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Women and politics: the impact of the European integration process on women's political representation in Romania

Elena BRODEALĂ

European University Institute, Florence, Italy

elena.brodeala@eui.eu

Abstract: This paper explains what the impact of European integration was on women's political representation in Romania. This impact is particularly interesting for two reasons: firstly, because the European Union does not have competence in the electoral domain and cannot impose Member States any obligation to adopt measures to boost women's representation in politics, and secondly, because women's political representation is generally a "taboo" subject in Romania mainly due to the abusive use of gender quotas by the former Socialist regime. In the case of the first reason, the EU can use only soft law means to raise States' awareness in this field, but Member States are free to decide on measures to increase women's political representation. In the case of the second reason, it has to be mentioned that during State Socialism, the Communist Party imposed quotas in many representative bodies, including the Parliament, this coinciding with the moment when women in Romania received full formal political rights for the first time. Yet, since all women who got in Power were Party members and were not supposed to have a real influence in the decision-making of those times, their presence in politics proved to have had a negative effect on the situation of gender representation after the fall of the regime. After this moment, it was believed that women have a detrimental impact on politics. Thus, the number of women in politics fell dramatically. It is only Romania's decision to accede to the EU that precipitated a change in the situation. The reason for this, as I argue in this paper, is that a high presence of women in politics started to be seen as a "European value" necessary for Romania's EU accession. This made Romanian decision-makers adopt certain legislative measures and argue in favor of gender quotas, although there was no such legally binding requirement from the EU. Said differently, in order to increase their chances of accession to the EU and foster Romania's "European identity", Romanian decision-makers ended up transposing or aiming to transpose EU's soft law into hard law acts in Romania. To

illustrate how and why this happened, the paper will look at two aspects. The first aspect refers to the actual changes brought to this field by Romania's EU integration, while the second one refers to the political and historical factors that facilitated such changes. These factors include Romania's undeniable desire to "return to Europe" after the fall of State Socialism, the political pressure put by the EU with regard to increasing women's representation in politics and the endeavor of local politicians to portray EU accession as requiring measures to ensure gender balance in politics.

Key words: women's political representation • the Socialist legacy • EU integration • exceeding EU conditionality

Introduction

Romania submitted an application for European Union (hereafter 'EU') membership in 1995. From that moment on, Romania undertook important measures to improve its legislation in the field of gender equality. In order to become a Member State, Romania had to fulfill the Copenhagen criteria, which required Romania to meet the human rights standards necessary for accession and to harmonize its legislation with the equality and non-discrimination *community acquis*¹. Yet, the legal changes that came with the process of European integration exceeded the sphere of conditionality and covered areas that were not under the scope of EU Law. This was not only because of EU's political pressure², but also because of the discursive use of the EU by local actors as a rationale for legal change in an environment where the desire to "return to Europe" through EU integration was very strong and, arguably, because of the endeavor of local politicians to compensate for Romania's incapacity to live up to EU's economic conditionality.

¹ The Copenhagen criteria were more broad and included also economic and political criteria. For example, in the Conclusions of the Presidency of the 1993 Copenhagen European Council it was stated that: "Membership requires that candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights, respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union." "PRESIDENCY CONCLUSIONS Copenhagen European Council," June 21, 1993, http://www.europarl.europa.eu/enlargement/ec/pdf/cop_en.pdf.

² This happened especially by (1) pointing to the slow progress in the field of gender equality in different reports, recommendations or resolutions on the topic and (2) by empowering through financial means and capacity building different local actors responsible for lobby and advocacy in the field of gender equality. Due to space limitations and sources availability, this paper focuses only on the political pressure put by the EU through "naming and shaming" Romania for its failure to address the inequalities between men and women. More research has to be done in order to understand to which extent EU's financial support promoted and/or influenced gender equality and women's political representation in Romania.

One of the areas in which the process of European integration brought important changes, in spite of it not being an area under the regulatory competence of the EU, is women's political representation. This is particularly interesting since, after the fall of State Socialism in 1989 and the abolition of gender quotas used by the former regime, women's political representation seemed to be a rather taboo subject in the Romanian public sphere. The aim of this paper is twofold. On the one hand, the paper aims to map the changes brought by the process of European integration in the field of women's political representation in Romania, a field that still requires further research. On the other hand, the paper intends to inquire into the contextual and background factors that facilitated such changes. These factors include Romania's Socialist past, its desire to become a Member State of the EU and "return to Europe", EU's political pressure before Romania's accession and the response of the Romanian politicians to such pressures.

To achieve its aims, the paper uses a four-step approach. Firstly, the paper adds the necessary methodological notes to understand the logic of the research. Secondly, the paper offers a contextualized account of what happened to women's political representation after the fall of State Socialism until Romania was in full process of EU accession. Thirdly, the paper underlines the changes that took place during the process of European integration with regard to women's political representation and finally, it proceeds to analyzing the discourse of Romanian decision-makers with regard to the EU and women's political representation in Romania. The aim of the last section is to demonstrate how Romanian politicians tried to frame Romania's accession to the EU as the reason for which it had to implement measures to increase women's political representation such as gender quotas.

The methodological approach of women's political representation in Romania in the context of European integration. Definition of terms

On the methodological front, in order to prove that the measures in the field of women's political representation, that I will discuss further, were adopted or were influenced by the process of European integration, I shall regard this process in its broader meaning of Europeanization. Borrowing Kriszan and Popa's definition, I see "Europeanization as a complex, interactive process of debate, translation, interpretation and use of EU norms by policy actors at the level of European Commission [...], and by state and non-state actors at

national level”³. I find this definition suitable for my study since, by considering Europeanization as a process of continuous dialogue between European and local actors, one can easily understand how and why it lead to the apparition of new norms and discourses around women’s political representation in Romania.

No hard law instruments, or said differently no “binding instruments imposing legal obligations”⁴, referring specifically to women’s political representation exist at the EU level. Therefore, the EU norms that I am considering are contained in soft law or policy documents. Unlike hard law instruments, soft law instruments do not have legal power as such, “but nevertheless may have certain - indirect - legal effects, and [...] may produce practical effects”⁵. This, as I will show further, was also the case in Romania where EU’s soft law was an important factor that led to the discussion or the adoption of legislation that affects women’s political representation. The sources I have consulted in order to understand and establish the links between the process of European integration and the adoption or the debating of gender equality legislation in Romania in fields not covered by hard conditionality, like women’s political representation are: (a) the Regular Reports through which the European Commission gave Romania feedback regarding its progress towards accession⁶, (b) different resolutions and recommendations of the European institutions regarding the situation of gender representation in the EU⁷, (c) the parliamentary debates, the preparatory acts (i.e. memorandums and reports of the specialized parliamentary commissions) and the text of the legislation or of the legislative proposals on this topic debated in the Romanian Parliament, as well as (d) the literature discussing the connections between the process of European integration and gender equality in Romania.

