

Introduction

On May 1, 2004, eight countries of the former communist bloc entered the European Union (EU) after almost a decade of accession negotiations and considerable reforms to their domestic institutions and legal codes.¹ Two and a half years later on January 1, 2007, two other post-communist countries, Romania and Bulgaria, joined the European Union. These long-awaited events marked a historic moment and “a decisive phase” in eliminating “divisive structures in Europe” (Polish Government Delegation 1998).² They also demonstrated a remarkable commitment by candidate states to transform their domestic policies, institutions, and practices, in order to fulfill accession requirements imposed by the European Commission (EC). In total, candidate states had to comply with thirty-five chapters of the European Community Law, also known as *Aquis Communautaire*. These documents comprise the primary and secondary legislation, objectives, substantive rules, policies, and case law which form the legal order of the European Union in social, political, economic, and legal affairs.

After the collapse of communism across Central and Eastern Europe (CEE) in 1989, the prospect of EU membership became a strong incentive for newly independent states to comply with EU accession requirements. They fervently sought membership in the European Union despite the potential high costs of domestic reforms and legal transformation. EU membership implied unprecedented support in the development of a market economy and the strengthening of democratic political institutions from Brussels, full integration with the EU economic and financial institutions, free movement of labor and goods, substantial investment in states’ infrastructures, and finally, but very importantly, acceptance and recognition of these states as members of the European community.

Each accession agreement, overseen by the European Commission, included a Social Chapter which encompassed ten directives on gender equality in the workplace and in social security calculation. Candidate

states were required both to transpose these legal prescriptions into national law as well as to establish government institutions capable of enforcing these new codes at the national and local levels. While gender equality laws were not of prime importance to most of the governments in the post-communist Enlargement states, the European Commission emphasized the significance of gender equality directives by making them an indispensable part of membership conditionality.³ Regardless of the strong incentives to comply, the commentators of EU accession noted substantial variation in states' commitment to transposing and enforcing gender equality directives (Avdeyeva 2009, 2010; Sedelmeyer 2009, 2012; Sloat 2004*b*; Watson and Lindenberg 2002). Lithuania and Slovenia were the frontrunners of state compliance with EU requirements on gender equality. Bulgaria, Estonia, Latvia, and Romania were reform laggards, only meeting the accession requirements shortly before the accession deadline. Poland, Hungary, and Slovakia saw periods of progressive reforms and dramatic reversals on gender equality while the neighboring Czech Republic made very modest steps in complying with minimum requirements. Until today, Latvia continues to lag behind in policy and institutional adjustment. What explains these puzzling variations in levels of state compliance with EU accession requirements on gender equality? To answer this question, I examine how domestic state and non-state political actors—women's groups, political parties, opposition groups, and women politicians—influence national policy and policy enforcement.

The domestic dimension of compliance, however, is refracted by the international dimension, or the status of EU Enlargement states as regards to the European Union. The status of these states changed from aspirants seeking EU candidacy to EU candidate states, and finally, to EU member states. Each of these periods was characterized by a particular set of instruments used by the European Union to influence the behavior of Enlargement states. I identify three distinct mechanisms of EU influence, which I collectively call international pressures: conditionality, normative pressures, and social pressures. I explore the role of these mechanisms in the process of EU accession and their ability to produce a sustained change in state behavior. By normative pressures, or socialization, I mean EU strategies to influence normative positions of elites and public in EU Enlargement states. Such strategies are based on persuasion and include the following: recommendations for government policy, policy advice, and "policy teaching," including soft law, training, conferences, and dissemination of educational policy materials. Importantly, these measures offer no reward or punishment for compliant or non-compliant behavior.

The goal of these strategies is to produce congruence in values, beliefs, and policy positions on gender equality amongst the elites and public in EU Enlargement states, which I refer to as “normative congruence” throughout this book.

By social pressures or social influence, I mean a self-imposed and/or a group-imposed pressure to conform to practices and behaviors shared by other group members. The main assumptions for describing this mechanism of social influence are derived from social psychology and are based on the argument that actors’ environment influences their behavior (Aronson, Wilson, and Akert 2002). Social environment and actors that constitute it can alter the behavior of group members by emphasizing the role of social and cognitive costs (such as shaming, exclusion, and shunning) and social benefits (including praise, prestige, reputation, and recognition by others). Political scientists investigated the role of social pressures for explaining state behavior and found empirical support for the theory of social influence as applied to states (Johnston 2001, 2005; Kelley and Simmons 2012; Hafner-Burton and Tsutsui 2005). This mechanism of influence is distinctively different from normative pressures, where behavior of actors is explained by the degree of their normative fit or congruence (the more similar beliefs they hold, the more likely they are to act similarly). It is also very different from rationalist-, interest-, and preference-based explanations of behavior: actors are driven by social and cognitive benefits, such as group recognition and prestige, rather than by purely material interests. Another distinctive feature of social influence is in the degree of compliance with group expectations. In response to social pressures, actors demonstrate to other group members their respect and recognition of group practices and values even if they do not wholeheartedly embrace these values. Their goal is to assimilate others in the group and signal conformity with group values. The conformal behavior, however, does not necessarily produce changes in actors’ normative positions (change in deep-seated beliefs and values) and often result in formal superficial compliance with group norms. The conformal behavior, therefore, produces poor compliance with international requirements.

