



# The Future of the European Union

Feminist Perspectives  
from East-Central Europe

ESZTER KOVÁTS (ED.)

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ESZTER KOVÁTS

## Preface:

# The need for feminist and East-Central European reform perspectives for the EU

While the various recent crises, including the financial and economic crisis, Brexit and the refugee crisis exposed more than ever the power structure and the diverging interests in the Member States about the forms of integration of the EU, we are witnessing serious contestations whether and how the European project can continue.

Though it is not as spectacular as other crises of the EU, the issue of equality between men and women has also become a battlefield in recent years. This politicization is “the ocean reflecting in a drop.” What is taking place in the field of gender equality incorporates many of the characteristics of the EU’s legitimacy crisis, and the rise of right-wing populist parties. Thus, by having a deeper understanding of this issue, one may gain a better understanding of the others as well, and go beyond the simplifying framework of being pro- or anti-EU.

The starting point of this volume, as exposed in Anikó Gregor’s and Andrea Pető’s introductory chapters, is that equality between men and women at EU level is discussed mainly in connection with economic considerations – gender equality itself is often promoted in the context of greater participation in the labour market, thus promoting economic growth.

This approach, as many have pointed out (Elomäki 2015), has strengthened in recent years: gender equality has to be addressed, *because* it is profitable for the state and/or the market. There has been a series of studies on the cost recovery of investment in institutional childcare. It was calculated that investment in prevention of violence against women results in savings for healthcare and social care systems. EIGE (European Institute for Gender Equality), the EU’s agency of gender equality released a study called “Gender Equality Boosts Economic Growth” on International Women’s Day 2017 (EIGE 2017).

## **Economic interests and a set of values overlap, what could be wrong with that?**

Women are indeed disadvantaged in the labour market. Promoting their economic independence is a primary interest; there is gender pay gap up to this day that reflects the horizontal and vertical segregation of the labour market and the persisting under-valuation of activities associated with women (for instance care), and the reconciliation of family and work (especially for single mothers and those who care for their sick or elderly relatives) are still impossible challenges. We can be glad that the EU deals with these issues, providing direction and forcing change.

However, gender equality is primarily discussed in a neoliberal economic language and reasoning, and the reasons behind inequality sometimes seem to go unaddressed.

The EU's economic system is built on a lot of unpaid work, which is done within the household, mostly by women, and it is not enough to encourage men to do their share of housework. What should be addressed is how housework and taking care of children, sick and elderly relatives (either done by men or women) may be recognised as a precondition for the reproduction of the labour force – and as an integral part of human life. It does not lead to equality in itself if women, instead of the underpaid care sector, are more represented in the well-paying engineering and IT field. At least as important an issue is to remedy the inadequate financial and moral appreciation of the social and care sectors. The raising of such political questions has been made difficult by the agenda that sees the path to the achievement of gender equality in increasing the employment of women, and which mainly sees gender equality as a tool (in favour of economic growth), not a goal in itself.

That is why every agenda that recognizes the value of care should be welcomed. For instance, the initiative that was negotiated a few months before in the European Parliament Committee on Employment and Social Affairs, which aims to support the balance between work and private life, would introduce the holiday available for family reasons and the right to flexible working conditions, too. Let's cross our fingers for this initiative, which would improve the situation of employees taking care of sick and elderly relatives.

## **Women's rights are also human rights**

While in the light of the experiences of the Second World War the concept of human rights became a guideline, and the struggles for the equality of women found their place in it (taking major steps forward, in many respects, for example as regards violence against women), yet, it should also be seen that such an approach is far from giving an answer to everything, and cannot be the only one approach.

The paradigm of human rights focuses on individual rights and views the economic order as an independent social sub-system. It also disconnects the persisting privileges of men against women from its political-economical embeddedness. That is, *how* the hierarchical

relations between men and women are reproduced in today's societies. On the other hand, it also obfuscates the fact that there may be contradictions among various, human rights defined along identities (for example between gay rights advocates and women's organisations concerning surrogacy). Thirdly: there are more and more things brought under the umbrella of human rights – and as soon as it happens, the given phenomenon is morally unquestionable.

That is how, concerning the topic of prostitution – which has been subject to debate among feminists up to this day – the representatives of the sex work approach (who see the problem in *stigmatization*) refer to human rights and try to present the standpoint that sees prostitution as the exploitation of women's bodies and therefore a phenomenon to be eliminated as illegitimate and exclusionary. In many countries, activists that interpret gender as an unanalysable inner essence see the recognition of their non-binary (i.e.: neither man nor woman) gender identity as a human right, hence indisputable.

Such debates take place on the European level, too. Therefore it is a challenge for the actors committed to gender equality not to use the neoliberal economic language, but also not to have the illusion that political change in structural issues may be achieved by referring to human rights. Especially since the human rights agenda is intertwined with the above-mentioned claims. And when the right-wing is attacking the issue of gender equality, then it is also attacking the above-mentioned issues (Grzebalska & Kováts & Pető 2017).

Therefore, it is crucial to engage with the EU's "gender architecture" with a critical feminist view from East-Central Europe.

We need a type of feminism, also on the EU level, which does not primarily address the female ratio of a supervisory board and the current politically correct use of language, but rather raises social aspects and strengthens the social dimension, and aims to find political (and not cultural) answers for the structural reasons that create discrimination, also for semi-peripheral countries.

## **Feminist views from East-Central Europe**

Based on our two previous volumes, *Gender as symbolic glue. The position and role of conservative and far right parties in the anti-gender mobilizations in Europe* (Kováts & Pöim eds. 2015) and *Solidarity in Struggle. Feminist Perspectives on Neoliberalism from East-Central Europe* (Kováts ed. 2016), this volume attempts to contribute to these debates.

After the contextualizing chapter of Anikó Gregor and Andrea Pető follow case studies which attempt to formulate propositions beyond the false dichotomy of "progressive neoliberalism" and "reactionary populism" as the American philosopher Nancy Fraser would put it (Fraser 2017, Kováts 2016). Without having the ambition to tackle all issues relevant from a critical feminist perspective for the EU, the case studies pick out some relevant terrains on which crucial re-considerations are needed, new social-democratic answers need to be found. When addressing the feminist and East-Central European perspectives, Elena



Zacharenko proposes a social framing on the field of reproductive rights; Edit Szénássy analyses the EU's and three East-Central European national Roma strategies which can be thought-provoking for progressive actors committed to human rights; György Mészáros courageously addresses the potential conflicts between feminist aims and current mainstream forms of LGBT activism on the European level and how to move forward; and Csilla Malomvölgyi formulates some dilemmas arising in the field of refugee and migration policy of the EU.

The last section explicitly addresses the economic architecture of the EU and what its considering and reconsidering mean, in constructive terms, for feminist activism (Emília Barna et al.), for the global responsibilities (Zuzana Uhde) and for possible new scenarios and imaginable policy measures addressing the structural problems (Zofia Łapniewska). The concluding chapter by a social-democratic politician, Kata Tüttő, who works in the Environment, Climate Change and Energy Commission of the European Committee of the Regions, describes the challenges to tackle for social democracy, in the prospect of radical changes provoked by digitalization.

The causes that have created the rise of Hofer, Wilders, Le Pen, the causes that have created Brexit, the heated debates over the refugee crisis and a two-speed Europe have not ceased to exist. It is only the beginning of the struggle. We give territory to the Right unless we propose better answers to structural questions than before – be it gender equality or other topics. Feminist thinkers from East-Central Europe have some ideas to consider. Let's take them seriously.

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ANIKÓ GREGOR

# Who is for sale? Challenging the commodification of gender equality in the European Union

## Introduction

In March 2017, the online edition of the British newspaper the Guardian published a shocking article about the inhuman and both physically and sexually exploitative working and living conditions of Romanian female guest workers working in agricultural farms in the province of Ragusa, Italy (Tondo & Kelly 2017). Victims told their testimonies about extremely long working hours, low wages, poorly equipped mass accommodations, and sexual violence happening to them on a daily basis. As the article highlighted, despite both local authorities and the Italian government itself have been well aware of the situation for more than two years now, no serious investigation or intervention have started so far. The region relies heavily on both seasonal and permanent undocumented migrant workers coming from East-Central Europe (ECE) or from conflict areas with the refugee flow providing an extremely cheap and vulnerable labour force. The economic and material interest of local farm owners and the region itself justify the practice of officials whereby they turn a blind eye, and leave these Romanian women without any help. The situation of these women in Ragusa has drawn the researchers' attention, too. As they argue, because of the common labour market union of the European Union (EU), EU-migrants are more likely to be employed in informal and undocumented jobs making them more vulnerable and exploitable than non-EU migrants (Palumbo & Sciarba 2015).

This example raises questions not only about the ambiguity of gender equality as a value within the EU, but also brings evidence for the existing inequality between old and new Member States, or, in a more systemic view, between the core and the semi-periphery countries in the EU (see Barna et al. in this volume about the possible analytical application of world-systems theory). How could the negligence of the problems of Romanian female guest workers be in line with one of the basic principles of the EU declaring the importance of gender equality? How does neoliberal economic interest turn the concept of gender equality inside out? How do policies in the EU divide male and female citizens of new and

old Member States along their assigned roles in the global division of labour and, more specifically, in the economic life of the EU?

By summarizing many recent pieces of literature on the role of EU as a neoliberal promoter of gender equality and by complementing them with an ECE point of view, I am going to conclude that the EU plays a significant role in promoting a limited notion of gender equality that perfectly fits the neoliberal paradigm, providing not just cheap female labour to both the formal and informal part of the global economy but also by not problematizing certain women's rights issues (e.g. violations of reproductive rights, see the analysis of the case of Poland by Zacharenko in this volume), it contributes to the reinforcement of a new and recent type of patriarchy.

Based on the existing and constantly growing body of literature about the neoliberal notions of the EU's gender equality policy (see e.g. van der Vleuten 2007, Walby 2011, Elomäki 2015, Repo 2016), first, this essay aims to reveal the techniques through which the EU promotes neoliberal meanings and framings of gender equality. Second, it is going to critically approach the current knowledge about the neoliberal governing techniques of the EU effectively operating in its gender equality policies and contribute to the debates around it by bringing in the ECE perspective.

### **Neoliberalism as a complex concept**

In a previous essay about the contesting relationship between neoliberalism and feminism in the ECE region, Weronika Grzebalska and I argued that neoliberalism needs to be approached as a complex term (Gregor & Grzebalska 2016). As it was presented there, multiple meanings of neoliberalism can be channelled to three basic pillars: (1) neoliberalism as an economic system refers to economic principles such as the deregulation of markets, preference for privatization, low tax rates, strong belief that the market is able to resolve social discrepancies such as poverty, and, as a consequence, low level of state-funded welfare services; (2) neoliberalism as a political ideology or political movement refers to a specific type of regime that can be characterized by the application of a set of rules and principles aiming to maintain the hegemony of the ruling political and economic elite by relocating important decision making processes from the local spheres to higher levels, emptying political spheres and methods of direct participation, and, as a consequence, depoliticizes citizens; and finally (3) neoliberalism can be understood as a set of moral values being part of an individualized culture in which solidarity has been eroded and undervalued, emphasis both on individual rights and responsibilities are overvalued, and managerial and productivity perspectives dominate both public and private spheres of life in order to discipline and rationalize the behaviour of everyday people.

Although this conceptualization might implicate, it is important to emphasize that neoliberalism is neither a universal nor an ahistorical term. It means that it can take various forms depending on place and time. Jessop for example differentiates between four distinct

types of neoliberalism, defining one of them as the *neoliberal system transformation* labelling it as “the most radical form of the neoliberal project” and locating its emergence in the former Soviet block (2013: 70). Davies separates three periods of neoliberalism identifying one between 1989 and 2008 as so-called ‘normative neoliberalism’ in which neoliberal principles have been shifted to the mainstream and became normalized, followed by ‘punitive neoliberalism’ in which not meeting the quantified set-up requirements entail negative consequence. As these two examples highlight, the diversity of the term of neoliberalism has a potential of analysing its different elements and their collaboration with other institutionalized systems of beliefs that create and legitimize structural inequalities between certain groups in the society, like patriarchy.

### **Patriarchy is not lost but transformed: neoliberal neopatriarchy from an ECE perspective**

Neoliberal neopatriarchy refers to a regime in which women’s productive and reproductive work is not simply taken as given activities what women naturally do, but both wittingly taken indispensable pre-requisites and as such, a direct goal for the operation of neoliberal market economies (Campbell 2014). Women’s participation in the field of formal and informal work and the two-earner households became normal and self-evident not just in countries in the former state socialist block but also in Western European countries. At the same time, reproductive household tasks and care work are still assigned to the terrain of families, mostly to its female members, however, because of the growing time spent on the paid labour market, their capacity gradually diminishing to perform these works (Fraser 2016: 112-113). According to Campbell, violence is an essential tool through which neoliberal neopatriarchy operates: violence is a resource for maintaining and reproducing, physically and symbolically, the hegemony of institutionalized sexism (2014: 18-20). The example of the sexually abused and economically exploited Romanian female seasonal workers perfectly illustrates how patriarchal violence is performed on female bodies in order to maintain an economy operating with a neoliberal logic. The silence of the EU around these cases legitimates these practices and expresses the inequality among the members of the economic alliance.

Although the concept of neoliberal neopatriarchy is able to show the inseparable alliance between capitalism and patriarchy, it does not problematize the unequal power relations between countries on a large scale. The accession of the ECE countries to the EU provided cheap female labour for the Western European countries. In times of ageing societies with declining active population and increasing need for care work, both formal and informal care and other kind of works intensify. For example, as the concept of global care chain (Hochschild 2000: 1) covers it, undone care work of women living in core countries in the West is performed by less wealthier women coming from the (semi-)periphery.

But not only female care work can be characterized within this frame. Concepts like ‘caring masculinity’ (EC 2013: 2), or “caring and present father” (Johansson & Klinth 2008:

42) refer to a new type of fatherhood in two wage earner families, in which male caring is performed not just as breadwinning but as being emotionally attached and present in the family. According to the report of the European Commission on the role of men in gender equality, caring fatherhood and the bigger involvement of fathers in the family life are key factors in achieving gender equality since it could reduce women's labour market discrimination and the cost of health care of men if they care for themselves, too (2013: 4). This type of caring and involved fatherhood, however, is available for those middle- or upper-class fathers who can "outsource" some of their domestic tasks (e.g. repairing) in order to combine their traditional and newly emerged caring responsibilities – this outsourcing relationship is frequent between Western European fathers and Eastern European male guest workers (Palenga & Möllenbeck 2013: 563).

Gendered ethnic and national stereotypes help maintaining these unequal relations by portraying Eastern Europeans, especially men, as thorough, hard-working and resourceful even in times of deficiency (Triandafyllidou 2013: 9, Palenga & Möllenbeck 2013: 564), and migrant women from the East as warm-hearted and having a practical mind (Palenga & Möllenbeck 2013: 564). These ascriptions naturalize unequal relationships and justify hierarchical social positions between Eastern European domestic workers and their Western European employers manifested in the under-regulated market.

In this sense, while on the one hand, the concept of neoliberal neopatriarchy reveals the collaboration between patriarchal, exploiting and depoliticizing forces in maintaining structural inequalities, on the other hand, it also needs to be enlarged with the perspectives of global inequalities and division of work between the countries in order to fully grasp the logic behind these operations.

### **Market as a fundamental frame: brief history of the principle of gender equality in the EU**

The supranational structure of the EU in which states still play a central role (van der Vleuten 2007: 9) provides a framework in which the implementation of strategic plans around any common policy, including policies of gender equality, affect the situation of male and female citizens in all the Member States. However, in the multi-tiered system of the EU (van der Vleuten 2007: 12) unequal power relations between, and different interests of, the Member States result in outcomes in which citizens of the less powerful state suffer more.

While other supranational organisations or international institutions that are legally not, but through its power practices effectively function as a "one-of-a-kind" supranational institutions (Goldman 2005: 51), like the World Bank (Roberts & Soederberg 2014, Prügl 2016), or other major international financial actors, like the European Bank for Reconstruction and Development (Shields & Wallin 2015) or the European Investment Bank (EIB 2016) have started paying attention to the issue of gender equality and women's

economic empowerment only recently, the European Union has a long history in promoting gender equality.

Indeed, according to the basic documents of the EU, gender equality is mentioned as a core value. According to the Article 2 of the Treaty on European Union, the prevalence of equality between men and women is one of the manifestations of the founding values of the Union. Right in the next article, however, one can find that the internal market of the EU is assigned to promote gender equality. It means that the principle of gender equality is fundamentally linked to the market itself (van der Vleuten 2007: 3).

Historical overviews usually cite Article 119 of the Treaty of Rome (1957) from which the first reference to commitment of the European Economic Community, the predecessor the EU, to gender equality could be read out, namely the “equal pay for equal work” principle. However, much less attention has been paid to the fact that this principle was included because of the pressure of France during the negotiations in order to prevent unfair wage competitions between the founding member states by one keeping women’s wages lower than the others (Arriba & Carrasco 2003, Lewis 2006: 420). Because of the fact that, by 1955, French women already earned approximately 86 per cent of the wages of their male counterparts (van der Vleuten 2007: 36), and this gender pay gap was the narrowest among the founding countries, being keen on fighting for equal wages between men and women was explicitly fuelled more by economic interest and less by commitment to social justice from the French side. Although the idea of “equal pay for equal work” was derived from mere economic interest, it resulted in easier justifications for fighting for closing gender pay gaps. The problems are that, first, these advantages were more latent than manifest, and second, anytime when the economic interest requires different wage policies, for example, providing cheap female labour force, the argument can be easily changed in a direction that serves this changing interest. This was the time, as Sophie Jacquot puts it, when gender equality was taken as “a specific equality *within* the market” (2015: 20, italics in the original).

Started by the late 1960’s, early 1970’s the focus from equal wages shifted to the obstacles of the intensification of labour market participation of women. It became clear that the competitiveness of the community needs to involve more women as wage workers. Concerns around the discriminatory nature of the labour market grew strong. The issue of equal pay became a piece in a larger puzzle: women’s participation in the labour market that positioned women in the economic system. Second wave feminist movements in the Member States like in France, Belgium, Germany or The Netherlands also highlighted general problems that women had faced in the labour market. The so-called equal treatment approach was based on the norm of masculine employees and argued for the elimination of labour market discrimination on the basis of similarities of male and female workers. Later, during the 1980’s, as the approach of ‘difference’ became more prominent and influential, acknowledging the special problems of female employees served as a pre-requisite for equal treatment, and thus gender equality. Problematising the obstacles

of a higher employment rate and improvement of the quality of working conditions (e.g. lack of child care facilities, insufficient options for part-time or flexible working hours) were a common ground between feminists and economists, policy makers that time, however, for different reasons. For feminists, women's labour market participation was a promise for economic independence, while higher employment rate of women was an economic goal itself for boosting the economy for economists and policy makers. As Jacquot characterizes this approach, norms around equality were subordinated to the market, "equality had to act *for the market*" (2015: 177, italics in the original).

Shortly after the UN Beijing World Congress on Women in 1995, where gender mainstreaming as a public policy tool has been launched, by 1999, with the entry into force of the Treaty of Amsterdam, gender mainstreaming became the main tool for achieving gender equality in the EU. The concept of gender mainstreaming covers the full process when the outcomes and implications on the situation of men and women of any policy, legislation or formal decision making has to be assessed. During the last decade, numerous studies aimed to draw a conclusion as regards the failure or success of this public policy tool. Critiques highlighted that the implementation was more promising than what reality showed: theoretically, gender mainstreaming with its systemic view held the vision of institutional and structural transformations in order to treat gender inequality issues not just locally but systemically. However, in the reality gender mainstreaming works as a bureaucratic, managing and technocratic tool without any real political and transformative power, and leaves the institutional and other structures, that produce, maintain and reinforce gender inequalities, untouched (Stratigaki 2005, von Braunmühl 2007, Kantola & Squires 2012, Elomäki 2015).

The story (failure?) of gender mainstreaming has a specific view from the ECE perspective. As Éva Fodor summarizes, in the pre-accession period ECE candidate countries, in which gender equality, defined narrowly and linked to the labour market participation, was seen as already achieved both by the public and the politicians, but adopted the required measures, legislations, and offices (2006). In the ECE countries, gender mainstreaming rang a well-known and hostile bell of the emancipative projects of state socialism. Fodor collects many similarities between the two political approaches and concludes that just as the "state socialist emancipation campaign [...] was designed to advance the political and economic goals of the ruling strata, and to reduce gender inequalities only to the point where it did not threaten the social order. The fear is that the EU's gender mainstreaming may also end up being limited to this role" (2006: 14).

Fodor calls the attention also to the politics of gender equality policies: by requiring the implementation of gender mainstreaming and other gender equality policies defined by the old "western" Member States from the new "eastern" States without acknowledging the existing traditions and knowledge on the issue of unequal gender relations, gender equality policies served to legitimize global hierarchies between the East and West (2006: 13-14).

The accession of ECE countries took place in a period when, according to Jacquot, gender equality policies lost all their remaining links to the social dimension and became clearly a justice and rights-based issue (2015: 177). “Equality” has lost its social meaning, became detached from social affairs and transformed into an abstract and neutral legal term in the legislation, and as such, lost its transformative potential, especially in times when “the legislative function itself is in crisis” (Jacquot 2015: 138). This was the notion of gender equality policy that has been adopted by new Member States. Certain small projects aiming to focus on very specific problems of women could survive and be financed, “*despite the market*” (Jacquot 2015: 178, italics in the original).

### **And the present: the hegemony of “smart economics”**

Kantola and Squires describe the context of policy making and implementing by “market feminism” as an approach in which public policies around gender equality are dominated by the logic of the market and organizations, corporations from the private sector actively participate in the process (2012: 383). Since gender equality policies are implemented by national governments, in the case of supranational entities like the EU, where Member States give up autonomy over certain important fields, it means that the hierarchical relationship between the states and the neoliberal market is not just tight but the latter necessarily dominates the former. The concept of ‘smart economics’ provides the economic justification of market feminism as an argument for more investment in and the economic empowerment of girls and women (through education etc.) in order to ensure economic growth and more effective outcome in development (Chant & Sweetman 2012: 520, Chant 2012: 2). A growing body of literature (see e.g. Budgeon 2015) argues that concepts frequently used also by feminists like “empowerment”, “choice” or even “freedom” have been set to serve maintaining and reproducing different forms of neoliberal capitalism. In this framework, the concept of emancipation has been redefined “in market terms” (Fraser 2016: 113). If the application of these concepts does not take into account and problematize the unequal social and material context in which these concepts are used, then classic slogans of liberal emancipatory projects will be co-opted and taken advantage of by market principles. Market fundamentalism that plays a significant role in creating gender inequalities utilizes the whole process.

Critiques of ‘smart economics’ (like Chant & Sweetman 2012) highlight that ‘smart economics’ simplifies the complexity and transfers the responsibility and focus on individual women for achieving goals, overestimates women’s collective agency, neglects the role of unequal power relations between men and women, hence leaves out men and the question of their responsibility, and does not problematize structural reasons behind gender inequalities.

‘Smart economics’ argument in the EU is framed in the context of an ageing society with declining population and the need for workforce. This argument, again, is not new for



women living in ECE countries. What is new for them is the direct links made between women's labour market participation, gender equality, and fertility. Sentences like “the higher (part-time) female employment rate a country has, the higher fertility rate women show” combine nationalist fights against “the death of nation” and the need for more women in the economy. Inspired by the Foucauldian concept of ‘governmentality’ – a rationalized mode of exercising power “as a set of reversible relationships” (Foucault 2005: 252) – , Jemima Repo (2016: 307) goes in her analysis as far as claiming that gender equality policies in the EU, resting on the pillars of reproduction (fertility – reproduction of new and future wage-earners) and production (providing labour force), are none other than “a technology of biopolitical and neoliberal governmentality” serving to regulate, optimize and rationalize women's (re)productive behaviour. Arguments for more childcare or elderly care services, fixed term paid parental leave, policies encouraging work-life balance are all fundamentally important for the economy for having more women in the labour market. Framing the fight for these measures in terms of economy maintains the hegemony of it and if the interest of the market changes, so does the direction of gender policies, accordingly.

And the gender policy of the EU does change. The most recent shift can be perceived in the degrading of the previously defined gender equality strategy (EC 2010) to strategic engagement (EC 2015) that expresses the lower level of commitment to gender equality issues. The strategic engagement is a much less powerful tool for formulating gender policies: there are no direct goals, no assigned budget and no defined measures for follow-up (European Parliament 2016). Jacquot (2015) identifies these certain steps as being parts of a larger and longer process that she calls as the “dismantling” of gender equality policies in the EU that intensified after the economic crisis of 2008. Unfortunately, the widespread application of a technocratic version of gender mainstreaming contributed to this intensification, because it is easy to argue that no specific program or strategy is needed if gender as a political notion has been already mainstreamed and implemented into many levels and spheres.

