norms or the institutionalization of male breadwinner/dual-earner family forms. These cannot adequately capture the complexity of the interrelationships between the political and economic domains of the gender regime.

The EU's development of regulations of employment in relation to gender has been distinctive from the mid-1970s onward. Early Directives were confined narrowly to the equal treatment of women and men as workers in standard forms of employment, but more recently these have been significantly extended so as to embed the rights of worker-careers in employment through the regulation of working time and to regulate nonstandard forms of employment, especially part-time and temporary work. EU policies promote not only the closing of gender gaps in the extent of paid work and level of pay but address gender equality more generally. Some of the wider effects are the result of the growing reach of EU regulation, and some are the result of the interconnectedness of the domains of the gender regime. Nevertheless, there remains much unevenness in the implementation of these policies across EU Member States.

The development of these policies and their implementation depends on a wider context. One part of this political context for gender equality is mobilization of support for women, present in numerous locations including a special unit within the commission, women members of the European Parliament, and civil society, especially in trade unions and the European Women's Lobby. A further part is the successful coordination of gender concerns with a project for constructing a distinctive form of capitalism that defines social inclusion and full employment as means to develop a globally competitive

regional economy. These political projects and institutions articulate with other institutions in the economy and civil society.

As the EU becomes increasingly important through the deepening of its powers, the increasing number of Member States, and increased impact in global governance, this new form of the gender regime grows in importance. What role it plays as a model or constraint on other, non-Member States remains to be seen.

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REFERENCES

Barnard, Catherine. 2000. *EC Employment Law*, 2nd ed. Oxford: Oxford University Press.

Bell, Mark. 1999. "Shifting Conceptions of Sexual Discrimination of the Court of Justice from *P v S* to *Grant v SWT*." *European Law Journal* 5(1): 63–81.

Berkovitch, Nitza. 1999. *From Motherhood to Citizenship: Women's Rights and International Organizations*. Baltimore, MD: John Hopkins University Press.

Beveridge, Fiona, and Sue Nott. 2002. "Mainstreaming: A Case for Optimism and Cynicism." *Feminist Legal Studies* 10: 299–311.

Boli, John, and George M. Thomas. 1997. "World Culture in the World Polity: A Century of International Nongovernmental Organization." *American Sociological Review* 62: 171–190.

Bornschier, Volker, and Patrick Ziltener. 1999. "The Revitalization of Western Europe and the Politics of the 'Social Dimension.'" In *European Societies: Fusion or Fission*, ed. Thomas Boje, Bart van Steenbergen, and Sylvia Walby. London: Routledge.

Brownmiller, Susan. 1976. *Against Our Will: Men, Women and Rape*. London: Penguin.

Brush, Lisa D. 2002. "Changing the Subject: Gender and Welfare Regime Studies." *Social Politics* 9: 161–186.

Castells, Manuel. 1996. *The Information Age: Economy, Society and Culture; Volume 1: The Rise of the Network Society*. Oxford: Blackwell.

Cerny, Philip G. 1996. "International Finance and the Erosion of State Policy Capacity." In *Globalization and Public Policy*, ed. Philip Gummett. Cheltenham: Edward Elgar.

Cichowski, Rachel A. 2003. "Women's Transnational Activism: Political and Legal Mobilisation in Europe." Paper presented at National Feminisms in a Transnational Arena: The European Union and the Politics of Gender, University of Wisconsin at Madison, April 2003.