It is also worth mentioning that throughout this paper “gender representation” and “women’s representation” are used interchangeably. This is not to say that “gender equates

³ Andrea Krizsan and Raluca Popa, “Meanings and Uses of Europe in Making Policies against Domestic Violence in Central and Eastern Europe,” in *The Europeanization of Gender Equality Policies: A Discursive-Sociological Approach*, ed. Emanuela Lombardo and Maxime Forest, Gender and Politics (Basingstoke: Palgrave Macmillan, 2012), 49.

⁴This is the definition offered by IATE (“Inter-Active Terminology for Europe”), which “is the EU’s inter-institutional terminology database. IATE has been used in the EU institutions and agencies since summer 2004 for the collection, dissemination and shared management of EU-specific terminology”. See “IATE (‘Inter-Active Terminology for Europe’),” accessed December 13, 2015, http://iate.europa.eu/about_IATE.html.

⁵ Definition taken from *Ibid*.

⁶ The first Regular Report on Romania’s accession to the EU dates from 1998 and the last one from 2006. All Reports can be found on the official page of the European Commission. See “Regular Reports on Romania’s Progress towards Accession” (European Commission, 1998-2006), http://ec.europa.eu/enlargement/archives/romania/key_documents_en.htm.

⁷ See sub. 71, 72 and 73.

women". Instead, it acknowledges that, even today, women are still in a position of inequality and are heavily underrepresented in the political arena due to their gender, or said differently, due to the fact of them being women. Thus, using "gender representation" and "women's representation" interchangeably calls for making gender a relevant criterion in analyzing political representation and underlines women's discrimination in this field. Regarding the meaning of political representation, by it I understand on the one hand the presence of women in politics as measured by numbers and on the other hand the extent to which the women who are present in politics represent women's needs and interests. In this sense, it is important to distinguish between *substantive representation* and *descriptive representation*. To underline the difference between these two, I will borrow the explanation offered by Oana Băluță⁸ and I will invite the reader to think about the difference between "who and what represents"⁹, meaning that *descriptive representation* refers to "who" represents in terms of numbers (i.e. how many women represent women) and *substantive representation* refers to who represents "what" (i.e. how many women representing women also represent women's needs and interests). Said otherwise, a good political representation of women in terms of percentage (so a descriptive representation) does not automatically mean that these women will be feminist or that they will promote women's rights and interests. However, as the mentioned author also underlines, descriptive representation and substantive representation are strongly interconnected, "the first being a prerequisite of the latter"¹⁰. Since the legal measures meant to improve women's political representation generally guarantee only increasing the number of women in politics, in this paper, political representation will be used mainly in its descriptive sense.

Before EU integration – a backlash against State Socialism

Romania started its transition to democracy in 1989 after the violent overthrow of the Communist leader Nicolae Ceaușescu. In practice, the fall of State Socialism brought two important achievements for Romanian women. One of them was the possibility to freely

⁸ Oana Băluță, "Representing Gender Interests: between the 'Politics of Ideas' and the 'Politics of Presence' (Reprezentarea intereselor de gen: între 'politica ideilor' și 'politica prezenței')," *Sfera Politicii*, no. 178 (2014), <http://www.sferapoliticii.ro/sfera/178/art10-Baluta.php>.

⁹ Ibid.

¹⁰ Ibid.

exercise their right to vote¹¹ and the second one was the possibility to have a legal and safe abortion¹². Yet, when it came to their political representation, the fall of State Socialism brought a serious involution. In the last two Socialist parliaments, due to gender quotas, women had quite a good (descriptive¹³) representation. More precisely, the representation of women in the 1980 Romanian Parliament was 33.06% and the representation of women in the Parliament formed in 1985 was 34.4%¹⁴. After the fall of State Socialism, until 2000, women occupied only 4.9% of the first legislature (1990-1992), 3.7% of the second legislature (1992-1996), and 4.7% of the third legislature (1996-2003)¹⁵.

This sharp decrease in the representation of women seems to have come rather as a reaction to the quotas and other gender equality measures enforced by the communists and the propagandistic usage of such measures. Once State Socialism was established in Romania¹⁶, women were formally allowed for the first time in history to fully participate in politics. However, free and fair elections did not exist in the Romania of those times and decision-making did not involve public participation. The women who got into power were Party members and, in practice, they were not expected to have any real influence, except representing the interests of the Party¹⁷. Generally speaking, the Party used women as tokens

¹¹ Romanian women acquired their right to vote for Parliamentary elections in 1938 during the royal dictatorship of King Carol II, but no free elections took place until 1990 after the fall of Socialism. Thus, 1990 is also the year when women in Romania freely exercised their right to vote for the first time in history. See Roxana Cheșcăbec, "The Achievement of Female Suffrage in Romania," in *The Struggle for Female Suffrage in Europe: Voting to Become Citizens*, ed. Blanca Rodríguez-Ruiz and Ruth Rubio-Marín (Leiden; Boston: Brill, 2012), 357-72; "The History of Electoral Consultations in Romania (Istoria consultărilor electorale în România)," *Official Page of the Romanian Permanent Electoral Authority*, accessed April 24, 2014, <http://www.roaep.ro/ro/section.php?id=82>; Mihaela Miroiu, *The Road to Autonomy. Political Feminist Theories (Drumul către autonomie. Teorii politice feminine)* (Iași: Polirom, 2004), 63.

¹² During State Socialism, Romania had one of the harshest anti-abortion laws in the history of Europe. It is estimated that, during the 23 years of existence of Decree 770/1966 that prohibited abortion, around 10.000 women died because of illegal abortions, 2.000 others were imprisoned and many others faced serious health problems for the same reason. In addition, the fall of State Socialism brought to light the inhumane situation of unwanted children who were placed in public orphanages. Consequentially, one of the first measures after the outbreak of the Romanian Revolution was to legalize abortion. See: Gail Kligman, *The Politics of Duplicity: Controlling Reproduction in Ceausescu's Romania* (Berkeley: University of California Press, 1998).

¹³ See supra 8. During State Socialism, the women who held seats in the Parliament promoted/had to promote the interests of the omnipotent Communist Party and not the demands of women living under the regime. Thus, one cannot speak about representation as substantive representation, in the sense of representing women's needs and interests.

¹⁴ See 'Election Archive' on the page "Inter-Parliamentary Union, Romania," accessed April 12, 2014, http://www.ipu.org/parline-e/reports/2261_A.htm.

¹⁵ "The Evolution of Women's Representation in the Parliament of Romania (Evoluția reprezentării femeilor în Parlamentul României)" (Electoral Permanent Authority of Romania, Department of Studies, Documentation and Monitoring of the Electoral Process/Autoritatea Electorală Permanentă, Direcția Studii, Documentare și Monitorizare a Procesului Electoral, 2013), 2, <http://www.roaep.ro/ro/section.php?id=27&l2=58>.

¹⁶ State Socialism in Romania was established on the 30th of December 1947 when Romania's last king, Mihai I, was forced to abdicate.

