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COMPARATIVE PERSPECTIVES FROM FEMINIST INSTITUTIONALISM

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Abstract -----

This article presents a focused comparative analysis of the institutionalization of two governance practices in the European Commission that levy distinct challenges to the gender status quo: gender mainstreaming (which overtly challenges gender bias) and evaluation (which does not have explicit feminist aspirations). With reference to five dimensions, we identify evaluation as relatively strongly institutionalized, and gender mainstreaming as relatively weakly institutionalized. We draw on the explanatory power of feminist institutionalism to unpack these findings, arguing that a feminist institutional perspective can shed light on this variation, as it provides greater insight into the formal and informal institutions that constrain, enable and shape the implementation of evaluation and gender mainstreaming. We assert that the notion of path dependency, the logic of appropriateness, and the concept of layering serve as useful tools to understand the gendered nature of the European Commission. This research provides insights into the institutional factors that impact the implementation of gender equality strategies (such as gender mainstreaming). In turn, this contributes to the development of more effective strategies to promote institutional change toward greater equality.

----- **Keywords**
gender mainstreaming, evaluation, feminist institutionalism, European Union, European Commission

The gap between the theory and practice of gender mainstreaming in European Union (EU) policymaking is well known to feminist scholars and activists. Whilst scholars once heralded the concept of gender mainstreaming as “potentially revolutionary” (Hafner-Burton and Pollack 2009, 434), the empirical reality has shown otherwise (e.g., Lombardo and Meier 2006; Mergaert 2012). Success stories are confined to specific policy areas and gains have been inconsistent over time. In this article, we explore why the process of gender mainstreaming has been so impeded in EU policymaking, with reference to the formal (constitutions, laws, and rules) and informal institutions (norms, customs, and unwritten rules) of the European Commission; institutions that shape how gender equality strategies play out in practice. In so doing we contribute to scholarship on both gender mainstreaming and feminist institutionalism (FI). Regarding the former, we further the understanding of the institutions that resist and shape the implementation of gender mainstreaming in the EU. Regarding the latter, through taking an innovative comparative approach, we expose and explore the informal institutions at play within the European Commission, and question the interaction between the formal and the informal. This approach acknowledges the need for feminist scholarship to consider formal and informal institutions in concert to fully grasp the dynamics of institutional continuity and change.

The two governance practices under scrutiny levy distinct challenges to the Commission’s gender status quo: gender mainstreaming overtly challenges gender bias, while policy evaluation has no explicit feminist aspirations. Tracing and analyzing the different institutionalization experiences of these two

governance practices yields a better understanding of the gender regime in which they operate. We understand a gender regime to be “the structure of gender relations in a given institution” (Connell 2012, 1677), capturing the formal and informal institutions of the European Commission, that (taken holistically) determine how a governance initiative will play out in practice. Crucially, our analysis encompasses informal institutions and, specifically, how these interfere with the implementation of the governance initiatives.

Our comparative cases (evaluation and gender mainstreaming) were selected because of the different levels of institutional importance they enjoy within the Commission (Mergaert and Minto 2015), with evaluation holding a more privileged status. Policy evaluation and gender mainstreaming entered European governance in the 1980s and 1990s, respectively. Understood broadly, policy evaluation comprises both *ex ante* and *ex post* evaluation of policy initiatives, connected as part of a coherent and efficient policy cycle. Gender mainstreaming is a strategy to promote equality between women and men, horizontally applicable across all policy and activity. Both policy evaluation and gender mainstreaming are viewed favourably in terms of good governance and effective policymaking: evaluation allows lessons from the past to inform future decisions (see e.g., Sanderson 2002), and gender mainstreaming has been accepted as a modern approach to the promotion of gender equality and is associated more generally with modern politics (Daly 2005). Despite this, their fortunes within the Commission have been contrasting.

Our first research question asks, what are the similarities and differences between the institutionalization of evaluation and gender mainstreaming? In this phase of research, we undertake a focused comparison of our two cases, using five dimensions to assess institutionalization: (1) formalized adoption; (2) structures and procedures; (3) quality; (4) accountability and compliance; and (5) stability. Referring to corresponding empirical indicators, the dimensions are compared and contrasted for both cases, allowing us to gauge the level of institutionalization. The more formalized governance processes are, the higher their level of institutionalization, whereby “institutionalization” refers to being established as formal institutions. Our second research question interrogates these findings, asking, why do evaluation and gender mainstreaming have different degrees of formal institutionalization in the Commission? Here we draw on the explanatory potential of FI.

