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Lange, Chris

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Paradoxes included – Civil Society Organizations, Gender and European Policy[1]

CHRIS LANGE

While debates on civil society[2] and its organizations have gained momentum in the last years, civil society organizations[3] (CSOs) viewed from the gender perspective has been a neglected subject in Germany – at least if the understanding of civil society reaches beyond voluntary engagement. This contribution incorporates the topics 'Gender', (German) 'social CSOs', and 'Europe'[4] in an effort to show how they are interconnected. It pursues two central lines of arguments: first, it explores how (German) social CSOs relate to Gender and 'Europe', and secondly, it examines how 'Europe' pertains to Gender and social CSOs.

Most CSOs operating in the health and social field in Germany are members in one of the six established so called 'peak associations' (Spitzenverbände) Caritas, Diaco-

nia, German Red Cross, Workers' Welfare Association (AWO), Parity (Paritätischer Wohlfahrtsverband) and the small Central Welfare Agency of Jews in Germany, which have all been in existence for more than a century. Their member organizations are major providers of social services and thus also the primary employers in the social non-profit sector. The vast majority of the out about two million employees are female – and the leadership predominantly male. These 'peak associations' are political actors with considerable influence insofar as they are accepted partners of the state engaged in advocacy and interest representation for their clientele as well as for their member organizations. Some of their member organizations are women's organizations e.g. providing shelters and/or counseling in the field of domestic violence. But gender issues are neither one of their prime concerns nor an integral part of the organizational culture. 'Europe', on the contrary, is relevant for them because European policies increasingly affect them – some directly and many indirectly. Therefore, they – like many other CSOs – try to gain influence in Brussels, and they have indeed become acknowledged political actors at the European arena since the late 1980s.
The first section of this contribution focuses on the CSOs mentioned above. It sketches the situation of women and men and outlines the 'history' of these CSOs with 'Europe'. In the second section the development of European gender policies will be in the center of interest followed by the question of how far CSOs have been involved and affected by these policies. The paper concludes by naming several paradoxes that have surfaced in discussing the three issues 'CSOs', 'Gender' and 'Europe', and by summarizing the findings pertaining the European political level.

Social Civil Society Organizations, Gender, and 'Europe'

Most publications about social CSOs in Germany either discuss them in their functions as political actors and providers of social services or address questions of management, of efficiency, of private-public partnership and so forth. Sometimes not only the state (and/or the market), but also the European political level comes into view and is ascribed an increasing relevance. Experts as well as the managers of these organizations now widely acknowledge 'Europe' as being of growing importance, while 'gender' as an issue of internal debate is almost non-existent outside the work of a few mostly female specialists. That it does play a role, however, is shown in the first part of this chapter, which takes a look at the situation of male and female employment and the position of women and men in German social CSOs. In the second part, the development of 'Europe' and social CSOs from a German perspective is outlined reflecting the influence 'Europe' has achieved.
Regarding *women and men in German Social CSOs*, there is a clear over-representation of female employees in the social NGO-Sector. As Dathe and Kistler (2004, 192) point out, 72% of the employees in this sector in Germany are female – compared to 43% in the total economy. This is not very surprising since social and health services are traditionally female dominated occupations. What is surprising, however, is the fact that this dominance is not reflected in the representation of women in manage-

rial positions – although evidence has been found that it is easier for women to enter managerial positions in organizations in which the workforce is predominantly female (Steinberg/Jacobs 1994, 95). Two figures may illustrate the under-representation of women in leading positions: First, only one of the six 'peak associations' at the national level has a female president, and secondly, only three out of 24 managing directors of Diaconia's regional umbrella organizations are female (Lange 2005, 104-107).

One reason for the lack of women in top positions of CSOs given in literature is women's supposed preference of working with clients directly. However, Handy et al. (2002, 139) found that self-selection "is not a random event but is influenced by personal characteristics as well as socioeconomic and cultural factors." Another reason given is that women are still ascribed the main responsibility for the family, and their corresponding difficulty in reconciling work and family life. This situation, however, differs considerably across the EU-Member States. Gibelman (2000, 251) claims that it holds true for nonprofit-organizations as well as for for-profit organizations that women face "transparent but real barriers (…) that impede (…) individuals (…) from advancing into management positions" – the notorious glass ceiling phenomenon.

In the time after the height of the women's movement – that is in the 1980s and 1990s – small numbers of female employees raised gender issues in the organizations in question like the appropriate representation of both sexes in top positions. But they also stressed issues like the outsourcing of labor (which usually meant worse working conditions and less pay), mainly in cleaning and home economics, where the work force is predominately female (Lange 2001, 46f.). However, the effect has been minor. Today only Diaconia has an institutionalized representative for gender equality (Gleichstellungsbeauftragte), who works half time and Caritas one with only 20% regular work time (Trommer 2005, 35). Thus, gender and along with it gender mainstreaming is not among the priority issues of these organizations – but gender equality has at least not completely vanished from their agenda.