Finally, by conditional pressures, or conditionality, I mean the explicit connection between material incentives and compliant behavior. The extension of EU membership to candidate states is conditioned on their compliance with EU accession requirements. The transfer of conditional laws and institutions is often described as a coercive imposition of EU policy and institutional models on candidate states. During the accession process, the European Commission (EC) received unprecedented powers

to review and evaluate the degree of state compliance with EU requirements and had powers to put accession negotiations at a halt in case of candidate state noncompliance. It is widely acknowledged that EU conditionality significantly altered the incentive structure for candidate states and enabled the EU to impose laws and institutions which these states would not have adopted otherwise (Grabbe 2006; Schimmelfennig and Sedelmeier 2005*a,b*; Vachudova 2005). The EC powers to punish states decreased significantly after states gained membership in the European Union, because it becomes costly and procedurally difficult to expel states from EU for noncompliance. This fact changes government calculation about the costs and benefits of compliance with EU requirements, especially if policy changes are costly and unpopular at home. While in some policy areas the European Commission continues to maintain similar conditional powers toward the member states (such as agricultural and competition policy areas), for most other policy areas the European Union relies on state voluntary observance of EU Directives. The European Commission does not have the same monitoring and enforcement capacity in member and candidate states. The monitoring process in a member state is not so rigorous and often relies on the third-party monitoring (such as interest groups and the public). The European Commission can initiate the infringement procedures against noncomplying states, but in the area of social policy in general, and gender equality in particular, the cases of infringement procedures are limited to legal violations of EU Directives (e.g., policy incongruence in member states with EU Directives). The powers of the Commission to monitor the enforcement of new policies are very limited. For instance, there are no cases of infringement procedures initiated against new member states which do not enforce adopted gender equality laws. For this reason, some commentators feared that conditional imposition of EU laws could regress upon states' accession to the European Union; that is, once conditional requirements were removed, the states would no longer have any incentive to comply with Commission-imposed requirements, leading to institutional and policy reversals (Epstein and Sedelmeier 2008). But findings from various policy areas, including gender equality in the workplace, demonstrate the opposite: the EU Enlargement states strengthened their compliance with EU laws upon the accession and in a number of cases outperformed EU-15 states in levels of compliance with EU regulations (Blauberger 2009; Faulkner, Treib and Holzleithner 2008*a,b*; Grabbe 2005; Sedelmeier 2008; Toshkov 2008). What explains the stability of these reforms following accession? I offer several theoretical explanations to the question

of compliance in the pre- and post-accession periods and explore the mechanisms of conditionality, normative congruence, and social pressures in shaping states' compliance with international laws.

Argument

In my evaluation of international influences on state compliance, I find that EU conditionality based on the credible promise of membership had a large effect on (a) the adoption of policies and (b) the enforcement capacities of institutions regarding gender equality in the EU accession states. A detailed analysis reveals that candidate states significantly changed their domestic policies and established government institutions on gender equality to comply with EU accession requirements. Upon accession, new member states generally maintained those same high levels of reform and showed no signs of dramatically dismantling the policies or the institutions meant to support gender equality. This study speaks to the debate about the respective role of norms, social pressures, and incentives in explaining state compliance with international requirements. I emphasize the importance of membership conditionality, perceived and real incentives or benefits derived from compliance, and considerations of costs at the initial stages of inducing state compliance with EU accession requirements. Once granted membership, however, states become responsive to social pressures generated by the expectations of the European Commission and self-imposed by new member states of the Union. Such social pressures include the states' desire to act in congruence with their formal commitments to the Union, thus signaling to all other parties that they are not deviant actors and that they can keep their promise to fulfill the obligations associated with membership. We observe that social pressures prevent the reversal of reforms upon state accession to European Union; however, they do not guarantee that compliance will continue to strengthen rapidly following their membership. Instead, we observe state conformity with EU requirements on gender equality that prevents dramatic reversals of policies or discontinuation of institutions, on the one hand, but which does not result in a strong state commitment to reforms, on the other hand. Rapid reforms during the accession period, therefore, lead to conformity with EU requirements after accession and result in superficial formalistic enforcement of new laws.

