



A New Gender Equality Contract for Europe

Feminism and
Progressive Politics

Edited by

Andrea Petö · Laeticia Thissen ·
Amandine Clavaud

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A New Gender Equality Contract for Europe

“This book reminds us that women’s rights are fundamental rights. They are human rights. Still today, we have to fight with determination to uphold what generations before us have achieved and to advance further. We have seen backlash and massive attacks by anti-gender and anti-democratic movements, as well as by the (far) right, on women’s rights across the world: in Poland, Hungary, in the US, in Iran, in zones of conflict and many other places.

This book also underlines that a gender equal society is a society that not only works better for women, but is better for every single member of our society. Giving women equal possibilities (and equal pay) in the labour market, an equal say in politics and an equal share of care work will transform our world into a fairer one. There are many pieces of the puzzle that we need to work on continuously. This book sheds light on many of these pieces where our society can still become a more equal one.”

—Evelyn Regner, *Member of the European Parliament*

“In developing a systematic agenda for a more feminist society, this book shows that the issue is not only the long-overdue gender equality in all spheres of life and society, but the sustainability of society itself. For fairer, more cohesive, as well more authoritative and efficacious international politics, the EU needs to rethink its direction from a feminist perspective, where care and caring needs are not marginalized, demographic concerns are not exclusively framed in quantitative terms and contrasting inequalities take centre stage. Starting from a concern for gender equality, this book addresses vital topics for everyone that should be at the forefront of the EU’s agenda.”

—Chiara Saraceno, *Professor Emerita, University of Turin and Berlin
Social Science Center & honorary fellow, Collegio Carlo Alberto*

“This timely and wide-ranging book makes a powerful case for why gender equality should become a unifying force towards more egalitarian, solidaristic and caring societies. As well as providing the political and moral case for change, it also shows us the way towards a different type of society from the vantage point of a new gender contract. With chapters considering care, climate, culture, democracy, and sexual and reproductive health, among others, the collection

addresses big questions and offers tangible answers to address current challenges for a fairer and more equal Europe.”

—Mary Daly, *Professor of Sociology and Social Policy at the Department of Social Policy and Intervention, University of Oxford, and Fellow of Green Templeton College*

“This book comes at exactly the right time: in a period of setbacks with regard to the rights of women and minorities, the authors plead for a renewal of the gender equality contract. They use and understand feminist theory as an impetus for a readjustment of equity and justice in gender relations. This compilation succeeds in making it clear that gender relations have to be renegotiated in many arenas of daily life: sexual and reproductive health; labour-market relations; in the fair sharing of care responsibilities; in the reorganization of higher education; in using a decolonial/intersectional feminist approach to cultural diversity; in elaborating a new gender contract in the area of democracy, climate and foreign policy.

The book is a wonderful call—for activists and theorists alike—to read, think, discuss and act. It will hopefully stimulate many debates that we urgently need to make the EU a fairer place.”

—Helma Lutz, *Goethe University Frankfurt*

“By arguing for a new gender contract, this book takes an important, holistic step to achieve gender equality. In Eurofound’s work on the long-term care (LTC) workforce and access to care services, it has become apparent that policy actions in care have a large gender impact, due to its three-fold gender dimension. Firstly, most care workers are women. They work in a sector marked by numerous working-condition challenges, and women are even more over-represented in the most precarious sub-sectors of care provision and domestic care. Secondly, most informal care workers, providing care for family or friends, are female. They face problems with combining care with paid work and from the impact on their mental health. Thirdly, for LTC, most users are women, because women live longer, on average, and spend more years with LTC needs. It is key to improve working conditions in care, facilitate combining work with informal care and supporting informal carers in other forms, and improve access to and the quality of LTC. This is also important for the many men providing and receiving care. However, gender equality for the benefit of all can only be achieved by addressing gender stereotypes at a more fundamental level, so that people are not pushed into certain sectors and habits based on their gender. This can only be done if acting broadly in the areas discussed in this book.”