¹⁷ See Mary Ellen Fischer, "From Tradition and Ideology to Elections and Competition. The Changing Status of Women in Romanian Politics," in *Women in the Politics of Postcommunist Eastern Europe* (Armonk, New York: M.E. Sharpe, 1998), 174-

of a “disadvantaged group” and as tools for the propaganda of the new “egalitarian regime”¹⁸. Only a few women managed to influence the decisions of the Party. Yet, those women, such as Elena Ceaușescu, the wife of the communist president Nicolae Ceaușescu, or Ana Pauker, who also happened to be the first female Foreign Minister of the modern world¹⁹, “proved to be as cold-hearted, ambitious, and ruthless as men”²⁰. This left in the post-Decembrist²¹ collective consciousness what is known as the “Elena Ceaușescu syndrome”: the belief that women have a malefic influence on national politics, just as Elena is believed to have had on the Romanian politics of that time²². This syndrome can sometimes be identified in the political debates regarding the adoption of measures to increase the political representation of women such as gender quotas, and stands as an argument against their adoption²³.

However, it needs to be mentioned that this backlash against State Socialism and the backlash against women’s representation that came with it are rather paradoxical. The explanation for which gender quotas and increasing women’s political representation have been rejected has to be more complex than the simple misuse of gender quotas by the Socialist regime. I claim this because the 1991 Constitution preserved the socialist quotas for minorities²⁴, despite these quotas having been used in the same artificial way as gender quotas. I believe that the reasons for the underrepresentation of women in Romania after the fall of State Socialism should be also connected to what Mihaela Miroiu described as the “left wing and right wing gender conservatisms” and the patriarchate(s) of the period.²⁵ Among

¹⁷⁵; Elena-Simona Gheonea and Valentin Gheonea, “The Status of Women in the Legislation of Communist Romania (Statutul femeilor în legislația României comuniste),” in *Women in Communist Romania: Studies of Social History (Femeile în România comunistă: studii de istorie socială)*, ed. Cristina Liana Olteanu, Elena-Simona Gheonea, and Valentin Gheonea (Bucharest: Politeia-SNSPA, 2003), 154.

¹⁸ Fischer, “From Tradition and Ideology to Elections and Competition. The Changing Status of Women in Romanian Politics,” 176.

¹⁹ Ana Pauker served as Foreign Minister from 30 December 1947 to 9 July 1952, see Robert Levy, *Ana Pauker: The Rise and Fall of a Jewish Communist* (Berkeley: University of California Press, 2001), 70.

²⁰ Fischer, “From Tradition and Ideology to Elections and Competition. The Changing Status of Women in Romanian Politics,” 175.

²¹ The idiom “post-Decembrist Romania” refers to the post-Communist era of Romania. It is called post-Decembrist because the Romanian Revolution that overthrew the Communist regime took place in the month of December.

²² Cheșcbeuc, “The Achievement of Female Suffrage in Romania,” 371.

²³ See for example the parliamentary debates regarding the adoption of gender quotas in Romania in “Transcript of the Chamber of Deputies Debate from 14 April 2003 regarding the Legislative Proposal for amending Law no. 68/1992 for the Election of Chamber of Deputies and the Senate,” accessed April 14, 2014, <http://www.camera-deputatilor.ro/pls/steno/steno.stenograma?ids=5411&idm=11&idl=1>.

²⁴ See Article 59(2), currently Article 62(2) of *Romanian Constitution of 1991*, published in *Official Gazette of Romania, Part. I, no. 233 from 21 November 1991 (Constituția României, publicată în Monitorul Oficial al României, Partea I, nr. 233 din 21 noiembrie 1991)*.

²⁵ Miroiu, *The Road to Autonomy. Political Feminist Theories (Drumul către autonomie. Teorii politice feministe)*, 214–276.

others, these conservatisms can be seen as coming on the one hand from the pre-Socialist era and on the other hand from the gender conservatism of the Socialist era itself²⁶.

After the 1989 Revolution, the Socialist regime was generally seen as a break in the democratic development of Romania. So, Romania aimed to go back and continue this democratic development that it started before the instauration of State Socialism. For this reason after 1989, Romania tried to reconstruct its public sphere by resuscitating the historical parties of its pre-Socialist monarchic past²⁷ and the social values associated to this period²⁸. Yet, in this era, Romania was a rather agrarian country and overall society was deeply marked by social hierarchies, ultra-traditionalist assumptions about women's role in the family and the role of the Church²⁹ in defining social values³⁰. Consequently, this come-back meant that, in a conservative right wing fashion, after 1989 men and women's identities in Romania started to be redefined once again in relation to their traditional role in the public, respective the private sphere; spheres that were anyhow never dismantled by the Socialists.

To understand the "left wing conservatism", one has to bear in mind that after more than forty years of State Socialism the Romanian society and legal system were deeply marked by it. Unlike the Marxist-Leninist doctrine³¹ and the Socialist regimes from neighboring countries, Romanian communists have been extremely conservative with regard to preserving gender differences. They emphasized the role of the nuclear family in nurturing "good citizens", pushed women into motherhood by adopting one of the most drastic anti-abortion laws in Europe³², enforced higher taxes for childless individuals³³, promoted women

²⁶ Ibid., 256; See also Magyari-Vincze Enikő, "Gender (In)equality in the Post-Socialist Romania" (Gender and Power in the New Europe, the 5th European Feminist Research, Lund University, Sweden, 2003), <http://www.rosadoc.be/athena/pdf/vincze.pdf> Part 5.1.

²⁷ Romania was a monarchy from 1866 to 1947. Miroiu, *The Road to Autonomy. Political Feminist Theories (Drumul către autonomie. Teorii politice feminine)*, 256.

²⁸ Fischer, "From Tradition and Ideology to Elections and Competition. The Changing Status of Women in Romanian Politics," 177.

²⁹ For more information about the role of the Church in Romanian society and its vision with regard to gender relations see Lavinia Stan and Lucian Turcescu, *Religion and Politics in Post-Communist Romania*, Religion and Global Politics (Oxford: Oxford University Press, 2007); Lavinia Stan and Lucian Turcescu, *Church, State, and Democracy in Expanding Europe*, Religion and Global Politics (New York ; Oxford: Oxford University Press, 2011), Chapter 9: Romania; Lavinia Stan, "Eastern Orthodox Views on Sexuality and the Body," *Women's Studies International Forum - WOMEN STUD INT FORUM* 33, no. 1 (2010): 38–46.

³⁰ See Fischer, "From Tradition and Ideology to Elections and Competition. The Changing Status of Women in Romanian Politics," 168–169.

³¹ See *The Woman Question, Selections from the Writings of Karl Marx, Frederick Engels, V. I. Lenin, Joseph Stalin*, http://www.revolutionarydemocracy.org/archive/WQ.htm#2._The_Pairing_Family.

³² See supra 12.