Feminist institutionalism approaches and applies new institutionalism (NI) through a gendered lens, starting from the premise that institutions (both formal and informal) are gendered. Using FI, we move beyond an actor-focused approach to consider how institutions themselves constrain and enable gendered change. We are concerned with both formal and informal institutions and the impact they have on the embedding of both governance initiatives. Our analysis builds on existing claims about the interaction between the formal and informal institutions in the European Commission. Exposing informal institutions and understanding their impact is valuable to feminist scholars and activists, to enable a better understanding of the previously “hidden” challenges to institutional change toward gender equality.

Following this introduction, section one presents our feminist institutional approach, with particular attention to the relationship between formal and informal institutions. Section two comprises the first phase of analysis: gauging the level of institutionalization of evaluation and gender mainstreaming in the Commission, against the five dimensions. Section three explores these findings using an FI approach. We draw on the notions of path dependency (from historical institutionalism), the logic of appropriateness, and “layering” (a form of bounded innovation), and make specific reference to informal institutions.

This article argues that, while evaluation has become embedded within the institutional fabric of European decision making, the implementation of gender mainstreaming has had mixed success, enjoying a lower level of institutionalization in the European bureaucracy. FI offers some explanations for these findings based on the gendered institutional nature of the Commission. Drawing on historical institutionalism, we acknowledge that critical junctures have influenced the institutionalization of both practices, but that path dependency has privileged the development of evaluation over gender mainstreaming. Second, the institutional “logic of appropriateness” within the Commission has worked to resist the institutionalization of gender mainstreaming, whereas it has supported the institutionalization of evaluation. Our comparison emphasizes the strength of the informal institutions working to maintain the gender status quo within the Commission, such that institutional change toward further gender equality is subverted, despite being formally mandated. Finally, we highlight gender mainstreaming as an example of

institutional “layering,” where new rules are added on top of (but do not replace) old rules. Based on this assessment, we advance suggestions to strengthen future gender equality strategies and propose avenues for further research into the power of FI to explain successes and failures of gender-specific governance initiatives.

A FEMINIST INSTITUTIONAL APPROACH

It is well established in political science that “institutions matter,” whether these are formal or informal, of the state or of society. When determining the “success” of governance practices becoming established and achieving their desired goals, the Commission (as the executive and bureaucracy of the EU) is a crucial site for institutional analysis. We seek to shed light on how the institutionalization of governance initiatives within the Commission is constrained, enabled, and shaped by its own institutional nature (formal and informal). As noted above, we selected two cases because of the distinct challenges they levy in terms of gender. While gender mainstreaming explicitly challenges the (gendered) status quo with the aim of promoting gender equality, evaluation emerged as a practice to promote efficient governance, with no explicitly feminist aspirations (although it *ought* to be gender-sensitive, in accordance with the EU’s commitment to gender mainstreaming). Given our interest in gendered continuity and change, FI provides an ideal theoretical framework for our analysis. In what follows, we briefly locate the genesis of FI in the context of NI scholarship. We then unpack our understanding of formal and informal institutions, and the relationship between them. Finally, we turn to the specific concepts used for our FI

exploration of the institutions at play in the Commission: path dependency, the logic of appropriateness, and layering. Adopting these concepts allows us to interrogate continuity and change, referring to both formal and informal institutions.

The development of FI arose from the meeting of feminist political science and NI. NI insists that “the organisation of political life makes a difference” (March and Olsen 1984, 747). Gender has, however, been conspicuously absent in NI scholarship, save for a few exceptions (e.g., Pierson 1996). It has been down to feminist scholars to bring a gender perspective to bear on NI in order to explore how “the *gendered* organization of political life makes a difference” (Lowndes 2014, 685). NI and FI scholars share common assumptions and concerns in their understanding of, and approach to, institutional analysis: institutions as formal and informal; institutional creation, continuity and change; structure and agency; and power (Mackay, Kenny, and Chappell 2010). We engage with these – to varying degrees – in our analysis.

While most FI research focuses on elected state bodies (e.g., Kenny 2011; Waylen 2010), feminist scholarship has started to document the gendered nature of certain bureaucracies and nonelected state bodies (e.g., Annesley and Gains 2010; Chappell 2006), including the European Commission (Braithwaite 2000; Kronsell 2015; Mergaert and Lombardo 2014; Weiner and McRae 2014). We build on this and the work on historical institutionalism to further our understanding of the formal and informal institutions at play within the Commission.

Formal and informal institutions ought not to be studied in isolation from one another (e.g., Waylen 2014). Given that “[i]nformal gendered norms and expectations shape formal rules, but may also contradict or undermine them, for instance, working to frustrate or dilute the impact of gender equality reforms” (Lowndes 2014, 687), to understand the challenges (and opportunities) faced by evaluation and gender mainstreaming attention to both is required. The relationship between formal and informal institutions is an empirical question (Lowndes 2014, 687), particular to an organization (e.g., the European Commission). Such research into the power and influence of informal institutions is vital to progress toward more effective institutionalization of gender-focused governance practices within the Commission. We begin from the premise that informal institutions will impact the formal institutionalization of the two governance initiatives under study, distorting their level of entrenchment within the Commission. Given the distinction between evaluation and gender mainstreaming along lines of gender, our comparative analysis exposes the gendered nature of these informal institutions.