—Hans Dubois, *Senior Research Manager, Social Policies, Eurofound*

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FOREWORD

No society will be able to advance gender equality without strong-willed political decisions. It will never happen by coincidence. Policymakers need to make decisions about reforms that enhance gender equality and make society more inclusive. But politicians will not be able to make these crucial decisions without sound analyses of context and requirement, as well as concrete policy proposals. This book makes a timely contribution offering both.

When half of the population in the European Union (EU) still does not enjoy the same rights, representation and resources as the other half, there is a need to adopt a gender lens to better assess existing policies and craft more responsive policies.

People often ask me what made my country, Sweden, one of the world's most gender equal countries in the world, and why it was the first country in the world to introduce a feminist foreign policy. My answer is quite simple: it was women. Women in the progressive movement within and outside political parties who, based on their own lived experience, proposed changes and pushed for political decisions that could improve their own reality. I always say that three reforms have been most important for the development of a more gender equal society:

- The reform of full individual taxation introduced in 1971. Prior to the reform, there had been a family-based taxation system, with more favourable tax rates for married persons and a transferrable

basic tax deduction system. This is still the case in many countries today. The reforms focused on removing disincentives for secondary earners, which prevented women from accessing the labour market or working full-time. The reforms resulted in a reduction of tax rates particularly for women who were low-income earners and for women married to men with high incomes. Over time, women's employment rates have increased from 60% when the reforms were introduced to 78.4% in 2024.

- The reforms prioritising care responsibilities. After many decades of political work, public childcare has become both universal and affordable in Sweden. Thanks to these reforms, parts of the unpaid household and care work, mostly performed by women, became the responsibility of the public welfare system. The same goes for parental leave arrangements with the expansion of gender-neutral parental benefits offering women the same opportunities as men to enter the labour market, to remain there and to advance professionally. Nowadays, Swedish families have the right to 16 months parental leave paid 80% of the salary up to a ceiling, three months for each parent and the other ten months to be used as they please.
- Another major feminist victory was the law passed in 2018 stating that sex without consent is rape, even when no threats or force are involved. The law¹ requires that a person must give clear consent, verbal or physical, before engaging in sexual activity.

In too many European countries, these kinds of policies are still a far-distant dream. In European and national elections, I am convinced that we should demand changes for the better. And it has happened before.

In the run up to the 1994 Swedish election, there was enormous pressure among women for Sweden to react to the backlash against women's rights that had taken place, and for a future government to consist of half men and half women. The slogan feels as relevant now as it did then: "whole of the salary, half the power". There were far-reaching plans to form a new feminist party. The Social Democratic Party promised that if it won the election, it would be a government that prioritised gender

¹ BBC (2018). "Sweden approve new law recognising sex without consent as rape". Retrieved from: <https://www.bbc.com/news/world-europe-44230786>

equality. The party won with 45.3% of the vote, and the number of female Members of Parliament (MPs) increased to 41%. It would take another 20 years before Stefan Löfven, Prime Minister of Sweden 2014–2021, formed a fully gender-equal government with 50% men and 50% women.

Women's representation is an important feminist issue. And it's about power. If you only have a certain number of ministers, a certain number of commissioners, a certain number of MPs, a certain number of seats on a company's board and so forth, then, as things stand today, this means that men must move to make room for women. In addition to moral and justice arguments, there are also weighty arguments that decisions, processes and even entire societies improve when there is equality.

Take the issue of economics. Many of the decisions taken in the EU have to do with economics. The whole inner market is built upon economic decisions. Economic stability and growth are fundamental to resilient societies. The political, economic and security crises we face are not gender blind. They affect women and men differently—and their root causes are gender related, too. Several studies have shown that empowering women economically leads to sustainable growth of society as a whole. This makes societies more resilient when responding effectively to internal and external challenges and crises. Women represent half of the world's population, but—despite efforts made—there is an alarmingly low rate of female economic participation worldwide.