Turning now from the internal situation of social CSOs to the political environment they operate in, the increasing i*mpact of the European political level on social CSOs in Germany* (and in all EU-Member States) is remarkable. Although 'Europe' is still mainly endowed with supranational competence regarding economic and internal market issues, it has gained influence for national social policies as well as for the institutional setting of social organizations, i.e. as service providers, as political actors, and as organizations eager to safeguard their own existence. One indication for the increasing European presence is the fact that most German social CSOs have installed an EU-representative in their national 'peak association' and at the federal state level, who work in close cooperation. Also, most of them, along with their umbrella organization, the Consortium of Non-Statuatory Welfare, run offices in Brussels (Brandsen et al. 2007).

One reason for the growing influence of 'Europe' is that German social CSOs are increasingly structured internally like for-profit-organizations and operate in an in-

creasingly market-like environment. Another reason is that European competencies have become less restricted to economic issues with each revision of the EC-Treaty (Lange 2001). Since the late 1980s a 'bargaining process' has taken place between the three core political actors – the Member States, social CSOs, and European institutions, mainly the European Commission. The major question being debated has been whether the activities of social CSO constitute 'economic' activities (and therefore fall under European legislation) or whether they are 'non-economic' (Lange 2004). German social CSOs have played an active role in this process (e.g. Bundesarbeitsgemeinschaft 2004). After many years a certain consensus has been reached with the Commission's Communication on Social Services of General Interest[5], which acknowledges these organizations to be different from commercial enterprises and therefore requiring different treatment.

While 'Europe's' influence on social CSOs at the national and sub-national levels has gradually increased, the latter in turn have acquired a certain standing in Brussels since about the mid 1990s (Kendall/Anheier 1999). They have gained a position of partnership with European institutions – in the expectation that they are "vehicles for the fostering of participatory democracy" (Zimmer/Sittermann 2004, 11), capable of reducing the alleged democracy deficit and mediators bridging the gap between the 'Europe' and its citizens (European Commission 1997, 10). Having founded the Platform of European Social NGOs as their umbrella organization in 1995, social CSOs managed to create a body to speak for those concerns they have in common and to participate in the 'Civil Dialogue', the institutionalized consultation process of social CSOs with the European Commission. But as will be laid out later, gender is not one of its primary concerns, although gender politics has developed into a genuine European policy.

Gender Policies at the European Level ... and CSOs?

Having discussed so far the issue of 'Europe' and CSOs in the social field (including the gender dimension in the latter concerning German social CSOs), the focus now turns to 'Europe' and Gender and the question of CSOs therein. In retrospect, two main phases can be identified in the development of European gender policies which will be detailed bellow: First, from the beginning of the European Economic Community in 1957 to about the mid 1990s, when the major issues were equal opportunity and equal treatment at the workplace and in the labor market, and secondly, from the mid 1990s onwards when a dynamic development took place particularly on account of the Gender Mainstreaming Strategy. The final section looks at the role of the only CSO at the European level explicitly promoting women's rights, the European Women's Lobby (EWL), and how CSOs in general have been affected (or not) by the European gender policy.

The *evolution of European gender policy* goes back to the 1950s. The Treaty of Rome (1957) already contained the principle of equal pay for equal work in Art. 119. But it took until the mid 1970s before this principle was filled with life: social-democratic

forces had come to power in several of the then nine Member States, and the "wave of the feminist movement (…) also reached the European institutions" (Schunter-Kleemann 1992, 29, translation CL). This led to the institutionalization of the Equal Opportunities Office at the European Commission in 1976 (Fuhrmann 2005, 226) and the Women's Rights Committee of the European Parliament, renamed 1979 into: Committee of Women's Rights and Equal Opportunity (ibid., 235). This Office and this Committee together with the European Women's Lobby developed an advocacy coalition network (Sabatier 1998) in European gender politics.