To explore the variations in state compliance with EU gender equality requirements, I test several hypotheses about the importance

of domestic political actors and the levels of their mobilization in support of, or in opposition to, gender equality requirements. Specifically, I demonstrate that certain configurations of domestic political actors who support policies and institutions on gender equality significantly strengthened state compliance with EU requirements before and after accession to the European Union. In particular, I find that state compliance with gender equality directives was highest in times when a left-wing majority in national parliaments coincided with active advocacy from non-governmental organizations (NGOs) specializing in gender equality. These two actors produce a joint effect that is important for explaining the difference in state commitment to gender equality policies. I observe that left-wing governments, while on average more responsive to gender equality demands than right-wing governments, did not reach the highest levels of compliance without pressure from women's NGOs. Active advocacy women's NGOs often could not overcome the resistance of right-wing parties to gender equality requirements. Thus, a combination of these two factors, left-wing majority in parliaments and active NGOs on gender equality, were important for the success of policy change and enforcement. Among other political actors, female cabinet members are found to support the creation of stronger institutions on gender equality, but they do not have any impact on the process of policy adoption. In addition, while individual feminist advocates of gender equality reforms in parliaments can significantly strengthen the reforms, the number of female parliamentarians cannot directly explain state compliance with gender equality requirements. Party affiliation of female deputies, however, will often determine their position on reforms and can explain why some women in parliaments oppose these laws.

Why Study Gender Equality and EU Enlargement?

There are several reasons to examine the enforcement of gender equality policies in EU Enlargement countries. First, a large literature on gender and transition notes that the principle of gender equality has a unique history in the post-communist countries of Central and Eastern Europe.⁴ The communist states introduced this principle during industrialization, creating a greater labor supply by pushing women into the labor market. As a result, the rates of female labor participation expanded across the communist states. Because of the introduction of a quota system, women also received representation in political offices and in many communist

parliaments. The communist states achieved high visibility of women in economy and politics which created the illusion of equal treatment between men and women in the labor market; consequently, marked resistance to the recognition of EU equality requirements by the post-communist accession states followed (Einhorn 2006). Both the public and the government widely believed that women were already on an equal footing with men and that no additional provisions were required for improving their status. Moreover, post-transition sentiments against communist legacies and norms revived conservative norms which reestablished the traditional roles of “male breadwinners” and a “female caretakers” (Einhorn and Sever 2003). The rising nationalist sentiments, as well, embraced the idea of a traditional family unit by linking it to patriotism and nation-building. The EU regulations on gender equality were confronted by domestic opposition and low public awareness, but in the end, the membership conditionality changed elite rhetoric and turned the course of government policies toward compliance.⁵ The examination of the EU accession process demonstrates the power of international conditionality to reverse the course of discriminatory national policies in societies with low public awareness and insufficient support for gender equality norms. Thus, the investigation of methods and degrees of international involvement provides excellent material for studying the role of international institutions as domestic policy actors and for examining the compelling questions about institutional intervention in support of gender justice.

Second, international organizations emphasize the importance of gender equality principles for their member states. Along with the European Union, such organizations as the Council of Europe, the United Nations, and the International Labor Organization explicitly recognize the importance of gender equality principles in the labor market and provide recommendations for policy reform to their member states. The case of the European Union, though, is unique among these international organizations. It is the only one that establishes a range of stringent gender equality directives in numerous areas of labor relations and links them to a conditional reward, for example, membership for candidate states, or punishment, such as warnings and fines for existing members. The process of EU enlargement is especially distinct and exceptional in the history of international organizations because it grants discretionary powers to the European Commission. The span of this study from the pre- to post-accession periods allows for investigating the role of conditional pressures and other mechanisms of institutional influence on the policy and its outcomes.

Third, gender equality in the labor market is a normative principle, not an economic treaty that implies material incentives for compliance and cooperation. In this sense, gender equality policy provides some parallels and insights into other human rights issues and the role of international intervention in their advancement and enforcement worldwide. Finally, it is a gendered policy issue which suggests that countries with a strong patriarchal tradition will show poor compliance with international requirements on gender equality in the labor market, while also assuming that more progressive and liberal countries will score higher on this measure. The data, however, reveal puzzling results: patriarchal societies with Catholic values ingrained in social policies, such as Poland, demonstrate higher levels of compliance with EU gender equality requirements. Conversely, a secular nation like the Czech Republic scores poorly when judged on its adoption of required policies and the establishment of strong institutions for enforcing gender equality. A comparative examination of domestic political actors and their mobilization in support of gender equality norms provides an invaluable explanation to this puzzle, and can potentially provide worthwhile insights to those studying the many other gender policy issues in world politics.

The rest of this chapter will provide contextual introduction for the book. First, it will introduce the main principles of EU Directives on gender equality and will briefly review the history of Community legislation on equal treatment for women and men. Second, it will review the EU enforcement tools and describe the types of EU institutional influence. Third, it will describe the context of gender equality policies, institutions, and practices in EU Enlargement states. Finally, it will introduce the methods and research design of this study and set the stage for the following chapters.