Research shows that, in the majority of cases, gender discrimination in the labour market leads to lower economic growth. This is because available resources are not being utilised to their full extent, and employment opportunities and wages are not solely based on productivity but also on gender. Apart from the fact that every woman should have the right to work, there is enormous potential in strengthening the position of women in the labour force. Gender roles and power relationships shape our societies far more deeply than traditional economic models suggest. Acknowledging the necessity to think diversely and inclusively, feminist economic theory leaves the narrow assumptions of traditional economic thought behind.

The last two years have looked dark and grim. Horrendous wars in Ukraine and the Middle East, terrorist attacks and climate-related disasters. Common to all these conflicts and crises are that women, girls and marginalised individuals—due to historic and structural inequalities—are hit the hardest.

For more than 20 years, there has been an Agenda for Women, Peace and Security (WPS). But still women are often underrepresented in peace processes. According to the United Nations (UN), women made up only 19% of participants in UN-led peace processes in 2021. This is a fact, even if we know that peace accords are 35% more likely to last at least 15 years longer when women participate in the peace processes. The inclusion of women brings diverse perspectives and priorities, contributing to more comprehensive and sustainable peace agreements.

We should demand a gender perspective in the EU's peace promotion work by translating the EU's action plan for WPS into concrete results. We should follow up on the commitments made in the EU Pact for Civilian Crisis Management, including that operations should be gender mainstreamed, include gender advisers and ensure an increased proportion of women. This goes also for EU military training operations.

In my experience, after nearly seven years as Minister for Trade, the EU and finally Foreign Affairs, I know that a feminist lens transforms our view of the world. I have witnessed firsthand the importance of a gender perspective on the ground in many conflict areas.

When the idea of a feminist foreign policy was first introduced in 2014 by Sweden, the gendered dimension of foreign policy was, in fact, far from unknown. And yet, it was met with much suspicion and even ridicule. It took quite some time to get the Foreign Service to understand what we wanted, but after some initial reluctance, even long-time male ambassadors saw its added value!

That is how, all areas of Sweden's foreign policy—security, trade, development cooperation—were analysed with a feminist lens. Did women have the same rights, resources and representation as men? Of course not! But if you do not pursue the policy and politics in a systematic way, you might not even see it. During the first years after launching the first-ever feminist foreign policy, we were quite alone. But as more and more progressive politicians, NGOs and academics started to push for it, more and more countries decided to follow suit. It didn't happen easily. Now around 15 countries in different parts of the world have decided to introduce a feminist foreign policy.

The feminist foreign policy led to a concerted effort, with more gender equality initiatives and a number of new initiatives in all areas of foreign policy: foreign trade, international development cooperation and security policy. What was first met with, at best, hesitation and, at worst, aggression has proven to give concrete results.

I wish for an EU where all countries take responsibility to treat every human being equally. Women, men, LGBTIQ+ people, minorities, Indigenous people, migrants. But this will not happen by itself; it will only happen if we demand it and work for it. Let's do it!

Stockholm, Sweden

Ann Linde
FEPS Special Advisor for Foreign
Affairs, former Minister
of Foreign Affairs of Sweden

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With that in mind, this volume was edited by Andrea Pető (Professor in the Department of Gender Studies, Central Eastern University), Laeticia Thissen (Senior Policy Analyst on Gender Equality, FEPS) and Amandine Clavaud (Head of the Studies Department, Fondation Jean Jaurès).

DISCLAIMER



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CONTENTS

1	Introduction: Imagining a New Gender Equality Contract for Europe	1
	Andrea Petö, Laetitia Thissen, and Amandine Clavaud	
2	Imagining a New Gender Contract for SRHR	9
	Krystyna Dzwonkowska-Godula	
3	Imagining a New Gender Contract for Labour	43
	Rachel Silvera	
4	Imagining a New Gender Contract for Care	65
	Eugenia Caracciolo di Torella	
5	Imagining a New Gender Contract for Education	87
	Andrea Petö	
6	Imagining a New Gender Contract for Cultural Rights	105
	Mafalda Dámaso	
7	Imagining a New Gender Contract for Democracy	131
	Réjane Sénac	
8	Imagining a New Gender Contract for Climate	155
	Annica Kronsell	