As Fuhrmann (2005) shows, it was the combination of a strong women's movement pressuring from outside the European institutional system and the EP-Committee and the Commission's Office as well as individuals committed to the issue inside the system that spurred the development in gender issues. This was first manifested in three directives (legal acts setting the objectives and the time frame within which these objectives have to be achieved in the Member States): 1975 the directive on equal pay for men and women; 1976 the directive on equal treatment for men and women in employment, vocational training and promotion, and working conditions; and 1979 the directive on equal treatment for men and women in occupational social security schemes.[6]

In 1981 the Commission launched the First Action Program on Equal Opportunities (1982-1985) (Geyer 2000, 115) during a period of stagnation in the European Community: Neo-liberal governments had come to power in several Member States and Great Britain under Margaret Thatcher blocked all initiatives in the social policy field. Therefore it took years before the Action Program was rendered effective and more directives were passed: e.g. 1986 the directive on equal treatment of men and women in agriculture, self-employed capacity and on the protection of self-employed women during pregnancy and motherhood; 1996 the framework agreement on parental leave; in 1997 a directive on the burden of proof in cases of discrimination based on. 'Soft' measures included a resolution on the protection of dignity of men and women at the workplace in (1990), a Code of Practice concerning sexual harassment (1992) as well as several other resolutions and recommendations. Research networks and a funding program (New Opportunities for Women, NOW) were also European activities during this period (ibid., 122ff.).

Thus, gender equality already had a certain standing at the European level in a bottom-up process when the Scandinavian states Finland and Sweden with their relatively egalitarian gender regimes joined the EU in 1995. They promoted a more egalitarian approach, and therefore their entrance can be taken as the beginning of the second phase of European gender policy. It was not least due to their efforts during the revision of the EC-Treaty, the Treaty of Amsterdam 1997, that today equality of men and women in all spheres of life – not only at the workplace – is an explicit task and objective of the European Community (EC) (Art. 2). Moreover, Art. 3 states: the EC "shall aim to eliminate inequalities, and to promote equality, between men and women", and Art. 13, a new article in the Treaty, is allowing the EC to take "appropri-

ate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation".

The adoption of the Gender Mainstreaming Strategy accelerated the development in gender equality issues at the European level since the mid 1990s. The Women's World Conference in Beijing 1995 had initiated gender mainstreaming (GM) – the incorporation of a gender equality perspective in all policy-processes and measures – as a policy planning strategy. Female actors of the European Parliament and the Commission involved in the preparation of the Beijing Conference thus developed into experts on the issue. When the EC-Treaty came up for revision, these actors became crucial advisors to the European Council and the European Commission. Many Member States were unaware of the likely consequences GM had in store. Advocates of gender equality in the European political system took advantage of this ignorance and relying on their knowledge of the policy procedures as well as on close advocacy networking, they managed to anchor the strategy into the EC-Treaty, thus initiating a top down process (Fuhrmann 2005, 249-258).

The European dual strategy applied in promoting and implementing GM includes specific support for women where they are underrepresented plus mainstreaming gender into all policies, decision-making processes as well as into the EU internal structures (ibid., 11). The overall objectives, as cited in the Framework Strategy on Gender Equality (COM(2000) 335 final), are "to combat inequalities between the sexes in economic, political, civil and social life, and to change roles and remove stereotypes in this area".

The fact that GM was adopted as a framework strategy by means of the European decision procedure has to be considered an enormous success. How successful its implementation has been, however, is another question. Fuhrmann (2005, 277-281; see also Fuhrmann 2004) describes huge differences within the European administration itself (the Directorates General, DGs) and concludes: "Those DGs known as gender-friendly adopt the new approach easily while other DGs known so far as gender-blind act very hesitantly" (Fuhrmann 2005, 4). Even more disparate is the implementation in the Member States. A state's commitment depends to a large degree on the existing gender regime, i.e. path dependency proves to be strong (ibid., 282f.). Although the German government adopted the European Gender Mainstreaming Strategy, the implementation in ministries and public authorities has been slow, insufficient or even non-existent and has barely carried over into other societal areas (e.g. Frey/Kuhl 2004, 200-208; for CSOs Weg 2005).

What does this imply for the *role of CSOs*? Throughout the entire process of developing European gender policy and the European Framework Strategy, one particular NGO has played a decisive role: the European Women's Lobby (EWL, www.womenlobby.org). Representing about forty national and supranational women's organizations, the EWL's influence in shaping the European gender policy and in adopting GM has been considerable. It has established an advocacy coalition with the EP's Committee of Women's Rights and Equal Opportunity and the Commission's Equal

Opportunities Office and has been lobbying in support of GM implementation (Fuhrmann 2005, 240-258). Fuhrmann (ibid.) points out, that the success of the European gender policy has to be accounted to the well coordinated activities of these three corporate actors, their tricky and intelligent handling of political procedures, their prompt use of "policy windows" (Kingdon 1995), their commitment and their persistence.

In the umbrella organization of social NGOs in Brussels, the Platform of European Social NGOs[7], the EWL is the only organization out of more than forty, which explicitly advocates women's rights and gender issues. The other organizations in the Platform have, to the best of this author's knowledge, yet to be studied as to whether and how they implement GM.