EU Engagement and Gender Equality in the Labor Market

Overview of Community Legislation on Equal Treatment for Men and Women

Since the mid-1950s, the European Union has developed a major body of legislation in the field of gender equality. The principle of equal pay was introduced in the Treaty of Rome in 1957.⁶ Forty years later, the 1997 Amsterdam Treaty significantly enhanced that law by giving the European Commission a specific legal basis to take action in the area

of establishing equal opportunities and equal treatment for women and men (Articles 13, 137, and 141 of the Amsterdam Treaty). In particular, Article 141 is a critical legal provision which establishes the principle of “equal pay for equal work.” Because it represents the Community not only as an economic union, but also as a community concerned with social progress and improvements in living and working conditions, the European Court of Justice recognized this article as one of the most important Community objectives.⁷

The Lisbon Treaty adopted in 2009 largely reaffirmed these principles. The wording of Article 19 (formerly Article 13) and Article 157 (formerly Article 141) did not change, except for new specification of some procedural aspects. The scope of EU law on the protection of women’s rights expanded once again with the adoption of the Charter of Fundamental Rights of the EU in 2010. Article 21 of the Charter prohibited discrimination on the grounds of sex and sexual orientation. Article 23 called for positive action in promotion of gender equality. Article 33 created legal rights for work and family reconciliation by establishing rights for paid maternity and parental leave.

Over the years, there has been a proliferation of normative instruments designed to ensure equal rights and opportunities for women and men in the fields of employment, vocational training, and social protection.⁸ Until recently, eleven European directives constituted the entire legal corpus governing gender equality: ten in the field of employment and one focused on the equal treatment of women and men to access goods and services.⁹ This diversity of protective sources, as well as the ever-expanding body of case law at the European Court of Justice, eventually prompted the European Commission to consider recasting these directives as a single text. The purpose of drawing up an integrated “equality directive” was to “simplify, modernize and improve the Community law in the area of equal treatment between men and women” in employment and occupation.¹⁰ The aim was to make available a single document that would be clearer and more practical for all citizens and to enhance the *acquis communautaire* by incorporating case law from the Court of Justice. In response to this call, the Recast Directive 2006/54/EC was promulgated on 5 July 2006. It was designed to coordinate six directives relating to equal pay, equal treatment for men and women in employment, training, promotion, working conditions, social security schemes and the burden of proof—all within a single text.¹¹

All members and candidate states are required to transpose legal provisions from these directives in appropriate national laws and ensure

their enforcement. The European Community language on enforcement is clear and direct. It applies to all existing member and candidate states, and provides a detailed timetable of action to ensure compliance. For instance, in regards to the implementation of the new Recast Directive, Article 33 of the directive states the following:¹²

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 15 August 2008 at the latest or shall ensure, by that date, that management and labor introduce the requisite provisions by way of agreement. Member States may, if necessary to take account of particular difficulties, have up to one additional year to comply with this Directive. Member States shall take all necessary steps to be able to guarantee the results imposed by this Directive. They shall forthwith communicate to the Commission the texts of those measures.

To ensure state compliance with EU directives, the European Commission requires member states to establish and maintain specific offices on gender equality, to promote the principle of equal treatment for men and women, to monitor the enforcement of these policies, and to help the victims of discrimination. Furthermore, it encourages the engagement of social partners and NGOs in the promotion of the principal of equal treatment and the establishing of cooperative links with governmental equality bodies.

In general, the EU gender equality directives establish the principles of equal treatment for men and women in the labor market and in social security and benefit calculations, provide definitions of direct and indirect discrimination against workers on the bases of sex, and outline provisions for combating it. They oblige member and candidate states to consider the objective of equality between men and women when formulating and implementing laws, regulations, administrative provisions, policies and other activities mentioned in the text of the directives. Ten directives on gender equality were part of the EU accession requirements. Together they comprise a comprehensive set of policies that could be organized in five subcategories: (1) parental and maternity leave; (2) care and informal work; (3) equal pay and gender pay gap; (4) tax and benefit policies; and finally (5) nondiscrimination and equal access to labor market.¹³ Candidate states had to transpose legal provisions of these directives in major domestic laws regulating labor relations, including Labor Codes,

Pay Acts, Administrative Codes, Social Security and Pension laws, and adopt an all-encompassing Act on Equal Treatment of Men and Women or Gender Equality Law. In addition, candidate states were required to ensure the enforcement of these new laws by establishing government institutions on gender equality whose responsibility it would be to coordinate, monitor, and enforce new policies, as well as to investigate cases of discrimination on the basis of sex and assist victims of discrimination in courts and settlement agreements with employers.