9	Imagining a New Feminist Contract for Foreign Policy	177
	Annika Bergman Rosamond and Jessica Cheung	
	Index	215

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ABBREVIATIONS

AI	Artificial Intelligence
CEU	Central European University
CFR	Charter of Fundamental Rights
CFSP	Common Foreign and Security Policy
CJEU (or the Court)	Court of Justice of the European Union
EC	European Commission
EGD	European Green Deal
EHEA	European Higher Educational Area
EP	European Parliament
EPSR	European Pillar of Social Rights
ESS	European Security Strategy
EU	European Union
FEPS	Foundation for European Progressive Studies
FFP	Feminist Foreign Policy
IBPA	Intersectionality-Based Policy Analysis
IR	International Relations
IT	Information Technology
LARC	Long-Acting Reversible Contraception
LAV	Light Armoured Vehicles
LTC	Long-Term Care
MISP	Minimum Initial Service Package
NGO	Non-Governmental Organisation
NRA	National Resistance Army
RPF	Rwandan Patriotic Front
S&D	Socialists and Democrats
SRH	Sexual and Reproductive Health

SRHR	Sexual and Reproductive Health and Rights
TEU	Treaty on European Union
UN	United Nations
VAWG	Violence Against Women and Girls
WLB	Work-Life Balance
WPS	Women, Peace and Security



Introduction: Imagining a New Gender Equality Contract for Europe

Andrea Petö, Laetitia Thissen, and Amandine Clavaud

From Invasive Weeds of Patriarchy...

Feminism and gender equality currently stand at a contradictory crossroads: they have simultaneously become subject to widespread popular support and steady regression across Europe and in the world.

On the one hand, gender equality has made significant progress over the past decades and has become universally embraced as a reliable gauge for sustainable development. To such an extent that today (almost) everyone is a feminist. From the highest political spheres, with

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UN Secretary-General Antonio Guterres calling himself “a proud feminist” (2020), to the recent cultural pink wave, with movies smashing box-office records under the empowerment banner, the F-word seems to have become an important gauge for current standards of modernity. Beyond the recent neoliberal appropriation and marketisation of feminist meaning(s) (Sawer et al., 2023), the very notion of feminism itself has always been fraught with ambiguities, contradictions and even profound internal disagreements. All too often, the laudable efforts of the movements have been shaped in the complete absence of a “silent minority”, who are those most affected by sexist oppression (hooks, 1984). Whilst early feminist movements undeniably brought a gender lens, enabling a better grasp of ways in which gendered power relationships permeate social structures and democratic institutions, postmodern and intersectional feminist thinkers have also challenged the idea of a unified and essentialised female identity, arguing that women’s lived experiences vary substantially across a range of diverse and overlapping identities—including race, class, sexuality and nationality—which are not fixed but determined by social, cultural and historical contexts (Butler, 1990; Crenshaw, 1989).

On the other hand, gender equality advances have also become synonymous with worldwide regressions in anything associated with women and girls’ rights, LGBTIQ+ rights and minority rights, as led by complex constellations of illiberal forces, de-democratisation processes and overlapping crises (Clavaud, 2023, European Commission 2020; Hertner, 2021; Kuhar & Patternotte, 2017; Pető, 2021a, 2021b). Recent years saw the rise of a range of interlocking crises coming together. Besides the unsolved social care crisis and climate emergency, with their direct gendered consequences, women’s rights have been hanging by a thread across the globe. Russia’s war against Ukraine has inflicted terrible harm on Ukrainian women and girls, from heightened trafficking and gender-based violence to the loss of crucial livelihoods and rising poverty levels. The largely feminised nature of resulting refugee flows posed new gendered challenges. In this context of disrupted energy and food supplies, the gendered consequences were also hard felt on a worldwide scale, widening gender gaps, increasing rates of food insecurity and increasing energy poverty. The continued repression of women’s rights was epitomised by the tragic death of 22-year-old Jina Mahsa Amini at the hands of the Iranian morality police after her arrest for supposedly