In the European Framework Strategy, the cooperation of European institutions with CSOs is called an important tool, which includes informing CSOs about specific legislation, working with NGOs in the field of combating gender specific issues like trafficking in women and children etc., and encouraging NGOs, which are not specialized in gender issues, to integrate the gender perspective into their activities. Whether and how they have been doing so has not been documented (to the author's knowledge). In the German social CSOs 'Europe' is present first and foremost when it comes to making use of e.g. the European Social Fund, where the integration of gender is a requirement, and as a political argument in intra-organizational debates (Trommer 2005).

Paradoxes included

Efforts to connect the three issues – 'Europe', 'gender', and 'CSOs' – give rise to at least three types of paradoxes: First, while both gender and CSOs have been European topics particularly in regard to participation and democratization for a considerable length of time, they have not (or only marginally) made inroads together at the European political level itself. Secondly, while the Gender Mainstreaming Strategy has been adopted by all Member States – insofar as all of them have signed and ratified the EC-Treaty of Amsterdam in which it is anchored – the reality in most, if not all of these states does not live up to the content of the EC-Treaty passages on gender equality – neither in politics, economy, cultural and social life nor in CSOs. Thirdly, while women comprise the overwhelming majority of the paid personnel in social CSOs in Germany (and probably elsewhere) and gender equalization policies have been in place for about two decades, women are still severely under-represented in managerial and leading positions. Neither has this disparity been studied extensively and intensely.

All three paradoxes require closer examination, for instance regarding work-life balance for women and men. It is also necessary to examine gender stereotypes in the organizational culture, mechanisms perpetuating gender relations, and so on.

Summary

The first phase of European gender policy showed that, despite a clear legal basis (EC Treaty) and an obligation on the part of Member States to act accordingly, political action was only initiated once the feminist movement 'spilled over' into the European political administrative system in a bottom-up process. Pressure from outside the political system served as the catalyst for developing gender policy at the European level.

In the second phase of European gender policy, the opposite move took place: the Women's World Conference in Beijing of the United Nations took the initiative on a new strategy. The protagonists of GM promoted a gender perspective but – in contrast to feminists – did not accuse patriarchal systems or individuals of discriminating against women. Political players promoting gender equality inside the institution, supported by the EWL and facilitated the adoption of GM. Thus, the political strategy GM, which was not a legal but a 'moral' initiative by UN institutions, in this case the Women's World Conference, was turned into hard law. This top-down process helped to advance gender politics in 'Europe' and, to a certain extent, in the EU-Member States.

Not only corporate actors, however, but also individuals within these three groups made a difference. They built an advocacy coalition in which the involved persons share similar core beliefs and political goals (Sabatier 1998). They possessed a profound knowledge of the political procedures and the political bodies very well and took advantage of the ignorance or disinterest of the members in the decision-making bodies in the whole process exhibited a tremendous amount of inertia. These individuals' 'long breath', their capability to create stable and formal (and informal) coalition networks as well as their ability to skillfully 'play the game' were both necessary prerequisites for achieving progress in European gender politics.

In sum: A strong movement outside the political system, brought together with committed actors inside the political system through a common 'moral' obligation (here: Gender Mainstreaming) is needed to bring about positive change in gender politics – but above all, it is possible.

Notes

1 Thanks go to Prof. J. Mushaben and E. Heath for reading and correcting this contribution as native speakers. Still language as well as content remains in the sole responsibility of the author.

2 For an excellent compilation of what civil society has meant during the centuries and carries today, see Schade 2002.

3 A wide variety of terms is in use for these kinds of organizations deriving from different schools of thought and theories. Most common are: nongovernmental organizations (NGO) delineating them from 'state', nonprofit-organizations (NPO) delineating them from 'market', third-sector organization placing them between 'state' and 'market', and civil society organizations (CSO) emphasizing their societal aspect. This is the term most commonly used lately and also mainly – but not exclusively – in this paper.

4 'Europe' written in single quotation marks in this paper signals that the supranational European institutional system, the European Community (EC), is meant – one pillar of the three pillars constituting the European Union (EU) with the second being the Common Foreign and Security Policy and the third being

Police and Judicial Cooperation, which are both governed intergovernmental but are intertwined with the EC.

5 Cf. http://ec.europa.eu/employment_social/social_protection/docs/com_2006_177_en.pdf, January 25, 2007

6 Cf. http://europa.eu.int/comm/employment_social/gender_equality/legislation/index_en.htm, June 3, 2005

7 Short: Social Platform, http://www.socialplatform.org

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