EU Enforcement Tools: Types of Institutional Influence

The European Union employs an extensive arsenal of tools, mechanisms, and strategies to influence the behavior of its member and candidate states. The EU Enlargement made extensive use of *membership conditionality* in shaping the political environment, policies, and economic development of EU candidate states. In international relations and comparative politics literature, political and economic conditionality refers to coercive pressures to change state behavior by altering their cost-benefit calculations (Downs, Rocke, and Barsboom 1996; Keohane 1984). In particular, EU membership conditionality relied on the use of material rewards to encourage state compliance, and used threats of either delaying or withdrawing membership in cases of noncompliant behavior. The European Union did not use material punishments against candidate states; during the accession period, the most serious punishment entailed the withholding of material benefits and the termination of accession negotiations (Schimmelfennig 2007; Schimmelfennig and Sedelmeier 2004). This mechanism implies a direct link between state behavior and admission to the European Union, which is viewed as an incentive for state behavior. Membership conditionality fits rationalist theories and assumptions that define states as cost-benefit calculating and utility-maximizing actors. Under this mechanism, states positively respond to an international institution's incentive and sanction structure when they believe that compliance will maximize their interests and preferences.

Assessing the effectiveness of conditionality produces different opinions among scholars and commentators. Many scholars and politicians recognize the importance of conditionality and credit it with the successful achievement of accession goals by Enlargement states. Other scholars believe that the coercive imposition of rules and laws could lead to reversal of those reforms in the future (Bird 2001*a,b*; Vermeersch 2002); moral hazard, destruction of traditional practices, and general

ineffectiveness (Bird 2001*a,b*; Collier, Guillaumont, Guillaumont, and Gunning 1997; Drezner 2000; Martinez-Vasquez, Rioja, Skogstad, and Valev 2001). Similarly, EU conditionality was criticized for coercive imposition of rules on candidate states which lead to anger and public disapproval of EU policies (Grabbe 2001; Fierke and Wiener 1999). On several occasions, government officials in candidate states severely criticized the EU conditional requirements for lacking an understanding of the region and potentially destabilizing regional economies. For instance, the Bulgarian Prime Minister Ivan Kostov said in an interview with Reuters that the European Union was exerting “meaningless diktat” by demanding Bulgaria shut down parts of its Kozlodouï nuclear power plant. He reiterated, “The aggressive demand to close the nuclear power plant will destroy even what little competitiveness the country now has. What will remain of the Bulgarian economy?”¹⁴ In the same interview, the Bulgarian Prime Minister showed a high degree of dissatisfaction with the allocation of EU funds. By dividing the candidate countries into outcasts, of which Bulgaria was one, and favorites, Sophia’s advancement towards its accession goals were seriously impeded.

In the area of gender equality, we observe a similar variation in the assessment of EU conditionality. There is general recognition that the EU impacted states’ agendas on gender equality, often regardless of states’ preference (Ellina 2003; Sedelmeier 2009; Wahl 2008). Some commentators note negative effects from the top-down reform on gender equality, which created tensions between the international policy agenda and the goals of grassroots women’s movements in EU candidate and member states (Roth 2007, 2008*a,b*). Some commentators, on the other hand, criticized underdeveloped EU conditionality in the area of gender equality and gender mainstreaming, noting a lack of commitment on the part of the European Commission and the member states to fully embracing the principles of gender equality, thus resulting in poor outcomes in these policy areas (Bretherton 2001; Hafner-Burton and Pollack 2009; Hoskyns 1996; Pascall and Lewis 2004; Walby 2004). Such a diversity of opinions and reactions calls for further research into the question of EU conditionality and its effects on policy and policy outcomes in new member states of the European Union.

Conditionality was not the only strategy used by the European Union to stimulate compliance with EU accession requirements in the field of gender equality. Extensive socialization, referred to in this book as normative pressure or strategic efforts to change the normative positions of state elites and the public about the issues in question, accom-

panied membership conditionality. The EU developed a broad range of soft law, or policy recommendations and programs, on gender equality and recommended that candidate states take part in these programs while also incorporating these new rules into their domestic practices. Gender equality became an integral part of the European Employment Strategy and later the Lisbon Strategy, which together generated recommendations for changing employment practices in member and candidate states by reforming wages, providing child care, establishing flexible work hours and part-time work, ensuring equal treatment of men and women, and closing the gender pay gap. To accommodate these new policies, states were asked to develop and adopt National Strategies and Action Plans on gender equality and gender mainstreaming as domestic policy instruments for achieving the goals prescribed by the directives.

To assist in developing and initiating these programs, the European Union channeled financial resources to state governments and social partners. The Structural Funds represent the EU's financial commitment of the organization to helping states meet their accession goals. In the area of employment, state and non-state organizations could apply for EU financial grants provided by the European Social Fund to sponsor programs and campaigns on gender equality. Many EU programs required national co-funding, which stimulated cooperation between governmental and non-governmental sectors of society. Additional funding was also available for NGOs and state institutions through programs such as PHARE, SOCRATES, and INTERREG.¹⁵

The European Union encouraged multilevel cooperation between national, regional, and international state and non-state actors in the area of gender equality by supporting twinning programs between the governments of Western democracies (EU-15) and candidate states. These programs included the training of civil servants, government officials, social workers, judges, and NGO representatives in various aspects of gender equality, including representing victims of discrimination in courts and running national offices on gender equality. Some experts refer to such practices or strategies of socialization not only as a way to pass on the knowledge of gender equality institutionalization, or to change the normative positions of people, but also as the capacity-building of actors in support of these policies on the national and local levels (Montoya 2009).