Like previous studies (e.g., Chappell 2006; Longwe 1997), we contest the Weberian notion of an objective, neutral bureaucracy concerned with the implementation of decisions made in the political realm. Even such supposedly “neutral” institutions are underpinned by a “logic of appropriateness” (Chappell 2006) that is highly gendered. The logic of appropriateness centers our attention on the informal institutions at play, constituted as it is of the norms that protect and seek to preserve the gender status quo (Chappell and Waylen 2013). Indeed,

the logic of appropriateness informs the types of behavior that are constrained and encouraged within the institution, shaping masculine and feminine forms of doing and being, as well as accepted norms and values. As such, this logic of appropriateness is the informal component of the broader gender regime within which actors operate.

As Chappell (2006) posits, a pervasive norm within many Western, liberal bureaucracies is that of “neutrality.” However, as feminist critique underlines, “[T]he norm of neutrality is profoundly gendered” (Chappell 2006, 226), perpetuating androcentrism and favoring traditionally masculine characteristics. In these contexts, gender equality policies (despite being formally mandated) are subject to a process of “evaporation” (Longwe 1997), making them disappear through the various stages of implementation. This is due to the deeply embedded nature of the gendered logic of appropriateness within which these formal policies are enacted, with the result that informal norms may affect the implementation of formal practices (Chappell and Waylen 2013). This presents a particular understanding of the relationship between the formal and the informal, as part of a wider gender regime. Notably, the promotion of gender equality encounters specific challenges in an institutional context in which the norm of “neutrality” is entrenched: the concept of bureaucratic neutrality contrasts with what is understood as an ideological, politicized objective such as gender equality, thus reducing the latter’s prospects of success.

NI has been more prolific on the subject of institutional continuity than institutional change, predominantly assuming and exploring the persistence of

institutions. Central in such analysis has been historical institutionalism (HI) (e.g., Thelen 1999), focusing on the notion of path dependency, which underlines the significance of initial events in shaping institutional development over time (Pierson 2004). These early stage events and subsequent “critical junctures” (Collier and Collier 1991) set the path along which an institution develops. Through processes such as feedback mechanisms, fuelled by formal and informal institutions, there is a tendency toward institutional stability and the preservation of the status quo. More recently, however, offshoots from HI have provided useful ideas about institutional change. The notion of “bounded innovation” (for a brief description of this research, see Mackay, with Armitage, and Malley 2014, 97) highlights the scope for institutional change through incremental processes of displacement, layering, drift, and conversion. Among these, “layering,” which is “the introduction of new rules on top of or alongside existing ones” (Mahoney and Thelen 2010, 15), is of particular interest. In instances of institutional layering, the existing status quo is not replaced, perhaps because actors lack the requisite power to challenge it to such a degree. However, the by-product of working within the existing system is that small changes will be made to it. Indeed, “While defenders of the status quo may be able to preserve the original rules, they are unable to prevent the introduction of amendments and modifications” (Mahoney and Thelen 2010, 17).

These three concepts – path dependency, the logic of appropriateness, and layering – are useful anchors around which to explore the institutionalization of evaluation and gender mainstreaming in the European Commission from an FI perspective. As noted above, these concepts allow us to explore institutional

continuity and change and, through a comparative perspective, be attentive to informal and formal institutions. We apply these concepts to the findings from the analysis in section two that gauges the level of institutionalization of the two studied governance practices. With respect to path dependency, we investigate how the critical junctures circumscribe the possibilities and limits of institutional change toward greater gender equality. Then, the logic of appropriateness draws attention to the gendered nature of the informal institutions within the European Commission. Finally, the concept of layering reveals more nuanced ways in which gendered institutional change occurs, in particular when gender regimes are not overthrown or subverted through the replacement of formal institutions. This analysis, providing a snapshot of the status of evaluation and gender mainstreaming in the European Commission, draws on data from our own empirical explorations of the different dimensions of evaluation and gender mainstreaming in the Commission, as well as existing empirical research findings.

COMPARING LEVELS OF INSTITUTIONALIZATION: EVALUATION AND GENDER MAINSTREAMING IN EU POLICYMAKING

Gauging Institutionalization

Previous research has highlighted differing levels of institutional importance attached to evaluation and gender mainstreaming in the Commission (Mergaert and Minto 2015). This current article expands on this finding, investigating how

far these two governance initiatives have been *institutionalized* within the European bureaucracy. We seek to identify the factors that determine the institutional change that accommodates and (ultimately) normalizes certain practices, while it resists others. With evaluation present in the European institutional architecture since the 1980s and gender mainstreaming since the 1990s, sufficient time has elapsed for these practices to be the subjects of analysis.