### **Neoliberal notions of gender equality as an export commodity**

While as it was presented in the previous sections, the focus on gender inequality faded away and became less political in the EU, focus on this issue outside the community became more important and problematized recently. According to the strategic engagement on equality between men and women for the period of 2016-2019, promoting gender equality and women's rights beyond the EU is one of the key areas prioritized for action by the European Commission (EC 2015: 16-17). As the document states, the EU considers gender equality and the empowerment of women as a pre-requisite for sustainable development. This argument itself repeats the main idea of the previously presented concept of ‘smart economics’. Although promotion of gender equality outside the EU is a relatively new key area for the Commission, researchers have already analyzed the way and the consequences

of involvement of the EU. By analyzing the role of the EU in the promotion of women's empowerment in the Southern Mediterranean region after the events of the Arab Spring, Huelss concludes that the hegemonic "empowerment-of-women" paradigm represented by the EU perfectly fits the individualized neoliberal market logic through which women's exploitation is easily manageable both in the spheres of production and reproduction (2017). By using similar theoretical frameworks on governance to Repo (2016), Huelss argues that the emphasis of the emancipative aspects of women's freedom in the terrain of economy defines new norms for women and provides a tool for neoliberal governing in a twofold way. First, it provides justification for entering the labour market, and second, it re-conceptualizes notions around fertility, family, and household division of work.

Supporting women's emancipation through education and wage earner activities, on one hand, can be beneficial for women themselves: having their own salaries could bring some sorts of financial independence and a higher level of autonomy. On the other hand, urging more women to the field of education and the labour market would provide a large amount of available and well-trained cheap labour force. In this sense, investment into women living in nearby non-EU countries could be potentially not just recovered later, but produce profit. From this perspective, exporting this narrowly limited concept of gender equality might easily benefit mostly the exporter in the end.

### **Recommendations and possible alliances**

So what can be done? Moderate voices argue that the emerging interest of supranational entities in gender equality should be taken as an opportunity for smuggling feminist issues and projects into policy making and making neoliberalism up with a (liberal) feminist face (see Prügl 2016). Others insist that this idea leads directly to market feminism (Kantola & Squires 2012), and, without any serious structural transformation, every move will only serve the interest of global capital and contribute to the deepening of not just the existing gender inequality but unequal relations between the Member States, too.

On the institutional level, one possible solution could be the theoretical transformation and practical enlargement of the concept of EU citizenship. The existing common EU citizenship liberated labour market possibilities but did not provide any common European welfare safety net. Visions on a common social Europe includes not just the rethinking of wage policies but the fundamental transformation of the redistribution across the regions, too (Stockhammer 2012: 129). As part of this possible process, gender equality policies should be transformed not just in the way of having bigger social and smaller economic dimensions, but also more focus on inequalities along global relations. For example, the recognition of the unequal labour division between ECE and the rest of the Member States is also inevitable, just as the exploration of those factors that intensify this inequality.

However, there are also signs that middle- and upper-class women in the semi-periphery are also engaged in the global care chain by hiring women from the neighbouring periphery

to do the care work and other domestic works they do not wish to do: Ukrainian semi-legal circular migrant women working in Poland or Hungary as domestic workers provide a good example for that (Triandafyllidou 2013: 231). This example shows that agents of the European Union are right about the requirement of going beyond the borders of the EU when questions of gender and inequality are considered, however, in a different way compared to the exportation of neoliberal agendas. The inclusion of non-EU citizens working even informally in the territory of the EU into the concept of European social citizenship would provide eligibility of social services and the possibility of workers' right protection (about the importance of the inclusion of non-EU citizens into the concept of migration as a global and social justice issue see Uhde in this volume).

Neoliberalism as a global force pushes numerous different social groups to the edge, especially in the ECE region: primary school teachers with harsh working conditions because of the low budget provided for education; underpaid and overworked nurses in health care; low-paid shopkeepers and cashiers working overtime in retail and so on. Their fight for decent working conditions, higher wages, and the recognition of worker's dignity should be strongly supported by feminist groups and women's NGOs. These new branches of solidarity would help create not just a common consciousness about the oppression these groups feel but the potential of common actions against it. International alliances of specific labour unions or their women's branches would also be important and useful in the region especially since the "catching-up" ideas favouring links and relations with Western European counterparts are still widespread (see Barna et al. in this volume, p. 75).

Shifts in the EU gender equality policy clearly headed to a depoliticized, seemingly neutral, legal path. Transformative potentials of gender mainstreaming, gender strategies, and the whole supranational structure of the EU have strongly diminished, even disappeared. However, this potential is still there if there is enough political will for facing the social consequences of market fundamentalism of the last few decades. Gender equality policy of the EU needs to be repoliticized, address issues of inequalities between old and new Member States and taken seriously again not within, for or despite but *beyond* the market.

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ANDREA PETŐ

## From women through gender to unconscious bias: changing terminology about gender equality in the EU

The 7<sup>th</sup> August, 2017 is an important date in gender equality policy in Hungary. In 2009, a government decree included teaching about gender stereotypes in kindergartens which were omitted in 2010 when the Christian-Conservative Fidesz-KDNP government took office. In the past seven years there has been rhetorical presence of anti-gender ideology, but there has not been any policy implications so far. There has been obviously politically driven non-compliance with international provisions on the side of the government based on the CEDAW reports, but not any explicit backlash on policy level so far. It even looked at a certain point that Hungary could avoid the violent and hateful campaign around the concept of gender unlike Poland or Slovakia (Kováts & Pető 2017). But on this August day, the deputy state secretary of education announced that the concept of gender will be deleted from the national curriculum (Csejk 2017). This shift in the language and policy on the national level is not unprecedented either on national or on European Union level. In Poland the new PiS government swiftly moved against gender in the field of education and policy making (Grzebalska & Pető 2016).

On European Union level the very same process is happening regarding the gender equality policies. I served on the Advisory Group on Horizon 2020 on Gender in Brussels together with a group of European scholars, policy makers, for-profit organization members for six years, to advise the European Commission (EC) on how to shape a relevant research policy of the European Union. This paper, also based on my personal experiences, aims to illustrate the major shift in terminology from women's equal opportunities through gender equality to unconscious bias, and asks the question how this process fits into the general process of redefining gender equality in the European Union.

## Gender as a category of analysis and a tool for social engineering

The scholarly literature on gender equality is mostly focusing on how gender is integrated in EU institutional operation and policies. The EU was representing an integrationalist approach: integrating women and gender issues into different already existing policies.

Gender equality policies have been developed on two levels. First is the national legislation. From the early 20<sup>th</sup> century, national legislation has secured suffrage and has been protecting female workers in different frameworks, and later constitutions were declaring equality between male and female citizens. The social democratic movement and trade unions were framing the question differently than political Catholicism. The former is pinpointing collective and structural discrimination, the latter fights for undivided dignity of every human being. The second level is that of different international organizations. From the end of the 19<sup>th</sup> century, national women's organizations formed international institutions to promote their agenda, to lobby and to secure knowledge transfer. After the First World War, internationalization seemed to be a remedy for bloody international conflicts. The League of Nations was the institution where different organizations, including different women's organizations, lobbied to push their agenda through. After 1945, the UN became the main site for promoting women's rights, however, it did not happen till the setting up of the series of World Congress on Women in Mexico City in 1975 to develop a secular, human rights based equality discourse, which successfully influenced transnational policy making and, through this, also the national level. This equality discourse was adopted not only by transnational organizations such as ILO, IMF or World Bank but also the European Union. The ambiguity around gender equality policy has been caused by the fact that normativity was implemented via organizations promoting economic growth first and foremost.

The site and framing of the policy implementation had an impact on the value of gender equality itself. First, gender equality became a soft norm as the values promoted are actually regulated by national level legislation. Second, four framing strategies of gender equality were identified by Lombardo, Meier and Verloo (2009): fixing, shrinking, bending and stretching serving as implementation strategies, which are challenging gender equality and its transformative impact. The meaning of gender equality has been renegotiated due to 'fixing' of gender balance to define gender as a dichotomist social dimension to the categories of men and women. 'Bending' gender equality means bending policies towards increasing economic growth, while 'stretching' of gender equality means 'broadening the concept' and 'incorporating more meanings of it', e.g., multiple inequalities. 'Shrinking' gender equality is a simplified understanding of gender equality that only focuses on 'women' as human capital contributing to economic growth and to formal equality between men and women.

Scholars have observed, activists have experienced these different strategies which make stakeholders critical to the achievements of implementation of gender equality, as

it has been always embedded in the logic of the market (Elomäki 2015). It is difficult to criticize the most sophisticated and institutionalized mechanisms of gender equality so far.

To make this critical stance even more complicated, the three models of gender equality policies at EU: equal treatment, positive action, and gender mainstreaming, are representing three very different, even self-contradictory policy areas as far as aims and policy tools are concerned: “the previous definition and practice of equal opportunity as equal treatment handled public policy as gender neutral which is challenged by the concept of gender mainstreaming” (Manners & Pető 2006: 100).

The problems and challenges of implementing gender equality had several reasons (Vida 2017). Firstly, equality is a utopian value: it cannot be reached fully as there always will be another inequality to fight against. Secondly, women as subjects of policy have broadened to include other groups and also to involve diversity, later intersectionality, as it was called ‘stretching’. As Lombardo and Meier observed “the EU has broadened its approach to gender equality, such as gender mainstreaming, the widening of the EU-political discourse on gender equality has not led to a deeper framing of the issues in the terms of gender equality” (Lombardo & Meier 2008: 2-3). Thirdly, the broadening of the agenda happened in parallel with the proliferation of rhetorical actions which are serving as different forms of individual and institutional resistance. This resistance was happening on two levels: national and EU levels, but very often in relation to each other.

The triple economic, security and refugee crises starting in 2008 made the already existing contradictions more visible, as more emphasis was given to the economic framing of gender equality on all levels, also on the policy level, and the human rights based framework has been weakening. The logic that “what has not been counted does not count”, together with the language, policy and way of gender equality, were even more translated to neoliberal gender equality policies (Elomäki 2015). Also, the normative power of gender equality has changed in several ways due to the triple crisis.

Firstly, it increased its visibility, especially defining European values against migrants. Different political regimes were using gender equality as a value to differentiate between good and bad Europeans, or even migrants. Secondly, due to the rise of anti-gender movements, new political directions are being searched. Anti-gender movements constitute a neoconservative, populist response to the crises of neoliberalism. These movements are offering a viable, liveable, desirable alternative to neoliberal values, and also strategies of implementation by using complementarity and essentialized definitions of men and women. These transnational movements are also attacking gender studies as a discipline and basically everything which has anything to do with the term “gender.” These movements are also posing a challenge to conservative political parties as they are also pushed to define, clearly and openly, what is the stance of their party to gender equality. Uncertainty is visible not only among progressive actors but also among conservative politicians as far as the future of gender equality policy is concerned (Grzebalska 2016). ‘Gender became a



symbolic glue', a proxy for the rejection of the current societal order, redefinition of citizenship and a key rhetorical tool for neoconservative actors who aim to build a new common sense about what is normal and legitimate (Grzebalska & Kováts & Pető 2017).

The rise of 'gender as symbolic glue' and the increased presence of public debates about gender equality have had two major impacts as far as the implementation of gender equality policies is concerned. The first reaction is the return of the 'woman' as a policy actor to avoid using gender as a concept. The second reaction to the political attacks on gender is the integration of the neutralised language of human resources about unconscious bias into gender equality documents. The term 'bias' means a biased response in brain activity in quick decision making, judgement and assessment based on cultural environment, personal experiences, background, attitudes, stereotypes and prejudice without realising.

Gender bias can be based on physical characteristics: e.g. women are shorter than men, social roles: men are good in STEM, or psychological characteristics: women are more caring. This latter process fits into the de-gendering process to neutralising gender issues to avoid addressing structural root causes in a global context (Jalusic 2009). It does not investigate how these differences were constructed but focuses on the individual who needs to be changed and who should be encouraged to make these biases explicit. De-gendering can also be achieved with making gender a cross cutting issue, a form of mainstreaming where the policy is losing its location, and gender will be everywhere and nowhere. But the strategy the Hungarian deputy state secretary of education is using, simple omission, is also a form of neutralization.

### **Gender or gender bias: what difference does it make?**

Gender as an analytical and descriptive category has a long and complex history. The complicated intellectual and political translation of gender into different languages has been discussed by academics together with the consequences how gender arrived to 'New Europe' with the wrong passport (Smejkalova 1996). The three intellectual homes of gender described by Joan Scott in her seminal article *Marxism, psychoanalysis and deconstructivism* were met with hostility in post-1989 Central Europe and, to make the situation worse, it also awoke historical, conservative antifeminism (1999). However, different definitions of gender can be found in policy documents: the Council of Europe used different definitions than the UN. One of the main rhetorical strategies of the anti-gender movements has been saying that they "do not know what gender is" – ignoring the previous definitional attempts of policy makers. To handle the political pressure, the European Commission speaks about women and men, defining it as gender. It is also very telling that the EC does not have a gender equality strategy any more (see Gregor in this volume) but a mere Strategic Engagement document, even though using the concept of gender equality. On the other hand, it moves away from gender based discrimination to the concept of

unconscious bias: from an institutionalized legal framework to personal trainings and workshops. Using the term unconscious bias will not solve the problems of translation with gender equality as it is equally difficult to translate into the different languages. The term also comes from the Anglo-Saxon scholarship just like gender. But gender as a concept was born as a result of meaningful interdisciplinary and intellectual discussion with and within the emancipatory movements. Unlike gender, the term unconscious bias is coming from neoliberal economics about institutional decision making. Works of psychologists like Daniel Kahneman or Gerd Gigerenzer are popping up as references instead of critical feminist scholars in discussions about bias to understand individual choices. Supporting the inclusion of bias also renders decades of gender studies scholarship invisible. Using unconscious bias results in focusing on the individual as a subject of engineering who can be equipped with an adaptive toolbox and can be changed. This change happening in the individual behaviour can again be measured and quantified. Attitudes, stereotypes, and prejudices are discussed and measured without any structure or social context. This makes unconscious bias a great tool for policy makers to be included into the EC policy making and training. It further reinforces the neoliberal logic of focusing on the individuals and it believes in superficial change achieved via internet training. We can add another strategy to bending, fixing, neutralizing omitting, resisting, stretching, and shrinking – and that is biasing.

As a gender studies professor who experienced the euphoria of 1989 and the hopes attached to EU accession, it is troubling for me to see the preparation for a major paradigm change in the worst possible historical moment, when major political, economic and cultural transformation is happening as a result of the triple crises. When firm and straightforward statements and innovative practices are needed, we see uncertainty and individualization instead of addressing structural transformative issues. If the tendency of watering up the issue of gender inequality continues with the variety of implementation strategies and non-strategies at EU level, this will overshadow the problem itself.

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## Reproductive rights as a social justice issue in the EU

The European Union (EU) lacks a clear political or policy stance on reproductive health or rights. When it comes to regulating this area, the supranational levels of the EU structure, in particular the European Commission, defer to Member State norms and legislation on this matter, referring to the fact that it falls under healthcare policy, and as such is a Member State competence.

At the same time, the EU has been an active actor in the field of promoting and mainstreaming gender equality policies as part of its social policy agenda. Most feminist scholars and activists would agree that access to reproductive health and reproductive rights is intrinsically linked to the realisation of gender equality, understood as ensuring that all individuals within a society, independent of being male or female, can enjoy the benefits, including medical advances, inherent to that society. This would mean that all individuals not only possess the rights to life, health and decision making with regards to their own destinies, but also have the capacity to access these rights, including the material resources to do so. Under such a definition of gender equality, full access to reproductive healthcare is an essential component for ensuring women's equal standing in society. However, EU policy makers seem to largely side-step this connection in their policy design and implementation.

This chapter will attempt to demonstrate how this artificial separation of questions related to reproduction from broader social policies of the EU contributes to the EU's failure to fulfil its normative role with regard to reproductive rights. The EU's normative and standard-setting functions with regard to social policy have already become heavily undermined in the aftermath of the 2008 financial and economic crisis, which exposed its inability to mitigate the resulting social and employment problems. I will argue however, that the EU's blind spot on reproductive rights has further set the stage for state and non-state actors to push for an agenda contrary to that of the EU's stated gender equality values (Charter of Fundamental Rights of the EU, Art. 23, 2012).

This chapter debarks from the premise that the gender equality measures proposed by the EU are designed to optimise market outcomes and take little interest in promoting either social or reproductive justice. Indeed, while gender equality goals that align with the objectives of neoliberalism, such as women's labour market participation, are no longer questioned, the EU holds no official position and avoids debates on 'tougher' and more anti-systemic issues such as access to reproductive rights. This lack of consensus on a crucial component of gender equality causes the EU to fail to promote this stated common value. As a result, access to reproductive health services is being questioned in the domestic and foreign policies in several of the EU's Member States. While it is far from being the only EU member in which the government or non-state actors have attempted to make restrictions on the fulfilment of the reproductive rights of women in recent years, this chapter will use Poland as an example of this trend. Other examples include Spain, whose centre-right government attempted to restrict abortion legislation in the country in 2014 (BBC, 2014), and the ongoing debate on the same topic in Croatia (Bacic, 2016). In Poland, however, the argumentation for the moves to restrict access to reproductive health services links directly to a discourse opposing EU values. This demonstrates how the EU's normative weakness on the topic of gender equality translates into policy restrictions on reproductive rights at Member State level.

The purpose of this chapter is not to dismiss the EU's engagement on gender equality, but to highlight its shortcomings and suggest how it could address the failures in promoting its own stated norms. To do so, the EU should move away from the neoliberal approach to social and reproductive rights policies, seen merely as means to equip individuals within society to perform better in the market economy, and adapt an approach in line with the premises of the concept of reproductive justice. Reproductive justice sees the realisation of reproductive rights not as a standalone goal, but part of a continuum of social justice issues, making it inseparable from the realisation of other social and economic rights. As the current absence of an EU reproductive health policy is symptomatic of its wider failure to achieve social justice, it must be addressed as a part of that package.

### **The neoliberal origins of EU gender equality policies**

As outlined in Anikó Gregor's chapter in this volume, the origins of EU gender mainstreaming policies lie not in the desire to eradicate gender inequalities among European citizens, but in optimising their economic performance on the labour market. This logic fits in with the EU's overall neoliberal model of governance, which necessitates women's (unpaid) reproductive capacity and reproductive labour to continue operating. Indeed, women's biological capacity to reproduce and sustain new labourers is a key, if unrecognised, input into the neoliberal capitalist economy (Dunaway 2012: 105). This in itself stands in opposition to achieving gender equality, as this economic model presupposes the existence of inexhaustible resources of unwaged labour, the majority of which is performed by women (Kováts 2016).

This chapter deals with the results of the lack of adherence to the EU's stated values at the level of individual member states. However, it is also important to highlight a seeming lack of continuity in the EU's policy (or lack of thereof) towards reproductive rights between its internal and external policies. The EU's development policy contains direct and strong references in support of reproductive rights (Council of the EU, 2017a), entailing financial commitments to improving access to reproductive health services. These however can also be analysed as part of the EU's overall neoliberal approach: EU development policies in Africa aim to equip girls and women with skills that match labour market requirements, invest into the modernisation of the work of female farmers as a means of job creation and stress that ensuring equality between women and men is a basis for ensuring stability and development (Council of the EU, 2017b). These policies are aimed at „harnessing the demographic dividend” (European Commission, 2016a): ensuring lower fertility rates with a higher infant and child survival ratio, which should result in a change in the age distribution in society and increase the number of economically active individuals. This in turn ensures productivity and market participation of developing countries by making local markets and societies more adequate trading partners, with consumer bases ready to absorb goods produced in EU member states.

The analysis above does not suggest that the individual actions taken by the EU within the context of its internal or external gender equality framework or reproductive health policy have not been positive or effective. The next sections of this chapter will however highlight the consequences of the EU's lack of normative guidance on issues of reproductive rights and social justice, which have led to directional changes which stand in opposition to its stated values of gender equality to both in-country and foreign policies at Member State level in Poland, and to attempts to radically change the EU's own policies in this area by pressure from non-state actors.

### **Filling the EU's normative void**

Starting from the early 1990's, state and transnational non-state actors operating within the structures of the United Nations (UN) have begun to actively promote an identity-based concept of an opposition between 'traditional' norms and values and 'new' rights, such as sexual and reproductive health and rights (SRHR)<sup>1</sup> (while this paper focuses on the reproductive health and rights element of SRHR, György Mészáros's chapter in this volume provides a system-critical analysis of its sexual rights/ LGBT component). According to certain scholars, this line of argumentation was developed by the Vatican as a political strategy to weaken the outcomes of the 1994 International Conference on Population and

<sup>1</sup> As used here, the concept of sexual and reproductive health and rights refers to an ensemble of rights related to sexuality, sexual health and reproductive health that are defined and guaranteed under international human rights treaties.

Development (ICPD) in Cairo and the 1995 Fourth World Conference in Beijing. To strengthen the appeal of its ideological opposition to the prominent inclusion of SRHR into the two conferences' programmes of action, the Vatican introduced the concept of 'gender ideology' to appropriate international policy concepts and alter their meaning, thus reframing the debate on SRHR to prevent further progress in this policy area (Paternotte 2015: 137).

Thus understood, the concept of 'gender ideology' covers a diverse area of issues such as women's rights, feminism, gender equality measures, the rights of LGBT people and SRHR. Since its inception as an intellectual construct guiding the Catholic church's opposition to the gains of the Cairo and Beijing conferences, this construct has been embraced by a wider circle of actors and used to mobilise conservative protest movements (Grzebalska 2016). In its current iteration, this interpretation of 'gender' can be understood as a symbolic glue, binding opposition to a wide range of topics under one banner, allowing actors with diverse political agendas, operating in varied contexts, to pursue an agenda opposed to the failing neoliberal market-driven democracy model (Grzebalska & Kováts & Pető 2017).

At the international level, this has meant that actors opposing progress on achieving SRHR have begun to use a rhetoric depicting 'gender ideology' as an attempt at the cultural imposition of foreign values on sovereign states by supranational entities such as the UN or the EU (Paternotte 2015: 138). These actors, both state and non-state entities, as well as the rhetoric they use, will for ease of reference henceforth be referred to as anti-gender.<sup>2</sup> Non-state anti-gender actors are mainly established as NGOs, foundations or associations promoting their own, extremely conservative, interpretations of religious doctrine, as well as far-right political parties; state actors actively engaged in this movement are primarily the Vatican and Russia, supported by Central Asian, Muslim and African states (OUR, 2017).

The argumentation offered by anti-gender actors is a false dichotomy: the answer to neoliberalism's exploitation of women, both as labourers as well as individuals capable of reproducing the labour force, is not in a return to ill-defined 'traditional values' nor a patriarchal family model, whose importance to capitalism is evident in the fact that it first appeared alongside the industrial revolution. Most women and men's daily lives are defined by the material realities of their economic existence and working conditions, which cannot be improved until fundamental changes are made to the current economic and employment model (Kováts 2016). Similarly, on the policy level, reliable research proves that limiting the availability of reproductive healthcare options for women, such as restricting access to abortion, does not result in lowering of the numbers of abortions (Sedgh et al. 2016) but only in a rise in the number of unsafe abortions and the associated increase in maternal mortality rates (Haddad & Nour 2009).

<sup>2</sup> The term 'anti-gender' is used here for the reader's ease of reference to describe actors who claim to stand against the concept of 'gender ideology' as defined above. It does not suggest that there is an agreed definition of 'gender' between such actors on the one hand and feminist scholars on the other (quite the contrary).

Nonetheless, it is exactly following the lines of the false ‘gender ideology’ vs. ‘traditional values’ dichotomy that the normative void left behind by the EU is being filled by both state and non-state anti-gender actors. The rise in right-wing and anti-gender resistance across the EU is therefore not a backlash against the advancement of gender equality measures and a rights-based agenda (Pető & Grzebalska 2016), rather a symptom of the lack of a genuine EU engagement in these areas, which would necessitate a break from its neoliberal policies and a turn towards a social justice agenda.

The anti-gender rhetoric of the Polish government, which manifests in its policy-making both through restrictions on reproductive health services introduced at national level and the promotion of anti-gender policies and political positions at the international stage, demonstrates the EU’s failures in promoting gender equality more broadly. This has been demonstrated by the fact while the European Commission opened an investigation against Poland for breaches of the EU’s fundamental principle of the rule of law (European Commission, 2016c), it has failed to do so in the face of threats to restrict access to reproductive health services.