How effective is normative pressure in changing state behavior? The literature offers an abundance of contradictory and inconsistent responses to this question. Some skeptics claim that "talk is cheap" and that governmental rhetoric in support of a norm is merely window dressing if material

incentives and coercive mechanisms are not used (Shannon 2000). Others believe that initial strategic rhetorical recognition of international human rights norms can lead to deeper normative changes in the future (Keck and Sikkink 1998). These debates reflect much broader questions about how states behave and under which conditions their behavior changes. The dominant scholarship in international relations identifies two main mechanisms whereby states and international organizations can influence the behavior of other states: coercion (realist and rationalist approach) and persuasion (constructivist approach). In this book, I argue that while two of the dominant theoretical approaches, rationalism and constructivism, provide an indispensable framework of analysis for state behavior, their approach to international influence is underspecified and incomplete because such analyses do not take into consideration the intricate system of social environment and state social commitments and pressures that often drive state behavior in the absence of coercive pressures and normative congruence.

In this book, I draw scholars' attention to a more complete conceptual framework by identifying and testing a third mechanism by which international organizations and groups of states affect the behavior of states: social pressures. In response to perceived or real pressures to assimilate or conform to other states in a group, social pressure is a mechanism which induces changes in state behavior (Avdeyeva 2007; Goodman and Jinks 2004; Johnston 2001; Kelley and Simmons 2013). The main theoretical assumptions of this approach for explaining state behavior are imported from social psychology and are based on a premise that actors' environment will influence behavior (Aronson, Wilson, and Akert 2002). Social pressures entail a number of processes by which the social environment (and actors that constitute this social environment) impacts state behavior, including mimicry; social approval, such as praise, inclusion in group activities and decision making; elevation of state prestige and reputation in a group; and social punishment, such as shaming, exclusion from group activities and decision making, and marginalization in a group. This mechanism describes and analyzes the role of social and cognitive costs and benefits for state behavior, as opposed to material costs and benefits analyzed in the realist and rationalist paradigms, and normative congruence and noncongruence of constructivism (Avdeyeva 2007). To account for the influence of international social pressures on state behavior, I introduce the notion of international social environment to my analysis of the outcomes of state compliance with EU requirements on gender equality in the work place. I recognize the complexity

of state responses to EU conditionality and socialization efforts by disentangling these processes and placing them in the multifaceted social environment in which states operate and interact. In addition, I test the effect of international pressures against domestic political environments: the analysis will investigate the positions of various political domestic actors in support of or in opposition to gender equality norms and their effect on the levels of state compliance with international pressures.

The Context of EU Enlargement States

Policies and Institutions on Gender Equality

The principles of gender equality in the CEE states' labor markets were introduced by the Marxist-Leninist economic doctrine of state-planned socialist economies, which instantiated full employment as a primary right and primary obligation for every capable citizen. In communist ideology, the principle of full employment was viewed as a major precondition for ensuring the equal rights of citizens, including women. In all ten countries examined in this book, the key provisions declaring gender equality were contained in national labor codes and constitutions which replicated Stalin's 1936 constitution. These regulations asserted the equal rights of women and men in all areas of state, political, economic, cultural, and social life. Constitutional provisions prohibited any form of discrimination, gave citizens the right to work and choose their occupation, required equal remuneration for an equal job, ensured the rights of workers to vacation and time off, and guaranteed state social security support during sickness and after retirement. Constitutions provided financial and legal support to mothers and children, including protection for pregnant women, paid leave of absence prior to and after giving birth, guaranteed medical and obstetric care to expecting mothers and children, and a network of nurseries and kindergartens. Overall, entitlements such as free education, free childcare, maternity and parental leave, health care, paid sick leave and pensions were broader and more generous than in many Western democracies at that time. While these provisions resulted in greater participation of women in the paid workforce and greater visibility of women in political and social arenas, they failed to fully eliminate discriminatory practices against women workers during the socialist period (Daskalova 2007; Deacon 2000; Einhorn 1993; Nechemias 2006). Moreover, these provisions failed to protect women workers at the time

of transition which resulted in marginalizing women in the labor market, raising social inequality, increasing unemployment, and growing the poverty gap between women and men.

The remainder of this chapter will briefly review socialist provisions concerning gender equality to provide an idea of how closely they fit (or do not fit) the EU requirements outlined in the equality directives. The provisions concerning *equal pay* were stipulated both in national constitutions and labor codes of post-communist countries. However, the commentators noted a lack of equal pay stipulations in the administrative orders and wage tariff calculations (Sloat 2004*b*). Typically wage tariffs, evaluation and classification of work, were established by the central ministries of labor and social affairs in cooperation with trade unions. While they formally observed the principle of remuneration for work according to its amount, quality, and societal value, the documents did not define the concept of remuneration itself and did not determine how the principle of "equal pay for equal work" should be established. Thus, we detect formal recognition of the principle, but no administrative stipulation or guidelines for how to enforce this principle.