Connell, Robert W. 1987. *Gender and Power: Society, the Person, Sexual Politics*. Cambridge: Polity.
———. 1990. "The State, Gender, and Sexual Politics." *Theory and Society* 19: 507–544.
———. 1995. *Masculinities*. Cambridge: Polity.
———. 2002. *Gender*. Cambridge: Polity.
Crouch, Colin, and Wolfgang Streeck (eds.). 1997. *Political Economy of Modern Capitalism: Mapping Convergence and Diversity*. London: Sage.
Delphy, Christine. 1984. *Close to Home: A Materialist Analysis of Women's Oppression*. London: Hutchinson.
Dimitrakopoulos, Dionyssis G. 2001. "The Transposition of EU Law: 'Post-decisional politics' and Institutional Autonomy." *European Law Journal* 7(4): 442–458.
Elman, Amy R. (ed.). 1996. *Sexual Politics and the European Union*. Oxford: Berghahn Books.
Esping-Andersen, Gøsta. 1990. *The Three Worlds of Welfare Capitalism*. Cambridge: Polity.
European Commission. 1994. *Sex Equality Legislation in the Member States of the European Community*, by Barry Fitzpatrick, Jeanne Gregory, and Erika Szysczak. Brussels: DGV, European Commission.
———. 2003a. "European Employment Strategy and the Open Coordination Method on Social Inclusion." Online document available at http://aspen.fss.uu.nl/policiesprogrammes.php.
———. 2003b. "The Social Inclusion Process." Online document available at http://europa.eu.int/comm/employment_social/soc-prot/soc-incl/index_en.htm.
———. 2003c. "Enlargement." Online document available at http://europa.eu.int/comm.enlargement/index_en.html.
European Convention. 2002. *Preliminary Draft, Treaty Establishing a Constitution for Europe*. Brussels: European Convention of the European Commission.
———. 2003a. *Draft Text of the Articles 1 to 16 of the Treaty Establishing a Constitution for Europe*. Brussels: European Convention of the European Commission.
———. 2003b. *Report of WG XI—Social Europe*. Brussels: European Convention of the European Commission.
European Parliament, Directorate General for Research. 1994. "Measures to Combat Sexual Harassment at the Workplace: Action Taken in the Member States of the European Community." Working Paper in the Women's Rights Series, European Parliament, Strasbourg.
Felski, Rita. 1997. "The doxa of difference." *Signs* 23(1): 1–22.
Ferree, Myra Marx, William A. Gamson, Jürgen Gerhards, and Dieter Rucht. 2002. "Four Models of the Public Sphere in Modern Democracies." *Theory and Society* 31: 289–324.
Guerrina, Roberta. 2002. "Mothering in Europe: Feminist Critique of European Policies on Motherhood and Employment." *European Journal of Women's Studies* 9(1): 49–68.

Hantrais, Linda. 1995. *Social Policy in the European Union*. Basingstoke: Macmillan.

Hall, Peter A., and David Soskice (eds.). 2001. *Varieties of Capitalism: The Institutional Foundations of Comparative Advantage*. Oxford: Oxford University Press.

Hanmer, Jalna. 2000. "The Common Market of Violence." Pp. 131–145 in *Gender Policies in the European Union*, ed. Mariagrazia Rossilli. New York: Peter Lang.

Held, David, Anthony McGrew, David Goldblatt, and Jonathan Perraton. 1999. *Global Transformations: Politics, Economics and Culture*. Cambridge: Polity Press.

Hettne, Bjorn, Andras Inotai, and Osvaldo Sunkel (eds.). 1999. *Globalism and the New Regionalism. Volume I*. Basingstoke: Macmillan.

Hirst, Paul, and Grahame Thompson. 1996. *Globalization in Question: The International Economy and the Possibilities of Governance*. Cambridge: Polity Press.

Hobson, Barbara (ed.). 2000. *Gender and Citizenship in Transition*. London: Macmillan.

Holli, Anne Maria. 1997. "On Equality and Trojan Horses: The Challenges of the Finnish Experience to Feminist Theory." *European Journal of Women's Studies* 4(2): 133–164.

Homes, Peter, and Alasdair Smith. 1992. "The EC, the USA and Japan: The Trilateral Relationship in World Context." Pp. 185–210 in *The European Economy*, ed. David Dyker. London: Longman.

Hoskyns, Catherine. 1996. *Integrating Gender: Women, Law and Politics in the European Union*. London: Verso.

Inglehart, Ronald. 1997. *Modernization and Postmodernization: Cultural, Economic, and Political Change in 43 Societies*. Princeton, NJ: Princeton University Press.

Jenson, Jane. 1997. "Who Cares? Gender and Welfare Regimes." *Social Politics* 4(2): 182–187.

Jervis, Robert. 1995. *System Effects: Complexity in Political and Social Life*. Princeton, NJ: Princeton University Press.

Kapteyn, Paul. 1996. *The Stateless Market: The European Dilemma of Integration and Civilization*. London: Routledge.

Keck, Margaret E., and Kathryn Sikkink. 1998. *Activists beyond Borders: Advocacy Networks in International Politics*. Ithaca, NY: Cornell University Press.

Keohane, Robert O. 1989. *International Institutions and State Power: Essays in International Relations Theory*. San Francisco: Westview Press.

Lewis, Jane. 1992. "Gender and the Development of Welfare Regimes." *Journal of European Social Policy* 3: 159–173.

Liebert, Ulrike. 2002. "Europeanising Gender Mainstreaming: Constraints and Opportunities in the Multilevel Euro-Polity." *Feminist Legal Studies* 10: 241–256.

Lombardo, Emanuela. 2003. "EU Gender Policy: Trapped in the 'Wollstonecraft Dilemma.'" *European Journal of Women's Studies* 10(2): 159–180.