### **The EU’s normative failure and anti-gender rhetoric in Poland**

The drastic economic transitions which came about as a result of neoliberal policies introduced in East-Central Europe in the early 1990’s left large swathes of society disenfranchised and unrepresented. The frustration and disappointment by the lack of improvements brought to people’s lives by EU membership in the years following the accession, perceived as having benefitted only small numbers of political and cultural elites, has been capitalised upon by the populist right. These political forces have been able to channel the anger of the working class into constructing a movement centred around an identity conflict between ‘patriots’ embracing traditional values and ‘traitors’ supporting a foreign agenda, for example the concepts of gender equality and women’s rights (Grzebalska & Gregor 2016). Instead of giving a voice to their socio-economic concerns, PiS, the party currently in government in Poland, has equated the neoliberal policies and lack of social protection identified with the EU with an imposition of values antagonistic to those ‘traditionally’ held by Poles, while presenting themselves as valiant opposition to this dictate.

The policy consequence on the domestic stage in Poland was the intensification of efforts to further restrict access to reproductive health services in the country. While Poland has already had a restrictive abortion law since the early 1990s, the period immediately following PiS’s ascent to power abounded in tacit government-supported attempts to create a harsher legislative environment on reproductive rights. This took the form of parliament debates on extremely restrictive abortion law proposals, which would see the procedure completely criminalised, including in currently permitted instances of pregnancy resulting from rape, foetal anomaly or danger to the health or life of the pregnant woman.



The most extreme versions of this proposed legislation, put forward by a non-state anti-gender actor, the Institute for Legal Culture *Ordo Iuris*, included penitentiary penalties for both doctors performing abortions and women undergoing it. While this most radical suggestion for legal change was shelved in the face of mass protests, numerous iterations of similarly restrictive bills were put forward subsequently, and debated in parliamentary committees, testifying to a political environment favourable to further restrictions to abortion access.

In the months following the mass protests opposing the restriction of the abortion law, the Polish government found a different means of limiting women's access to reproductive healthcare: by amending legislation on the access to emergency contraceptives. In November 2014, the European Medicines Agency (EMA) recommended that the emergency contraceptive *ellaOne* should be sold without a prescription to non-prescription (EMA 2014). In January 2015, the European Commission issued an implementing decision, amending the marketing authorisation granted in 2009 for this brand of emergency contraceptive (European Commission 2015). While this decision was not legally binding, this change of classification triggered major changes in the accessibility of emergency contraceptives in the EU. Most EU countries followed the recommendation and, until Poland amended its legislation in July 2017, emergency contraceptives have been available over the counter in all EU countries except Malta, where these products are not registered, and Hungary, where the national government explicitly refused to follow the EU recommendation (ECEC 2016). The legislative change introduced in Poland limited or eradicated access to emergency contraception for women for whom the cost of an urgent medical appointment or inability to see a doctor willing to issue a prescription prevents from obtaining it. This move can be read as playing perfectly into the us ('traditional', 'patriotic') vs them ('foreign' 'cultural colonisers') discourse cultivated by PiS: defying a European Commission recommendation and international criticism in the name of ideological beliefs.

A change in policy with regard to towing the line on the EU's approach to sexual and reproductive rights in its external and development policies has also taken place. Under previous governments, Poland consented to the inclusion of language on the promotion of SRHR in EU external policies and the funding of projects supporting this cause through EU development funding, despite this standing in opposition to its own domestic policy. Polish diplomacy had further supported the EU position on issues relating to SRHR, gender equality and LGBT rights in international fora, in situations such as during votes in the UN General Assembly or the Human Rights Council. However, the populist right-wing government led by PiS began aligning Poland with the international anti-gender camp, rather than with the rights-based EU positions. In 2016, Poland joined Russia and several Muslim states in successfully removing language that urged for the worldwide decriminalisation of homosexuality from a UN General Assembly resolution calling for an end to the AIDS pandemic – while the rest of the EU delegation opposed this move.

Furthermore, the Polish government has been increasingly open about providing support to transnational non-state anti-gender actors, such as the One of Us Federation.<sup>3</sup> This federation of EU member state-level non-governmental actors was created as a follow up to a European Citizens' Initiative (ECI) under the same title, which called for an end to EU financing of activities which presuppose 'the destruction of human embryos', in the areas of research, development aid and public health (European Commission 2012). The ECI process assures that if its organisers collect the necessary number of petition signatures across the EU, the European Commission must consider implementing the policy proposal being put forward by the citizens (European Commission 2016b). While the One of Us ECI did collect the necessary number of signatures, it was rejected by the European Commission on technical grounds. The organisers decided to take this decision to the European Court of Justice (General Court, 2014), which is in the process of deciding on its verdict.

The One of Us ECI and its popularity with EU citizens (over 1.7 million of whom signed the petition) demonstrates the galvanising potential of anti-gender actors' discourse. Poland was the country with the second highest number of signatures collected under this ECI, the EU policy goals of which align with those implemented by the Polish government at domestic and international levels. It is therefore not surprising that Poland's Secretary of State for European affairs, Konrad Szymański, represented the government at the opening panel of the federation's 2017 forum (One of Us Forum, 2017).

## **No reproductive rights without social justice**

The anti-gender positioning and rhetoric applied by the Polish government suggest the incapacity to transfer EU's values relating to gender equality and its lack of normative influence in this area. The result is a continuous (even if covert) attack on women's access to reproductive health services currently taking place across the EU, within individual member states and at the EU legislative level. The solution to this problem, however, is not attempting to solve it in isolation.

Unfortunately, the current model of promoting reproductive rights attempts to do just that. Being deeply rooted in the mainstream human rights discourse, with a heavy emphasis on individual rights and choices, rather than broader social and economic rights for societies, it fails to address the wider systemic causes of existing neoliberal policies and their implications. Choice is a relative and contextual concept, which does not necessarily imply the equality of all individuals within a society. In an oppressive and exploitative setting, such as that of a neoliberal policy environment, it is at best doubtful that unlimited possibilities of choice of equal value are possible (Budgeon 2015).

<sup>3</sup> One of Us, <https://oneofus.eu/>

What the liberal concept of ‘free’ choice fails to recognise, is that choice is always realised within a set socio-economic circumstances, which limit the options available to the subject doing the choosing. In the context of reproductive rights, this means that aborting a desired pregnancy due to the inability to financially support a child is no more of a free choice than having to carry an unwanted pregnancy to term due to a restrictive legal environment. As long as decision-making in matters of reproduction remains a consumer right, available to those with economic means to make them (whether that mean travelling to another jurisdiction to access a termination or being able to afford to raise a child in the absence of state-subsidised childcare), the freedom of choice will remain an illusion.

There is therefore a clear need to rethink the way reproductive rights are to be achieved by placing them in the wider context of a struggle for social justice. The concept of reproductive justice, pioneered by a US-based women of colour’s collective Sister Song following the 1994 ICPD conference,<sup>4</sup> is a useful construct to employ to achieve this. Reproductive justice sees issues relating to sexuality and reproduction in connection to and as embedded in wider social justice issues, such as the rights to employment, access to healthcare and education.

The concept of reproductive justice presupposes that for the full attainment of reproductive rights, a wider set of social policies which ensure the overall wellbeing of all members of society, must also be achieved. It necessitates a complete moving away of social policy from the neoliberal model, which aims to enhance labour participation and production of surplus value and uses market objectives as guiding forces for shaping societies. Rather, policies aiming towards achieving social and reproductive justice should create environments securing their members’ rights to health, education, employment and a decent life; eliminating inequalities rather than focusing on individual access to rights framed as consumer services. The decision on whether or not to have a child can only be made freely if it is accompanied by the ability to raise children who will have access to a decent quality of life in a healthy and safe society.

### **Achieving reproductive justice in the EU**

Challenging Poland’s policies on gender equality and reproductive rights, without questioning the neoliberal system which propelled the government implementing these policies into power, cannot be effective. The EU’s lack of influence on Poland in these areas therefore stems from the limitations placed upon it by the trappings of its own neoliberal policies. As EU gender equality policies are currently designed to optimise women’s reproductive capacities while maintaining their role within the labour market and capitalist economy, the entity cannot be seen as a reliable actor in promoting improvements in this area.

<sup>4</sup> Sister Song, <http://sistersong.net/reproductive-justice/>

To counter the propagation of anti-gender rhetoric and policies across the EU, as exemplified by the ongoing developments in Poland, EU policy makers need to re-evaluate the motivations behind their promotion of gender equality as such and adjust the way it is translated into policy. This will necessitate assessing the EU's wider social policy to ensure that citizens across the block are able to realise the entirety of their basic social and economic needs to guarantee a decent life: the right to health (including access to reproductive health services), education and employment. Without access to the entirety of these rights, there is no way to achieve true equality, neither between women and men nor social classes.

Progressive actors, both policy makers and civil society representatives, must recognise that ensuring full access to reproductive rights cannot be done without including this struggle into the fight against neoliberalism and the simultaneous promotion of inclusive and extensive social safety nets at national and European level. Grassroots movements, non-governmental organisations and policy makers working on ensuring access to reproductive rights cannot therefore continue to do so in isolation: they must include calls for social justice and push for the ability for all to realise the full extent of their rights irrespective of their material conditions. To achieve more than simply the freedom to make individual choices, we must pursue both social and reproductive justice.

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# Finding Space for Romani women within the EU

## Introduction<sup>1</sup>

The idea that the Roma belong to the most marginalized, poorest and by most discriminated against ethnic group all over Europe has been repeated far too many times, to the extent that it has exacerbated, rather than advanced, the political and social standing of this heterogeneous ethnic group. While one could scarcely argue that the members of various groups referred to as Roma do face unequal treatment in virtually all walks of life, a constant emphasis on their need for special treatment and advantages compared to the majority population can easily work against, rather than for them (see Fraser 1997). An approach that essentially depicts the Roma in negative terms (i.e. as lacking something) may easily reinforce negative stereotypes associated with the group – an image that promoters of Roma rights essentially hope to deconstruct in the first place.

In the countries of East-Central Europe, the socio-historical challenges hindering the more equitable share of Roma in material and cultural resources have too often been reduced to a rhetorical question, literally called ‘the Romani question’ (the word ‘question’ here in fact stands for ‘problem’). Deemed unanswerable and, essentially fuzzy in its very formulation, this question comes up frequently in the political arena to attract mainstream votes and raise political capital. Fifty percent of the people who serve as reference points of ‘the Romani question’ are made up of women.

Insofar as gender equality is concerned, there are, no doubt, many similarities between women whose identity, claimed or ascribed, is Romani and women who do not refer to themselves or are not referred to this way. The differences between them are equally prominent. Reviewing current strategic policy documents, this paper is an attempt to navigate avenues of Romani feminist possibilities within the EU, pointing to specific issues

<sup>1</sup> This work is based on an extended research focusing on Roma fertility, for which in 2016–2017 the author gained support from the Grant Agency of Charles University (VS 250334).

Romani women face that necessitate sustained efforts of feminists, both Roma and non-Roma, to attain social change. Geographically, its interest lies in the countries of Czech Republic, Slovakia and Hungary, all of which have considerable Romani populations whose realities are confounded by varying degrees of social exclusion.

### **Finding Space for Romani Women in the EU's Romani Agenda**

Rights-wing stakeholders would make us believe that, when it comes to societal integration, not much has changed for the Roma since the 1990's, and we lack reliable, large-scale, longitudinal studies to truly prove the contrary at this point. It has also been argued that the 2004 EU enlargement contributed to the finger-pointing between national governments and EU with regard to taking responsibility for enhancing the standing of Roma in the societies of the then new members states (Rövid 2011). Indeed, European international organizations have only begun to carve out a political space for the recognition of the situation of Roma since the 1990's, initially taking them into account as 'nomadic' people only. In the mid-90's the Roma have, at least within the policy documents of the EU, evolved into a 'true European minority' and a number of Roma-focused, specialized institutions were set up to improve the situation of this ethnic group (ibid.: 3). The EU was indispensable for this shift in the recognition of the various minority populations grouped under the umbrella term 'Roma', but, as Surdu and Kováts point out, expert knowledge in the form of academic scholarship also has been integral to the formation of an emerging Romani public identity (2015: 6). The Roma political project has an inclusive focus, yet paradoxically, as it identifies Roma as a particular, different group, it at the same time contributes to their separation from mainstream society (Surdu and Kováts 2015: 14). After the thwarted<sup>2</sup> Decade of Roma Inclusion (2005-2015) the first multinational European initiative designed to positively impact the lives of Roma people in twelve states, the EU launched the National Roma Integration Strategy project (NRIS) in 2011. To be implemented until 2020, all Member States committed to their own NRIS targets within the fields of education, employment, healthcare and housing. Whether the NRIS will be more successful in individual Member States than its predecessor efforts is yet to be seen, but what seems already clear is that it will only have a limited effect on the improvement of the standing of Romani women.

To begin with, gender disparities and the empowerment of Romani women<sup>3</sup> were only partially included – and in some of the national strategies only. According to a 2013 analysis commissioned by the European Parliament's Committee on Women's Rights and Gender Equality (Crowley et al. 2013), the 2011 *EU Framework for National Roma Integration*

<sup>2</sup> For the Open Society Institute's criticism of the project's implementation see Jovanovic 2015, available online at: <https://www.opensocietyfoundations.org/voices/why-europe-s-roma-decade-didn-t-lead-inclusion>.

<sup>3</sup> Other terms widely used in the activist as well as academic or policy context are Roma women. The "native" word in many dialects of the Romani language designating Romani women is *romnija* (*romni* in singular).

*Strategies up to 2020*, the very document that served as the foundation for the development of the Strategies on the national level, already explicitly mentions gendered disparities merely in relation to the objectives of health (ibid.: 19). Hence, it does not come as a surprise that the gender dimension remains underplayed within the Strategies of the countries of East-Central Europe. Within this chapter, I will give a closer look at the national strategies in three specific countries: the Czech Republic, Slovakia, and Hungary. My interest is in exploring the ways the Strategies of these countries address the situation of Romani women, especially with regard to topics that are highly gendered and do not fall within the general issues that Roma as people face.

### **Between Production and Reproduction: Addressing Romani Women within National Strategies**

The relatively disadvantaged situation of Romani women compared to men has been recounted many times over alongside with the fact that, but for a few exceptions, there is a dearth of data about the specific challenges Romani women face on the structural, community or individual levels. Situated analyses based on qualitative methods, such as the work of Kóczé (2011 and 2016), are essential for understanding the complexities of the lives that poor, disadvantaged Romani women live and the strategies they employ to enhance their situation. The EU has for its part, since the mid-2000's, duly acknowledged the gendered dimension of Romani exclusion. Specifically, the June 2006 Resolution on *The Situation of Romani Women in the European Union* or the September 2010 resolution of the *Social Integration of Women belonging to Ethnic Minority Groups* were already important steps in the right direction.

None of the strategies mentioned in this paper completely ignore the gender-based aspect of Romani exclusion and, because their time frame is until 2020, it is too early to evaluate the Strategies' actual impact on the lives of Romani women in the respective countries at this point in time. On a country-by-country basis, my aim in this section is to present how individual strategies fathom the improvement of the position of Romani women. After reviewing all three of them, I find that, although in the strategies I consider for this paper gender is a topic that supposedly cuts across all main thematic fields, in fact it rarely manifests in any of them.

**Within the Czech NRIS**, Romani women are mentioned with regard to their employability in the job market on two instances. Firstly, it is mentioned in a framework that understands education as a condition to employability (2014: 51). Under section 5.6 (b) the Strategy proposes that educational activities are supported for people returning to the labour market after more than five years because of fulfilling caregiving responsibilities toward children or other dependent people (ibid.: 52). As the rationale behind this measure, the Strategy elaborates that the high number of children in Romani families often results in the fact



that women remain in a care-giving position for an extended period of time. This hinders their return or entrance to the job market, therefore, these people may benefit from educational training focusing on the repetition of general studies or *maturita* (high school leaving exam). Secondly, under the thematic area of employment, section 6.3 (b) notes that when conditions for entrepreneurship are set up, it is important to take into account the possibilities of women, especially with regard to social entrepreneurship. As a justification, the Strategy mentions that Romani women suffer from multiple discrimination and that self-employment may thus be one of the viable solutions. As an example, the document mentions the provision of services within the Romani community (ibid.: 58).

Indeed, the only recent large scale study addressing the aspirations of Romani women living in the country concludes that gaining paid employment is important for Romani women not only for financial reasons, but also for reasons of personal development (Slovo 21: 2014: 28). Nevertheless, it is problematic that the Czech Strategy underpins the importance of recognizing the special position of Romani women exclusively with regard to their (in)ability to equitably access paid employment. The document, in a distinctively neoliberal manner, mashes economic and gender equality claims. Promoting women's participation in the labour market in itself, however, is not necessarily a feminist measure. For instance, Elomäki reminds that since the mid-90's economic framings of gender equality have taken prevalence in the policies of international organizations (such as the EU and the World Bank), replacing the rhetoric of justice and rights with arguments about economic efficiency and growth (2015: 290). Perhaps not surprisingly, the Strategy does not discuss unpaid reproductive work (see also Berik et al. 2009; Braunstein 2008; Elson 2009), and, in fact, it envisions Romani women as literally doing business within their own communities. An example of this is section 6.3 (b) of the Czech strategy (described above), where as a solution to discrimination on the labour market the document proposes the self-employment Romani women in the form of providing services within the Romani community. Sadly, within its initiatives, it does not provide space for gender-specific inclusionary processes that are not directly linked to increased economic productivity. Political empowerment is dropped in favour of economic strengthening of Romani women's contribution to mainstream society in the form of backing their tax payment potential. It is also reminiscent of recent Czech political reasoning about a greater openness towards the post-2015 increase of third country migrants and refugees. Within this logic, migrants' potentially positive contributors to Czech society is limited to their potential to ease the country's critical labour shortage.

**Slovakia**, on the other hand, has a strategy that already in its principles underlines the potential existence of multiple discrimination with regard to Romani women and children as well as the elderly (2012: 8). The Slovak strategy highlights a general gender-sensitive

approach, complementing this with specific support to Romani women in areas where they are disadvantaged compared to men (ibid.: 12). Within the area of health, the Slovak strategy recognizes that Romani women face special challenges, referring to non-governmental reports on forced sterilizations (ibid.: 35). On the level of measures, however, the issue is not pursued any further. Partial goal no. 6. addresses the free and informed access of Romani women and men from marginalized Romani communities to reproductive health services, including contraception (ibid.: 36). Partial goal no. 7. of the same section highlights the importance of awareness-raising about gender-based violence (ibid.: 36).

The thematic field on non-discrimination does not shy away from explicitly mentioning Romani women's empowerment. It envisions the fusion of gender equality education with support for economic independence, pointing out that the former must take place both in the private and public lives of Romani people living in marginalized communities (ibid.: 44). The document sets, however, much less ambitious goals for Romani women in the political arena, confining gender mainstreaming to the community and household level. Empowerment remains a local rather than a national agenda also with regard to structural inequalities in the healthcare system. While it addresses the particular challenges Romani women face in reproductive care, such as lack of free contraception for women from marginalized communities, it makes no specific recommendations or provisions about systemic flaws in the health care system, such as the countrywide existence of segregated rooms for Romani women in maternity wards, against which Roma women from poor backgrounds started raising their voices recently.<sup>4</sup> Such unpopular issues thus essentially remain up to the non-governmental organizations, such as the Košice-based Center for Civil and Human Rights, to tackle through strategic litigation cases on national and European courts. In a situation when the fertility rate of Romani women from marginalized communities is several times higher than that of the majority population (Potančoková 2008), it is hard not to note that the state is more concerned about the number of Romani babies born (cf. Kanaaneh 2002) than the conditions under which mothers bear these babies.

**Hungary's** strategy is not an exclusively Roma-targeted document but aims to integrate a broader category of people and children living in chronic poverty *as well as* Roma people. Within its situation analysis, and in line with official EU rhetoric (European Parliament 2013), the document acknowledges that there is a gendered dimension to poverty and that Romani women bear a disproportionate burden in terms of caregiving in the family (2014: 30). They are also portrayed as key decision-makers in the family structure, especially in

<sup>4</sup> Petition of Romani women about maternity care:

<http://www.romea.cz/cz/zpravodajstvi/zahranicni/v-presovske-nemocnici-se-romske-rodicky-potyka-ji-s-diskriminaci-chteji-proti-ni-bojovat-petici>

households where men are not employed.<sup>5</sup> In such families women are in charge of the social and child benefits and are the quasi stable breadwinners. The analysis continues to state that the key to the improvement of Romani women's position is supporting their non-governmental organizations and the involvement of Romani women themselves in the emancipatory project. Facing multiple discrimination (Hungary 2014: 31) especially in the field of employment (ibid.: 46) Romani women's engagement in public life needs to be endorsed.

Romani women are accentuated in the strategy also within the field of health, where they once again appear with regard to their higher than average fertility. The document advocates for targeting Romani women with family planning, teenage pregnancy and healthy pregnancy campaigns, coupled with programs raising awareness about health services (ibid.: 96). Although not specifically mentioning Romani women, the document proposes that women from a disadvantaged background should gain increased access to tailored, financially attainable contraceptive care in order to reduce on the high number of abortions observed in this population group (ibid.: 97).

Out of the three documents under review, the Hungarian Strategy is perhaps the one that most intensively advocates for recognizing structural and gendered disparities Romani women face, while also explicitly supporting their increased engagement in public (and thus political) life. This appears particularly forward-looking, given that the current Hungarian government, already in power at the time the strategy was drafted, has recently embarked on a mobilization scheme that makes enemies out of promoters of gender equality (Kováts & Pöim eds. 2015). It is hard not to notice, however, that the strategy does not count on Hungarian Roma women in balancing the state's concern about steep demographic decline. In fact, recent Hungarian policies aiming to raise the fertility rate have a clear focus on the more desirable middle class, prioritizing state support for the reproduction of certain categories of people against others (Ginsburg and Rapp 1995: 3). While the Czech strategy was drafted with a striking lack of feminist agenda in mind, the strategy of the Slovak Republic at least admits that Romani women's lives are imbued with structural challenges as well as confrontations that can be tied to "traditional" gender roles, however vaguely defined these may be.

They may or may not be explicitly mentioned in the strategies under review, yet non-governmental and academic studies reveal that Czech, Slovak and Hungarian Romani women face very similar gender-specific challenges. Among these, forced (or unlawful) sterilization<sup>6</sup> has a prominent position – it is by all means an issue that none of the three states have so far paid sufficient attention to. Although in 2009, the Czech Prime Minister officially apologized to women who were sterilized against their will, a 2015 draft legislation

<sup>5</sup> For more on the link between high fertility and segregation see Durst 2007.

<sup>6</sup> For the ethnic dimension of the practice see Sokolová 2005.

proposing compensation for unjustly sterilized persons was refused by the government. Hungary and Slovakia are yet to come up with at least a symbolic apology. Similarly, segregated rooms for Roma at maternity wards are the realities of many Romani women, especially in hospitals that are located in geographical areas densely populated by Roma. Although countless testimonies to this practice exist<sup>7</sup> and the Slovak strategy even lists segregation at maternity wards as a pressing issue Romani women face, none of the strategies under review in this paper found unlawful sterilizations or room segregation at maternity wards as urgent enough to actually incorporate these on the level of concrete actions or measures.

## Conclusion

Based on the analysis of other key EU policy documents pertaining to Roma such as the 1992 *European Charter for Regional or Minority Languages* and the 1995 *Framework Convention for the Protection of National Minorities* Tremmel (2009: 136) regrets that when attempting to better the social standing of Roma European institutions are committed to a recognition (or multiculturalist) approach. Tremmel here refers to Fraser's work on the "post-socialist" condition, in which two paradigms, redistribution and recognition, are contrasted to analyse systems of societal injustice. Redistribution understands injustice in socio-economic terms (1997: 13), whereas the recognition paradigm invokes injustice as dwelling in cultural domination and disrespect towards cultural otherness (ibid.: 14). Rather than witnessing a recognition approach, I propose that, within the National Strategies, at least as far as the three countries included in this analysis are concerned, we may be revisiting what Fraser calls a "redistribution-recognition dilemma" (1997: 6). This dilemma arises when two types of already conjoined injustices – economic disadvantage and cultural disrespect – are targeted simultaneously. Fraser's predicament refers to the fact that in the case of people who are subject to both types of injustices, there is an inherent tension in the need to both claim and deny specificities. A combination of remedies thus needs to be worked out that minimizes the conflict that arises when both redistribution and recognition are pursued at the same time. What needs to be resolved is how to fine-tune various intersecting struggles and injustices pertaining to gender, class and race.