Similarly, *equal treatment* provisions were formally recognized in socialist labor codes and constitutions, but there were no definitions of these principles and no clear administrative orders for enforcing them. Equal treatment was narrowly understood as equal access to employment and the free pursuit of education. Women's equal participation in the public sphere was assured through the specialized regulations of work conditions, special care during pregnancy and maternity, and extensive provisions of social services, such as childcare. Protective legislation also included a range of limitations and bans on many jobs that were viewed to be inappropriate for women, especially pregnant women and working mothers. For instance, in Poland women could not be drivers of public buses and trams (Fuszara 2005*b*). In Romania, women with children younger than six years old could not work night shifts (Ghebrea, Tata-ram, and Cretoiu 2005). Numerous jobs in industrial, construction, and transportation sectors were prohibited for women. Legal access to shift work was highly regulated as well. These protective measures, considered "women's privilege" during socialist times, backfired against female workers during the time of transition (Zielinski 1995).

None of the countries had extensive provisions to ensure the *equal treatment of self-employed* workers. The phenomenon of self-employment was extremely rare in socialist countries. With gradual economic liberalization in the 1980s, Slovenia and Hungary established minimum

provisions for ensuring the rights of self-employed individuals in areas of social security and maternity and health benefits; however, these cases were rare. Other states did not have such legislation before the 1990s.

The *equal treatment in the calculation of social security* is a problematic area of gender equality legislation for all post-communist countries. None of the countries had occupational social security; all states managed statutory social security insurance funds requiring all working individuals and employers to pay a certain percentage of their income to the fund. In addition, state governments transferred some portion of the GDP to the national social security fund to pay social security benefits to retired individuals. The calculation of retirement benefits under the state-planned economy violated the principal assumptions of gender justice. First, it reflected a gender pay gap embedded in wages, which resulted in a conspicuously gendered benefit gap. Second, the gender gap in social security benefits was exacerbated by the different retirement ages for men and women workers: on average, female workers retired five years earlier than male workers. All socialist states considered the early retirement age of women to be a special privilege. It was viewed as the state's recognition of women's hard work and a special way to reward this work. This principle, however, disguised indirect discrimination against women, whose wages and social security contributions and, therefore, benefit entitlements, were much lower than those of working men. In addition, social security benefits reflected the life expectancy of the recipients, decreasing women's benefits even more, because on average, female life expectancy is longer than that of males. Meager pensions resulted in greater rates of impoverished, retired women across these socialist states.

CEE states had minimum provisions to ensure the rights of *part-time workers*. In general, part-time work was a rare practice in socialist states because insufficient wages earned from those jobs could not cover basic survival needs (Sloat 2004b). Hungary was the only state where similar social security calculation and eligibility for full-time and part-time workers were established. In other states, these provisions were not explicit or nonexistent. Often socialist labor codes guaranteed part-time and reduced-hour work upon request by the employee in cases of special needs, such as sickness or childbirth.

No countries included in this study had provisions, or a defined concept, for the reversal of the *burden of proof* in cases of discrimination. Discrimination on the basis of sex was prohibited in state constitutions and in national labor codes. Some countries, Czechoslovakia and Hungary for example, stipulated minimal provisions of how to seek redress in

cases of discrimination against workers. Nevertheless, socialist states did not have a tradition of litigation and case law. Overall, it was difficult and not advisable to seek remedy in cases of discrimination through legal means. There were very limited administrative avenues for seeking redress through negotiations and disputes with the help of trade unions and women's organizations (Fuszara 2004). At any rate, organizations, which represented the interests of individuals and criticized discriminatory practices, should have taken the lead in cases of discrimination instead of leaving individuals to seek redress personally.

Social policies in socialist states had an explicit pro-natalist focus. *Maternity and parental leave* provisions were intended to help women combine care giving responsibilities with work. All socialist states had an extensive list of leaves available to working mothers and pregnant women. In fact, state socialist provisions in the area of paid leaves in all examined states exceeded EU provisions. At the same time, there was no *paternity leave* for caring fathers. In some states, fathers could enjoy the same leave and benefit provisions only if they could prove that they were the primary caretaker of a child (divorced, single, widowed, or unmarried fathers).¹⁶

Institutional oversight and regulation of issues related to work and family were divided between several ministries, which typically included the Ministries of Labor and Social Affairs, the Ministries of Youth and Families, and the Ministries of Health. Such ministries had departments that dealt with issues of women and families, family and child benefits, and welfare services. The Ministries of Health were involved in the enforcement and monitoring of pro-natalist policies and policies protecting the health of working, pregnant women and mothers of young children. Poland was the only socialist state that had a specific government office that dealt with women's issues, the Government Plenipotentiary on Women. This office was established in 1986 in the aftermath of the World Women's Conference in Nairobi (Nowakowska 2000). Poland was also the first country to establish the office of the Ombudsperson for Civil Rights in 1987, which opened legal opportunities for seeking redress in cases of discrimination, including discrimination on the grounds of sex.