We understand an institutionalized practice to be one that has become a normalized and stable part of the decision-making process, with the quality of this practice being maintained through the investment of resources (human and financial) and consistent monitoring. While we refer to the Commission *as* an institution, our analysis focuses on the institutions *of* the Commission that shape its activity and the behavior of the actors working within it. Institutionalization is itself a process, and one that results in changes to the formal institutions and (perhaps) informal institutions. Here, we are interested in the *outcome* of that process and the factors that have shaped it.

We measure the level of institutionalization along five dimensions, focusing on the implementation of policy instruments (as opposed to the content of policy output). They are: (1) formalized adoption; (2) structures and procedures; (3) quality; (4) accountability and compliance; and (5) stability. Table 1 provides an overview of the empirical indicators for each dimension, inspired by an existing analytical framework used to assess the EU's institutional capacity for gender mainstreaming (Mergaert and Wuiame 2013). Referring to these empirical

indicators, a value is assigned to each dimension: low, medium, or high. Notably, these dimensions are not mutually exclusive; some empirical indicators could be assigned to multiple dimensions.

[Insert table 1 here: Dimensions of Institutionalization and Empirical Indicators to Assess its Level]

Evaluation in the European Commission: Medium to High

Institutionalization

The Commission has a long history of evaluation, beginning in the early 1980s. It was originally used as a financial accountability tool, developed in Directorates-General (DG) with more significant budgetary allocations, for example DG Research (Mergaert and Minto 2015), but before long the majority of DGs were running evaluations (Summa and Toulemonde 2002). Over time, the Commission has strengthened its evaluation function, notably within the context of its Better Regulation and Smart Regulation agendas, which promote effective EU action through the systematic assessment of “the impact of policies, legislation, trade agreements and other measures at every stage – from planning to implementation and review” (European Commission 2015b). This has reinforced both ex ante evaluations (through the Integrated Impact Assessment [IIA]) and ex post evaluations, as well as strengthening the link between them, as part of the Smart Regulation policy cycle. There have been multiple commitments to an “evaluate first” culture of decision-making in the Commission, rearticulated through Juncker’s 2015 Better Regulation Package. This cements evaluation as

part of a Commission decision-making process, set on reducing administrative and regulatory burden. In terms of the first dimension, we argue that the *formalized adoption* of evaluation is medium to high. While it enjoys high-level support, it has not been explicitly constitutionalized within the EU Treaties.

The Commission has developed *structures and procedures* for the implementation of evaluation, such that the current evaluation system is described as well-developed and robust (Hojlund 2014). There are clearly identifiable, dedicated units and members of staff across the Commission with responsibility for IIAs and evaluation. Many Directorates-General have dedicated, internal capacity for IIA and evaluation,¹ and Commission-wide networks coordinate activities at Commission level. These enjoy high-level oversight, being organized by central Units for “evaluation, regulatory fitness and performance” and “impact assessment” respectively in the General Secretariat’s Directorate on “Smart Regulation and Work Programme.” Furthermore, there are separate guidelines for the IIA and evaluation, which were redrafted following public consultations and articulated as integral to the Commission’s Better Regulation Guidelines (European Commission 2015a). Although both IIAs and evaluations are organized in a decentralized way in the Commission, guidance is horizontally applicable across all policy areas, having been developed to support the coherent, consistent, and robust implementation of impact assessments and evaluations. We classify the second dimension (structures and procedures) as medium to high.

Regarding the *quality* of evaluation, there has been considerable institutional investment. The Commission organizes regular training sessions for all staff on impact assessment and evaluation. Central quality control functions have also been established. In 2006, the Impact Assessment Board (IAB) was created under the direct authority of the Commission President, chaired by the Deputy Secretary General responsible for Better Regulation. The Board examined and issued opinions on all the Commission's impact assessments, acting as an incentive for DGs to comply with the IIA Guidelines. On 1 July 2015, the IAB was replaced by the Regulatory Scrutiny Board (RSB), charged with examining and providing opinions on all draft impact assessments, major evaluations, and fitness checks. Therefore, it provides a central “quality control” function. Prior to this, there was no such quality control function for ex post evaluations, although the quality of all evaluations was assessed against a set of preestablished criteria. Each evaluation has a steering group that advises on the terms of reference and supports the evaluation work. As such, there has been investment of human and financial resources, and the creation of bodies dedicated to ensuring the quality of implementation. Therefore, we rate the quality of evaluation in the Commission as medium to high.

