

Queering and diversifying gender in equality work at European higher education institutions

Zusammenfassung

Queering und Vervielfältigungen von Geschlecht in der Gleichstellungsarbeit an europäischen Hochschulen

In den letzten Jahren hat die zunehmende Anerkennung von Forderungen und Bedürfnissen der LGBTIQ* Communities zu Änderungen im EU-Recht beigetragen. Vor diesem Hintergrund plädieren die Autor*innen für ein queeres und damit vielfältiges Verständnis von Gender in den Gleichstellungsdiskursen an Hochschulen. Anhand der Fallbeispiele Deutschland und den Niederlanden werden rechtliche und diskursive Bedingungen sowie die Motivationen, Herausforderungen und Chancen der Akteur*innen im jeweiligen Hochschulsystem aus einer queeren Perspektive betrachtet. Die Beispiele zeigen, wie unterschiedlich die Umsetzung von EU-Richtlinien in nationales Recht erfolgt ist. Sie machen ebenfalls deutlich, dass Veränderungen in den Hochschulen derzeit von hoch motivierten Akteur*innen wie Studierenden, Gleichstellungs- und Diversity-Beauftragten oder einzelnen Einrichtungen angestoßen werden. Als aufeinander aufbauende, analytische Konzepte können „queering“ und „diversifying“ dazu beitragen, heteronormative Vorannahmen und diskriminierende Prozesse im gleichstellungspolitischen Kontext an Hochschulen zu erkennen. Sie erlauben ferner die Entwicklung von Strategien, die die Komplexität von Geschlechteridentitäten und Diskriminierungen berücksichtigen.

Schlüsselwörter

Queer, Gender, Gleichstellung, Hochschule, Antidiskriminierung, EU

Summary

Against the background of recent changes to EU legislation to meet the demands and needs of LGBTIQ* communities, the authors seek to situate a queered and diversified understanding of gender firmly at the centre of the gender equality discourse in higher education (HE). Based on case examples, the legal and discursive status quo in German and Dutch HE institutions as well as actors' motivations, challenges and opportunities are examined through a queer lens. The results highlight how differently EU legislation is transposed into national law. They also show that change is currently driven by highly motivated individual actors, be they students, gender equality and diversity officers, or individual institutions. We argue that queering and diversifying should be understood and used as modes to reflect on and analyse the processes that lead to heteronormative understandings of gender in HE and to develop strategies that take the complexities of gendered identities and discrimination into account.

Keywords

queer, gender equality, higher education, non-discrimination, EU

1 Introduction

European institutions in higher education (HE) have been in the midst of profound change for some time now. While these transformation processes increasingly took the shape of entrepreneurial and new public management principles, they also opened up new trajectories for the implementation of gender equality policies (cf. Binner et al. 2013; Barry et al. 2011). Most prominently, such trajectories have been manifested in the equality framework promoted and carried out by the European Union. The enactment of the Amsterdam Treaty in 1997 gave rise to the strategy of gender mainstreaming¹ and to new forms of non-discrimination policies on the grounds of sex, race and ethnicity, religion and belief, age, disability and sexual orientation with a horizontal approach, recognizing discrimination across multiple inequalities (Bell 2002: 385). The Charter of Fundamental Rights (2000: Article 21) also recognises these different grounds of discrimination to be taken into account. As these enactments suggest, in order to tackle discrimination and inequalities on multiple levels, gender has to be considered in its intersection with other categories of inequality (Kantola 2014).

Gender equality policies in the EU are well developed. Yet, their definition of gender mostly rests on the presumption, that gender equality pertains to equal opportunities between women and men (Squires 2013: 742; see also Verloo 2006), thereby confirming a binary and heteronormative concept of gender. This understanding is contested by current strategies and policies addressing sexual orientation and gender identity², which are gaining more prominence. For instance, discriminations related to transgender, like “sex stereotyping” and gender reassignment, as well as to intersex persons are, following the rulings of the European Court of Justice, covered by gender equality laws. According to the findings of the EU lesbian, gay, bisexual and transgender (LGBT) survey, conducted by the European Union Agency for Fundamental Rights (FRA), LGBTIQ*³ subjects encounter discrimination and violence due to their sexual orientation, gender identity or gender expression (FRA 2014). Taking into account that these acts of violations are fuelled by heterosexism (Evans/Rankin 1998: 170) and are linked to questions of gender,