³³ This is the so-called "celibacy tax", see Karen Breslau, "Overplanned Parenthood: Ceausescu's Cruel Law," *Newsweek*, January 22, 1990, http://www.ceausescu.org/ceausescu_texts/overplanned_parenthood.htm.

as “heroine mothers”³⁴ and never encouraged men to share the burden of the household or child rearing³⁵. This is how women’s *different* biological destiny as mothers was once again reinforced in Romania.

What is more, for the first time in Romanian history under State Socialism women were also *forced*³⁶ to work shoulder by shoulder with men in the labor field³⁷. Thus, women in Romania started to have a double working day, both in the public and the private sphere. This could explain on the one hand why after the fall of the old regime the entrance of women in the political sphere, together with their entrance on the labor market was seen as a supplementary burden on women’s shoulders, a burden brought by Communists and their gender quotas³⁸. On the other hand, this could also explain why, after 1989, it was believed that Romanian society should have returned to its “natural [gender] order”, an order disturbed by the Socialist rule and by Romania’s separation from the West³⁹.

Another factor that could account for the low representation of women in Romanian politics in the first years after the fall of State Socialism is also the rejection of feminism as an emancipatory ideology. As Mary Ellen Fischer reports, in the years after the fall of the regime, Eastern European women themselves generally repudiated feminism on various grounds, including: “mistrust of ‘emancipator’ ideological promises; association of women’s equality or emancipation with a discredited communist regime; rejection of ‘collective’ action; regard for themselves as strong women, rather than victims; placing a high value on motherhood and family; and a perception that feminism was anti-male”.⁴⁰ This is how in post-Socialist Romania, feminism became what I call a “Cinderella ideology”; an ideology not welcomed at

³⁴ This was an honorary title awarded to women according to the number of children they bore, see *Decree no. 195/1951 on the establishment of the Heroine Mother Honorary Title, of the Mother Heroine Order, the Maternal Glory Order and the Maternity Medal, published in the Official Gazette no. 109 of 11th of August 1951 (Decretul nr. 195/1951 privind instituirea Titlului de Onoare de Mamă Eroină, a Ordinului Mamă Eroină, a Ordinului Gloria Maternă și a Medaliei Maternității, publicat în Buletinul Oficial nr. 109 din 8 august 1951).*

³⁵ See Fischer, “From Tradition and Ideology to Elections and Competition. The Changing Status of Women in Romanian Politics,” 170–176.

³⁶ I emphasize “forced” because it was not women’s choice to enter the labor field, but they were pushed to do so by the new political regime committed to “build Socialism” in Romania through force and repression. Thus, it is arguable whether the entrance of women in the labor field during State Socialism fulfilled or not feminist demands.

³⁷ I use the term “labor field” as a translation of the Romanian “câmpul muncii”. I avoided using “labor market” because I do not think that in the context of the planned economies practiced by the Socialist States one can talk about a “market” in the sense used today.

³⁸ Fischer, “From Tradition and Ideology to Elections and Competition. The Changing Status of Women in Romanian Politics,” 170–176.

³⁹ See Magyari-Vincze, “Gender (In)equality in the Post-Socialist Romania,” Part 5.1.

⁴⁰ Fischer, “From Tradition and Ideology to Elections and Competition. The Changing Status of Women in Romanian Politics,” 189.

the public ball, unless disguised as something else. When it comes to disguising, it seems that the European dress is the one that best impresses the political decision-makers and the public opinion.

"The return to Europe" and overcoming the Socialist legacy

Ceaușescu's deeply nationalistic version of Communism, coupled with Romania's inclusion in the Eastern Bloc, was generally perceived by the Romanian people as a painful separation from the West. Thus, it is not surprising that after the fall of the regime, State Socialism was seen as a break in Romania's democratic and Western-like development, a break that had to be quickly overcome. The most logical and natural way for Romania to overcome this break was to "return to Europe"⁴¹ and start the process of European integration⁴². In order to be admitted in the EU and (re-)become an "European country", Romania undertook a wide range of reforms. Nevertheless, since the Copenhagen criteria necessary for Romania's accession to the EU were not very specific, it was not completely clear what being a "European country" was supposed to mean and what EU norms and values were mandatory to transpose and which were not. This was also the case with regard to women's political representation. Generally, within the EU, the electoral domain is one of non-harmonization. Despite this, the European integration process brought important changes in the field of women's political representation. As I explain below, this happened mainly because a high(er) political representation of women was perceived by Romanian decision-makers as a "European value" necessary for Romania's ongoing democratization process and EU accession.

As previously mentioned, right after the fall of State Socialism, when the gender quotas enforced by the Communist Party were abolished, women's representation in politics decreased dramatically. Although in the last Communist Parliaments the representation of women was around 30%⁴³, after the fall of State Socialism until the year 2000 the representation of women in Parliament did not exceed 5%. It is only after 2000 that the representation of women started to be approximately double as compared to the first period

⁴¹ In this context Europe should be read as Western Europe in its cultural sense.

⁴² See Vladimir Pasti, *The Challenges of Transition: Romania in Transition*, East European Monographs, no. 473 (Boulder: East European Monographs, 1997), 45–50.

⁴³ See "Inter-Parliamentary Union, Romania."

after the fall of State Socialism and reached around 10%⁴⁴. In part, this increase should be connected to European Commission's concern about the under-representation of women in politics and with Romania's desire to become a Member State.

In all Regular Reports on Romania's progress towards accession from 2000 to 2004 the European Commission underlined that the under-representation of women in Romanian politics was problematic⁴⁵. Because the EU did not have any clear hard law provisions in this area or competence to impose measures by means of hard conditionality, the Commission did not make any recommendation to Romania in this sense. Yet, most probably, because of its desire to show progress in this regard, Romania did take measures to address the underrepresentation of women in politics. The most important change was made in 2003 when the Romanian Constitution was under review in order to prepare Romania for EU (and *North Atlantic Treaty Organization*, 'NATO') integration. At that time, a new paragraph was inserted under Article 16 that referred to citizens' equality of rights. This new paragraph guaranteed men and women equal opportunities to occupy public functions and dignities⁴⁶. According to the statement of the Chamber of Deputies on the 2003 constitutional review, the reason for introducing such a provision was to ensure that the citizens' fundamental rights and liberties reach "the highest European standards"⁴⁷. This change was noted in a positive manner in both 2003 and 2004 Regular Reports.

One year before the constitutional review, Law 202/2002 on equal opportunities between men and women⁴⁸ (that was also adopted because of EU integration⁴⁹) explicitly

⁴⁴ More specifically, the representation of women in the Romanian Parliament from 2000 to 2004 was 10.8%, 10.2% from 2004 to 2008, 9.8% from 2008 to 2012 and starting from 2012 is 11.5%. "The Evolution of Women's Representation in the Parliament of Romania," 1.