wearing her hijab incorrectly in 2022. This triggered nationwide demonstrations and international solidarity for all the women of Iran, who were honoured as heroes of the year by *TIME* magazine (2022) for their fight for freedom. Since the Taliban takeover in Afghanistan, a system of governance based on the wholesale subordination of women has been established, institutionalising discrimination within the regime's political, legal and cultural structures. Amid growing calls for the situation to be recognised as “gender apartheid” by the international community, Afghan women's resistance to the regime has remained tireless at the cost of their own lives. European and minority world countries, where gender equality has been considered as guaranteed by law, are far from immune to gender equality regressions. The US Supreme Court's decision to reverse its landmark *Roe v. Wade* decision, consecrating the right to abortion, illustrates the inherent fragility of women's fundamental rights. Even though the EU is one of the most advanced continents concerning the apprehension of gender equality, Europe is not an exception in the face of backlash (Clavaud et al., 2023). The same dynamics can also be observed within the EU member states facing the rise of far-right and populist right-wing parties. The multiple attacks on the right to abortion in Poland and Hungary prevent women from making choices freely concerning their bodies, which are against fundamental rights. Under the pretext of boosting natality, the Italian ultra-conservative right makes every effort to dissuade women from choosing abortion, whilst also making it clear to lesbian couples that the “traditional family” is the only desirable model by denying parental recognition to non-biological parents in homoparental families. Following similar patterns of gender regressions, the first action taken by the new Swedish right-wing and far-right government consisted of scrapping another feminist flagship policy by abandoning feminist foreign policy.

Globally, the latest Gender Social Norms Index (United Nations, 2023) indicates that in 2023 only 27% of the population consider that it is essential in a democracy that women have the same rights as men. Likewise, the Women, Peace and Security Index 2023/24 (GIWPS, 2023) ranking of 177 countries in terms of women's inclusion, justice and security reveals that countries where women are doing better are also more peaceful, democratic, prosperous and better prepared to adapt to the impacts of climate change. These regressions, linked to the persistence of deep-seated gender stereotypes, show that the fight against the patriarchy and the elimination of structural barriers still have a long way to go.

The special challenge thus lies in how to rethink feminism in a climate where not only is anti-feminism often supported by states, but, at the same time, state actors are diminishing the concept and filling in with their own meanings (Grzebalska & Pető, 2018).

...to Seeds of Hope Through a Feminist Utopia!

In 2024, with the European elections' outcomes and the rise of far-right parties looming large for the future of Europe, gender is bound to constitute a high stake for the Union's resilience and the overall state of democracy on the continent (Walby, 2018). Whilst much has already been said on how gender continually mobilises anti-gender movements, creating odd alliances united against equality (Kováts & Põim, 2015), this publication endeavours to turn the idea around to consolidate a positive narrative around feminist issues: how can gender become a unifying force—a “symbolic glue” for feminist actors (Kováts & Põim, 2015)—towards the crafting of a transformative, inclusive and fairer Europe in the years to come? The common threat in this collective endeavour is inspired by the idea of a new gender contract (Esping-Andersen, 2002) and of “a feminism for the 99%” (Arruzza et al., 2019) avoiding the recuperation of emancipatory movement as “alibis” for the processes that bolstered neoliberalism and to “reorient feminist struggles in a time of political confusion” (Arruzza et al., 2019, 63). Accordingly, the sort of feminism, as promoted in this book, derives its forms and content from the “multiplicity of struggles from below”, where differences are celebrated and taken seriously for the construction of wide-ranging alliances on the way to transformative policies.