Ultimately, there are two pressing issues emerging from the strategies that are particular to women within Romani communities: one of them is the lack of political empowerment and the other one is state support for a more equitable treatment in the reproductive care system. As I have described above, neither of them are sufficiently

<sup>7</sup> In Slovakia, see the upcoming research study of the Center for Civil and Human Rights (to be published later in 2017). In Hungary, room segregation appears in a recent report dealing with the situation of Romani women in the maternity care system (Születésház Egyesület 2016). In the Czech Republic, the practice was documented by the author of this chapter within an ethnographic fieldwork research in at a maternity ward. A systematic review reveals that the practice is widely spread across Europe (Watson and Downe 2017).

stressed in the national strategies addressed in this chapter. When these topics are discussed in the documents, this should take place in a situated way. The strategies must refrain from conceptualizing Romani women solely on cultural *or* economic terms.

In fact, these issues as well as others already constitute part of vigorous Romani feminist debates conducted by Roma and non-Roma alike. Although already described as “a force to be reckoned with” (Schultz 2012: 37), Romani feminism is still balancing its position both in the international feminist arena and within the much smaller yet less gender-sensitive Romani movement. In contemporary Europe feminist and anti-racist struggles largely do not overlap and Romani feminists may easily “wind up in a separate, isolated sphere fighting on their own” (Oprea 2012: 18). It is thus up to non-Roma European feminist movements to ally with the Romani women activists who may or may not subscribe to feminism and embrace their agenda. Reproductive issues rank among the highest of this agenda and there seems to be unanimous agreement among Romani women, activists and non-activists alike, about the grievances they suffered and the challenges they continue to put up with on an everyday level in the medical care systems of East-Central Europe. While reflecting on socio-economical inequities, non-Roma feminists must assert Romani women’s demand for recognition, but issues such as room segregation or unlawful sterilizations must not remain ethnicized. If an antidote is to be found to Romani women’s systematic discrimination in the reproductive arena, it needs to go beyond emphasizing a supposedly more culturally appropriate approach based on identity politics. Romani women do not primarily lack a culturally sensitive treatment; they need an approach – not only in health care, but in all walks of life – that promotes solidarity and undermines class differentiation.

The EU currently lacks a coherent political position on reproductive health or rights (see Zacharenko’s paper in this volume: 27), which allows national governments to demean reproductive matters especially in cases when they concern an already stigmatized ethnic group. The EU needs to provide a stable enough platform on which such sensitive struggles can be played out. As far as the NRIS reviewed in this chapter are concerned, within the area of health and, in particular, reproductive care, the national strategies missed important opportunities to remedy long-term practices that negatively impacted Romani women in particular. The roles Romani women play in Czech, Slovak and Hungarian societies should be envisioned as going beyond participation in the labour market. If new transnational policies on the Roma after 2020 are to be conceptualized, the EU must press for women’s empowerment as a distinct agenda, not leaving this question to the goodwill of national governments. In order for the Roma not to be the poorest and most marginalized European minority, the EU must further pressure national governments for adopting measures that alleviate structural inequities, while insisting on approaches that systematically empower Romani women.

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# Reconsidering the identity approach of the EU LGBT+ architecture from a feminist perspective

## Introduction

LGBT (Lesbian, Gay, Bisexual, Transgender) and feminist activism seem to be “natural” allies in combating patriarchy. Historically, the two movements had a lot of common fights, and LGBT+ organizations<sup>1</sup> often define themselves as feminist. From an East-Central European perspective, in countries where women and LGBT+ people are afflicted by patriarchal, oppressive and discriminative discourses, practices and policies, where traditional views on women’s place in the society and refusal of LGBT+ rights go hand in hand (Pew 2017), it is often assumed that this alliance is even more important in order to join the different resources and forces of activism. Nevertheless, in different cases feminist and LGBT+ activists found themselves on opposite sides of the struggle, and discussions and serious fights have flared up between LGBT+ and feminist organizations.<sup>2</sup> The natural alliance has been questioned and has become problematic. In the meantime, as I will show it, there is an evident tendency of the Europeanization of LGBT+ issues.

In this paper, I will present the main elements of the ideological framework of European LGBT+ activism focusing particularly on the issues of same sex marriage, gender identity and surrogacy, and I will argue that this ideology is highly problematic from the point of view of a system-critical feminist approach. In my interpretation, I will use a Leftist perspective, and adopt a specific East-Central European view and will also include my own experiences as a former LGBT+ activist. By system-critical, Leftist feminist approach, I intend a Marxian interpretation that always searches for structural and material conditions

<sup>1</sup> There are different abbreviations that indicate the minorities in relation to sexual orientation and gender identity and expression. More and more letters are added to the generally accepted LGBT, LGBTI (I for intersexuals) or LGBTQ (q for queers) forms, like A for asexuals, Q for questioning, etc. Although I think this practice and tendency is highly problematic, because of its identity based approach, I will use the inclusive form of LGBT+ indicating a present reality in the movement related to sexual minorities.

<sup>2</sup> For example about surrogacy, women-only spaces and prostitution (vs. sex work).

behind the phenomena. It interprets women's position and situation in the realm of unequal socio-economic structures of capitalist society.

### **The actual ideological framework of European LGBT+ activism**

Activism always needs ideological patterns that ground, frame and justify its choices, strategies and actions. I use the term ideology (and not values, interpretation, discourse or theory) to underline the social and material dimensions of my analysis. By ideology I mean a system of ideas, beliefs, norms, significations that are inherently related to social and material reality, and to relations of power. It can confirm and legitimate the dominant social order and hide its contradictions (cf. Eagleton 1991).

My brief analysis of the ideological construction of mainstream LGBT+ activism in Europe is based on the website of two organizations: ILGA-Europe (European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association) and IGLYO (International Lesbian, Gay, Bisexual, Transgender, Queer and Intersex Youth & Student Organisation).<sup>3</sup> The reason of this choice is that these organizations are important NGOs based in Brussels, and in strong connection with the European institutions, they have significant lobbying power, economic resources, and they are the architects of LGBT+ activism through their partner organizations all over Europe.

One of the most cited and acknowledged text by these websites is the Yogyakarta Principles.<sup>4</sup> It is a legally non-binding document proposed for the United Nations that offers 29 principles about the application of international human rights law in relation to LGBT+ issues. The document is based on some implicit interpretations. It begins with the mention of exclusion, discrimination, violence against LGBT people, and what it describes as solutions to these problems are given by the respect of human rights principles. The text follows a human rights based approach integrated by the view that unjust situations should and can be ended by States by introducing adequate human rights measures. The definition of people affected by tendencies of exclusion and included in the document are in relation to group belonging, feelings, person's capacity, individual experience, identity, and free choice. The principles affirm the sovereignty of subjective identity, and they want to protect this from the collectivist ideologies of the States. In this liberal approach, the role of the State is just to ensure that the individual's authentic identity may be lived, expressed and exercised freely. Moreover, identity is a ground for the formation of different groups in society, and it is the base for political action. This perspective is the so called identity politics approach.

<sup>3</sup> In the text, there are the actual official names of the organizations, but the original abbreviations conserve a more narrow interpretation of sexual minorities: International Lesbian and Gay Association (ILGA), International Gay and Lesbian Youth Organization (IGLYO). This shows a clear tendency of the last decades.

<sup>4</sup> <http://www.yogyakartaprinciples.org/>



ILGA's and IGLYO's approach follows the same human rights and identity politics perspective. They acknowledge individual identities affirmed by the persons, their advocacy is based upon identity categories, and they promote equal rights for LGBT+ people. Their key term is discrimination on the ground of individual factors: sexual orientation, gender identity and/or gender expression and sex characteristics.<sup>5</sup> ILGA-Europe's clear agenda is promoting marriage equality as a priority, although they try to touch different LGBT+ related issues in an equal way: asylum, health, anti-discrimination, education, employment, etc. However, it is evident that social security and housing are not on the list of particular concerns of the organization, and racial and ethnic issues are also less present in their work.<sup>6</sup>

From a feminist point of view, it is important to note that "gender" is primarily interpreted as identity in the texts of the two websites, and the term gender discrimination is often evoked in relation to trans and intersex issues. It is worth mentioning how ILGA's website is treating a critical feminist question that might be in relation to LGBT issues: surrogacy. While ILGA-Europe<sup>7</sup> claims that it does not have a position on surrogacy, the website hails the decision of the French high court as "somewhat good news for rainbow families", that allows the child's biological partner to adopt the child born from a surrogate mother outside France.<sup>8</sup> In the same document, the organization gives three principles in relation to surrogacy that underline the child's right to have a legally recognized family, the human rights based approach in the development and implementation of legislative frameworks that (if exists) should never discriminate against people on the basis of sexual orientation or gender identity. This ambiguous position is probably due to ILGA's policy to depart from the needs of its partner organizations that might transmit the expectations of more and more same sex parents in good economic conditions who recourse to surrogacy as an option for founding a family and having children.

IGLYO's website transmits a very similar approach to LGBT+ activism with some differences. Their activities and documents are centered around youth and education. The attention is more on the development of LGBT+ organizations, capacity building and educational resources. They target the LGBT+ community, and they are engaged in advocacy less actively. One of their aims is "[t]o support and promote positive youth role models within the LGBTQI population and celebrate their diversity". It is interesting to note what kind of image of (role model) youth is transmitted through the website (especially through the videos): confident, assertive, diverse, "colourful", cheerful, middle-class young

<sup>5</sup> Sex characteristics are used mostly in reference to intersexual people.

<sup>6</sup> This is important to understand how an identity based approach can easily bypass certain topics and groups in the community (cf. later).

<sup>7</sup> [https://www.ilga-europe.org/sites/default/files/Attachments/ilga-europes\\_policy\\_on\\_family\\_revised\\_2014\\_2.pdf](https://www.ilga-europe.org/sites/default/files/Attachments/ilga-europes_policy_on_family_revised_2014_2.pdf)

<sup>8</sup> <https://www.ilga-europe.org/resources/news/latest-news/french-high-court-ends-legal-limbo-recognition-children-born-surrogate>

people of Europe. This image is in line with the self-entrepreneurial concept of youth present in a lot of European representations (Mitchell 2006).

There are slight differences in the ideological constructions of the two websites. ILGA refers to the LGBT+ group with the LGBTI acronym including lesbian, gay, bisexual, trans and intersex people, while IGLYO adds the Q (for queer<sup>9</sup>), and they explicitly mention non-binary people<sup>10</sup> several times. This tendency shows how this ideology of previous decades (Butler 1993), that deconstructs the male and female binary, is gaining momentum in LGBT+ activism. This trend has been becoming mainstream in European LGBT+ activism only recently. This is also my experience as an LGBT+ activist.

There is another shift visible on this website: from the approach of awareness raising about different identities to a wider norm critical perspective (Åkesson 2009). This latter focuses less on particular identities and respective prejudices, and more on the normative frameworks that create inequalities and discriminations. A norm critical approach requires a continuous reflection of one's (and/or the group's) own norms: how they might establish hierarchies and privilege certain positions. This represents a different perspective from the traditional liberal pedagogical narrative that promotes acceptance and tolerance, and celebrates diversity, but they share a sort of common interpretation that is based on identity, diversity of individuals and on discourses and not on material structures. On the website, the main reference of diversity is still identity, and the human rights approach is very much present in the educational materials of the resource section of the website.

Intersectionality as a key term is mentioned by both websites pertaining to discrimination.<sup>11</sup> The other (not directly LGBT+ related) discriminations are interpreted by both organizations in an explicitly intersectional framework. In this perspective<sup>12</sup>, hierarchies in society are constituted by different power positions of groups that engender discrimination of the groups with less power. Different grounds of discriminations are on the same level, and these grounds are formed by various (individually given and at the same time group-constituting) characteristics (race, ethnicity, sexual orientation, class, gender, religion, etc). In all these categories, there are those who have a privileged (majority) power position, and those who have non-privileged (minority) position. Social change is perceived in this realm of diversity as the recognition of the non-privileged groups by obtaining more power for

<sup>9</sup> A term with a long history but in its current meaning in activism refers mostly to going beyond the traditional identity categories questioning the binary of homo- and heterosexuality.

<sup>10</sup> Non-binary in relation to gender refers to persons who do not want to be categorized according to the duality of sexes (male – female).

<sup>11</sup> For example:

<https://www.ilga-europe.org/resources/news/latest-news/ilga-europes-statement-occasion-international-day-elimination-racial>

<sup>12</sup> The theory was developed originally by Crenshaw (1991) to address the problem of sexism in anti-racist activism, and respectively the white dominance in feminist groups, but it has had further developments in identity politics activism. Without entering into the complexities of the various approaches to intersectionality, I am delineating here a practical version of intersectionality used in identity politics and criticized by different authors (Mitchell 2013, Choonara and Prasad 2014).

them. The consequence of this approach is that the fight for equality is connected to these more or less separate groups. However, the different groups are working together, and one person might belong to different minorities, so there is an internal diversity of the groups with various power positions. Intersectionality considers different identities and their power positions, and argues that they intersect with each other creating overlapping and interdependent forms of discrimination for the individuals and in the communities. The individual then has the responsibility to reflect on his or her own position and privileges. In this view, everyone is speaking from a certain (privileged or minority) position, and those who belong to a minority and describe their experiences should be considered (more) authentic interlocutors of the group against those who are in a privileged position.

These patterns of ideology do not belong just to these two organizations. Although, ILGA and IGLYO claim that their purpose is to answer to the needs of the other LGBT+ organizations in Europe, in reality they spread their own agenda among the NGOs in the different countries. They have the resources for capacity building, organizing seminars, funding projects, and they appear as a normative, respectable authority that authentically represents the cause of LGBT+ people. This is my personal experience, too, as a former gay activist. In different organizations, people feel certain guidelines imposed upon them for example about the alliances that an LGBT+ association should or should not have. In other cases, no imposition is felt, but the ideology operates as an unquestionable interpretational framework. This phenomenon can be interpreted as an example of hegemony and hegemonic ideology described by Gramsci: beliefs, values, perceptions are constructed as the (unquestioned) norm not with coercion but by gaining the consent of the subjects with manipulation (1975).

Moreover, this hegemony is reinforced by the European Union and the Council of Europe, too. With some caution, respecting national sensibilities, but the official documents of the different EU and CoE institutions adopt the same language and same human rights and identity based approach in dealing with LGBT+ issues. In 2016, the European Council finally reached consensus and published a Council Conclusions on LGBTI rights that explicitly invites the European Commission to promote actions towards LGBTI equality mentioning the Commission's document: List of actions by the Commission to advance LGBTI equality.<sup>13</sup> Věra Jourová, Commissioner for Justice, Consumers and Gender Equality connects LGBTI rights to the core values of the European Union in the Foreword of this document, and the entire text follows the above delineated language of identity politics ideology. The Commissioner for Human Rights of the Council of Europe published an issue paper on Human Rights and Gender Identity in which the Yogyakarta Principles constitute the definitional grounds for inquiry into the situation. Finally, as ILGA also mentions and

<sup>13</sup> List of actions by the Commission to advance LGBTI equality  
[http://ec.europa.eu/justice/discrimination/files/lgbti\\_actionlist\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/lgbti_actionlist_en.pdf)

celebrates, the promotion of LGBTI rights plays a significant role in the process of enlargement of the European Union, and in the Eastern Partnership of the EU.

In summary, it can be argued that the mainstream ideology of LGBT+ activism in Europe is based on an individualistic human rights approach that focuses on identity politics, and interprets the diversity and oppression in society in terms of group belonging, identity, privilege, and intersectionality.

## **Discussion of the current framework**

At first glance, reading the introduction of the Yogyakarta Principles about torture, violence, discrimination of LGBT people, no one who is committed to social justice and equality (like feminists) should dare question the importance of anti-discrimination activities for these people, and not celebrate the achievements that were obtained to better the life of discriminated people, among others, with the help of lobbying and advocacy of LGBT+ NGOs. This ideology seems effective and yet necessary in combatting oppression of LGBT+ people. However, the whole ideological construction suffers from several flaws from the point of view of a more nuanced analysis that takes into account systemic factors.

As we have seen in the Yogyakarta Principles, human rights are represented as the main tool for promoting equality, and the States have the role of ensuring equality with adequate measures. But as different authors contend (Ebert 2001, Fraser 2000, Mitchell 2013), the main structures of inequality are based on material and economic conditions. Without changing these conditions, it is not possible to change inequality. The State can enact measures of non-discrimination, but this will not change those wider economic structures (often out of the reach of the State) that are the most important factors of domination. Legislative measures of human rights can ensure equal access to food, drinking water, etc., but it does not mean that people will have real access to these necessary dimensions of human life. The recognition of human rights without the redistribution of wealth cannot bring real equality. Moreover, the human rights perspective offers a highly individualistic view of human nature, and it founds in alliance with the neoliberal construction of the individual subject: independent, entrepreneurial, not relying on the State, etc. (Moyn 2014). A human rights based approach, by underpinning the sovereignty of private life and property, can even enhance inequality in this way. Let's take the cause of marriage equality as an example. This struggle for equal rights can be interpreted as an assimilation process of a non-traditional form of sexuality accommodated into the system, reinforcing the same private property based household structure of capitalism, and focusing on it might prevent LGBT+ people to make more radical claims and actions that challenge the system. From a feminist point of view, patriarchy is not really challenged by the introduction of same sex marriage. Moreover, it is also a question who is benefited by the equality gained: mainly middle-class people who have already come out of the closet which again needs certain economic conditions because of the high socio-economic risks of coming out in certain

contexts. We can see that activism based on rights often neglects issues that are in relation to structural problems, and affect more marginalized people like homeless LGBT+ persons, as we saw in the case of ILGA-Europe's priorities.

In addition, the human rights recognition approach blames the persons' prejudices in the construction of discrimination, and offers educational tools of awareness raising and sensitivity to change people's attitudes. This pedagogy does not consider the structural nature of hierarchies that cannot be changed by transforming the persons, and does not realize the socio-economic factors behind cultural phenomena like so called homophobia. Patriarchy and heteronormativity are inherent parts of a system that uses the household as an important unit of its reproduction. Beside productive wage labour, capitalism needs women's free reproductive "housewife labour" in order to maintain the profit-oriented production and endless accumulation of wealth (Mies 1986). Heterosexual relationships are legally constructed in households with private property as the normative places of production and reproduction. These households are the basis for capitalist accumulation in modern societies. This material condition needs a heteronormative ideology that maintains the system. Therefore, homophobia is not simply a backward personal belief, but it also has its material and social roots. So the fight against these cultural phenomena cannot achieve results without actions that target the capitalist structures of inequality.

The other pillar of LGBT+ activism is identity politics. Choonara and Prasad (2014) and Mitchell (2013) convincingly argue against identity based privilege and intersectionality theory, that totally diminishes the structural nature of domination in a class based system. Oppression is not coming from different identity positions that are automatically connected to privileges. Domination is deeper than the differences given by our belongings, interest, groups and self-definitions. Identity itself is not a system-challenging concept. Identities are produced and constituted by social and material factors. As some scholars argue (D'Emilio 1983, Mitchell 2013), gay identity is made possible by capitalism, because the system of free labour separated the economic and personal functions of the family, the survival was not related to the family anymore, and it became possible that people who felt same sex attraction could live following a lifestyle outside of the nuclear family. It could be seen as a positive development, but as Fraser (2000) argues, identity has become a homogenizing concept, or as Mitchell (2013) explains, a category that is a source of alienation from our humanity, because identity situates us in a box, in a framework that can be exploited by the system. Capitalism reproduces, and tends to exploit and appropriate, LGBT+ identities for its own purpose. LGBT+ identities have become lifestyle identities that reproduce a certain consumer subject (with certain tastes, certain habits and clothing style, etc.). This is the phenomenon of the commodification of gayness reinforced unreflectedly by a naïve consideration of identity (Chasin 2000). It is different to say that I am a human being behaving in a certain way (following for example my same sex attraction), or to put on a specific (gay) identity with its systemic dimensions. Identity based approaches do not

question or critique identities. They recognize the sovereignty of the person's choice or feelings. The individual has become the source of authenticity, while the individual (with his or her own tastes and feelings) is not independent from structures. This celebration of subjective and individual self-definition helps the subjects to conform to the neoliberal construction of the self, and losing its freedom, since neoliberalism fundamentally undermines human liberation, and women's emancipation, too.

In addition, if all oppression based on different identities is simply put on the same level, and deeper structural domination is not considered, any group that convincingly constructs a discourse about its minority position can call for the recognition of its interests, and, on the basis of these interests, can claim to suffer discrimination. This is the problem with the privilege theory of intersectionality described before. The authentic interlocutor that can speak about oppression is the person who claims to experience discrimination. In this way, identity and identity related experiences cannot be questioned, their systemic dimensions cannot be pinpointed. So wealthy gay couples who can pay for a surrogate mother could claim that their rights to this kind of "assisted reproduction" should be respected. System-critical feminists are concerned about the exploitation of a woman's body (Bindel 2015), about making a commodity of her reproductive organs; but if it is assumed that there are no real, material systems and structures beyond self-defining identity discourses, it will be very difficult to argue against surrogacy as an acceptable method of reproduction or of the "family foundation" of same sex couples. Human rights and identity politics alone cannot offer an adequate counterposition to evaluating the claimed rights of gay people in this case. If we cannot question individual choices, it can be argued that the rights of the surrogate mother is not violated, because she freely offered or sold her body for surrogacy.

From a system-critical point of view, identity categories can and should be questioned. Similarly, the issue of considering gender as an identity. Without expressing a firm position about trans\* rights and politics in this paper, I share the concerns of feminist thinkers about the problematic nature of the concept of gender identity. The concept of gender was a descriptive term to indicate the social structures behind male-female hierarchical relations. In the language of LGBT+ identity politics embraced by the EU, gender has become just another identity category and conceived as self-definition based on personal feelings, expression, self-determination, and choices. This is highly problematic from a feminist point of view. If gender is related to feelings and choice, how can we question the gender roles imposed on women? If we consider the final consequences of this approach, and a woman can be anyone who define themselves a woman, it will render it very difficult to point out the structural inequalities based on sex, and the real, material conditions of feminist struggle will be blurred. This is the same problem with newer postmodern trends in LGBT+ activism (see IGLYO) that seem to go beyond the above described tendency of identity-centeredness. Although these perspectives might be critical with traditional

identity politics and conceive gender as performative and fluid (Butler 1993) but they still remain problematic. First of all, they maintain the struggle on the symbolic level of meanings, secondly, as Reilly-Cooper (2016) claims, their “gender is a spectrum” idea in practice reinforces the essentialist view of gender. In this way, gender just seems something innate or given from which some (and not every) people can distinguish themselves as trans\* or non-binary, while, from a system-critical point of view, gender is an externally imposed hierarchy that we (everyone) should get rid of.

### **East-Central European troubles**

For a lot of LGBT+ people and women in East-Central Europe, the European Union appears to be the guarantee of more equality. The EU, and especially the West, is seen as the land of progress. Every year, ILGA-Europe’s Rainbow map shows the differences between the majority of Western European countries with higher scores in LGBTI rights, and the rest of Europe with lower scores. It is easy to fall in the trap of this illusion of progress hoping that integration, development and more influence from the EU will promote more gender and LGBT+ equality in our countries. But the situation is more complex.

First of all, in spite of its repeated rhetoric, the European Union is not only, yet not primarily a community based on cultural values, but mainly an economic formation that allows free circulation of commodities, regulates the conditions for a free market, and ensures that neoliberal principles prevail in economy. Secondly, there are huge inequalities within the European Union. From a world-system analysis perspective, western countries, as core States after the loss of their colonies, needed some semi-peripheral countries to rely on their cheap workforce and other resources in order to carry on the process of endless accumulation of capital (Böröcz 2001, Barna et al. in this volume). Finally, following this economic colonization, we can see a certain cultural colonization, too: not in the sense of the right wing interpretation as a cosmopolitan ideology against national identities, but as the transmission of cultural values that reinforces the economic domination, dependence and neoliberal doctrine. The ideological hegemony of the identity and human rights centered LGBT+ agenda can be interpreted as part of this colonization, because it serves to also maintain cultural dependence from western countries. It reinforces accommodating tendencies in these countries by constructing the neoliberal subject as an obedient member of the system, and by impeding the questioning of the structures that reproduce inequalities between countries of the EU. Then, for feminism in East-Central Europe, it is very dangerous strategically if activism and feminist discourses follow this “progress versus backwardness (false) dichotomy” (Kováts 2016) and the “intersectional ideology” of LGBT+ activism. The feminist movement might lose its transformative potential, and might become defenseless in an environment where the claims of anti-gender movements can be sown in the fertile soil of traditional gender roles. Gender has become a symbolic glue (Grzebalska & Kováts & Pető 2017), and the ideological framework of LGBT+ activism, with

its concept of subjective gender identity, can reinforce this tendency. However, it is not easy to act against the mainstream liberal ideology, especially in East-Central Europe where Marxist and even system-critical perspectives have been discredited and continue to be tabooed.