The Commission has made efforts to promote the *transparency and accountability* of the evaluation and IIA systems. Impact assessments and evaluations are formally planned, and this plan is published. All impact assessments and RSB opinions are available online, once the Commission has adopted the relevant proposal. There is also a publicly accessible database of

evaluation files on the Commission's website. This transparency acts as an incentive for compliance with the guidance. We argue that accountability and compliance (the fourth dimension) is medium to high, as there is regular monitoring and procedural transparency.

The *stability* of evaluation practice in the Commission is growing over time. The first milestone was the establishment of the IIA in 2002, institutionalizing an ex ante assessment of all legislative initiatives and all major policy initiatives (discretion is afforded for the latter). The horizontal reach of evaluation is not as established, although the Commission has made concerted efforts to expand the practice of evaluation across the breadth of EU regulatory policy. This speaks to reducing regulatory burden across Union activity. We therefore classify the stability of evaluation as medium.

Looking at the classifications across the five dimensions, the level of institutionalization of evaluation is medium to high.

Gender Mainstreaming in the European Commission: Low to Medium

Institutionalization

Gender mainstreaming was adopted by the Commission in 1996 (Commission of the European Communities 1996), defined as “not restricting efforts to promote equality to the implementation of specific measures to help women, but mobilising all general policies and measures specifically for the purpose of achieving equality” (2, emphasis in original). The 1997 Treaty of Amsterdam

formalized this commitment, enshrining in the Treaties the elimination of inequality and the promotion of equality between women and men as an aim, horizontally applicable across Community (now Union) activities (Article 3(2) EC [now Article 8 TFEU]); making it a duty for Commission civil servants to integrate the gender perspective in all EU policies. As a constitutionalized commitment, gender mainstreaming enjoys high-level status at the top of the EU's normative hierarchy. Taken together, we classify the *formal adoption* as high.

The Commission has established some internal structures to take up its gender mainstreaming responsibilities. There is one dedicated Gender Equality unit in DG Justice to coordinate the Commission's work, and an Inter-Service Group for Gender Equality, with members from all Commission DGs and services, to "coordinate the implementation of actions for equality between women and men in their respective policies as well as the annual work programme for their respective policy area" (Mergaert and Wuiame 2013, 62). However, research has demonstrated that gender mainstreaming has not become normalized within EU policymaking. There is no standard approach or consensus on an implementation method. While there are some policy-specific guidelines, these are not uniformly available across all policy areas. The Commission appears to assume that impact assessment, monitoring, and evaluation will help to mainstream gender; however, the IIA does not systematically address the gender dimension of Commission proposals (Mergaert and Wuiame 2013; Smismans and Minto 2016), and neither has gender been mainstreamed in evaluation practice (Mergaert and Minto 2015). In its Strategy for Equality between Women

and Men 2010–2015, the European Commission reiterated its commitment to implement gender mainstreaming “as an integral part of the Commission’s policymaking, including via the impact assessment and evaluation processes” (European Commission 2010b, 34). In addition, in the document Actions to Implement the Strategy for Equality between Women and Men 2010–2015, it set out its plans for monitoring, evaluating, and reporting of the Strategy (European Commission 2010a, 21), stating, “It is important for the Commission to be able to demonstrate how its action contributes to the progress of gender equality at EU level” (European Commission 2010a, 21). However, there is no current strategy; it has been downgraded to a document entitled Strategic Engagement for Gender Equality 2016–2019. Based on this, we classify *structures and procedures* as medium to low.

Gender training and other capacity-building efforts (e.g., toolkits on gender) exist in some DGs, raising awareness and enhancing the staff’s gender mainstreaming skills. However, the need for more resources for gender mainstreaming has been expressed repeatedly, notably in evaluation reports, and in the European Parliament’s evaluation of the 2010–2015 Strategy for Equality between Women and Men (European Parliament 2014). The skills needed for gender mainstreaming are not systematically addressed (e.g., there is no systematic training for newcomers, or updated training/coaching for members of the Inter-Service Group), and no specific methods are used for implementation. Therefore, *quality assurance* (the third dimension) is classified as low to medium.

The Commission is falling short when it comes to *transparency and accountability* regarding gender mainstreaming. Annual monitoring and reporting of actions are the responsibility of each DG, and it is the role of the Gender Equality unit in DG Justice to coordinate this exercise and provide a synthesis in the Annual Report on Equality between Women and Men. While the 2010–2015 Strategy for Equality between Women and Men identified “horizontal issues” (including gender mainstreaming) as one of the priorities for action, the Commission’s Annual Report on Equality between Women and Men (European Commission 2015c)² highlights some (weak) gender mainstreaming efforts in a couple of policy areas, implicitly recognising that not much is happening. Furthermore, the annual reports on actions undertaken for gender equality, produced by the respective Commission services, are not publicly accessible, precluding an analysis and follow-up by stakeholders. Also, although an evaluation of the Roadmap for Equality between Women and Men 2006–2010 was undertaken (including an analysis of gender mainstreaming, governance, and transversal issues linked to delivery mechanisms), the report from this study was not published (although results were presumably reflected in the background note for the new Strategy). This lack of transparency makes it difficult to gain an understanding of the state-of-play of gender mainstreaming across all DGs. Therefore, this fourth dimension (*accountability and compliance*) is classified as low.