In the face of sustained opposition to gender in Europe and beyond (Euractiv, 2021), this publication project initiated by FEPS and *Fondation Jean Jaurès* therefore endeavours to make the political case for why gender equality should become a unifying force towards more egalitarian, solidaristic and caring societies as part of this new “gender contract”. Much more than a mere theoretical exercise, this publication seeks to connect feminist academic intelligence with hands-on policy-making. The underlying objective is to apply the ideals of a feminist utopia to the very concrete and day-to-day practice of policymaking and -shaping in Europe. Seeking to overcome the idea of an inevitable tension between research on gender equality in academia and other policy domains (Cavaghan, 2017; MacRae, 2013; Morel et al., 2012), this book contributes to showing how they can mutually reinforce each other, building on the idea that the future of the EU is shaped by gender (Walby,

2018). That is precisely why each chapter in this collected volume outlines how to craft such a new gender contract across a selection of key policy domains.

As part of this effort, our book endeavours to foster dialogue between cutting-edge scholars and policymakers about key topics of the feminist future of the EU. Each chapter follows the same structure. It starts with an analysis of the current trends in that field followed by a discussion of the relevance for the achievement of a new gender contract for each policy field. The authors convincingly argue, regarding the chosen angle and research question matter, for the co-construction of policies geared towards a feminist future. Additionally, the chapters outline the sort of action and recommendations to be explored in the contribution to offer tangible answers to current challenges for gender equality within the discussed field.

The first chapter, by Krystyna Dzwonkowska-Godula, focuses on the importance of sexual and reproductive health and rights (SRHR) for gender equality. SRHR studies are crucial for human beings' health and well-being, individual dignity and autonomy, and in the context of human and women's rights. The author explores selected aspects of SRHR, such as sex education, access to modern contraception and abortion, all conditioning people's reproductive choices and, thus, life choices and chances. The chapter concludes by arguing that adopting the perspective of reproductive justice, which combines reproductive rights with social justice and the intersectionality approach, is useful in the critical analysis of reproductive politics in European countries and for formulating recommendations to create a new gender contract as a basis for a more inclusive, fairer and feminist Europe.

In the following chapter, Rachel Silvera seeks to construct a new gender equality contract for labour and demonstrate that feminism is a vital prospect for Europe's future. Without addressing different forms of structural inequalities in the labour market, women will not gain full independence and be able to take their effective place in society.

Eugenia Caracciolo di Torella subsequently discusses the role of a gender contract for care. The author argues that it is not only a prerequisite to lay the foundation for a better world but also essential to a post-pandemic recovery. As such, it provides a blueprint to address the events that are unfolding before us, from the rising cost of living to the healthcare crisis, with a view to making our society and economy more sustainable. She also argues that the EU already has, at least some of, the

“legal tools” necessary to develop such a contract and it must now take leadership in this area as a matter of urgency.

Andrea Pető offers a rethinking of European higher education through feminism. The chapter analyses responses to the recent challenges initiated by the separation of institutions and decentralisation of science by arguing that the internationalisation of science can be as threatening to the original mission of education as the process of re-nationalisation. The author argues that the seemingly paralysed and non-responsive actors contribute to the spreading of illiberal alternatives in Europe.

In her chapter, Mafalda Dâmaso deals with culture and how the feminist perspective could be added to this public policy. Cultural diversity has been debated for decades, but the author argues that feminist studies should be better integrated in this reflection. The author proposes to connect decolonial and feminist thinking with cultural rights, so that we understand it as part of human rights. She also puts forth some recommendations to ensure cultural diversity management with a holistic approach.

Réjane Sénac’s chapter dedicated to democracy examines the challenges that need to be overcome to achieve parity in Europe. She reminds us, on the one hand, that the European legacy is unequalitarian due to the historical exclusion of women from the democratic contract. On the other, it is also egalitarian due to its institutions where we promote it. Within these ineluctable tensions, the author nevertheless argues that, more than ever, Europe has a huge role to play in reviving the political debate, particularly in the defence of fundamental rights.

In her chapter, Annica Kronsell analyses the climate and gender equality nexus. Climate change has numerous impacts on women, starting with the governance dimension thereof. The author proposes to build an alternative climate governance by introducing the notion of empathic rationality as new way of policymaking to face one of the big challenges in our century.