⁴⁵ Regular Report 2000 on-line version: http://ec.europa.eu/enlargement/archives/pdf/key_documents/2000/ro_en.pdf, 28; Regular Report 2001 on-line version: http://ec.europa.eu/enlargement/archives/pdf/key_documents/2001/ro_en.pdf, 28; Regular Report 2002 on-line version: http://ec.europa.eu/enlargement/archives/pdf/key_documents/2002/ro_en.pdf, 34, Regular Report 2003 on-line version:

http://ec.europa.eu/enlargement/archives/pdf/key_documents/2003/rr_ro_final_en.pdf, 28; and Regular Report 2004 on-line version:

http://ec.europa.eu/enlargement/archives/pdf/key_documents/2004/rr_ro_2004_en.pdf, 28.

⁴⁶ More precisely, the newly introduced paragraph (3) under Article 16 reads as follows: "Access to public, civil, or military positions or dignities may be granted, according to the law, to persons whose citizenship is Romanian and whose domicile is in Romania. The Romanian State shall guarantee equal opportunities for men and women to occupy such positions and dignities." Official translation from the site of the Romanian Parliament. See *Constitution of Romania, republished in the Official Gazette, Part I no. 767 from 31 October 2003 (Constituția României, republicată în Monitorul Oficial al României, Partea I nr. 767 din 31 Octombrie 2003)*, <http://www.cdep.ro/pls/dic/site.page?id=371>.

⁴⁷ See "The Main Values of Law for Revising the Romanian Constitution (Principalele valori ale Legii de revizuire a Constituției României)," accessed April 12, 2014, <http://www.cdep.ro/pls/dic/site.page?id=333>.

⁴⁸ Law no. 202 from 19 April 2002 on Equal Opportunities between Men and Women, published in the Official Gazette Part I no. 301 from 8 May 2002, republished in the Official Gazette Part I no. 326 from 5 June 2013 (Legea nr. 202 din 19 aprilie 2002

stated that all the main public actors, including political parties, had to ensure that the participation of women and men in management and decision-making processes was “equitable”, “paritarian” or “balanced”⁵⁰. Accompanying these legislative changes, since 2003, there were also a few legislative attempts to re-introduce gender quotas in Romania⁵¹. As it will be explained in the next section, supporters of these quotas framed them as necessary to accede to the EU and overcome the Socialist legacy despite the fact that at the time, at the EU level, gender quotas were highly controversial.

Before moving on to concrete examples on how politicians used the EU in a discursive way to promote gender quotas, it is important to note that Romania’s accession to the EU had

privind egalitatea de şanse între femei şi bărbaţi, publicată în Monitorul Oficial Partea I nr. 301 din 8 mai 2002, republicată în Monitorul Oficial Partea I nr. 326 din 5 iunie 2013).

⁴⁹ The Act through which Romania aimed to transpose the equality *acquis* is *Government's Ordinance no. 137/2000 (GO 137/2000) on preventing and sanctioning all forms of discrimination*. Yet, GO 137/2000 was not the only normative Act adopted with regard to equality and non-discrimination. Because the European Commission promoted a “maximalist version of a largely non-binding *acquis*” to the candidate states, Romania also adopted a special law on gender equality, namely *Law no. 202/2002 on equal opportunities between men and women*. See Heather Grabbe, *The EU's Transformative Power: Europeanization through Conditionality in Central and Eastern Europe*, Palgrave Studies in European Union Politics (Basingstoke: Palgrave Macmillan, 2006), 78; Cristina Chiva, “The Limits of Europeanization: EU Accession and Gender Equality in Bulgaria and Romania,” in *The European Union's 2007 Enlargement*, ed. Cristina Chiva and David Phinnemore (Routledge, 2014), 203.

⁵⁰ More precisely, Chapter IV of Law no. 202/2002 regarding the equal participation of men and women in decision-making process reads as follows:

“Article 21: Central and local public institutions and authorities [...] as well as political parties [...] shall promote and support the balanced participation of women and men in management and decision-making processes and shall adopt the necessary measures to ensure the balanced participation of women and men in management and decision-making. [...]”

Article 22: (1) In order to achieve *de facto* equality of opportunities and treatment between women and men, the central and local public authorities [...] [and] the political parties shall ensure a balanced and fair representation of women and men at all decision-making levels.

(2) All parliamentary and governmental commissions and committees shall ensure equitable and paritarian representation of women and men in their composition.

(3) Political parties have the duty to stipulate in their statutes and internal regulations affirmative actions in favor of the under-represented sex at the decision-making level and to ensure the balanced representation of women and men when nominating candidates for local elections, general elections and elections for the European Parliament.

My translation. Emphasis added. The translation is based on the 2013 modified version of Law 202/2002. Nevertheless, Ch. IV of Law 202/2002 was not substantially modified since its adoption.

⁵¹ Until now, I was able to locate five such proposals - one from 2003, two from 2004, one from 2010 and one from 2013. For more details on the proposal dating from 2003 see “Transcript of the Chamber of Deputies Debate from 14 April 2003 regarding the Legislative Proposal for Amending Law No. 68/1992 for the Election of Chamber of Deputies and the Senate.” For more details on the proposals dating from 2004 see “Transcript of the Chamber of Deputies debate from 19 February 2004 regarding the Legislative Proposal for the Election of Public Local Authorities”. Mihai, Tudorina, “Gender Quotas in Politics and their Enforcement in Romania (Cotele de gen în politică și aplicarea lor în România)” (SNSPA, University of Bucharest/Universitatea Bucureşti, 2011), 42, 43, <http://cotedegen.wgz.ro/header/despre-site>; “Transcript of the Chamber of Deputies Debate from 28 June 2004,” accessed April 14, 2014, <http://www.cdep.ro/pls/steno/steno.stenograma?ids=5709&idm=8&idl=1>. And for the proposals dating from 2010 and 2013 see *Legislative Proposal no. 333/2011 regarding the introduction of mandatory quota of representation for women in the Romanian Parliament (PL-x nr. 333/2011 Proiect de Lege privind introducerea cotei obligatorii de reprezentare politică a femeilor în Parlamentul României)*, http://www.cdep.ro/pls/proiecte/upl_pck.proiect?idp=12039. *Legislative Proposal no. 405/2013, Draft Law for amending Law no. 202/2002 on Equal Opportunities and Treatment between Men and Women (PL-x nr. 405/2013 Proiect de Lege pentru modificarea și completarea Legii nr.202/2002 privind egalitatea de şanse și de tratament între femei și bărbați)* http://m.cdep.ro/pls/proiecte/upl_pck.proiect?idp=13134.

another effect on women's political representation, namely increasing women's visibility in the public sphere due to the elections for the European Parliament. The percentage of women representing Romania in the European Parliament was always much higher than the representation of women in the national Parliament, ranging around 30%⁵², which also shows that political parties can nominate women candidates and the electorate wants to elect them. Of course, such discrepancies exist in other Member States like France or the United Kingdom⁵³ too, but they seem more striking in the Eastern European countries⁵⁴. Regarding these discrepancies, Cristina Chiva, in a research paper on the representation of women from former Socialist countries in the European Parliament⁵⁵, succeeded to show that in post-Socialist states there is not necessarily a connection between electoral systems, the social perception of gender roles or party ideology and the recruitment of women for European elections, which are generally the factors that influence the political representation of women in the West. Rather, whether parties would recruit women for elections or not seems to depend on their *position vis-à-vis European integration* (said differently, the more pro EU a party is, the higher the chances that it will nominate more women for elections)⁵⁶. Thus, in Eastern European countries, the EU seems to be indeed associated with increasing women's political participation⁵⁷. It is perhaps not a coincidence that five out of six new post-socialist EU candidate and potential candidate states already have legislative gender quotas⁵⁸.