Empirical research shows that the implementation of gender mainstreaming has not been consistent across policy areas or over time (Hafner-Burton and Pollack 2009; Pollack and Hafner-Burton 2000). This resonates with the Commission’s

own Annual Report on Equality between Women and Men (European Commission 2015c). Implementation has been characterized by patchy success in certain policy areas at certain moments. It is perhaps the case that gender mainstreaming has lost its “novelty value,” so the flurry of activity that surrounded its adoption in the 1990s has been tempered to rather muted levels. Therefore, the *stability* of gender mainstreaming is recorded as low.

In summary, the commitment to gender mainstreaming is in principle mandatory but no system of incentives or sanctions, peer pressure, or accountability mechanisms is in place to ensure compliance. Looking at the classifications across the five dimensions, the level of institutionalization of gender mainstreaming is low to medium.

THE EXPLANATORY POWER OF FI

The focused comparative analysis highlights the differing levels of institutionalization between gender mainstreaming and evaluation, regarding their formal adoption, structures and procedures, quality, accountability and compliance, and stability. Based on these, we classify the level of gender mainstreaming institutionalization as low to medium, and the level of evaluation institutionalization as medium to high. In this section, we interrogate these findings using FI (specifically path dependency, the logic of appropriateness, and layering) exploring why gender mainstreaming has not enjoyed the same level of institutionalization as evaluation, despite its constitutionalized status.

Path Dependency

Three specific moments (or “critical junctures”) have been key to determining the institutional experiences of evaluation and gender mainstreaming: the early days of European integration; the “governance turn” in the 1990s; and the shift toward “Better Regulation” in the early 2000s. We argue that these have all been formative in the institutional development of the Commission, providing the broader formal and informal setting in which European integration has taken place and, therefore, working both for and against the institutionalization of our comparative cases. With respect to the first (the early days of European integration) and focusing specifically on the poor levels of institutionalization of gender mainstreaming, existing research confirms the “immateriality of gender equality during the EU’s inception” (Weiner and McRae 2014, 4). Even the narrow concept of gender equality included in the 1957 Treaty of Rome (equal pay for equal work) was not underpinned by a principled commitment to gender equality or social justice. Instead, the driver for its inclusion was fear of unfair competition from countries that had low-paid female workforces (see, e.g., Kantola 2010). This reflects the economic rationale underpinning the EU. Empirical research on gender equality strategies has long highlighted the strategic framing of gender equality within the EU’s economic and business perspective in order to secure its position on the political agenda (e.g., Pollack and Hafner-Burton 2000; Stratigaki 2004). There is thus little to indicate that the Commission would be receptive to institutional change toward greater gender equality through strategies such as gender mainstreaming. This will not surprise

feminist scholars, as such arguments have become common currency over previous decades.

The second critical juncture was the rise of “good governance” in the 1990s. This increased the use of governance practices beyond the conventional Community method of decision-making in the EU and focused attention on the legitimacy of EU activity. The EU’s adoption of gender mainstreaming took place during this period, in which gender equality was framed as a standard of modern governance (Squires 2007), and the concept of gender mainstreaming diffused widely among states and international organizations (Walby 2005). Evaluation also fitted neatly within this institutional frame, as evidence-based policymaking gained international salience from its roots in the UK (Botterill and Hindmoor 2012, 369). Importantly, it was the representation of gender mainstreaming and evaluation as modern governance tools that was crucial. Indeed, the rise of gender mainstreaming in the 1990s was not primarily due to a more acute concern with gender equality per se, but rather was the result of an alignment of factors, including the increased use of governance practices beyond the Community method. While this development, spurred by alliances of gender activists and femocrats, was sufficient to support the formal adoption of gender mainstreaming and early activity around its implementation, it did not support and lead to the institutionalization of gender mainstreaming; whereas it set an institutional context that was more favorable to the institutionalization of evaluation.

The final critical juncture was the EU's shift toward "Better Regulation" in the 2000s. The Better Regulation agenda strengthened existing formal and informal institutions of the Commission. This fortified institutional context supported the further consolidation and institutionalization of evaluation, whereas it raised barriers for gender mainstreaming. Better (or Smart) Regulation emphasizes efficient and effective policymaking through a reinforced policy cycle, and with the 2010 Smart Regulation agenda came an increased emphasis on "simplification" and the "reduction of administrative burden." As argued by Smismans (2015), evaluation fits neatly here, hence ex post evaluation was "propelled . . . higher up the political agenda" (Smismans 2015, 24). At the same time, the institutionalization of gender mainstreaming faced greater challenges, particularly given the reinforced logic of appropriateness at play within the Commission.