- 1 In the context of gender mainstreaming as a so-called dual strategy, there have been a range of measures and programmes supporting women’s advancement on the one hand and (re-)shaping governmental structures on the other hand. Although much has been achieved since the inception of the Amsterdam Treaty, we are still far from reaching gender equality, in terms of women’s equal participation in all areas and at all levels of the scientific community (European Commission 2016).
- 2 EU bodies define the term ‘gender identity’ according to the Yogyakarta Principles (YP) on the Application of International Human Rights Law in relation to sexual orientation and gender identity as follows: “Each person’s deeply felt internal and individual experience of gender, which may or may not correspond to the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerisms”. This definition covers therefore transgender issues (European Institute for Gender Equality, EIGE 2018). In November 2017, the terms ‘gender expression’ and ‘sex characteristics’ were included in the Principles, regarding the needs and experiences of inter*persons.
- 3 In this article we use the acronym LGBTQ* (lesbian, gay, bisexual, trans, inter and queer) as an umbrella term to describe individuals or communities who identify themselves as LGBTQ or are perceived as belonging to one of these characters as well as regarded by topics and issues. The use of the asterisk symbolises that the lists is a contested one. It also indicates that queer is not only used as a theoretic and academic approach but as an identity category by queer activists themselves.

they fall into the realm of gender-based violence. EU policies, however, mostly regard gender and sexuality as distinct and as fixed categories. The same holds true for national legislations in Germany and the Netherlands. What is missing is a common understanding of gender and sexual orientation that goes beyond solely “men and women” and sexual orientation as restricted to gay, lesbian or bisexual. Debates on gender identity and LGBTIQ* issues are not only present at EU level but also for example in Germany and the Netherlands the matters of intersex and gender identity are being discussed (Adamietz 2011; Plasterk 2016; Baer/Elsuni 2017; College voor de Rechten van de Mens 2017).

The aim of this paper is to analyse how matters of gender equality are embedded in discourse, policies and practices at HE institutions in Germany and the Netherlands. What understanding of gender is present in the institutions’ equality policies and practices? What initiatives are there for a more diverse gender approach? As law shapes gender relations and contributes to the construction of gender (Baer/Elsuni 2017: 270), we take the desideratum of a complex understanding of gender in gender equality law as a point of departure for a comparative discussion of HE gender equality legislation and policies in Germany and the Netherlands. Most strikingly, the chosen examples show how differently EU non-discrimination and gender equality legal frameworks are transferred into national contexts. Methodologically, their varying approaches necessitate a tailor-made analysis of how gender is conceptualised in the respective gender equality policies and if or how queer approaches are herein considered. First, we will give a brief overview of the legal situation in Germany and the Netherlands regarding equality and non-discrimination followed by an analysis of gender equality work in the German and Dutch national contexts. For Germany, there exists a history of criticism from gender studies scholars with regard to the binary model of gender in gender equality work as well as some suggestions to the modes of incorporating a more diversified model of gender into gender equality work (see Blome et al. 2013 for an overview). But there is still a gap between gender theory and the equality work done in institutions of HE. Therefore, we will present an overview of the situation in Germany and sketch recent developments of initiatives, which questions the heteronormative concepts of gender equality policies. As for the Netherlands, there are various projects that deal with equality work in the field of HE (e. g. Talent naar de Top, Charter Diversiteit, Workplace Pride), but how gender equality measures are designed and implemented exactly differs considerably across institutions. Unlike in Germany, national law does not determine equality measures at Dutch HE institutions. We therefore chose to closely analyse one university and take their gender equality work as an example of how matters on gender identity are reflected in policies and practices of Dutch HE institutions. A comparative consideration of both national contexts will demonstrate the importance of single players and groups for queering and diversifying gender in HE. We conclude this paper with an outlook for the future.

The accounts are by no means a complete representation of the landscapes in HE. They are rather intended to give a concrete and contrasting example of how EU gender equality and non-discrimination frameworks are approached on a national level and if and how gender is understood beyond heteronormativity. We advocate a more complex understanding of gender in equality work in HE, which considers the intertwining effects of gender identity and sexual orientation. But before diving into the country examples, we will first illustrate our approach of queering and diversifying the concept of gender.