Longo, Patricia. 2001. "Revisiting the Equality/Difference Dbate: Redefining Citizenship for the New Millennium." *Citizenship Studies* 5(3): 269–284.

Lorber, Judith. 2000. "Using Gender to Undo Gender: A Feminist Degendering Movement." *Feminist Theory* 1(1): 79–95.

MacKinnon, Catharine. 1989. *Toward a Feminist Theory of the State*. Cambridge Mass, USA: Harvard University Press.

Majone, Giandomenico. 1993. "The European Community between Social Policy and Social Regulation." *Journal of Common Market Studies* 31(2): 153–170.

Mancini, G. F., and S. O'Leary. 1999. "The New Frontiers of Sex Equality Law in the European Union." *European Law Review* 24: 331–353.

Mazey, Sonia. 2000. "Introduction: Integrating Gender—Intellectual and 'Real World' Mainstreaming." *Journal of European Public Policy* 7(3): 333–345.

Mazur, Amy. 2002. *Theorizing Feminist Policy*. Oxford: Oxford University Press.

McGlynn, Clare. 2000. "Ideologies of Motherhood in European Sex Equality Law." *European Law Journal* 6(1): 29–44.

Meyer, John W., John Boli, George M. Thomas, and Francisco O. Ramirez. 1997. "World Society and the Nation-State." *American Journal of Sociology* 103(1): 144–181.

Milward, A. S. 1992. *The European Rescue of the Nation-State*. New York: Routledge.

Moghadam, Valentine M. 1996. "The Fourth World Conference on Women: Dissension and Consensus." *Indian Journal of Gender Studies* 3(1): 93–102.

Moravcsik, A. 1993. "Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach." *Journal of Common Market Studies* 31: 473–526.

O'Connor, Julia S., Ann Shola Orloff, and Sheila Shaver. 1999. *States, Markets, Families: Gender, Liberalism and Social Policy in Australia, Canada, Great Britain and the United States*. Cambridge: Cambridge University Press.

Orloff, Ann Shola. 1993. "Gender and the Social Rights of Ctizenship: State Policies and Gender Relations in Comparative Perspective." *American Sociological Review* 58(3): 303–328.

Ostner, Ilona, and Jane Lewis. 1995. "Gender and the Evolution of European Social Policies." Pp. 159–193 in *European Social Policy: Between Fragmentation and Integration*, ed. Stephan Leibfried and Paul Pierson. Washington DC, Brookings.

Pascual, Amparo Serrano, and Ute Behning (eds.). 2001. *Gender Mainstreaming in the European Employment Strategy*. Brussels: European Trade Union Institute.

Peters, Julie, and Andrea Wolper (eds.). 1995. *Women's Rights, Human Rights: International Feminist Perspectives*. London: Routledge.

Pillinger, Jane. 1992. *Feminising the Market: Women's Pay and Employment in the European Community*. Basingstoke: Macmillan.

Pollack, Mark A., and Emilie Hafner-Burton. 2000. "Mainstreaming Gender in the European Union." *Journal of European Public Policy* 7(3): 432–456.

Rees, Teresa. 1998. *Mainstreaming Equality in the European Union: Education, Training and Labour Market Policies*. London: Routledge.

Reid, Madeleine. 1992. "Abortion Law in Ireland after the Maastricht Referendum." Pp. 25–39 in *The Abortion Papers: Ireland*, ed. Ailbhe Smyth. Dublin: Attic Press.

Risse, Thomas. 1999. "International Norms and Domestic Change: Arguing and Communicative Behaviour in the Human Rights Area." *Politics and Society* 27(4): 529–559.

Rosaldo, Michelle Zimbalist (ed.). 1974. *Woman, Culture and Society*. Stanford California: Stanford University Press.

Rossilli, Mariagrazia. 1997. "The European Community's Policy on the Equality of Women: From the Treaty of Rome to the Present." *European Journal of Women's Studies* 4(1): 63–82.

Rossilli, Mariagrazia (ed.). 2000. *Gender Policies in the European Union*. New York: Peter Lang.

Rubery, Jill, Mark Smith, and Colette Fagan. 1999a. *Women's Employment in Europe: Trends and Prospects*. London: Routledge.

Rubery, J., A.-L. Ellingsæter, M.-P. Gonzalez, M. Karamessini, S. Ilmakunnas, R. Plasman, R. Silvera, K. Sjørup, and P. Villa. 1999b. "Gender Mainstreaming in European Employment Policy." Report to the Equal Opportunities Unit, Employment Directorate, European Commission, Expert Group on Gender and Employment. Online document available at www.umist.ac.ak/management/ewerc/egge/egge.html.