In addition to ministry-level institutions, several socialist countries established administrative inspectorates to monitor and enforce labor code provisions and detect violations. For instance, by mid-1980s Poland, Hungary, and Czechoslovakia had centralized Labor Inspection Offices with regional branches. In other states, like the three Baltic states, the functions of monitoring labor code violations were performed by trade unions. Trade unions were often involved in the elaboration and enforce-

ment of regulations concerning worker's rights and obligations, including worker protection, leave, bonuses, and family vacation and recreational activities. In addition, they were involved in the distribution of social benefits (including housing, food stamps, vacation and recreation, and scarce resources, such as clothing, home appliances, cars, etc.). Labor offices and trade unions did not have a direct mandate to promote and monitor the enforcement of gender equality provisions outlined in national labor codes, however. These offices represented the rights of all workers and often supported the segregation of occupations by gender because they viewed women's income and work as secondary to that of men. Some women's issues were handled by women's organizations. But the primary function of these organizations during the socialist time was ensuring political support and satisfaction with communist party politics among working women.

Policy Outcomes in the 1990s

Socialist provisions for gender equality did not withstand the trying times of transition: state guarantees of full employment and access to benefits collapsed alongside the planned socialist economies which supported them. A dramatic neoliberal turn and austerity measures adopted by many post-communist, transition states in the early 1990s exacerbated the effects of economic transformation on social outcomes: social benefits and welfare provisions disappeared, unemployment skyrocketed, and hyperinflation dramatically reduced the value of wages (Cook, Orenstein, and Rueschemeyer 1999). Nationalist sentiments came to dominate public agendas reinstating traditional family values with gendered divisions of labor between a male breadwinner and a female caretaker (Nowakowska 1997; Pollert 2003; Renne 1997).

Women, who experienced a significant decline in levels of employment, living standards, political participation, and cutbacks on reproduction rights, are often characterized as the "losers" during this time of economic transition (Einhorn 1993; Gal and Kligman 2000; Ghodsee 2004). While no one debated that reproductive freedoms and levels of political participation declined dramatically, the data for women's participation in the labor market is suggestive of a different interpretation (Van der Lippe and Fodor 1998; Wahl 2008). Van der Lippe and Fodor argue that economic liberalization allowed for greater competition in the service sector, traditionally dominated by women (1998). This had a positive effect on women's employment and wages. Pascall and Manning note

that although female labor participation rates declined after the collapse of socialist economies, their employment rates are still high in comparison to Western European countries (2000). Table 1.1 displays the rates of women's employment in a comparative perspective: all states experienced significant decline in female employment rates, but they remained quite high in comparison to the EU-15 average (Pascall and Manning 2000). Overall, employment rates of women in Eastern European countries resemble female employment rates in Scandinavian countries rather than the lower totals and particularly the full-time employment rates in other Western European countries (Fagan, Grimshaw, Smith, Hebson and Figueiredo 2005).

According to Table 1.1, levels of unemployment varied across states: some countries demonstrated high unemployment levels (Poland, Bulgaria, Latvia, and Slovakia), whereas others illustrate that levels of unemployment remained quite low taking into consideration the degree of economic transformation the countries were experiencing. Table 1.2 displays levels of female unemployment across post-communist states over time. Female unemployment rates are not significantly different from male unemployment rates in transition states. Some experts argue that relatively low unemployment was sustained mainly because of an afford-

Table 1.1. Total Female Labor Force Participation, Age 15–65, Central and Eastern European Countries, 1985–2005

<i>Year</i>	<i>Bulgaria</i>	<i>Czech</i>		<i>Hungary</i>	<i>Latvia</i>	
		<i>Republic</i>	<i>Estonia</i>			
<i>Lithuania</i>	<i>Poland</i>	<i>Romania</i>	<i>Slovakia</i>	<i>Slovenia</i>		
1985	70.8	73.9	77.4	58.1	76.4	72.3
66.4	62.1	69.7	64.6			
1990	72.2	74	76	57.3	75	70.3
65	61.1	70.7	63.2			
1995	64.3	64.5	66.4	50.5	66.1	67.5
60	66.2	61.6	63.1			
2000	54.5	63.7	65.2	52.6	62.8	67.1
59	62	63.2	63.5			
2005	52.3	64	64.3	53.5	63	65.9
57.6	55.3	62.4	65.6			

Source: Eurostat and European Commission database on Women and Men in Decision-Making, different years.