### **Possible strategies in the changing European landscape**

In this paper, I have aimed at critically analyzing the ideological framework of LGBT+ activism in Europe. I contend, that for feminist activism and discourses, it is important to maintain a system-critical approach that targets the real, material and socio-economic conditions of patriarchy, and a stance that allows the opposition to neoliberal hegemony in the EU (see Gregor in this volume). The ideological patterns of LGBT+ activism bear dangerous elements that can undermine this critical nature of feminism. At EU level, instead of the uncritical adoption of identity politics, different stakeholders should promote more reflection on the structural problems of inequality in relation to gender, and the problematic nature of the neoliberal agenda returning at least to the previous (and already present) more social democratic perspectives. LGBT+ organizations should reflect on their ideologies considering a more systemic view of liberation that is in strong connection with the general struggle against inequalities and for more equal redistribution. It is not easy, however, to change the actual tendencies since the identity architecture deeply penetrates the system. This has become an unquestioned framework, according to which organizations are supposed to define themselves and their strategies.

Feminist activists should reconsider their alliances and make a clearer distinction from liberal views and groups, they should clearly depart from identity politics engaging in initiatives and discourses opposing neoliberal European tendencies, and they should commit themselves to fighting against the structures of inequalities with other groups. It remains a challenge that these steps might be misinterpreted or not understood by LGBT+ organizations, other liberal feminist groups, and can create serious conflictual situations. These ruptures and conflicts can unwillingly situate feminists on the side of right wing discourses against LGBT+ emancipation and liberation. Notwithstanding, even if their views might seem similar to right wing discourses, the difference is clear, and maybe it is time to resist the call for a joint struggle against the Right together with the liberals, because it has become more evident how a Leftist feminist perspective is fundamentally different from a liberal one, and if this difference is dimmed, it serves just to make the fight against growing right wing populism in the region more difficult. Searching for alliance with system critical, leftist LGBT+ groups who are also against mainstream LGBT+ activism might be a viable strategy in this complex situation.



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# The dream of a common European asylum and migration policy from the perspective of women's rights in East-Central Europe

## Introduction

The migration influx since summer 2015 has undoubtedly been an enormous challenge and unsolved question for the European Union (EU), and at the same time a big chance for East-Central European (ECE) Member States to reposition themselves within the EU. The migration and refugee situation serves as a central topic in East-Central Europe touching many layers of society and politics: some of them are more obvious – like security; others are less so – like the rights of women. This chapter concentrates on the current refugee and migration discourse from the perspective of how women's rights are instrumentalized, and proposes recommendations on how progressive actors could react on this. The paper's main aim is to draw attention to the weaknesses of progressive actors in handling the refugee and migration situation in Europe and to contribute to the development of a common European asylum and migration policy from a feminist perspective. The chapter talks about East-Central Europe, but pays special attention to the Visegrád Group (V4), and takes Hungary as an example.

Already before summer 2015 Hungary's Prime Minister Viktor Orbán touched upon the topic of anti-immigration, which was previously one of the main agenda points of the increasingly popular Hungarian far right opposition party Jobbik (Juhász and Krekó 2015). Orbán recognised the political importance of refugee and migration policy on the international, regional and national levels and, according to polls in the autumn of 2015, this could help him to regain his own and the Fidesz-KDNP government's popularity during 2015 (which had faded after the elections in 2014) (Medián 2017). Within just few weeks, he became the driving force in creating a regional response to the refugee and migrant influx to Europe, and he gave the Visegrád Group a more audible voice on the European scene.

Since the political and economic transition in the 1990's, East-Central Europe had been putting much hope into its future European Union membership. 27 years have passed since the political transition and 13 years since the EU-accession, but the hopes did not become

reality: East-Central European living standards are lagging far behind most of the old Member States. Vast portions of the populations of ECE are disappointed. The Union's efforts to prove social and economic justice within the EU haven't met the expectations.

This disappointment, which is partly explaining the repugnancy against migrants and refugees (European Social Survey 2014)<sup>1</sup> within ECE's populations, helped the Visegrád Group to regain its lost unity – at least temporarily. By utilizing topics such as migration and refugees, new alliances between the four countries have been made, especially after the nationalist conservative Law and Justice party (PiS) won the elections in autumn 2015 in Poland. In his speech at Tusnádfürdő (Băile Tușnad, Romania) on 22 July 2017, Viktor Orbán said, that last year's most important political development had been the strengthening of the Visegrád cooperation (Abouthungary.hu 2017). Jarosław Kaczyński, the party leader of PiS has never hidden his admiration for Viktor Orbán and his illiberal politics. Politics in Slovakia and the Czech Republic differ from Hungary and Poland, nevertheless refugees and migrants became a central topic in all four countries, and the anti-migrant narrative has been a dominant political discourse since summer 2015.

The three main points of the refugee and migration policy of the Visegrád countries are as follows: a. Protecting the external borders of the EU and underlining the importance of fulfilling the obligations deriving from the EU acquis, b. Effective management of the root causes of migration flows, which could help reduce the number of migrants, c. Refusing Germany's open-door migration policy (Csornai, Garai and Szalai 2017). The Commission's proposals to deal with the migration and refugee policy were seen by the Visegrád Group as undesirable infringement on national sovereignty and an initiative to potentially turn the Visegrád Group into a region facing long-term immigration and changing its ethnic and cultural composition (EIU 2015). On 14 June 2017, the European Commission launched infringement procedures against the Czech Republic, Hungary and Poland for non-compliance with their obligations under the 2015 Council Decisions on relocation (European Commission – Press Release 2017). The Visegrád countries are firm opponents of the EU proposals concerning migration and asylum. Yet the EU seems to run out of tools to influence the position of the V4.

The term illiberal democracy (Zakaria 1997) was used by Viktor Orbán in 2014 when he set up a new direction for Hungary, by declaring his will to make Hungary an illiberal democracy. He announced his country's "break with liberal principles and methods of social organisation, and in general with the liberal understanding of society", and expressed a wish to build a new order: "The new state that we are constructing in Hungary is an illiberal state, a non-liberal state. It does not reject the fundamental principles of liberalism such as freedom, and I could list a few more, but it does not make this ideology the central

<sup>1</sup> Detailed data on Hungary: [http://www.tarki.hu/hu/news/2016/kitekint/20160330\\_refugees.pdf](http://www.tarki.hu/hu/news/2016/kitekint/20160330_refugees.pdf)

element of state organisation, but instead includes a different, special, national approach” (Kormany.hu 2014).

Pető and Grzebalska consider the three key principles of illiberal governments “parallel civil society, security narratives, and the family” (Pető and Grzebalska 2016).

The parallel NGO-sector is artificially constructed by the political power. It is supposed to underline the ideology of the government acting as an authentic voice of civil society.

The security narrative is highlighting the dangers of the illiberal regime and the nation being a crucial part of both, the nationalist and the illiberal discourses. Enemies and threats are being articulated and targeted. Some recent examples among the dangers articulated by the Hungarian government are multiculturalism, NGO’s fighting for human rights, LGBT rights, the Central European University, George Soros, the European Union and last but not least, refugees, migrants and Muslims. Uncomfortable elements for the concept of illiberal nationalism are publicly attacked, though it is important to mention that the Hungarian government is not the only actor criticising the above-mentioned concepts. Critical voices from the progressives and the left are also present while talking about the role of George Soros, same sex marriage and the current trends of LGBT politics more broadly (see for the latter Mészáros’ paper in this volume) – just to mention a few of them.

The third tenet of illiberalism is the family which, according to this conservative approach, is the basic unit that can empower a nation to grow big. With the family being a central topic of politics, women appear for illiberal politics as mothers first of all. Women matter as part of a family – as mothers or daughters.

These three tenets are used and connected by the Hungarian government for its illiberal politics – this paper will focus on how they are used and correlated around the topic of asylum and migration. The paper will first observe how Viktor Orbán’s government is involving women into the security aspect of illiberalism, secondly it will discuss how the family mainstreaming NGO-sector – paralelly set up by the government – is supporting the migration policy of the Hungarian government and, last but not least, what are the responsibilities of mothers and families according to the Fidesz-KDNP government, and how this is connected to migration.

### **Culturalised sexual violence: immigration as a threat to Hungarian women**

The security aspect of illiberalism is linked to asylum and migration in the discourse of Orbán’s government in many terms. This paper is interested in how women are involved. Women are addressed by the Hungarian government as the nation’s allies, in its fight against migrants and refugees. In one of his speeches, Viktor Orbán said that Europeans and especially the “vulnerable ones”, like women and the ones who cannot defend themselves had been in danger since the migration influx to Europe. A few months later, Katalin Novák, the Hungarian State Secretary for Family and Youth Affairs stated on a press conference, that there were more and more cases when women were harassed by

men with a migration background. She made it clear that Hungarian women and Hungarian children needed to be protected from the negative effects of immigration (Fidesz.hu 2016). Both statements were mainly referring to the 2016 New Year's Eve affair in Cologne connecting immigration with criminality, immigration with sexual violence against vulnerable European women, criminality with dark-skinned men from a non-European culture who are not accepting European values, and the victimhood with European white women. After the attacks in Cologne, the leaders of the Visegrád countries saw themselves affirmed in their policies and approach to asylum and migration and in opposing German and European approaches towards immigrants and refugees. Lajos Kósa (then leader of the Fidesz Parliamentary group, currently minister without portfolio responsible for the development of Hungarian cities with county rights) said after New Year's Eve in Cologne in 2016 that if the Socialist and Liberal opposition in Hungary had been ruling Hungary then, the New Year's Eve in Budapest could have been probably very similar to the one in Cologne (HVG 2016), implying that the Socialist or Liberal way of handling immigration is endangering women. Later on in 2016, the Hungarian government organised its second<sup>2</sup> controversial billboard campaign in favour for the government's national consultation against immigration, which included the following question: "Did you know that harassment against women sky-rocketed since the immigration crisis?"

These billboards (and many others with different texts) were visible all around the country reinforcing the fear from immigration and the idea that immigration is a security threat – especially to Hungarian women and girls who may potentially be sexually abused by violent immigrant men. The government's communication strategy was successful as the recent conflict in Ócsény, a village in the South of Hungary of approximately 2400 inhabitants, showed when the owner of a hostel offered to an NGO to host refugee children for a few days of holidays in his house for free. A big quarrel evolved in Ócsény – many inhabitants were loudly protesting against admitting any refugees into their village, most of their arguments were mirroring the sentences of the Fidesz-KDNP government and its billboards. Without ever having been in contact with refugees, one of the arguments mentioned by several locals was that refugees "would rape women".

No correlation between immigration and criminality in Hungary and especially rising numbers of sexual harassments can be proven because of the lack of reliable data. Comparative data on the European level have not yet been gathered to assess the effect of immigration on criminality in Europe. The Fidesz-KDNP government picked up the topic of sexual violence against women and linked it to migration, as if sexual violence would only be committed by asylum-seekers, refugees or migrants coming from a different

<sup>2</sup> The first Hungarian billboard campaign against immigration was launched in 2015:  
<https://www.euractiv.com/section/justice-home-affairs/news/hungarian-official-admits-campaign-to-generate-hate-against-migrants/>

cultural background, but not by Hungarians. Reality is that Hungarian men are the real security threat to Hungarian women. Every fifth Hungarian woman is or was once living in a partnership in which her partner regularly abused her physically, at least one woman a week dies in Hungary as a consequence of domestic violence, 20% of Hungarian women suffer sexual violence within their lives (Nők Joga 2015). The culturalisation of sexual violence is ignoring the fact that there is a large number of white European men born in Europe, socialised in Christian Europe who do sexually harass or violate women. Culturalised criminality and sexual violence when it comes to asylum-seekers, refugees or migrants and talking about individual pathological cases when it comes to the host population would be misleading. Additionally, explaining violence and criminality as cultural phenomena is putting all responsibility to the home culture of asylum-seekers, not mentioning the responsibility of the hosting countries concerning the mental health of asylum-seekers in reception facilities who need to stay for long months of boredom and stress and have no chance to live a normal life, or refugees who have hard times to integrate into a hostile environment. The circumstances, the lack of possibilities, being desperate while hoping for the family to be well-off in the home country, the feeling of loneliness while waiting with many others in a room, without money, without work may cause frustration and aggression. Giving more rights to asylum-seekers and migrants may be a solution for preserving mental health and preventing aggression and violence (Perinelli 2016).

Nevertheless, what happened in Cologne on New Year's Eve 2016 cannot be denied. According to reports on the situation of refugee women on their journey to their destination and in the refugee camps, sexual harassments and sexual and physical violence against women refugees committed by male refugees, smugglers and security staff are no rare things (Amnesty International 2016). Western culture does differ from the culture of countries in Africa or the Middle-East. These important facts cannot be ignored and must not be covered up in the name of human rights, anti-racism or just because they are crimes committed by refugees or asylum-seekers – as it was done by German authorities after New Year's Eve in 2016 (Connolly 2016). As for the statistics of the German Federal Criminal Police Office (Bundeskriminalamt) on criminality in the context of immigration, the case load of many offence areas, just as in the case of crimes against sexual self-determination indeed increased in 2016 compared to 2015 (Bundeskriminalamt 2017). Notwithstanding, the Bundeskriminalamt is strongly emphasising in its report that sound statements about the connection between immigration and criminality cannot be made by only reflecting on numbers without carrying out any extensive and nuanced research, however, such research is yet missing but should be done – not only in Germany but in the whole of Europe. The security aspect of migration should not be monopolized by the illiberals of Europe, but also progressive actors should dare to talk about it and propose effective solutions.

### **Anti-Islamism and anti-migration narrative: devoted fighters for gender equality**

The discourse about migrants and refugees of the Fidesz-KDNP government is mixing elements of anti-migration and anti-Islamism, but also migrants and refugees – all symbolising a threat to the nation, especially to its women and, in a broader sense, to European culture and Christianity. While speaking about gender equality, this paper is focusing on the social situation of women and women's rights – having a different approach than the security aspect previously mentioned.

Echo TV, a TV channel close to the Fidesz-KDNP government shot and showed a content-wise controversial report on Muslims living in Hungary and Islam. The report was not only obviously critical against Islam but was also spreading hate with its messages. The report states about Muslims living in Western Europe that they are people who were socialised so that they are allowed to beat women to death (Átlátszó 2017). The government's discourse is surely more sophisticated. In summer 2017 Viktor Orbán was explaining how different Muslim and Christian cultures are, and that the values of these two religions are excluding each other. His main example was the approach to equality between men and women – while Europeans strive for equality between men and women, this would be unimaginable for Muslims according to Orbán, as men and women live in a hierarchic relation in the Muslim world where men are dominating women (Kormany.hu 2017c and 2017d). According to this discourse, women's rights and Islam are incompatible with each other. Surely this is only one approach from many concerning the complex relationship between Islam and feminism. There is literature to fill whole libraries on how Islam sees women, this complex relationship is described in detail elsewhere, and cannot be simplified by labelling Islam as a religion that disrespects women. There are Muslim scholars for instance who identify a historical gender consciousness of social justice embedded in the tradition of Islam; others enact the convergence of Islam and feminism as a natural expression of their faith practice representing a progressive breakdown of traditionally antithetical exclusivities (Seedat 2013).

While involving women in general into the discourse of the Hungarian government, migrants and refugees are depicted as a depersonalised, homogeneous entity of Muslim men whose culture is not respecting women. According to this discourse, gender relations in Europe are more advanced and must be taught to Muslims: men should learn how to respect European women, and Muslim women should learn how they could get rid of their patriarchist culture while emancipating themselves. Exactly this is the idea which, according to Sara R. Farris, connects nationalists, some feminists and neoliberal actors in their anti-Islam discourse in Western Europe. Sara R. Farris calls this intersectional femontionalism. Femonationalism refers both to exploitation of feminist themes by nationalists in anti-Islam and also anti-immigration campaigns and to the participation of certain

feminists and femocrats in the stigmatization of Muslim men under the banner of gender equality (Farris 2017).

Also, the Fidesz-KDNP government, which cannot be called a devoted fighter for gender equality, is playing the femonationalist card: feminist themes in their anti-Islam and anti-migration rhetoric. To understand this, it is best to return to the characterisation of illiberal states according to Pető and Grzebalska: the parallel civil society of the illiberal state is built up in favour of supporting the agenda of the Hungarian government, and this agenda is not gender equality but families (Pető and Grzebalska 2016). The actors that are active in women's issue in Hungary's "parallel civil society" are working for "family mainstreaming" instead of "gender mainstreaming"; for families and conservative values instead of the liberal concept of human rights and women's rights (Juhász 2012). Nevertheless, the Hungarian government uses the narrative of equality between men and women when it comes to Islam and migration. Women and their rights are used to strengthen resentment against Islam and migration – not only among the pro-government part of Hungarian population but also among potential voters of the progressive opposition – and through this to build up and reinforce the social support for the government's policy. The issue of migration is splitting the country's rightist and leftist voters not at all clearly – a majority of each Hungarian political party's voters described refugees in 2015 as a threat to Hungary who should not be let into the country (Mandiner.hu 2015).

Being aware of this, picking the topic of gender equality and framing it within the migration and refugee issue was a rhetorical move with which the current Hungarian government was able to address women as important allies in its fight against Islam immigration and to also win voters of the progressive and liberal opposition for its case, even if gender equality does not mean the same for Orbán's government as for feminists and progressives.

It is clearly difficult for progressives and leftists all around Europe to position themselves as regards Islam and Muslim immigration. Perinelli lists some of the weaknesses of the leftist narrative talking about post-colonialism, feminism, anti-racism and the refugee crisis (Perinelli 2016). He says that the case of feminists is easily mixing with the case of racists if it comes to Muslim men who may represent a threat to women. But feminists may also fight for women's right while following an anti-racist narrative, and meanwhile blindly hiding the misogynist structures of political Islam in some countries. Another weakness mentioned is the culturalisation of women's rights, because culturalisation means simultaneous rassification of women's rights. These weaknesses are blocking any kind of constructive leftist, progressive and feminist solution of the challenges associated with migration and integration. With this, the right-wing got the green light to instrumentalise the topic of migration through the anti-Muslim discourse.



## Hungarian women: The demographic hope of Hungary

The third way how the three tenets – security narrative, parallel civil society, and family (Pető and Grzebalska 2016) – of illiberal Hungary are correlating with migration and asylum policy and how they connect to women's issues will be shown through the topic of demography.

Hungary's population is following the European trend of decrease; the most recent UN report is predicting Hungary to have a population of 6,388,000 people in 2100 while in 2017 it is still counting 9,722,000 inhabitants.

The demographic decrease in Hungary is on one hand connected to emigration and, on the other hand – to low fertility rates and bad health conditions. Emigration intensified since 2010 – according to the data of the International Organisation for Migration (IOM 2015), there are approximately 600,000 Hungarians currently living outside of Hungary with most of them in other European countries. 15% of the whole population and 67% of pupils intend to emigrate in the future. The main reasons for leaving their country include the unfavourable economic situation and labour market (Hárs 2016). The calculated existential minimum for one month in Hungary was 88,619 HUF (approximately 285 €) in 2016, and 36% of the Hungarian population lives below this existential minimum (Policy Agenda 2017). Migrating to Western Europe and working there seems the way out of a hopeless situation for many, including precarious living conditions with no prospects of social security, stability, and a simultaneous lack of possibilities. The Fidesz-KDNP government made several efforts to attract emigrants back to Hungary, with little success.

The other factor in the decrease of Hungarian population is the low fertility rate of 1.49 (KSH 2017) which has nevertheless been increasing since 2010. The striking prognosis of losing almost 30% of the population, similarly to other European countries, prompts the Hungarian government to search for a solution for slowing down or stopping the process of a society which is growing older and a nation which is growing smaller. PM Viktor Orbán declared the demographic imbalance as the main national issue of Hungary (Kormany.hu 2017b), but he also said very clearly, that contrary to other European countries, solving the demographic problems with immigrants is not an option for Hungary. The country is able to handle the challenges with the help of its own resources (ibid.). At the second Demographic Forum held on the first day of the World Congress of Families in Budapest in May 2017, Viktor Orbán started his speech by extensively talking about the migration influx of the past two years and the ones to be expected to Europe in the future, and how a cleavage appeared between EU-members wanting to use the arrival of migrants and refugees to solve their demographic problem, and the member states wanting to “fill their ships with own sailors” which means wanting to encourage their societies to have more children (Kormany.hu 2017a). Hungary belongs to the latter.

Indeed, the Hungarian government has developed a strategy for overcoming current demographic challenges with no migrants or refugees are needed, instead, Hungarians

wanting to have a family. The Fidesz-KDNP coalition launched several generous pronatalist family packages to encourage young couples to have children. Here is where the third tenet of Pető's and Grzebalska's description of illiberal states appears: the family. Within this framework, women are mothers first and foremost, and the Hungarian government counts on them for the amelioration of the demographic situation. Women are perceived as the solution to the demographic problems of the country, their motherhood is a tool to ensure the nation's future. The Hungarian government has meanwhile developed a structure to support young families with children in their home ownership and young mothers with a university student loan in paying their debts. The amount of the support depends on the number of children in the family. Not everyone has access to use the state support which makes both initiatives socially exclusive and reinforces social inequalities. In the case of the home ownership programme, grants and support are mainly meant for married couples with one or more (already born or future) children; however, to be able to benefit from the sum received from the state, the couple already needs to have assets so they can complement the grant and invest into a home with the parameters (minimum size etc.) fixed in the contract with the state. As for the grant for young mothers to pay back the tuition fee, obviously only women with a university degree can benefit. The Hungarian government is managing family planning, it decides who is preferred to be a parent – the preference goes to the upper middle class. The Hungarian state redistributes public funds from the poorest to the wealthiest, thus increasing social inequality within the country (e.g. Ámon 2016).

Hungarian women represent the mothers of the nation who have the power to make the Hungarian nation big again by giving birth to multiple children, and have the power to keep Hungary an ethnically homogenous country that doesn't depending on immigration.

### **But where are the progressive actors in Hungary?**

Before 2015, immigration and refugees were not relevant topics either for Hungarian society or for Hungarian politics. The time to prepare a strategy and to develop a position was too short for the Socialists and other smaller opposition parties, Orbán and his government were much faster in reacting, and the progressive opposition was not resisting the government's politics concerning migration loudly. As the biggest part of Hungarian population – including voters of the progressive opposition parties – was supporting the migration and asylum policy of the government, the progressive opposition faced the dilemma: should they stick to their values and principles, or to their voters? (Boros 2016) They chose the latter, which means they conformed to the general public opinion supporting Orbán's migration policy and not to risk their voting base. As a consequence, Hungarian society barely heard any alternative approach to migration and refugees – the Fidesz-KDNP narrative was dominating the public discourse. The progressives decided to stay without any counterarguments while listening to the government's discourse on

migration. The space for voices deferring from the Hungarian government's narrative was gradually vanishing in the last few years. NGO's not belonging to the „parallel civil society” could be the ones representing an alternative to the Hungarian government's discourse, but they are lacking financial support and are stigmatised by the government as “foreign agents” that work against Hungarian national interests. Nevertheless, the most important deficit of progressive actors in Hungary is, that the “progressive consensus” is not a consensus anymore. A new, self-reflective, authentic agenda needs to be created by reconquering topics like gender equality, the health care system, social inequality, education. The topic of migration is the source of success of the Orbán-government since 2015, it will hold on to it as long as it can.

## Conclusion and recommendations

The Hungarian case study is important because it shows how a right-wing populist party is governing in times when right-wing populism is gaining strength all around Europe; how it has dismantled its political opposition and instrumentalised European affairs for its own purpose around the topic of migration and refugees. The paper attempted to show the importance of the role of women within the migration strategy of the Fidesz-KDNP government and how successful this almost invisible alliance is. The leaders of Hungary and Poland are rebelling hand in hand against the EU – they are criticising it for its political correctness, for its colonial complexes, for its liberal values. These critical voices have occupied the anti-establishment discourse because the progressives in Europe have not had enough capacities to reflect on their mistakes. But self-reflection is necessary, because recent public mood and elections in Europe show the rise of other right-wing, conservative, anti-migration parties – the critical voices of ECE have allies all around Europe. The question is how fast and how far can they get?