Rubery, J., D. Grimshaw, and M. Smith. 2000. *Gender Equality and the European Employment Strategy: An Evaluation of the National Action Plans for Employment 2000* Report to the Equal Opportunities Unit, Employment Directorate, European Commission, Expert Group on Gender and Employment. Online document available at www.umist.ac.ak/management/ewerc/egge/egge.html.

Rubery, J., D. Grimshaw, M. Smith, and H. Figueiredo. 2001. "Gender Equality and the European Employment Strategy: An Evaluation of the NAPs for Employment 2001." European Expert Group on Gender and Employment Report to the Equal Opportunities Unit, DG Employment. Online document available at www.umist.ac.ak/management/ewerc/egge/egge.html.

Ruggie, John Gerard. 1996. *Winning the Peace: America and World Order in the New Era*. New York: Columbia University Press.

Sainsbury, Diane. 1996. *Gender, Equality and Welfare States*. Cambridge: Cambridge University Press.

Sainsbury, Diane (ed.). 1994. *Gendering Welfare States*. London: Sage.

Scott, Joan W. 1988. "Deconstructing Equality-versus-Difference: Or, the Uses of Poststructuralist Theory for Feminism." *Feminist Studies* 14(1): 33–49.

Segal, Lynne. 1987. *Is the Future Female? Troubled Thoughts on Contemporary Feminism*. London: Virago.

Shaw, Jo. 2002. "The European Union and Gender Mainstreaming: Constitutionally Embedded or Comprehensively Marginalised?" *Feminist Legal Studies* 10: 213–226.

———. 2003. "Process, Responsibility and Inclusion in EU Constitutionalism." *European Law Review* 9(1): 45–68.

Shaw, Jo (ed.). 2000. *Social Law and Policy in an Evolving European Union*. Oxford: Hart.

Smyth, Ailbhe. 2000. "'And Nobody Was Any the Wiser': Irish Abortion Rights and the European Union." Pp. 109–130 in *Gender Policies in the European Union*, ed. Mariagrazia Rossilli. New York: Peter Lang.

Spelman, Elizabeth. 1988. Inessential Woman: Problems of Exclusion in Feminist Thought. Boston: Beacon Press.

Swank, Duane. 2002. *Global Capital, Political Institutions, and Policy Change in Developed Welfare States*. Cambridge: Cambridge University Press.

Vargas, V., and S. Wieringa. 1998. "The Triangles of Empowerment: Processes and Actors in the Making of Public Policy. In *Women's Movements and Public Policy in Europe, Latin America and the Caribbean*, ed. G. Lycklama, A. Nijeholt, V. Vargas, and S. Wieringa. New York: Garland.

Walby, Sylvia. 1986. *Patriarchy at Work*. Cambridge: Polity Press.

———. 1990. *Theorizing Patriarchy*. Oxford: Basil Blackwell.

———. 1997. *Gender Transformations*. London: Routledge.

———. 1999. "The New Regulatory State: The Social Powers of the European Union." *British Journal of Sociology* 50(1): 118–140.

———. 2001. "Gender Mainstreaming in the European Employment Strategy: The British Case." In *Gender Mainstreaming in the European Employment Strategy*, ed. Amparo Serrano Pascual and Ute Behning. Brussels: European Trade Union Institute.

———. 2002. "Feminism in a Global Age." *Economy and Society* 31(4): 533–557.

———. 2004. *Globalization and Difference: Theorizing Complex Modernities*. London: Sage.

Wallace, W. 1994. "Rescue or Retreat? The Nation-State in Western Europe, 1945–93." *Political Studies* 42: 52–76.

Waltz, Kenneth N. 1979. *Theory of International Politics*. Reading, Mass.: Addison Wesley.

Weiler, J. H. H. 1997. "The Reformation of European Constitutionalism." *Journal of Common Market Studies* 35(1): 97–129.

Wobbe, Theresa. 2003. "From Protecting to Promoting: Evolving EU Sex Equality Norms in an Organisational Field." *European Law Journal* 9(1): 88–108.

Young, Birgette. 2000. "Disciplinary Neoliberalism in the European Union and Gender Politics." *New Political Economy* 5(1): 77–98.

Zeitlin, Jonathan, and David M. Trubek (eds.). 2003. *Governing Work and Welfare in a New Economy: European and American Experiments*. Oxford: Oxford University Press.

Zürn, Michael, and Dieter Wolf. 1999. "European Law and International Regimes: The Features of Law beyond the Nation-State." *European Law Journal* 5(3): 272–292.