Logic of Appropriateness

Our findings indicate that the logic of appropriateness within the Commission is more hospitable to the institutionalization of evaluation than it is to the institutionalization of gender mainstreaming. In other words, the informal institutions serve to undermine gendered institutional change. The ostensive neutrality of the European bureaucracy is particularly problematic for the institutionalization of gender mainstreaming, specifically as it is manifest through the Commission's Better Regulation agenda. As discussed above, initiated in the early 2000s by the Prodi Commission, the Better Regulation agenda has been strengthened over time. The Commission is increasingly

employing technocratic mechanisms, with an ever-heavier emphasis on the Better Regulation policy cycle and quantifiable “EU added value.” Commission President Juncker has been clear that he wants a minimalist agenda for the Commission, with the Commission’s first Work Programme under his leadership (in 2015) containing twenty-three proposals, constituting a significant reduction in comparison to the five preceding years. Working within the Better Regulation policy cycle, this technocracy marks the strain of neutrality within the Commission.

The practice of evaluation is a key link herein, as it underpins efficient and effective policymaking. However, the promotion of gender equality through mainstreaming gender poses a double challenge. First, it ideologically challenges the neutral mainstream, sitting at odds with the technocratic bureaucracy. Second, as the promotion of gender equality demands the analysis and subsequent pursuit of redistribution (of power, money, or resources), it stands counter to the objectives of “simplification” and “reducing administrative burden.” These arguments resonate with existing research that has highlighted the dominance of ostensibly neutral norms and values within the EU (e.g., competitiveness) that render the EU inhospitable to the consideration of gender (Allwood 2014). Evidence is growing that, across sectors, the logic of appropriateness works to maintain the gendered status quo (Freedman 2017; Kronsell 2015).

As part of this, the preference for quantitative over qualitative measures of change within the Better Regulation cycle is problematic for the implementation

of gender mainstreaming. Quantitative measurements only capture a partial story of gender equality and can even be misleading. For example, women's descriptive representation is not necessarily proportional to substantive representation. While understanding gender (in)equality requires more qualitative accounts, evaluations tend to favor quantitative measurements (for a discussion of the politics of evidence and evaluation, see Eyben 2013).

Furthermore, social change (e.g., progress toward gender equality) takes time to manifest, and the risk exists that the Better Regulation policy cycle is not fully equipped to wait for evidence of such policy outcomes to emerge. This certainly limits the extent to which gender mainstreaming can become fully institutionalized within the Commission more generally and within evaluation specifically.

Focusing on the logic of appropriateness as part of a broader gender regime allows us to identify the formal elements that challenge the institutionalization of progressive initiatives as well as highlight the existence of informal ones. That gender mainstreaming has been so hampered within the European Commission in comparison to evaluation (despite its constitutionalized status) exposes the strength and gendered nature of the informal institutions at play.

Layering

This final argument focuses on the position of gender mainstreaming in the Commission. There has clearly been movement toward its institutionalization, although not to the extent enjoyed by evaluation. While gender has not

“reorient[ed] the nature of the mainstream” (Jahan 1995, 13), there are structures, resources, and mechanisms within the Commission that ensure that gender equality is not entirely lost from the agenda. This is an example of “layering” (Mahoney and Thelen 2010), where new formal institutions are layered on top of the original ones. Supposedly, through this form of bounded innovation, change will be achieved incrementally. However, in this case, there is no evidence of consistent, incremental change toward the institutionalization of gender mainstreaming. This is because the informal institutions in the Commission (the existing gender norms) hold back the formal one (gender mainstreaming), despite its constitutionalized status. This resonates with what Mergaert and Lombardo (2014) observed in their analysis of the European Commission’s DG Research. The layered structure in place merely acts as a “hook” or platform for the promotion of gender mainstreaming by those who are willing to take action, leaving the realization of concrete outcomes dependent on agency. While this is not the ideal scenario for gender mainstreaming, keeping gender equality present within the governance architecture of the Commission at the very least leaves the door open to future initiatives.

Previous research has highlighted that evaluation has been more or less impervious to gender mainstreaming (Mergaert and Minto 2015). While gender is not wholly absent from the practice of evaluation in the European Commission, gender has not been integrated within either ex ante (Mergaert and Minto 2015; Smismans and Minto 2016) or ex post (Mergaert and Minto 2015) evaluation. It is certainly not the case that gender mainstreaming has been convincingly “layered” within evaluation. That it poses no challenge to the existing gender

regime is one explanation for the success of evaluation in becoming more formally institutionalized as a governance initiative within the European Commission.