Progressive actors must strive for not fearing to ask relevant and open questions and not to be hindered by the limits of the liberal discourse – be it the figures of immigrant criminality or the need for sexual and gender education of young Muslim men from countries with a patriarchal structure. If the progressives will not answer authentically to relevant fears, they will leave space for right-wing populists who will use it for their own advantage. Progressives should conquer back their own topics and not give them away to the right.

East-Central Europe and Western Europe have different histories, different presences and realities. Refugees from the Middle East are rivals for Eastern Europeans on the labour markets of Western Europe. Many Eastern Europeans are struggling for their everyday lives (in their home country or abroad as a labour migrant), and they cannot imagine to take financial care of hundreds of thousands of people arriving to Europe. Moreover, compared to refugees, they were not supported as much by the hosting countries previously. Additionally, immigrant Eastern Europeans in some of the Western European countries

often have the experience of being “second grade”-Europeans. The resentment against immigration of Eastern-Europeans to the UK led partly to Brexit. Consequently, it is a valid question, where European solidarity was before the refugee crisis, and how the poor of the European Union were experiencing it? As long as there is no social justice within the EU, a common understanding is hard to achieve on questions that affect the lives of everyone in the name of European solidarity (Pogátsa 2016). As long as East-Central Europe is a place where living standards are low, social security is weak, life perspectives are poor, the people fear for their own existence, and they also don't experience solidarity and compassion – the human rights discourse is unsatisfactory for reaching out to the population to welcome migrants and refugees.

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EMÍLIA BARNA – GERGELY CSÁNYI –  
ÁGNES GAGYI – TAMÁS GERŐCS

## East-Central European feminist activism in the context of uneven development in the EU, and ways to move forward

In this paper, we analyse points of connection between the feminist movement, the European Union, and the gendered division of labour in East-Central Europe with the methodology of world-systems analysis. The method and theoretical framework of world-systems analysis enables us to understand, first, that the European Union is the product of a certain historical-world economic phase. Second, that the southern and eastern expansion of the EU is embedded into a different world economic phase. Third, that the history of (feminist) movements of given nation states or regions cannot be understood merely through the social history of those nation states; rather, it has to be considered that (feminist) movements are also embedded in economic macro-processes. Fourth, that relations of dependency arising from unequal development are expressed in them. And fifth, that the relationship between informal and formal work is a hierarchical one: through their combination, informal work acts as a subsidy to the cost of formal labour, thus contributing to the accumulation of value on higher levels of the chain and within the household relation; female reproductive labour generally acts as a subordinated subsidy to male labour; and the contradicting logics of accumulation through unequal household relations, and love and care as part of reproductive relations, makes the household an intrinsic front of battles and compromises of human life within capitalism.

### **The European Union before the oil crisis**

In order to understand the historical dynamism of European integration, we approach social and political processes as embedded in the evolution of global capitalism. Therefore, in our analysis, we do not focus on the EU as a single autonomous entity in which the integration process was triggered by local political programs only, but emphasize the intrinsic relationship between the process of integration and certain socio-structural shifts in the global capitalist system, in which the integration actually occurred.

It was during the first expansionary phase of the post-war global accumulation cycle that Western European states were reconstructed under the hegemonic supervision of the United States. The hegemony of the United States was based on the combination of its economic power, its military might in the era of the Cold War and its socio-economic power, which provided the basis for the politico-ideological supremacy in the transatlantic region (Arrighi & Silver 1999). It was therefore neither only economic, nor simply political, rather a complex geopolitical context in which the reconstruction of the international political order coalesced with the global expansion of transnational capitalism. The socio-economic basis for European reconstruction was urban-industrial expansion and the adaptation to the Fordist mass production and mass consumption models in the expanding world market (Harvey 1989). During reconstruction, massive social transformation occurred in western societies, in which social relations were greatly affected by new schemes of production, reproduction and consumption models. The gender-based division of labour in the households also changed in the 1950's and 1960's due to the penetration of formal labour market institutions.

The political motive for European integration, backed by US corporate and political interest, triggered mutual coordination of key socio-economic terrains like the supply of raw materials and energy for the rising industry and moreover managing industrial relations in the sphere of production. Parallel to the expansion of economic cooperation, the policy framework encompassed vast fields of regulation, including customs and tariffs in trade, competition law to regulate the effects of the so-called free flow of capital, labour, goods and services, the principles that had become the core idea for European integration.

### **European integration in the long downturn**

Capitalist development is not always expansionary but prone to cycles which are produced by shifts in the socio-economic basis of the hegemonic system. Cyclical shifts affect not only the world economy by and large, but every single actor integrated into the world-system must adjust to them. Modes of production and the forms of reproduction, e.g. in the household, are also changing accordingly. In the early 1970's, US hegemony slipped into crises (Arrighi & Silver 1999). The original cause was that the United States had to leverage its growing gap in its current account in order to keep its military-industrial complex in operation, therefore it introduced massive amendments to international financial regulation. This had repercussions in the whole of the international system, forcing Western governments to try to extend coordination into monetary affairs. These early attempts for monetary integration failed because of the evolving structural crises of the world economy. The double oil price shocks in the late 1970's contributed both to the dismantling of the US-based geopolitical hegemony, and to an unmanageable inflation spiral.

By the 1970's, the post-war global accumulation cycle entered into a new phase which political economists called the long downturn or long depression of US hegemony (Brenner

2006; Roberts 2016). In this new phase all social actors faced massive readjustments in the basis of the socio-economic model. Labour relations were amended and some of the social programs upon which earlier models of household consumption had been based were downsized. These social changes did not leave the European Communities intact. Crisis management became part of the integration process which triggered the geographical expansion of the community to geographically close satellite markets in Southern and East-Central Europe and lead to attempts to further and deepen integration.

After the period of stagflation (high inflation with low growth rates) in the late 1980's, European integration targeted two specific terrains. First, monetary integration needed to be refurbished in the formation of the European "supra-state." Second, reforms of regional and structural policies were introduced in order to strengthen the coherence of the community, which became polarized after first southern and later eastern Member States joined.

The geographical expansion of the European Economic Community was partly the result of corporate strategies in a crisis-prone competitive environment in the world economy. Giant corporations from the European core, especially from Germany and France, needed both new market opportunities and new infrastructure with cheap and qualified labour force in order to stand the global competition stemming from overproduction crises.

Due to the uneven and fragmented nature of social development incorporated into the European Community, further integration faced serious challenges. By the 2008 crisis, European integration proved to have produced illusory effects amongst the middle-classes in Southern and Eastern Europe, through which former dependencies and structural inequalities were reproduced instead of the initial promise of equalizing.

In eastern Member States, decades of austerity and the failure of the promises of post-socialist transition and EU integration produced popular disillusionment and new political mobilizations similar to the southern periphery. However, while, democratic anti-austerity movements became the focus point of progressive political expectations in western and southern Europe in the 2010's, the post-2008 anti-austerity mobilization wave rather seemed to produce fragmented movements of indignant middle classes and right-wing populist politics in eastern Member States.

In symbolic politics, the crisis of the EU, experienced in a dramatic way in its southern and eastern peripheries, brought along the implosion of local hopes for a catching-up development within integration. The frameworks of moral hegemony that established Western examples of democracy and civil society as a norm for catching-up development, and legitimized uneven development as a sign of lack of democratic qualities – termed "moral geopolitics" by Böröcz (2006) or the "moral regulation of the Second Europe" by Arfire (2011) – met the limits of legitimacy, and came to be challenged by various right- and left-wing critiques (on feminism, see Kováts and Pöim 2015).



## The liberal turn of western feminism in the downturn of the post-war cycle

During the end crisis of the global accumulation cycle, dominated by British hegemony, women integrated into the formal labour market to an unprecedented extent at the time of the two world wars. Partly in consequence of this, universal suffrage was granted in most European states. Following World War II, a new world economic cycle began, leading to the emergence of welfare states operating through mechanisms of redistribution in core countries. This situation involved two things: on the one hand, following a temporary rise in employment during the war due to the absence of male workforce, many women were squeezed out of the labour market again and channelled back to the household (May 2008) while on the other hand, the space for political action was relatively open. Signified by the names of Simone de Beauvoir (in Europe) and Betty Friedan (in the US), the second wave of feminism began. This shift combined the stronger political position women gained throughout the 1940's and 1950's with the topic of gender-based distribution of labour, including household and informal labour.

The 1960's and 1970's in the US were “generally characterized by autonomous struggles based on the gendered and racialized division of labour,” led by the black movement (Mitchell 2013). Essentially, second-wave feminism was embedded into the anti-systemic struggles of the 1968 wave of movements, and therefore, unlike the first wave of feminism, incorporated aspects of class and race. Women, according to Mitchell, “struggled for reproductive and sexual freedom in effort to gain control over the means of production (their bodies)” (Mies 1986), and therein laid a potential for structural critique. Fraser, too, argues that second-wave feminism – at least partly – viewed women's subordination as systemic and structurally grounded, and that the movement decentred wage work and placed the focus on unpaid care work performed by women (Fraser 2009: 103-105). This focus entailed a “shared commitment to systemic transformation” (ibid: 104). At the same time, these convictions coexisted with the “equal wages for equal work” movement, the aims of which were limited to struggles for the limited redistribution of capital's gains within the reproduction of capitalist relations (Mitchell 2013). The movement relied on the idea of a shared experience of “womanhood,” understood as a position of production. This unifying experience as a “woman” was later critiqued by black feminists through the notion of intersectionality, which, while aiming to decentre the hegemonic position of white feminism, also assisted the emergence of a politics based on identity (see Mészáros in this volume). Second-wave feminism therefore, while offering a structural critique, also contributed to producing ideological tools for the identity politics that came to be reinforced by the liberal turn of feminism in the following decades, ultimately squeezing out the structural understanding of womanhood.

After the oil crisis of the '70's, the attempt to control the continuous turbulence of the system in the core during the '80's and '90's involved the rolling back of the welfare state and a cost-cutting race in production, resulting in a massive relocation of industrial plants

operated by western capital to semi-peripheries and peripheries. Cost-cutting also involved a shift towards cheaper labour, increasing the numbers of female and migrant labour. This new wave of a stronger integration of women into the labour market was paralleled by a cutting down on welfare provisions, as well as the simultaneous relegation of informal reproductive work to households. In this sense, women's cheap labour in formal jobs, and their informal labour in the field of social reproduction that compensated for welfare infrastructures played a major part in the management of the 1970's' crisis (Federici 2017), and they continued to play the role of shock absorbers in the decades of austerity to come. As always, the guarantee for women's extra work was the maintaining of unequal socio-economic relations they worked within – an aspect hardly reflected in the dominant currents of liberal feminism, focusing on problems related to workplace equality and symbolic recognition, relevant to women in top social positions.

During the 1980's and '90's, the movement saw a shift “from redistribution to recognition” of identity and difference, with a critique of culture gradually overshadowing the critique of political economy (Fraser 2009: 108). This shift was part of the broader political-economic process, in which the tradition of the anti-systemic wave of the 1968 movements was reformulated and reintegrated in the new forms of capitalist organization after the crisis. As Boltanski and Chiapello (2005) point out, the economic claims (and gains) of 1968 movements in the West were dismantled by cuts and plant relocations which also reduced the previous social and political power of western trade unions, while the cultural claims of 1968, deprived of their structural-political aspects, were used to serve and legitimise the neoliberal reorganization of capitalist regimes. The slogans of individual choice, freedom, creativity and identity politics were integrated in a new cultural system of postmodern ideologies reflecting the neoliberalization of the Fordist social order (see Gregor in this volume). Just as structural critique was substituted by the ‘cultural turn’ in social analysis, which involved the centring of culture and meaning in analysis, new forms of feminism turned away from aspects of social and political reproduction, and focused on issues of identity and individual freedom. This is illustrated by the attention paid to such issues as representation and the availability of equal opportunities through choices.

Parallel to the symbolic and material domination the neoliberal turn placed on working women in the West, global neoliberalization enabled better-off western women to release their double burden by relegating domestic work to women emigrating from the semi-peripheries and peripheries. Reacting to the effects of the global crisis, women migrants from the peripheries fulfilled reproductive functions abandoned by Western welfare states at a lower cost, their willingness being provided by the core-periphery income gap, and the necessities of the crisis that forced them to sustain their families through remittances while being away from them. This process created an expansion in “maids- madam relations” between women (Federici 2012 [1999]). Parallel to these processes, by the '90's, the mainstream form of the feminist movement turned into “a new romance of female

advancement and gender justice,” imagining women’s emancipation within a two- earner family, thus reinforcing capitalism’s valorisation of waged labour (Fraser 2009: 110-111) and obscuring the input both of the immigrant woman and the western working-class woman.

To conclude, the early second-wave western feminist movement worked with the recognition of the significance of structural critique and the belief that the system can be changed. However, following the rechanneling of the structural critique of the ‘68 movement into cultural policy, from the ‘90’s, the dominant liberal stream of the western feminist movement has been built on the epistemological presumption that the system is given, but can be improved through a demanding of rights, and inequalities can be eliminated. In this sense, second-wave feminism and the neoliberal western feminism of the ‘90’s imply two different diagnoses and political programs, yet they are customarily denoted with the same term. While the first one understands women’s struggle as situated within a global capitalist process that produces inequalities, the second obscures the structural roots of the production of inequalities, and promises emancipation for women based on symbolic recognition, practically achievable only for female workers in dominant positions.

### **Feminist activism in East-Central Europe**

Outside of official feminist policies, there was practically no feminist activism during the socialist era in East-Central Europe. One of the few notable examples of feminist activism include four activists organising against a planned restriction on abortions in 1973 (Fábián 2009). Outside of East-Central Europe, an informal feminist movement led mainly by university students existed in the 1970’s in Yugoslavia, formalised in events and organisations such as the Yugoslav Feminist Network formed in 1987 (Lóránd 2015).

During the post-socialist transition, in the early 1990’s, there was a proliferation of feminist groups and organisations in East-Central Europe. These were partly focused on abortion, a highly debated public issue at the time – in Hungary, for instance the Feminist Network (*Feminista Hálózat*) organised a protest and gathered signatures against restrictive laws, first in 1990, then in connection with a parliamentary debate in 1992. Eventually, the Parliament voted for less restrictive regulation (Kulcsár 2014: 120). While international support of feminist movements, in particular financial, was limited in the early ‘90’s, the abortion protest in Hungary constituted an exception (at least in Hungary) as it received funding from a foreign body (the Global Fund for Women, a San Francisco-based NGO, Fábián 2014: 7). Meanwhile, an influx of western feminists acting as “brokers,” or “educators” of “eastern feminists” (typically from the USA, UK, Germany or Italy) had already begun, and East-Central European countries represented themselves at the World Conference on Women convened by the UN in Beijing in 1995. This influx of western feminist actors and models was part of the larger process of what Janos (2000) calls “hegemonic tutelage” after the post-socialist turn: as always in the history of the region,

the change in regional political dependence meant a reorganization of political and civic discourses and infrastructures along the lines of dependence. Models and practices of western democracies were imported via cultural and NGO programmes as well as through IMF, World Bank, and later, EU accession requirements.

As we observed above, to some extent during the '70's, and completely by the '90's, "the [mainstream] feminist movement [...] ha[d] lost its revolutionary mindset in the West. It [wa]s not the global perspective, rather the demanding of various rights, the exposing of discrimination and the phenomena of violence against women that ha[d] become important. The studying of the production and reproduction of the entire system [wa]s gone, and so [we]re any revolutionary goals" (Thévenin 2015 [2013]: 13, our translation). Thus it is not surprising that, in the process of its eastern implementation, the western feminist movement was also blind to the structural and political differences arising from the unequal dependency of the core and East-Central Europe. From the '90's, it was a clear experience for eastern feminists that objectives, attitudes, and the entire epistemological framework imported by western feminist brokers, which only allowed the addressing of a certain set of issues, was far removed from their life experience. At the same time, in the eyes of western feminists, differences appeared as moral backwardness of eastern feminists – this interpretation was also already present among eastern feminists as a sense of shame or self-irony at the beginning of the '90's. According to Wöhrer, "the differentiation between 'East' and 'West' is not only used as a dichotomy in many texts produced during the 1990's, but also as the most obvious and important difference between women," overriding other differences such as class, race, age, and sexuality (Wöhrer 2005: 6). Acsády also observes, in a Hungarian context, how it was fashionable at a time, in the '90's, "to decry American women airing a pathos arising from a sense of superiority who fail to grasp Eastern European differences, and have no idea why their Eastern European counterparts want to look pretty and appealing to men, why they wear make-up, why do they stick to their families so much, why they are not willing to enter politics, and why they are still shy about filling grant applications, asking for money" (Acsády 2000: 175, our translation; see also Wöhrer for similar observations regarding the Czech Republic and Slovakia). Or, in Wallace's interpretation, Eastern European women primarily emphasised motherhood and a "feminine" alternative, refusing more traditional roles in work and politics, which was criticised by Western feminists on the grounds that they had been fighting for the opposite, and for political action (Wallace 1995: 47). This focus on motherhood and femininity can be viewed as a manifestation of the structural changes affecting East-Central European women following the transition, most importantly rising unemployment which pushed women back into the domestic sphere.

The region's post-socialist formal reintegration in the capitalist world-system was coupled with promises of "catching up" with core western countries as a dominant political narrative. Initially the women's movement critically reflected on the way this process had

a detrimental effect on women's welfare. Fábíán (2014) describes how women – many of them older – organised against the Hungarian government's plans to raise the retirement age in 1993-94, as an example of feminist activism that was both locally grounded and addressing an economic issue. This was a kind of activism that did not look for international financial or ideological support, since the women involved were aware that the plan to raise the retirement age and to cut welfare provisions were part of the Hungarian government's response to expectations of international financial organizations – the IMF and the World Bank were considered “menacing opponents” (13-17). Eventually, when at the end of the '90's and beginning of the 2000's, the East-Central European feminist movement, similar to the NGO-ized form of many other progressive movements in the era, begins to depend on Western and Northern European resources, the reflection on positions disappears, or is manifested as cultural-moral backwardness.

In reference to Hungary, Fábíán (2014) contrasts the first post-socialist wave of feminism with the second, which was already integrated into the Western feminist mainstream, channelled by EU grants, INGOs, programmes and conventions, and the UN Convention on the Elimination of Discrimination against Women (CEDAW), which Zwingel calls “the most authoritative and steady piece of the international women's rights discourse” (2012: 115). As a result, violence against women became the single dominant issue and keyword in the movement: “In an effort to avoid the many culturally different interpretations of women's rights, activists began to focus on one common platform: the sanctity of bodily integrity” (Fábíán 2014: 17-18). Violence against women, while unarguably a hugely significant issue, hallmarked an individualised approach to domestic violence and strongly reinforced a universalising discursive framework inattentive both to global power relations and to the gendered division of labour. In Hungary, NaNE (Women for Women Together against Violence), an organisation partly rooted in the Feminist Network, which operates a telephone helpline for women experiencing domestic violence, became a key, although not uncritical, agent of the dominant framework of addressing violence against women. Fábíán observes, for instance, how NaNE activists themselves lamented the fact that the ideological framework of EU grants left no space for the addressing of economic violence (ibid.: 32). There certainly seems to be a contrast between early movements that had a more localised focus and addressed economic issues, even a feminist critique of the political project of “catching up” with the West – as we have seen in the case of the retirement age protests – and later feminist activism that became integrated into the international human rights-based ideological framework.

With the internalization of the epistemology of western liberal feminism, which took place as part of the general internalization of western liberal ideologies in the first decades of post-socialist development, we can characterise East-Central European feminism as suffering from “double blindness.” First, in harmony with western liberal feminism, it is class blind, that is, it fails to consider socio-economic relations of dependency that define relations between

citizens “equal” before the law, the unequal distribution of productive and reproductive work and power. Second, its East-European internalization obscures the specificities of semi-peripheral gender relations together with the hierarchical relations between gender relations in the core, semi-periphery and periphery. The human rights framework and the lack of local focus – exacerbated by resource-dependence, the reliance on western donors, and “NGO-ization” (Fábián 2014) or “NGO feminism” (Guenther 2011) – is unsuitable for problematizing the gendered problems of the semi-proletarian household, and unable to react to them. The issues of domestic violence and access to abortion are exceptions, but these are also interpreted in a human rights framework that is blind to the embeddedness of access to abortion into the issue of the reproduction of semi-peripheral labour, and that of domestic violence into the integration of households into global value chains.

Labour within households provides a free or “cheap” subsidy to capital’s gains (Dunaway 2012, 2015, Werlhof 1988). This “cheap” subsidy is achieved through the practical oppression of those who provide it. This oppression typically happens outside of the contract appearance of capital’s relation with formal labour, and is integrated in various forms of legalized or illegal, informal and often violent forms of hierarchical relations. Within the household relation, female reproductive labour generally acts as a subordinated subsidy to male labour, and the contradicting logics of accumulation through unequal household relations, and love and care as part of reproductive relations, makes the household an intrinsic front of battles and compromises of human life within capitalism.

Within non-core locations of capitalist development, researchers emphasize the importance of semi-proletarian households, pointing out that outside of the western core, modernization has never produced a majority of “free” labour (Van der Linden 1998), but rather an industrialized/proletarianized workforce whose reproduction was still secured by essential contributions of informal (most often: agrarian) household work. This relation implies more than the household chores referred to in western feminist literature focusing on two-wage proletarianized families: besides those, it also includes large fragments of productive and relational work that secure the material conditions of survival and reproduction. In the region’s history of modernization, subsidies to local integration in the global capitalist process have been and remain of key importance. Women’s household work and (agrarian) household subsidies have been essential to socialist industrialization (Konrád and Szelényi 2000), and remained one of the main channels through which the shocks of post-socialist austerity and social polarization were absorbed.

### **Thinking towards a feminist movement in East-Central Europe from the perspective of global integration**

The southern and eastern expansion of the European Union was embedded into the long economic downturn beginning with the oil price shocks of the 1970’s. Within that process, ideologies legitimizing the policies responding to the turbulence of the capitalist world

system emerged to become mainstream in the feminist movement, and the epistemology of western (liberal) feminism have been imported into East-Central European feminist activism. This import feminism can be characterised by double blindness. On the one hand, as western critiques of liberal feminism point out, it is class blind. On the other, being a western import, it fails to take into account the gendered structural relations between core and non-core regions. One main aspect of those relations we see in the fact that, outside of the western core, modernization has never produced a majority of “free” labour, and, the informal labour of semi-proletarian households remained a major element of capitalist development (Dunaway 2012) in semi-peripheral regions.

Instead of a liberal feminism imported from the West that focuses on symbolic equality of women working in middle and high-status jobs, we see the need for a political practice that focuses on women’s positions within semi-peripheral constellations of global integration. As long as informal household and reproductive labour represents one of the greatest resources of national and core capital accumulation, systemic tensions between social needs and capital accumulation play out in a gendered form, and produce various fields of struggles from household quarrels to legal and political battles. In the past few years, we’ve seen a growing investment in gendered politics of the crisis on the conservative side. To counteract that tendency in the region, an attention to the everyday, structural, yet often informal base of the gendered distribution of the weight of the capitalist crisis is needed. Empirical knowledge on informal and formal labour relations within the region, practical organizing with women labouring under semi-proletarian household relations which absorb crisis shocks at the cost of genderized oppression, and a broader alliance of economic and political structures that counter the absorption of reproductive labour into the circuits of capital accumulation are some of the steps that seem necessary for a feminist politics within the region.

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# Global structural inequalities and responsibility for global justice: a feminist contribution

## Introduction

One of the issues which have been recently dominating the political and public debates within the European Union is migration which makes global structural inequalities being a visible part of our everyday lives. It is symptomatic that the debate concentrates only on the top of the iceberg, and that women's rights are instrumentally used in much of the disputes. On the one hand, structural causes of migration are to a large extent omitted in the debate, and the proposed measures to deal with migration today stay on the surface. On the other hand, women's rights serve as a symbolic demarcating line between "Western" and "non-Western" culture without consideration of negative impacts on women's rights which are generated by today's global order that the EU contributes to keep rolling. Nevertheless, numerous research studies and statistics show that global capitalism with rising economic inequalities, transnational conflicts and wars, global risks, including environmental risks, produces structural causes of migration and is associated with women's rights' violation. It all comes together in profound and deepening global inequalities and the responsibility and role of the wealthy world represented by nation-state actors and macro-regional unions such as European Union, as well as non-state actors (transnational corporations, international economic organizations etc.) in perpetuating today's geopolitical order.