⁵² More precisely, the representation of women in the European Parliament was 28.57% between 2007 and 2009, 36% between 2009 and 2014 and is currently 31%. See "European Parliament. Results of the 2014 European Elections," accessed November 7, 2015, <http://www.europarl.europa.eu/aboutparliament/en/20150201PVL00021/Previous-elections>.

⁵³ See Women in the European Parliament (European Parliament, Equality and Diversity Unit, 2014), 6, [http://www.europarl.europa.eu/RegData/publications/2014/0001/P7_PUB\(2014\)0001_EN.pdf](http://www.europarl.europa.eu/RegData/publications/2014/0001/P7_PUB(2014)0001_EN.pdf).

⁵⁴ See "Women in Parliaments" (European Parliamentary Research Service, February 27, 2014), <http://www.europarl.europa.eu/EP/PRS/140765REV2-Women-in-parliaments-FINAL.pdf>. See also Yvonne Galligan, Marina Calloni, and Sara Clavero, *Gender Politics and Democracy in Post-Socialist Europe* (Opladen & Farmington Hills: Barbara Budrich Publishers, 2007).

⁵⁵ Cristina Chiva, "Women in the European Parliament: The Case of the Post-Communist Member States," *Centre for Russian, Central and East European Studies*, 2010, <http://assessingaccession.eu/wp-content/uploads/2012/02/CRCEES-WP201002.pdf>.

⁵⁶ See *ibid.*

⁵⁷ In my view, the better representation of women in the European Parliament could also confirm other hypotheses, like for example, Putnam's law (i.e. when the importance of the public office increases, the proportion of women in power decreases). This would mean that the lower presence of women in national Parliaments might come from the perception that national Parliaments are more important than the European Parliament. However, the increasing visibility of women in the public sphere due to their presence in European politics cannot be denied.

For Putnam's law see Robert D. Putnam, *The Comparative Study of Political Elites*, Contemporary Comparative Politics Series (Englewood Cliffs, N.J: Prentice-Hall, 1976), 33–37.

⁵⁸ These countries are Albania, Bosnia and Herzegovina, Macedonia, Montenegro and Serbia. See Milica G. Antic and Sonja Lokar, "The Balkans: From Total Rejection to Gradual Acceptance of Gender Quotas," in *Women, Quotas and Politics*, ed. Drude Dahlerup, 1st ed. (London ; New York: Routledge, 2006), 138–68.

EU: the “saving force” for women’s political representation in Romania. Debates around the re-introduction of gender quotas

Since 2003, more attempts have been made to re-introduce gender quotas in Romania⁵⁹. None of these were adopted. Still, there is one particularly interesting aspect about analyzing these attempts. This is the way in which their supporters portrayed the EU as an argument in favor of adopting measures to increase women’s representation in politics.

Because of the misuse of gender quotas by the Socialist regime, these proposals proved to be highly controversial. Their supporters seem to have seen the EU as the only “saving force”⁶⁰ from associating such measures with the dictatorial past. For this reason, politicians tried to frame them as in accordance with EU Law or even as a requirement for Romania’s EU accession⁶¹. Apart from the use of the EU in a strategic way to overcome the “Socialist legacy”, this might also have been caused by a lack of a clear understanding of the European integration mechanisms.

In 2003 when the first attempt to introduce gender quotas was made in Romania⁶², a deputy of the center-left *Social Democratic Party (Partidul Social Democrat, PSD)*, Smaranda Dobrescu, portrayed gender quotas as being in accordance with the “*true principle of non-discrimination practiced in the EU*”⁶³. However, this was not exactly in accordance with the EU reality at that time. For example, just three years before this statement, the European Court of Justice (‘ECJ’) declared gender quotas in employment in fields where women were under-represented as contrary to EU Law, if women were not similarly qualified to men⁶⁴.

Additionally, like many of her colleagues, Dobrescu probably did not have much experience in dealing and understanding the EU technicalities and she did not seem to distinguish between a directive, thus binding *acquis* that had to be transposed, and EU

⁵⁹ See supra 51.

⁶⁰ See the declarations of deputy Norica Nicolai also discussed later on in this section in “Transcript of the Chamber of Deputies Debate from 19 February 2004 regarding the Legislative Proposal for the Election of Public Local Authorities.”

⁶¹ This can be seen when reading the transcripts of the parliamentary debates that took place when gender quotas were proposed in Romania and that will be discussed in this section.

⁶² The proposal was to amend Article 5 of Law no. 68/1992 for the election of Chamber of Deputies and the Senate and to introduce a requirement that all political parties, political coalitions and other political formations nominate for election at least 30% women candidates. See “Transcript of the Chamber of Deputies debate from 14 April 2003 regarding the Legislative Proposal for amending Law no. 68/1992 for the Election of Chamber of Deputies and the Senate”.

⁶³ Ibid. My Translation. Emphasis added.

⁶⁴ See the C-407/98, *Abrahamsson and Anderson v Fogelqvist*, ECJ, (2000).

recommendations or resolutions, thus non-binding *acquis* that was not subject to mandatory transposition. During the 2003 gender quotas parliamentary debates deputy Dobrescu stated:

“Regarding the European Directives, there is here as well a Directive [...] [that] recommends [so it is not mandatory] that [electoral] lists should include at least 40% men or women. So, this is *the true principle of nondiscrimination practiced in the EU*”⁶⁵.

Heather Grabbe identified this lack of experience of Central and Eastern European ('CEE') politicians as one of the reasons for which the CEE countries accepted accession conditions that the old Member States would have never accepted for themselves⁶⁶. This could also be another reason for which CEE countries like Romania adopted measures that exceeded the sphere of hard conditionality and for which gender quotas were framed as required for Romania's EU accession.

In the same political debates, it can be seen that during that period, even Romania's main radical right wing party *The Greater Romania Party (Partidul România Mare, 'PRM')* saw women's equal representation as connected to the process of European integration. In this sense, the deputy *Damian Brudașca*, speaking in the name of PRM, stated:

“I would like you to acknowledge that [when it comes to gender quotas and women's equal representation] *The Greater Romania Party* [...] [is also] of European orientation”⁶⁷.