CONCLUSION

This article is about gendered change. It interrogates the institutional nature of the European Commission, seeking to sharpen our understanding of why the outcomes of gender equality strategies continually fall short of their transformative potential. We applied an innovative method in the form of a focused comparative analysis of the institutionalization of two governance practices that levy differing challenges to the gender status quo: evaluation and gender mainstreaming. Assessing five dimensions, we identified the practice of evaluation as more strongly institutionalized than gender mainstreaming. We drew on the explanatory power of FI to explore this finding, focusing on the formal and informal institutions that constrain, enable and shape the implementation of evaluation and gender mainstreaming. Specifically, we employed the notions of path dependency, the logic of appropriateness, and layering. We identified path dependency predominantly in favor of evaluation, referring to three key moments in the history of EU integration: the early days; the governance turn; and the strengthening of the Better Regulation agenda. In addition, we pointed toward the logic of appropriateness in the Commission which espouses a technocratic “neutrality” that is resistant to agendas that are seen as ideological, and therefore tends toward the evaporation of gender equality initiatives (Longwe 1997). That said, through the phenomenon of

“layering,” gender equality has not wholly evaporated from the institutional architecture of the Commission. These elements explain the different institutionalization experiences of both governance practices, indicating challenges to gender equality: namely, a path dependency that is relatively closed to further gender equality, and a bureaucratic neutrality that is resistant to the promotion of an “ideological” agenda (such as gender equality).

It is worth noting that the constitutionalized commitment to gender mainstreaming requires the mainstreaming of gender in the practice of policy evaluation itself, for example, in the guidelines for ex ante and ex post evaluation, in the terms of reference, and ultimately in the evaluation reports. Previous research highlights that gender has not been comprehensively mainstreamed into policy evaluation (Mergaert and Minto 2015), which is demonstrable of a resistance to mainstreaming gender. A lack of resources for gender mainstreaming within the Commission and “competition” with other crosscutting concerns have been highlighted as two factors working against gender mainstreaming.³ We suggest that if gender had indeed been effectively mainstreamed through the process of evaluation, evaluation itself might not have been so comprehensively institutionalized in the Commission. We argue that the weakness of gender in evaluation, and the strength of evaluation in the Commission, both highlight the Commission’s dominant institutional status quo.

The remainder of this conclusion attends to two issues. First, what insights can our findings offer to sharpen future gender equality strategies? Second, what suggestions do they prompt for further research? Attending to the first, this type

of research renders differences visible, showing the comparatively “neglected” state of gender mainstreaming, despite its constitutionalized status, and providing valuable information for activists and femocrats who work to promote gender equality. While this can help those striving for stronger institutionalization, we underline the importance of top-level commitment and openness for change, especially in terms of “agenda setting” and transformational change. While these preconditions remain unfulfilled, feminists (femocrats and allies) can work to secure incremental change and the prevention of backlash thanks to the layering of gender mainstreaming over the mainstream governance architecture, underscoring the importance of agency. Importantly, while layering (as identified in the European Commission) has not secured consistent, linear progress toward gender equality, it has protected gender mainstreaming from evaporating entirely, by leaving space for agency.

Second, with respect to a future research agenda, FI offers a valuable prism through which to explore gender equality initiatives in the Commission. We suggest four avenues for future exploration. Firstly, given the notoriously siloed nature of the Commission’s DGs, it is important to gain a more nuanced understanding of their distinct institutional nature. Our analysis is Commission-wide – cutting across the institution and across policy areas – however, the Commission is not a uniform institution. It is a complex aggregate of smaller units in which the implementation of gender mainstreaming varies (Hafner-Burton and Pollack 2009; Pollack and Hafner-Burton 2000). As such, our research provides a valuable underpinning for further research into localized gender regimes in specific DGs. Secondly, the Better Regulation agenda demands

further attention. It is set to remain a pervasive organizing logic within the Commission; and FI provides a route into exploring its particularities. Third, given that informal institutions can constitute strong obstacles for the implementation of gender equality initiatives, it is worth examining how these informal institutions relate to resistance to gender equality. Finally, analysis of the empirical realities of “layering” could provide valuable insights into the potential and limits of incremental change toward gender equality, and the various opportunities and risks associated with such an approach.

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¹ Using the Commission’s search tool we can see that twenty out of thirty-three DGs have some form of internal capacity for evaluation. This may be located at the level of the DG, or may be specific to the work of a particular unit. See <http://europa.eu/whoiswho/public/index.cfm?fuseaction=idea.entity>.

² See e.g., http://ec.europa.eu/justice/gender-equality/files/progress_on_equality_between_women_and_men_in_2011.pdf.

³ Fieldwork interviews with Commission officials from different Directorates-General for the 2013 *Report on Institutional Capacity for Gender Mainstreaming in the European Commission* (Mergaert and Wuiame 2013).

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