The adoption of the *2030 Agenda for Sustainable Development* by the UN General Assembly in 2015 is the latest international and global agreement on strategy to deal with global inequalities (UN 2015). While Sustainable Development Goals (SDGs, 2016–2030) are more ambitious than previous Millennium Development Goals (MDGs, 2010–2015), the 2030 Agenda still omits sufficiently addressing structural causes of global inequalities and relies on presupposed positive effects of private businesses (by means of public-private partnership). Private corporations and transnational trade are seen as major drivers of sustainable development when, in reality, these global actors, more often than not,

exacerbate inequalities, amplify gender inequalities, cause environmental destruction and promote corruption (cf. Hall 2014). Last but not least, the 2030 Agenda still operates within the nation-states' framework and only reluctantly addresses the need for global binding regulations (the issue which is addressed at least cautiously is for example elimination of tax evasions in Addis Ababa Action Agenda<sup>1</sup>). And, within this framework, although developed countries are held responsible for their commitment to finance official development aid (0.7% of Gross National Income), they are not held responsible for their actions which perpetuate global inequalities and restrict development possibilities of poorer countries, the results of which is, among others, increasing migration to richer countries. Developed countries are only "urged to refrain" from such practices. However, the 2030 Agenda stresses the respect and fulfilment of the rights and obligations of states under the international law in the global context. This can be used as a basis for application of extraterritorial obligations within SDGs which carry a transformative potential as a first step towards global justice.

While global structural inequalities have their gendered dimensions, they also tend to exacerbate local gendered inequalities which together reinforce *transnational cycles of gendered vulnerability* to use Alison Jaggar's term (Jaggar 2014).<sup>2</sup> Gendered inequalities and disadvantages at the global and local levels mutually reinforce each other. On the one hand, while it seems that middle- and upper-class groups of women, mainly in wealthy countries, benefit from the vulnerable position of marginalized groups of women, including migrants who provide cheap domestic and care work, this apparent symbiosis is conditioned on solidifying gender and social injustices and traditional gendered division of labour. Because gendered structures remain intact, in the long-term perspective partial positive moments in wealthy countries become historically contingent and dependent on global economic and cultural inequalities, and these dynamics in the final consequence obstruct potential progressive changes of traditional gendered divisions of labour.<sup>3</sup> On the other hand, local women's struggles and emancipatory movements can lose their momentum and be undermined by global development and influences beyond the reach of the local community (such as economic crises, actions of transnational corporations, wars, etc.). Both cases show

<sup>1</sup> [http://www.un.org/esa/ffd/wp-content/uploads/2015/08/AAAA\\_Outcome.pdf](http://www.un.org/esa/ffd/wp-content/uploads/2015/08/AAAA_Outcome.pdf)

<sup>2</sup> Jaggar's conceptual framework of *transnational cycles of gendered vulnerability* expands on works by S. M. Okin and I. M. Young and suggests analytical framework which reveals not only the causal links between different aspects and levels of justice, but also their connection with structures of global capitalism. She elaborates this on examples of transnational domestic work and transnational sex industry in order to substantiate the argument that gendered inequalities are produced structurally, and that today's global order, which impoverishes whole macro-regions of the world, contributes to specific gendered vulnerabilities which affect more severely women especially in less developed countries. In other words, Jaggar shows that these gendered vulnerabilities are not a result of bad luck or backwardness of local cultures but of gendered institutions which are integral pillars of global capitalism. Eliminating global inequalities is thus a necessary, although not a sufficient condition for gendered justice (Jaggar 2014).

<sup>3</sup> For the sake of limited space, I cannot elaborate full argument of these dynamics. For more detailed analyses see Uhde 2016.

that without social justice at a global level, gender equality is not possible at the local level (Uhde 2016, Jaggar 2014). Any feminist vision for the European Union thus needs to address global structural inequalities and the EU's responsibilities in remedying the unjust outcomes which I will elaborate on further in this paper.

### How to respond to global capitalism?

At present, global interactions make social relations as well as global risks increasingly interconnected, so that processes and actions in one part of the world can have a significant impact elsewhere. Migration and instability of the transnational financial market are vivid examples of this social dynamic. However, Leslie Sklair argues that it is necessary to distinguish between *generic globalization* and *capitalist globalization* (Sklair 2002). While capitalist globalization which is the particular historic form of globalization, brings about many of the negative consequences, some global interactions are necessary for proposing remedies to global structural injustice generated by global capitalism. It also implies that both nostalgic anti-globalization social movements as well as nationalist tendencies appealing to the naturalized idea of the nation state miss the point in their critique, and with their undifferentiated critique of globalization throw the baby out with the bathwater.

William Robinson defines capitalist globalization as the fourth phase of development of the capitalist system.<sup>4</sup> Global capitalism was confirmed after 1991 as a qualitatively new stage of capitalism which is characterized by transnationalization of production and circuits of capital accumulation, and the forming of a transnational capitalist class which is not bound to one particular state. While the world system theory sees globalization as a quantitative process (integrating national economies into the world economy), the theory of global capitalism understands globalization as a qualitative change in which the national circuits of accumulation are broken down and integrated into new globalized accumulation circuits (Robinson 2004, 2014). This is an important analytical step, which allows Robinson to go beyond the nation-state framework of analysis. Even though there has been a slowdown in the growth of global trade after the latest economic crises, and some political actors have called for protection of local economies, this does not reverse the long-term tendencies in the global economic system which undergoes globalizing and de-globalizing phases and is shaped by competition within the transnational capitalist class (Sklair 2016, Robinson 2014). Robinson argues that when capitalism became a global economic system, an essential strategy of profit accumulation in the transnational and global economy has shifted to an “intensive enlargement of capitalism”. The intensive enlargement of

<sup>4</sup> Robinson (2004) develops the theory of global capitalism which can be regarded as an up-to-date analysis of the contemporary development compared to the world system theory which Barna et al. apply in their chapter in this book.

capitalism is characterized by the marketization and commodification of areas of social life that were previously excluded from market relations such as much of care activities (Robinson 2004, 2014, cf. Hochschild 2012, see also Gregor's chapter in this book). While much of care activities are still performed as unpaid reproductive labour, care becomes commodified and directly integrated into the profit accumulation process to a growing extent. The process of commodification of care did not make private care public; it is still private within the private economy.

Moreover, Leslie Sklair redefines the classical concept of the capitalist class in a way which corresponds to the globalized capitalist system. According to Sklair, the *transnational capitalist class* comprises of four fractions. Beside the corporate fraction (owners of the main corporations, or the managers who manage and control them), it includes also the state fraction (global bureaucrats and politicians as well as local politicians tied to global capital), the technical fraction (professionals on the global labour markets), and the consumerist fraction (actors controlling the media and other merchants) (Sklair 2003: 17–23, 2016). He argues that the economic interests of this transnational capitalist class are increasingly global. The major actors are transnational corporations (TNCs) and international institutions such as the World Bank, the International Monetary Fund, and the World Trade Organization which, in cooperation with all the fractions of transnational capitalist class, advance a global capitalist project by means of free trade agreements, neoliberal development projects and policies, or provoke and promulgate military conflicts. The state fraction enables TNCs to navigate through the internationally organized political arena and implement their economic interests through actions of the main state powers, the EU being obviously one of them. The institution of the nation state plays still an important role. However, especially in the case of poor and small countries their possibilities to counteract the largest TNCs is only limited. In today's globally interconnected world, nation states cannot always protect the rights of the people within their territories.

In today's world, the European Union has a position of macro-regional political power. Due to the historical legacy of western colonization, on which the contemporary system of global capitalism was formed, the EU disproportionately benefits from today's global arrangement, however, not all social groups and not every Member State benefits to the same extent. Although the historical experience before 1989 significantly influenced contemporary development in the region of East-Central Europe, equally important from today's point of view is the development over the past quarter of century, during which the European macro-region has been reconstituted and its inner inequalities reshaped. East-Central European countries have become part of the West; they have become members of the EU (2004, 2007 and 2013 enlargement) and NATO (1999 and 2004 enlargement), which has created a new geopolitical division of Europe. Despite significant intra-European differences and inequalities, the main features of the socioeconomic transition in East-Central Europe after 1989 copied the Western European trajectory and

from the global perspective the region of East-Central Europe is part of the West which benefits from global inequalities.<sup>5</sup>

Taking into account today's composition of the transnational capitalist class and a mode in which the major economic actors use the apparatus of the nation state, in order to specify measures to combat global inequalities and injustice we also need to redefine our analytical tools and cease to look at the world solely through the lens of nation states. One of the sound critics of methodological nationalism, Ulrich Beck (2006) suggests that we need to adopt a cosmopolitan perspective which resonates with Sklair's underlining of positive potentialities of generic globalisation. Although methodological nationalism is presented as a neutral fact, it is built upon the normative assumption of national sovereignty and confusion of the concept of society with the nation (Beck & Sznaider 2006).

Social science built on pseudo-neutral methodological nationalism distorts the production of knowledge. This does not mean that certain processes cannot be investigated within one state, but the application of methodological nationalism predetermines the subject and context of analysis to the extent that it omits the possible causes and consequences of individual phenomena and processes which go beyond nation-state borders. Methodological nationalism distorts the production of knowledge in two ways: Firstly, transnational roots and connections (including the role of transnational non-state actors) of processes that take place spatially within any one state remain outside the research focus. For example, the failure to eliminate poverty as well as gender inequalities cannot be explained as a result of an internal dynamics within the specific country such as corruption or local cultural norms and customs only. Secondly, the significance of specific processes and phenomena is distorted because only those that take place within the nation state are considered and they are mutually compared only at the inter-nation-state level. For example the causes of economic migration which lie in the global capitalist system remain out the research's field of view, which one-dimensionally adopts the perspective of the receiving or sending country (i.e. focusing on integration, placing requirements on individual migrants, naturalizing state definition of membership and society; the concepts such as citizen, immigrant, brain drain, brain gain are all shaped by a naturalized idea of the nation state) (cf. Sager 2013).

According to Beck, we need to develop a different analytical approach, which he calls *methodological cosmopolitanism*, and which is essential for understanding emerging cosmopolitan tendencies in transnational forms of life, practices, norms and institutions

<sup>4</sup> Robinson (2004) develops the theory of global capitalism which can be regarded as an up-to-date analysis of the contemporary development compared to the world system theory which Barna et al. apply in their chapter<sup>5</sup> I use the term "West" for transatlantic modernity developed mainly in the European and Anglo-American economic and cultural regions. Nevertheless, its boundaries as well as inner differentiation are historically reconstituting, reflecting global economic, geopolitical and cultural transformations and conditions.

(Beck 2006).<sup>6</sup> Our reality is evolving and the Westphalian model of nation-state sovereignty and international legal order based on this model is not suitable for solving today's problems. The scope of political institutions needs to correspond to the level and sources of conflicts and injustice. Simply put: trying to eliminate global structural inequalities (such as global poverty, migration, feminization of poverty and related gendered oppression) at the level of nation states and in the framework of international legal order is like carrying coal to Newcastle.

### Extraterritorial obligations and responsibilities for global justice

Global interactions not only intensify inequalities and conflicts. Generic globalization creates also possibilities for actors to enlarge the scope of their struggles beyond nation-state borders. The institution of the nation state remains an important political actor; nevertheless, global capitalism and global risks are transforming the importance of national traditions and state institutions.

The recognition of actors' social rights beyond the legal scope of the nation state is possible by an application of *extraterritorial obligations* which is an approach in the transition from contemporary international legal order to a future cosmopolitan arrangement (Hrubec 2013). Over the last years cross border responsibilities for justice have gained more attention highlighting extraterritorial obligations of both state and non-state actors. These obligations were defined in the *Maastricht Principles on Extraterritorial Obligations in the area of Economic, Social and Cultural Rights* (ETO Consortium 2013) formulated by the Extraterritorial Obligations Consortium in 2011.<sup>7</sup> These Maastricht Principles do not establish new sets of law but they aim to "clarify extraterritorial obligations of States on the basis of standing international law" (ibid.: 3). According to the Consortium, the nation states have obligations to protect and fulfil social and economic rights not only within but also beyond their territories, and this obligation also extends to responsibility for action of non-state actors (such as corporations) where they enjoy support of state authority. Moreover, the extraterritorial obligations not only concern the obligation to refrain from harmful action but also obligations to create an international enabling

<sup>6</sup> While we need to differentiate methodological cosmopolitanism from cosmopolitan theory, I also want to point out the difference between *cosmopolitan critical social theory* based on intersubjective ontology and historically contextualised analysis, and *liberal cosmopolitan theory* based on too individualistic ontology and ahistorical political abstractions and prescriptions. To the contrary, cosmopolitan critical social theory formulates normative arguments on the basis of analysis of really-existing processes of cosmopolitanization and actors' claims. The critical, descriptive and normative moments are not separated, but rather integrated into a coherent conceptual approach operating with the idea of a cosmopolitan society in which a universal conception of humanity is joint with particular solidarities and local bonds. *r* in this book.

<sup>7</sup> "The Maastricht Principles constitute an international expert opinion, restating human rights law on ETOs. The Maastricht Principles were issued on 28 September 2011 by 40 international law experts from all regions of the world, including current and former members of international human rights treaty bodies, regional human rights bodies, as well as former and current Special Rapporteurs of the United Nations Human Rights Council." <http://www.etoconsortium.org/en/main-navigation/about-us/eto-consortium/>

environment in “matters relating to bilateral and multilateral trade, investment, taxation, finance, environmental protection, and development cooperation” (ibid.: 10) and to provide remedies if any violation of rights occurs.

The fulfilment of extraterritorial obligations thus means that individual states need to develop legislation governing the conduct of corporations registered or domiciled in their territory in relation to their activities abroad, including requirements of impact assessments prior to making investment decisions. Recently, the CEDAW Commission (Convention on the Elimination of All Forms of Discrimination against Women) by the UN acknowledged extraterritorial obligations of Canada in case of the mining industry, Sweden in case of arms export, and Switzerland in case of tax havens (Adams & Judd 2017). The CEDAW Commission concluded that practices of these industrial sectors and tax avoidance and evasion contribute to the violation of women’s rights in regions where corporations from the above-mentioned countries operate, and called them to responsibility to remedy unjust outcomes. A shadow report on Switzerland submitted by the collective of NGOs to the CEDAW Commission argues that the loss in public budgets to tax evasion and tax dodging significantly contributes to the lack of financial resources in public institutions and services on which women rely more than men due to their gendered responsibilities for care and unpaid work (such as child and elderly care, health care, education, transportation, public courts, etc.). Furthermore, the report argues that Switzerland is responsible for “facilitating large-scale cross-border tax abuse that deprives other States of the public resources needed to fulfil women’s rights and promote substantive equality” (Aliance Sud et al. 2016: 1-2). However, it does not only concern Switzerland. According to the Tax Justice Network, several EU Member States have some offshore offerings, for example Luxembourg, the United Kingdom, Germany, Austria, Malta which are among the first 30 states on the Financial Secrecy Index<sup>8</sup> (see also Łapniewska’s chapter in this volume). If the EU is to take seriously the commitment from the Addis Ababa Action Agenda on the elimination of tax evasion as well as numerous international conventions and treaties which include extraterritorial obligations, it is not enough to make a black list of tax havens outside the EU which is now under preparation.

And it is not only the extractive and arms industry or tax evasion that obstructs the development of poorer world regions. Many sectors which drive global consumer culture or minimum and still decreasing corporate taxes are part of the preservation of today’s global unjust arrangement. In other words, it is not enough to ban conflict minerals, prohibit arms export to war zones or force TNCs to pay minimal taxes. In order to reduce global inequalities we need to redefine the tax system and to institutionalize a cosmopolitan arrangement, in which global wealth is shared equally. The European Union and countries in the European Economic Area, plus Switzerland, play an important role on the geopolitical power map,

<sup>8</sup> <http://www.financialsecrecyindex.com/introduction/fsi-2015-results>

contributing in various ways to harmful practices of TNCs either through the action of TNCs domiciled in their territories or the legislation which trade on colonial past and current geopolitical hierarchy.<sup>9</sup>

This is only a first step towards a just global arrangement which still operates within the nation-state defined framework for global justice. But it is a step which is already embedded in the international law and endorsed by the 2030 Agenda for Sustainable Development and SDGs. Moreover, if the states are hold responsible for conducts of TNCs which are registered in their territories, it will create an additional pressure on them to call TNCs for accountability.

State parties cannot be the only considered parties of global responsibility for justice. Moreover, the institutionalized structures of global capitalism which reproduce and increase global inequalities constitute *structural injustice* in which it is not always possible to identify one particular responsible culprit, be it state or non-state actor. Feminist theorist Iris M. Young highlights that structural injustice is not an outcome of intentional action of one individual actor or state apparatus. She argues that “structural injustice occurs as a consequence of many individuals and institutions acting in pursuit of their particular goals and interests, within given institutional rules and accepted norms” (Young 2006: 114). In other words, it is a result of long-run historical development of power relations, institutionalized marginalization, exploitation and violence, mixture of unintended consequences of social processes and collective actions.

She applies her conceptualization of structural injustice to global injustices. Global injustice cannot be characterised as a direct or intentional consequence of actions of individuals or one single organisation, it rather arises out of structural social processes which link people and institutions across borders (Young 2006, 2011). Importantly, Young’s approach enables us to uncover the sources of global structural injustice located in intersubjective and institutionalized relations without the necessity to identify an individualized originator of these injustices. Furthermore, she argues that the character of these injustices gives rise to global responsibilities for remedying the unjust outcomes of global capitalism. Young coined the concept of the *social connection model of responsibility* which she defines as a forward-looking (focused on remedying the unjust outcomes) and contextually distributed (in contrast to collective responsibility). “While everyone in the system of structural and institutional relations stands in circumstances of justice that give them obligations with respect to all the others, those institutionally and materially situated to be able to do more to affect the conditions of vulnerability have greater obligations”

<sup>9</sup> Many negative consequences are associated with CETA free-trade agreement between Canada and the EU which was adopted in 2017 by the European Parliament with votes from social democratic PMs, or TTIP which is still on the table even though the negotiations have been suspended recently. CETA secures transnational corporations tools to counteract public regulations and challenge public policies for lost profits. Furthermore, the European Investment Bank pursued and is pursuing numerous controversial projects.



(Young 2006: 106). Young's social connection model of responsibility for global justice calls for a methodological cosmopolitanism in which the differentiated responsibility is assigned at the intersection of different levels to different parties – state and non-state parties such as TNCs, supranational organizations etc., but also, in a differentiated degree, to individuals as consumers and voters. An already established mechanism of extraterritorial obligations gives citizens of wealthy countries a tool to call their political representation to responsibility for global justice. But at the same time, because TNCs are not inevitably bound to one country, it is necessary to define a cosmopolitan framework which would set legal boundaries to the most powerful economic actors globally.

A differentiated model of responsibility for global justice is crucial also for advancing women's rights. Global gendered injustice is a result of the links between structural injustices at various levels from national and macro-regional to transnational and global which Jaggar, expanding on Young's understanding of gendered structures and structural injustice, analyses as transnational cycles of gendered vulnerability (Jaggar 2014). While the simplified political debates in the West tend to blame non-western cultures for being oppressive towards women and backward, in reality structural inequalities generated by global capitalism harm women not only because global poverty significantly affects women but also because local women's struggles are undermined by global risks and negative impact of TNCs on local communities.<sup>10</sup> In the context of severe social strains and poverty, by means of their unpaid labour, women bear the burden of TNCs' externalization of costs of social reproduction. Moreover, in a conflicting context women's rights are often sidelined or even women's bodies become the battlefield of intercultural conflicts as they are regarded as bearers of traditions due to their gendered role in social reproduction. The Democratic Republic of Congo is one of the extreme examples where the profit-driven mining industry controlled by TNCs feeds local conflicts, extreme poverty and violence against women. Jaggar highlights that women are not passive actors but they take part in social struggles against TNCs or form local feminist movements, and to interpret gender inequalities solely as a local problem "is to engage in a form of culture blaming that depoliticizes social problems and diverts attention from structural violence against poor populations" (Jaggar 2005: 74). In order to defend women's rights across borders we need to expand the framework of *intercultural* dialogue and human rights, which should include social and economic rights, aspects of global political economy and an emphasis on differentiated responsibilities for remedying global structural inequalities. Basic elements of global social justice are prerequisites for the development of local women's struggles because it would give them social space and resources to take part in an *intracultural* dialogue, i.e. negotiations of women's rights within their own communities.

<sup>10</sup> Alison Jaggar argues that both liberal feminism and postmodern feminism contribute to this ideological perception of non-western cultures. While liberal feminism reproduces hegemonic approach to different cultures and Western pseudo-universalism, postmodern feminism is characterized by excessive particularism and relativism (Jaggar 2005).

## Conclusion

Methodological nationalism in the social sciences and real politics overemphasizes responsibility for the elimination of social inequalities of individual countries and, at the same time, overshadows responsibility of TNCs and other non-state actors. The double approach – border-free for trade and border-restricted for responsibilities – is an evident shortcoming, which is reproduced also in the 2030 Agenda for Sustainable Development and endorsed by the European Union. Agenda 2030 still considers individual nation states to be exclusively responsible for the implementation of 17 SDGs while the idea of global partnership for sustainable development rests on the false promises of public-private partnerships. Historical experiences as well as numerous studies, however, show that privatization and TNCs activities are the source of the problem and thus it is illusionary to expect that these actors will be part of the solution without a significant change of today's global economic system. An obvious step towards just cosmopolitan arrangement is a regulation of transnational markets and TNCs and public control of the transnational capitalist class.

The EU should start by elimination of tax havens among its Member States and restricting access of TNCs operating through tax havens to the European market, annulment of free trade agreements, including the recently signed CETA, enforcement of extraterritorial obligations which the individual states endorsed by signing and ratifying international conventions and treaties.

Evidently, this is far from real politics pursued by the EU and its Member States. For example when the UN Human Rights Council voted on establishing an open-ended inter-governmental working group with a mandate to elaborate an international legally binding treaty on transnational corporations and other business enterprises with respect to human rights, all the members of the council from the EU plus USA voted against it.<sup>11</sup> Nevertheless, the working group was established despite the opposition of the Western countries. Another telling example is International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families which entered into force in 2003 but until now has not yet been signed by any of the EU Member States.<sup>12</sup> These examples show that the world would look differently if the West was not dominating, paying only a lip service to global justice.

A feminist vision for the EU needs to start with embracing a differentiated model of responsibility for global justice. In the end, all except for the transnational capitalist class would benefit from the reduction of global inequalities because negative consequences of

<sup>11</sup> See <https://www.globalpolicy.org/global-taxes/52651-treaty-alliance-press-release-on-resolution-on-binding-human-rights-standards.html>. Czech Republic, Estonia, Macedonia, Montenegro, Romania represented the region of East-Central Europe, by voting against the mandate to prepare a treaty to control the TNCs these countries voted also against the interest of the majority of population on their territories.

<sup>12</sup> <http://indicators.ohchr.org/>

global inequalities return to the wealthy world as a boomerang. Global structural inequalities harm women in their local communities worldwide. It is short-sighted to disregard global gendered inequalities for the sake of securing the access to cheap consumption goods and cheap migrant labour which sustain an overall development of the West at the expense of the poorer countries. And this strategy can turn out to be tricky also for women in Western countries (of course not all groups of women benefit to the same extent). Because the gendered structures of division of labour and gendered hierarchies remain intact, even the wealthy groups of women can be deposed from their position in the sun by a conservative turn in society. The alliances with (neo)liberal groups as well as conservatives are both too dangerous for feminists. A feminist vision of cosmopolitan arrangement starts with solidarities across borders in order to think of a world without borders.

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ZOFIA ŁAPNIEWSKA

## The future of the European Union's economy – Inspirations and challenges

### **Essential Dialectics of Contemporary Economy<sup>39</sup>**

Unfolding utopian, and thus dystopian, visions of the development of modern economy we can see that forecasts for creating permanent workplaces paint a rather gloomy picture of the future. In the fall of 2016, *The Telegraph* presented a new robot that can sew T-shirts without any involvement of human workforce (McGoogan 2016). On the one hand, the vision of production halls filled with robots is optimistic, as machines will replace mainly women (and often children) in sweatshops, working in humiliating conditions, putting their health – and sometimes their lives – at risk. On the other hand, huge masses of people will lose access to even this kind of low-paid production work, which is often their only source of income. At the same time, the main problem of the European Union countries remains overproduction and “excess economy” rather than “shortage”. Technologies allow factories to double or even triple productivity, but additional goods would not find purchasers – a phenomenon called a “demand gap” in economics. Technological advances will also affect land, air and water transport: no drivers will be needed in the future, and in the case of cars, it will be more important to move from one place to another than to own a car (and so the production of cars will decline as well). More automation will be happening in other industry branches, and while they will continue to generate profits, human work will be less and less necessary. Due to the continued growth of financial markets, where derivatives trade is now worth five times more than global GDP (Appadurai 2016), it could be assumed that new jobs will be created in this sector. However, the spectre of another crisis predicted by economists also puts this option in question. There are other services,

<sup>39</sup> This section, as well as the following two, on employment guarantees and unconditional basic income, are excerpts from the article “Ethics of Care and the Future Economy” (orig. *Etyka troski a gospodarka przyszłości*), which appeared in Polish in *Theoretical Practice* 2(24)/2017 journal, and here are translated into English with minor modifications. I would like to /

including care – the feminist economists’ favourite – and here the chances for developing the labour market are considerable, although this work is valued very poorly.