This statement is perhaps not surprising, given that, at the time of the debates, about 90% of Romanians were in favor of European accession⁶⁸. This should also be one of the

⁶⁵ My translation. Original in Romanian: “În privința Directivelor Europene, și aici există o Directivă, și anume țările candidate să aibă o manieră, deci nu e obligativitate, se recomandă ca minim 40% bărbați sau femei să se regăsească pe liste. Deci acesta este adevăratul principiu al nediscriminării practicat în Uniunea Europeană” full context in “Transcript of the Chamber of Deputies Debate from 14 April 2003 regarding the Legislative Proposal for amending Law no. 68/1992 for the Election of Chamber of Deputies and the Senate.”

⁶⁶ Heather Grabbe, “A Partnership for Accession? The Implications of EU Conditionality for the Central and East European Applicants,” *Robert Schuman Centre Working Paper, European University Institute*, no. 12/99 (1999): 28–29, http://www.esiweb.org/enlargement/wp-content/uploads/2010/01/grabbe_conditionality_99.pdf.

⁶⁷ My translation. Original in Romanian and full context: “Eu recunosc că, dacă nu vorbea doamna Smaranda Dobrescu, nu aş fi dorit să ridic această chestiune. Aş vrea să informez pe domnia sa, în cazul în care nu cunoaşte, că nu numai Internaționala Socialistă este cea care își propune asigurarea de șanse egale. Și Partidul România Mare are acest obiectiv, iar președintele partidului nostru a făcut, în ultima perioadă, recomandări clare în materie de prezență pe listă, cu șanse de reușită, unui număr de cel puțin 30% dintre femei, aşa încât, dacă tot este vorba să ne spălăm rufele în familie, politic vorbind, *aș vrea să luati la cunoștință că și Partidul România Mare este, din acest punct de vedere, de orientare europeană*.” My emphasis. Full context in: “Transcript of the Chamber of Deputies Debate from 14 April 2003 regarding the Legislative Proposal for amending Law no. 68/1992 for the Election of Chamber of Deputies and the Senate.”

⁶⁸ Paul E. Sum, “The Radical Right in Romania: Political Party Evolution and the Distancing of Romania from Europe,” *Communist and Post-Communist Studies*, Romania Twenty Years On, 43, no. 1 (March 2010): 24–25.

reasons for which using EU as an argument of legal change proved to be extremely powerful during those times.

The debates continued in 2004, when a new law for the election of local public administration⁶⁹ was under parliamentary review. This time deputy Péter Eckstein-Kovács, member of the *Democratic Union of Hungarians in Romania (Uniunea Democrată Maghiară din Romania, 'UDMR')*, and one of the greatest supporters of gender equality in the country, proposed the introduction of a “semi-zipper” gender order on the electoral lists⁷⁰. In order to convince his colleagues to adopt these measures, Eckstein-Kovács, probably hinting at Romania’s Regular Reports on progress towards accession, emphasized that the European institutions are monitoring “on a constant basis” the application of two, actually non-binding, EU documents with regard to the equal representation of both genders. More precisely, he stated that:

“The cornerstone document of the European Union [on the balanced participation of women and men in the decision-making process] is the Council’s Recommendation no. 96/694/1996⁷¹ whose implementation was *monitored* on a constant basis by the European Parliament and the other European institutions. In 2000, the European Parliament - *that is actually monitoring us because we are a country that wishes to accede in the EU* - enacts a document, which is otherwise a resolution that has the following provisions – I am trying to translate but maybe the translation is not 100% accurate – point 7: “Calls participant countries to ensure that the representation of each sex at different national and international levels is at least 40%”⁷². And, what is more important,

⁶⁹Legislative Proposal no. 12/2004 for the Election of Public Local Authorities (*Propunere Legislativă nr. 12/2004 pentru alegerea autorităților administrației publice locale*), accessed April 15, 2014, http://www.cdep.ro/pls/proiecte/upl_pck.proiect?idp=9012&cam=1.

⁷⁰ The “semi-zipper” proposed by the UDMR deputy required a “two men, one woman” or “two women, one man” order on the lists. Mihai, Tudorina, “Gender Quotas in Politics and their Enforcement in Romania,” 42.

⁷¹ See 96/694/EC: Council Recommendation of 2 December 1996 on the Balanced Participation of Women and Men in the Decision-Making Process, vol. Official Journal L 319, 10/12/1996 P. 0011–0015, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31996H0694:EN:HTML>.

⁷² It is probably European Parliament Resolution on the Commission Report on the Implementation of Council Recommendation 96/694 of 2 December 1996 on the Balanced Participation of Women and Men in the Decision-Making Process (COM(2000) 120 - C5-0210/2000 - 2000/2117(COS)),

http://www.europarl.europa.eu/omk/omnsapir.so/pv2?PRG=DOCPV&APP=PV2&LANGUE=EN&SDOCTA=7&TXTLST=1&POS=1&Type_Doc=RESOL&TPV=DEF&DATE=180101&PrgPrev=TYPEF@A5/PRG@QUERY/APP@PV2/FILE@BIBLIO00/NUMERO@373/YEAR@00/PLAGE@1&TYPEF=A5&NUMB=1&DATEF=010118.

Point 7 in original reads as following: “Calls for the promotion of a gender balance in all policy fields and all committees at EU, national and international level, whereby the representation of either gender should not fall below 40%”;

because it clearly refers to us as well, is point 13, in which they call upon governments, especially the governments of those countries where women's participation in the decision-making process is under 30%, to introduce a "quota system" [...] like the "Zipper system": one man – one woman, one man – one woman on the [electoral] lists, in order to promote men's and women's equality of opportunities in decision-making"⁷³.

In the same parliamentary debates, deputy *Norica Nicolai*, member of the center right-wing, historical party⁷⁴ *National Liberal Party (Partidul Național Liberal, 'PNL')* went even further and portrayed European Union as the "saving force" from, probably, the dictatorial past and a guarantee of democracy through its *equality acquis*. She stated that:

"I just found out with delight that there is a tint [Rom. *nuanță*] that is saving us from harm and reorients us in our negotiations with the European Union. This reorientation [...] [is connected to] reorienting the policies from Bucharest in accordance with the *community acquis* and I think that we must seriously consider this, because equality of chances is one of the founding principles of the *democratic acquis* [sic!] and the existence of the rule of law"⁷⁵.

⁷³ Ibid., Point 13 in original reads as following: "Calls on the governments, especially those of countries where women's participation in decision-making bodies is lower than 30%, to review the differential impact of electoral systems on the political representation of women in elected bodies and to consider the adjustment or reform of these systems and, if needed, take legislative measures or encourage political parties to introduce quota systems, such as the zipper system, and/or take other measures so as to promote a balance in participation,"

My translation. Emphasis added. Original in Romanian: "În acest sens aş cita câteva documente internaționale: documentul de bază al Uniunii Europene este Recomandarea Consiliului nr. 96/694/1996 a cărei aplicare în practică a fost urmărită tot timpul de Parlamentul European și de celelalte instituții europene. În anul 2000, Parlamentul European - care ne monitorizează, totuși, pentru că suntem o țară care dorește să acceadă în structurile Uniunii Europene - adoptă un document care este, de altfel, o rezoluție și care are următoarele prevederi - încerc să traduc, poate traducerea nu este 100% -, punctul 7: "Cheamă țările participante ca la diverse niveluri naționale și internaționale să nu permită ca reprezentarea unui sex să cadă sub 40%." Și ceea ce este mai important, pentru că se referă clar și la noi, este punctul 13, prin care cheamă guvernele, în special ale țărilor unde participarea femeilor la luarea deciziilor este de sub 30%, să introducă "cota sistem", sistemul de cote, cum este "Sistemul zipper": un bărbat - o femeie, un bărbat - o femeie pe liste, pentru a promova egalitatea de șanse a bărbătașilor și femeilor la luarea deciziilor. Full context in "Transcript of the Chamber of Deputies Debate from 19 February 2004 regarding the Legislative Proposal for the Election of Public Local Authorities," accessed April 15, 2014, http://www.cdep.ro/pls/proiecte/upl_pck.proiect?idp=9012&cam=1.