There are indications that the number of jobs in the European Union will continue to decline, so work will have to be shared. At the same time, we can see that the world, and the countries of the European Union<sup>40</sup> in particular, have never been so rich as they are now. And will probably cease to be, as the rest of the world will increase consumption and investment, which does not mean that the developed countries will be better off. Rather, they will have to limit their consumption needs slowly, turning to a different economic paradigm, such as the idea of degrowth (see D’Alisa, Demaria and Kallis 2015). This current state of prosperity of the OECD countries, including East-Central Europe, which still remain considerably stratified, strongly supports the introduction of unconditional basic income (UBI) and therefore a more equal redistribution of public revenues, while giving citizens the stability, sense of dignity and reduction of their existential fears, when it is harder and harder to find a permanent job.

I argue in this paper that job guarantee and unconditional basic income should be part of the future economic policy. The fundamental premise of the programs to be implemented should be ethics of care, described by Joan Tronto as sensibility to well-being of other people, as well as, more broadly, nature or other species on the planet, so that it is a better place to live in for all (Tronto 1987). These representations of the future, and the active work undertaken for social change, are based on the aspiration of absolute equality, mutual respect, freedom and justice, and take into account the importance of emotions and human relations in the pursuit of well-being. I will refer to these areas more broadly, building arguments for job guarantee (JG) and unconditional basic income (UBI) as a feminist proposal for progressive European economic policy.

## **Job Guarantee and the Need for Care**

The idea of creating jobs by the governmental sector, also called the employer of last resort (ELR), was conceived in the seventeenth century, and after the industrial revolution, when it turned out that the capitalist market was unable to guarantee employment for everyone, it began to be extensively discussed by economists (Kaboub 2007). The most famous work in this field, implemented widely, was John Maynard Keynes’s response to the Great Depression (Keynes 1997[1936]). Today the job guarantee, especially after the 2008-2012 financial crisis, is being promoted by progressive circles, including the Unconditional Basic Income Europe network (UBIE 2017) and the Levy Economics Institute of Bard College (Levy Institute 2017), which have published a number of articles on the subject.

<sup>40</sup> In this article, I focus primarily on the context of the European Union countries, which, despite economic differences, are largely economically, socially and culturally similar. This does not mean that similar considerations in terms of care, job guarantee and unconditional basic income do not apply to other countries in the world, but they should voice them themselves.

For feminist economists, the job guarantee is closely linked to the creation of new jobs in the care sector (for all dependents – e.g. people with disabilities, children or the elderly), and a change in the macroeconomic framework, which would value unpaid and, until now, invisible work in the economic accounts, similarly to production work. Numerous studies have shown that care has colossal importance for the economy in terms of production and reproduction, development of societies and striving to create opportunities for a good life for all (Budlender and Sharp 1998). A more equal care division between women and men can lead to an increase in the quality of life for both – women (as they can spend more time on other activities or leisure) and men (e.g. they can build better relationships with their loved ones) (Esplen 2009). Due to the fact that European societies are aging, the demand for care will certainly be on the increase for many years to come. In addition, research and studies on employment growth in the care sector in seven OECD countries, to keep up with the demand, show that when the state creates new jobs by stimulating the market, investment in this sector has an equal or even greater effect on economic growth than in the construction sector (Henau De et al. 2016). This is an important observation that could be recommended by the European Commission to EU Member States, to be taken into account while formulating economic policies during crises or slowdowns requiring more intervention of states in the market. Investment of public funds in so-called “social infrastructure” does not only contribute to employment growth in this sector, but also – through indirect and induced effects – facilitates employment growth in other sectors of the economy. In the case of indirect effects, jobs will be created in the sectors of suppliers of products and services to kindergartens, nursing homes, day-care centres, etc., and in case of induced effects – the number of workers will grow in the industries related to the increased consumption in households.

A well-paid care job would certainly attract employees, because, as pointed out by JG’s supporters from the Levy Institute, as any other work it gives a sense of fulfilled social obligation, citizenship, reciprocity, commitment and satisfaction. Pavlina R. Tcherneva and Randall L. Wray also point out the complementarity of the job guarantee and the income guarantee propositions when the latter would be offered particularly to dependent persons and those unable to work as wage labourers (Tcherneva and Wray 2005: 126), however at that point it would lose its unconditional character. Authors make detailed analyses of *Jefes de Hogar* (Spanish for “heads of household”) employment program from Argentina using macroeconomic indicators, presenting a detailed profile of the beneficiaries, as well as observing changes occurring during the program (e.g. migration of workers to the private sector). For this particular program, temporary (often seasonal) work was offered with hourly pay and additional benefits (e.g. health insurance), and recruitment was voluntary. In an effort to create conditions for people to live with dignity all the while working shorter hours, the *Jefes de Hogar* programme offered half-time jobs for  $\frac{3}{4}$  of the Argentinian minimum wage. Such a form of employment could convince some JG opponents, especially

those from East-Central Europe, who still remember the days of “real socialism”, who argue that JG is working under coercion – contrary to the principle of exercising personal freedoms – with low standards of employment, low wages that do not allow for social advancement, unsatisfactory lines of work that make it impossible for an employee to develop new skills (Standing 2005) and the fact that it is an exercise of state control over the lives of citizens and oppression of power. The Argentinian case showed the opposite.

The next step was proposed by the New Economics Foundation (NEF), which claims that the 21-hour workload per week should be the future full-time employment target. NEF argues that 21 hours of paid employment would allow us to face modern problems such as overwork, professional burnout, unemployment, excessive consumption, inequality, low standards of living and lack of time for sustainable living, caring for others and enjoying life (NEF 2010). NEF also calls for rethinking of what we recognize as work and pay, raising the status of care and other unpaid activities done informally in local communities and for relatives, as well as actions related to the conservation of planetary resources and the welfare of other species. NEF foresees a number of difficulties during the transition to a market of such jobs, including a resistance of employers due to the reduced measure of individual work and possible problems with acquiring qualified and dedicated workers, opposition of workers themselves and trade unions fearing the impact of these moves on wage cuts, as well as actions by politicians who are lobbied by all the groups mentioned.

Another concept of the job guarantee regarding the future division of labour in the national economies is the concept of creating “balanced job complexes” proposed by the US economist Michael Albert (2003). Albert divides work into two groups: activities that require creativity, rewarding and satisfying on the one hand, and monotonous, automatic, but have-to-be-done on the other. According to the author, social justice would be guaranteed by dividing all of the existing work into complexes and distributing them among those who are able to work. In such a scenario, the lowest paid, mechanical and often despised works would disappear from the labour market, since every person performing a dream job that is empowering, would also receive such tasks as cleaning, digging ditches, or supervising. Again, for us, feminist economists, it would be important to change the macroeconomic framework so that it would also take into consideration the care work and other domestic and reproductive activities and incorporate them into Albert’s complexes. At the same time, as mentioned earlier, the most gruelling and arduous works are becoming automated and perhaps soon enough robots will clean after us, but they will certainly not replace us in caring relationships.

The arguments presented by JG proponents may not necessarily seem attractive to everyone, despite the advantages of jobs being taken up, namely strengthening the position of marginalized people, socialisation, self-realisation, social utility and giving meaning to people’s lives. In turn, the proponents of UBI, who often present their arguments in opposition to the JG advocates, argue that income itself already gives people

stability, empowers them and boosts their self-esteem. Yet, the main obstacle to its widespread implementation, as pointed out by JG supporters, is (hyper)inflation, discussed in more detail in the following section of this chapter.

### **Unconditional Basic Income**

The concept of unconditional basic income has been steadily returning to public debate for more than two centuries, since the publication of Thomas Paine's "Agrarian Justice" in 1797 (Paine 1999[1797]) – a pamphlet that triggered a surge of discussions and emotions. Today, basic income experiments are already being conducted in Finland, and are planned to be implemented in Dutch Utrecht, Canadian Ontario and Scottish Glasgow in the near future. From a feminist point of view, the most important issue of UBI is responding to the question posed by Ruth Lister: "how to provide this recognition without locking women further into a caring role which serves to exclude them from the power and influence which can derive from participation in the public sphere of the economy and the polis" (Lister 1995: 17). Is receiving basic income actually going to cause women to withdraw from the labour market? Is the amount – e.g. 1,000 zloty (250 euro) in the case of Poland (Szclinder 2017) – attractive enough to leave the labour market? Would a pay for housework have a similar effect, cementing the traditional division of roles and living space (women as carers and persons hidden in the private sphere, men as breadwinners and people active in the public space)? These doubts are dispelled by the works of Ingrid Robeyns in which she refers to current research as well as possible scenarios pertaining to the impact of such benefits on, among others, labour supply (Robeyns 2001). She claims that basic income will probably push women to reduce their professional work time, but they will not massively withdraw from the labour market because "[h]uman capital depreciates when it is not used" (Robeyns 2001: 93) – so women will rather avoid longer breaks in employment to follow the changes in their professional environment – and due to other non-monetary benefits that women derive from paid employment. The more challenging factor is the transformation of traditional gender roles and of the gender division of labour. Robeyns hence emphasises the need to supplement UBI with "other social policy measures that liberate women (and at the same time men) from gender role expectations" (ibid: 103). This issue is also referred to by Nancy Fraser (1994), who proposes to separate care from women by promoting a "universal caregiver" model, based on the "universal breadwinner" standard, according to which – at least in principle – women and men are treated as equals on the labour market. Support for such policies would be, for example, promoting flexible working hours for carers, introducing paternal leave of the same length as maternity leave, and institutional support (crèches, kindergartens, institutions and care centres for dependent persons). In such an economy some women could even increase their share in the labour market while avoiding the frustration of the current income limit in receiving social security benefits.



Caitlin McLean (2015), referring to the Fraser's mentioned article (1994), analyses the impact of basic income on gender equality. She employs seven principles set by Fraser: counteracting poverty, combating exploitation, promoting equal pay, equal free time, equal respect, preventing marginalisation and androcentrism. UBI meets all these premises. Introducing this guaranteed money transfer would secure a certain level of financial well-being to, among others, the most vulnerable groups such as single mothers, migrant women, ethnic minority women, and women with disabilities. UBI would rather prevent poverty than lower the level of it, so that people in households would not have to worry about, for example, exceeding the income thresholds (currently binding for beneficiaries of social assistance) when taking up paid employment in a larger working time dimension. It would also counter some of the exploitation, taking the power away from "bosses, boyfriends and bureaucrats" over the lives of women (Levine 2013), thus reducing the risk of women staying in violent and exploitative relationships. They could also negotiate a more equitable distribution of unpaid work, including care in their relationships, and participate more actively/equally in decision-making and incorporate them into – having their own income and being more independent, they would make leaving these unsatisfactory relationships a lot easier. UBI would also be an argument for equalizing wages between women and men, since it would level basic income per household member and better women's negotiating position for the distribution of unpaid work; it can also be reflected in a more equal availability of women and men in the labour market, giving them equal opportunities to improve on their skills, to take responsibilities and, consequently, to be promoted.

Despite the undoubted advantages of the UBI discussed above, some economists warn against (hyper)inflation, which may accompany the introduction of UBI on a larger scale. Tcherneva and Wray (2005) argue that the existing monetary system is not prepared for all citizens to receive unconditional basic income, which is not dependent on the hired labour, because it will drastically reduce the value of currency. If the UBI was actually to be associated with a higher supply of money in the economy, inflation would be a serious problem. However, if sources of funding are limited to the existing fiscal framework without the actual introduction of UBI in the real economy – a mechanism discussed in more detail in the next part of this chapter – it is difficult to say with any certainty whether or not the inflation effect will actually occur. Ultimately, economics, as a social science, is susceptible to doctrines and ideology, and current theories have led to social stratification the depth of which the world has never experienced before. It is time to take action for equality and UBI is a step in the right direction.

## Budget Challenges and Raising Funds for Job Guarantee and Universal Basic Income Programmes<sup>41</sup>

As I mentioned earlier, one of the direst threats to the labour market is rapid automation. That is why innovations, instead of arousing their enthusiasm, make people anxious. Governments in the European Union Member States should start working on economic responses to this problem in order to cushion future inequalities. Bill Gates has proposed that the answer to work automation should be taxing the work of robots on the same basis as workers – in the form of income tax, social security charges, etc. – from their hypothetical salary (Gates 2017). The greater the productivity of robots, the higher the taxes. Another kind of taxation he proposes is on the use of robots in general, which is in line with the proposals of French economists who suggested abolishing tax reliefs and concessions for companies not sufficiently increasing employment (Askenazy et al. 2010). Malcolm James claims that taxing robots would be possible in a form of capital taxation, and the tax would be paid in the place where the robot is located. However, political will is needed to introduce such a tax, as well as a better climate around taxes in general – taxation should be perceived not as an obstacle to the development of the economy, but as a chance for introducing changes that contribute to the quality of life of all inhabitants (James 2017). Taking into account the fact that large holdings are simply not paying income taxes at all, this would be a solid source of budget revenue that could be spent on employment in other sectors such as care, health or education, as people in those areas and the relationships they need cannot be replaced by machines. On the other hand, the holdings may threaten to shift this tax burden to their employees or ultimately consumers, however, historical data analysis does not seem to support the legitimacy of this argument (James 2017). Therefore, the idea of taxing robots is worth considering and should be a part of a progressive economic policy.

Another wide topic, which also belongs to the sphere of fiscal policy on the side of budget revenues, is corporate income tax (CIT). In Poland, apart from introducing an anti-tax avoidance clause (Journal of Laws, No. 846, item 846) – which is, unfortunately, completely ineffective in practice due to the lack of competence of newly employed civil service (changes in the civil service followed the parliamentary elections in 2015) – the government does not act in favour of higher contributions from holdings. Dominik Gajewski (2017) claims that the Polish budget loses more than 45 billion zloty (11 billion euros) in revenues annually (this is almost the size of the whole national budget deficit), and the EU loses 300 billion euros as a result of aggressive tax optimisation. This optimisation involves the use of about

<sup>41</sup> This section on tax collection and proposals for introducing new ideas for financing JG and UBI, as well as the Conclusion, are excerpts from the “Polish Reality and New Paradigms for Economic Policy” analysis (orig. *Polska rzeczywistość a nowe paradygmaty polityki gospodarczej*) translated into English with minor changes, commissioned by the ICRA Foundation and Friedrich Ebert Stiftung in Polish as a part of the series of Warsaw Debates on Social Policy, No. 25.

six hundred different instruments by large companies, which eventually pay a mere 1-3 percent of income tax, most often in those countries that grant reliefs or deductions. As shown by *Lux Leaks* documents, leaked to the Internet in 2014 thanks to the International Consortium of Investigative Journalists, there is a number of ways to become a “smart tax haven” within Europe (Caruana Galizia et al. 2014). Luxembourg was the first among such havens, attracting 340 of the world’s largest companies, from American to Russian, by offering them unique tax deductions. Officially, the CIT rate in Luxembourg is 29 percent, but all exemptions led to a situation in which companies pay mentioned 1-3 percent only. At the same time, the employees of these companies are not treated in Luxembourg hospitals, do not use local courts or schools, and their transport does not travel along Luxembourg roads. Instead, *de facto*, companies and their employees make use of the mentioned institutions and thoroughfares in the countries of their location, and they can do so without supporting them at all, simply because Luxembourg “took the taxing credit” (Gajewski 2017: 2). Luxembourg was followed by Ireland, Austria and even the Czech Republic, where many Polish companies have registered recently. Thus, the “anti-tax plague” (ibid: 3) is already afflicting the inside of the European Union, in which Member States compete for even those meagre portions of income among themselves.

Gajewski suggests two solutions. The first concerns tightening the national systems of taxation, which is related to the regulatory operations of the revenue office on the basis of anti-tax avoidance law that gives it the power to inspect corporate accounts and select suspicious transactions for the purpose of optimising and enforcing proper tax payments. The author believes that sustained, deliberate efforts in this field could lead to an increase of revenues from these entities up to 10 percent (there still remains a considerable gap between 10 percent and official CIT levels in most of the EU countries). The second solution relates to the issue of solidarity across the European Union – a solidarity that would guarantee tax harmonisation in all Member States and demand payment of taxes where companies record turnover. This is made possible due to the ceding of some sovereign rights by the governments of the Member States to the Union which would result in creating a transnational fiscal office. This office would, on the one hand, preclude any unfair behaviour of Member States, e.g. trying to enforce competitive reliefs (which would be made punishable), and of the markets on the other – an institution such as this would put an end to transferring profits to tax havens (e.g. Cayman Islands), banning holdings for such practices throughout the European Union (a market of 500 million consumers). Gajewski was one of the authors of the Common Consolidated Corporate Tax Base (CCCTB). According to the CCCTB, corporate profits obtained in all EU Member States should be aggregated and then distributed according to an algorithm that takes into account the income, turnover and employment in each country. Those countries will tax given profits on their own – according to their national CIT rates, with or without tax credits (Gajewski 2017: 3). The CCTB calculation was in development for 12 years, but eventually was not

incorporated into the Union's body of mandatory laws (it is optional) (CCTB 2016). Otherwise, all the EU countries would have to agree to this solution. Unfortunately, such an agreement does not exist.

It is worthy of mentioning that not all of the EU countries are acting dishonestly – Germany and some Scandinavian countries decided not to engage in questionable financial practices. In addition, social acceptance of such practices is diminishing. EU citizens, including those from East-Central Europe, realise that their incomes are highly taxed, the tax on goods and services (VAT) is steadily growing and small businesses, though not generating that high turnover, pay taxes honestly – they are fed up with large holdings avoiding paying their share. Solid, thoughtful and effective actions in this direction will allow this situation to change in the future.

## Conclusion

Higher taxes are necessary to achieve goals such as social justice or, even with UBI, more equal distribution of wealth. This taxation should, however, be optimal and not only incurred by citizens (greater progression of Personal Income Tax or Value Added Tax), but above all by businesses (CIT). As shown by the documents of the *Lux Leaks* affair, the amounts of money involved are substantial, so the system should be tightened and EU Member States should work on their solidarity so that holdings that generate turnover in specific countries also contribute to the good of the communities, their physical and social infrastructure. However, individual governments of the Member States would have to surrender some of their sovereign fiscal powers to the EU common bodies rather than vainly veto the CCCTB, as it was in the case of Poland.<sup>42</sup> With these funds the states could invest in science, research, health care or protect the environment. A more balanced budget would allow governments to design well-thought-out economic policies and prepare for the future challenges related to technological progress, automation and jobs reduction. The employment guarantee schemes (like *Jefes de Hogar*) could be an answer, especially if it was to be job creation in such areas as care or other kinds of activities of benefit to the welfare of local communities. I recommend, as it was suggested by Bill Gates, that these jobs be financed by taxes on the productivity of robots and using robots in general. If, at the same time, UBI was to be implemented and full-time employment limited (according to NEF demands), then the employees can reasonably expect the standards and conditions of employment to improve. Work alone would not be compulsory, and perhaps the desired effects, such as empowering employees and increasing their participation in decision-making, would be achieved. The progressive edition of the economy of the future should also adopt strategies against exclusion – for any reason, socio-economic or otherwise

<sup>42</sup> In my opinion, this was the voice of opposition to delegate any powers to the European Union as a gesture of rejection of the “West” and a return to the path of nationalist conservatism.

(including gender, age, race, psychosexual orientation, ethnicity, disability, religion, etc.), in line with the concerns of ethics of care, so that all residents of the EU could enjoy equal opportunities for a good life.

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## Epilogue: Something not even the fence can stop

While the Hungarian government fears for Hungarian jobs and culture and that these will be seized by migrants, the fourth industrial revolution is going ahead with full steam and cannot be stopped by fences. This is the real threat to a significant portion of existing jobs, and will completely reshape our culture.

This topic has been on the agenda of experts for a decade, and it exploded into the public discourse from the blue: robots are taking away our work.

The World Economic Forum's brief on the Future of Work speaks about technological development of unprecedented scale and speed, which transforms the world of labour profoundly. The majority of young people who start elementary school now will work in jobs that don't even exist today. And we have no idea about generations to come: we not only don't know what kind of work they will do, and in which framework, but we don't even know if there will be masses that work at all. And we are even more insecure as regards how we will distribute income produced by robots. There is no question, however, that nation states will not be sufficient against transnational companies on a global market when it comes to the more equitable distribution of income, the regulation of automation, and the implementation of societal objectives.

Forecasts say that a substantial part of current jobs, primarily routine jobs that require lower education will be automated quickly. The rule of thumb is that robots will replace humans wherever technologically possible, and every time when the end product is qualitatively equivalent or better, and also cheaper. Of course, we also know that new jobs are created in the process, but not instead of the lost ones. Unemployment will grow in parallel to a significant lack of workforce, and the bridge from one to the other is very-very narrow. For those who work in an administrative job: as clerical staff, a financial assistant, a phone operator, a cash till operator or driver (just to mention a few examples) will not have an easy time with getting retrained for a STEM area – if at all possible. It is difficult to imagine how a shop assistant will become a data miner or an IoT programmer.

STEM is the new comet, the areas of science, technology, engineering and mathematics where new jobs are being created.

### **Women and the fourth industrial revolution**

It depends on many factors if we women will end up winner or major losers of these changes. The study about the future of work discusses the situation of women specifically; automation affects jobs for women and men to a near equal extent, however, it is a critical question for future employment that there are very few women working in STEM areas, only one fifth of people with a science degree are female, and this rate is not any better if we consider people who study engineering or IT in higher education.

This means that we can expect an expansion in the number of jobs where women who work or study are already few and far between. The 25 trendiest skills of LinkedIn Global are all STEM-related, and they didn't even exist when I was considering my career choices in high school.

There are hundreds of thousands of IT experts missing in Europe, so that technology industries have turned to women because we represent a hidden reserve in workforce and knowledge. School age girls are targeted by campaigns to counter stereotypes and to convince them that STEM is a field that suits women after all. A study by WiTEC (European Association for Women in Science, Engineering and Technology) tries to give an answer to the question why are there so few women in these areas. Barriers include in particular the gender roles expected by society, the lack of female role models and leaders, and the lack of strategies that aim at striking a balance between work and private life.

Automation can help reduce the burden of unpaid household work (intelligent homes), on the other hand, the spreading of new, more flexible employment forms such as part-time and distance work, will open the door to those who have so far been excluded from employment due to the traditional 'nine-to-five' work schedule and physical distance from the workplace.

It is obvious that there can be plenty of new opportunities for those who have good basic skills and can adapt well to the perpetually changing conditions, and can also drive onto the digital highway. The big question is what will happen to the masses who were left behind already when it came to the acquisition of basic skills.

According to the data of the European Commission, approximately 70 million Europeans don't have sufficient writing, reading and arithmetic skills, while 40% of the inhabitants don't possess sufficient digital literacy – these people are threatened by unemployment, poverty and social exclusion. The European Union's New Skill Agenda aims at this target, which includes an action program of ten points. The objective of the program is, amongst others, to support social adjustment, the implementation of job creation targets. Its aim is making sure that people can acquire a wide range of skills from a young age onwards,



so that these can be developed continually and well over the lifespan to respond to evolving labour market needs.

The European Union's new Social Pillar also attempts to respond to these new forms of employment, where we Socialists also have to fight some new battles. One of these is that the level of the minimum wage cannot go under the poverty line in order to eliminate working poverty, and that an insurance system is needed that can handle unemployment in a European context. The objective of this Pillar is equal opportunities, access to the labour market, fair working conditions, and securing appropriate social protection to all. It is particularly important that the situation of people in atypical employment, such as 'zero hour contracts', and their working conditions be regulated.

A strong, sustainable and social Europe, as the objectives of the European Union, can only become reality if joint policies will not run to catch up with events and try to put out fires but create forward looking frameworks which secure that automation serves the benefit of the entire society rather than just a few.

# Contributors

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