⁷⁴ Romania represents quite an exceptional case of a country in Eastern Europe that, after the fall of State Socialism, tried to reconstruct its public sphere by resuscitating some of its historical political parties. Fischer, "From Tradition and Ideology to Elections and Competition. The Changing Status of Women in Romanian Politics," 177.

⁷⁵ My translation. Emphasis added. Original in Romanian: "Tocmai am aflat cu placere că o nuanță ne salvează de un rău și ne reorientă în negocierile cu Uniunea Europeană. Această reorientare este generată de reorientarea politiciilor de la București cu privire la acquis-ul comunitar și cred că trebuie să ne gândim cu foarte mare seriozitate, pentru că egalitatea de șanse este unul dintre principiile care consacră acquis-ul democratic și existența statului de drept." Full context in "Transcript of the Chamber of Deputies Debate from 19 February 2004 Regarding the Legislative Proposal for the Election of Public Local Authorities."

The strong connection between the EU and the broader process of Romania's transition to democracy is obvious in deputy Nicolai's statement. For Nicolai, the *community acquis* that Romania had to transpose in its national legislation to fulfill the EU admission criteria, was a "*democratic acquis*" and equality of chances was the fundamental pillar of the *acquis* and interestingly, of the rule of law (Rom. "*stat de drept*"). This association opens up an entirely new discussion about the connection between women's political representation and democracy and the role of the EU in the democratization process of Eastern European countries like Romania⁷⁶.

Conclusion

As this paper has shown, the European integration process was an important factor that led to legal and factual changes in the field of women's political representation in Romania. This is, for instance, the case with the adoption of Law 202/2002 on equal opportunities between men and women, with the introduction of paragraph (3) under Article 16 of the Romanian Constitution guaranteeing equal chances for men and women to occupy public functions and dignities or with giving women the possibility to become more visible in the political arena as a result of the elections for the European Parliament. These changes, however, were not necessarily a result of hard conditionality or of Romania's obligation to transpose EU's Directives. No such Directives exist at EU level and EU's competence to impose legally binding obligations on Member States with regard to women's representation in politics is highly debatable. The EU can instead issue only soft law documents to pinpoint the problematic situation of women in politics in different Member or potential Member States or across the Union. This was also the case regarding Romania.

Before Romania's accession to the EU, the European Commission underlined in a clear manner in the Regular Reports on Romania's progress towards accession that the low

⁷⁶ There are also different international documents that explicitly refer to the connection between women's political representation and democratic rule. For example, Convention on the Elimination of all Forms of Discrimination Against Women ('CEDAW') Committee in Recommendation no. 23 affirms that "societies in which women are excluded from public life and decision-making *cannot be described as democratic*. The concept of democracy will have real and dynamic meaning and lasting effect only when political decision-making is shared by women and men and takes equal account of the *interests of both*". See para. 14 of *CEDAW Committee, General Recommendation No. 23 (1997) on Women in Political and Public Life*, <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom14>. Furthermore, more recently the UN General Assembly reaffirmed that "the active participation of women, on equal terms with men, at all levels of decision-making is *essential* to the achievement of equality, sustainable development, peace and democracy". See Preamble of *General Assembly Resolution on Women's Political Participation (A/RES/66/130)*, http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/66/130&Lang=E. Emphasis added.

participation of women in politics represented a problem, but did not suggest to Romania any specific solutions to solve this problem. Romanian politicians, however, proposed the adoption of measures to increase women's political representation such as gender quotas. Interestingly, they argued that such measures were required for Romania's accession to the EU, although this was not exactly the case. This could have been either a strategy of the politicians to rescue gender quotas from their association with the discredited Socialist past, or it might have simply come from the confusion of the politicians with regard to the acts of the EU. It might be the case that politicians were what I call "lost in transposition" and did not understand the difference between EU acts which required mandatory transposition and the ones which did not. In a context in which Romania's desire for accession to the EU was very strong and a higher representation of women started to be seen as a "European value", it is indeed exceedingly probable that measures to boost women's political representation were considered as part of the binding *community acquis*.

Overall, this is not necessarily something negative. Given the poor situation of women's representation in Romania⁷⁷, these first steps can be seen as opening the path for deeper changes. However, it is not clear whether there are enough reasons for optimism. Despite the adoption of equality legislation in 2002 and the constitutional review in 2003, the representation of women in politics never exceeded 11,5%. Furthermore, no other legal measures were adopted to address this problem after 2007 when Romania became a Member State. This is caused mainly by the fact that the changes that occurred in the early 2000s concerning the gender balance in politics did not necessarily take place because of an internal commitment to women's rights and gender justice. Rather, as previously argued, these changes were meant to contribute to Romania's EU accession, formal democratization and return to its Western-like development⁷⁸. Further improvements in the field of women's

⁷⁷ Romania has never had any female president or prime minister and, at present, only 11.5% of the Parliament are women. Similarly, at local level, Romania does not have any female head of county councils, has 14.2% women in county councils, and only 2.65% women mayors. See "The Evolution of Women's Representation in the Parliament of Romania"; "The Representation of Men and Women in the Elections for Public Local Administration 2012 (Reprezentarea femeilor și a bărbaților în alegerile pentru autoritățile administrației publice locale 2012)" (Romanian Ministry of Labor, Family, Social Protection and Elderly/Ministerul Muncii, Familiei, Protecției Sociale și Persoanelor Vârstnice), http://www.mmfamilie.ro/j33/images/Documente/Familie/ESFB-StudiiAnalizaRapoarte-2012/Reprezentarea_femeilor_si_a_barbatilor_in_alegerile_locale_2012.pdf.

⁷⁸ Mihaela Miroiu calls the force behind adopting gender equality legislation because of the EU's pressure "room-service feminism". This should be contrasted to the feminism that streams from everyday injustices and is characterized by a genuine commitment to improve women's condition. Miroiu, *The Road to Autonomy. Political Feminist Theories (Drumul către Autonomie. Teorii politice feminine)*, 257.

political representation in Romania are strongly needed. It remains to be seen what forces will back such improvements in the future.

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