In the last chapter, Annika Bergman Rosamond and Jessica Cheung put forward the feminist dimension within foreign policy. Sweden was the first state and EU member to adopt a feminist foreign policy. Other countries have adopted it since 2014. By defining what could be a feminist foreign policy and to put it in place, the authors highlight how the EU has integrated a feminist approach in its external relations, even though much remains to be done to achieve progress in this field.

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Imagining a New Gender Contract for SRHR

Krystyna Dzwonkowska-Godula

1 INTRODUCTION

This chapter discusses the importance of sexual and reproductive health and rights (SRHR) for gender equality. It presents desired directions of action and solutions in this area, which should be implemented by European Union (EU) policy to contribute to a new gender contract based on inclusive feminism. Thus, we point out that health issues and healthcare access, in general, are crucial for creating more feminist, equal and fair societies and states.

The subject under consideration is sexual and reproductive health (SRH), which is treated as an essential part of health, and understood holistically, following the World Health Organization's (WHO's) definition, as “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity” (WHO, 1948). According to the United Nations Commission on Human Rights resolution 2003/28, “sexual and reproductive health are integral elements of the right of

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everyone to the enjoyment of the highest attainable standard of physical and mental health” (UN Commission on Human Rights, 2003). It should be recognised as central to people’s overall health and well-being (Starrs et al., 2018, 2643).

We adopt the comprehensive and integrated definition of SRHR introduced in a report by the Guttmacher–Lancet Commission in 2018, which corresponds to the above-mentioned WHO definition of health (Starrs et al., 2018).

“Sexual and reproductive health is a state of physical, emotional, mental, and social well-being in relation to all aspects of sexuality and reproduction, not merely the absence of disease, dysfunction, or infirmity. [...] All individuals have a right to make decisions governing their bodies and to access services that support that right. Achievement of sexual and reproductive health relies on the realization of sexual and reproductive rights, which are based on the human rights of all individuals to:

- have their bodily integrity, privacy, and personal autonomy respected;
- freely define their own sexuality, including sexual orientation and gender identity and expression;
- decide whether and when to be sexually active;
- choose their sexual partners;
- have safe and pleasurable sexual experiences;
- decide whether, when, and whom to marry;
- decide whether, when, and by what means to have a child or children, and how many children to have;
- have access over their lifetimes to the information, resources, services, and support necessary to achieve all the above, free from discrimination, coercion, exploitation, and violence” (Starrs et al., 2018, 2646).

In analysing the importance of SRHR for gender equality, we refer to the following theoretical frameworks. Firstly, we refer to gender structure theory and the concept of gender as a structure of social stratification (Risman, 2004; Risman & Davis, 2013; Risman et al., 2020):

“Just as every society has a political and economic structure, so, too, does every society have a gender structure. [...] The gender structure differentiates opportunities and constraints based on sex category and thus has consequences on three dimensions: (1) at the individual level, for the development of gendered selves; (2) during interaction as men and women face different cultural expectations even when they fill the identical structural positions; and (3) in institutional domains where both cultural logics and explicit regulations regarding resource distribution and material goods are gender specific.” (Risman & Davis, 2013)

Analysing the politics around SRHR and its influences on individuals’ lives, we focus on the institutional dimension of gender structure. Among the elements (processes and mechanisms) that make up this domain are organisational practices, legal regulations, distribution of resources and ideology (Risman & Davis, 2013, 746). From this perspective, we do not lose sight of gender identity and practices in their complexity. However, we focus on what shapes, enables and constrains them, looking specifically at reproductive politics, which is gendered and what we understand as differently influencing people belonging to different gender categories, “actively engaged in social processes that produce and reproduce distinctions between women and men” (Pilcher & Whelehan, 2004, 59) (see also Acker, 1992, 567; Kimmel, 2011). As Risman and Davis stated, “Even when the actual formal rules and regulations begin to change [toward gender-neutrality], however, whether by government, courts, religion, higher education, or organizational rules, the cultural logic often remains, hiding patriarchy in gender-neutral formal law” (Risman & Davis, 2013, 746). In the case of reproductive politics, which serves the state to control sexual and reproductive behaviours and capacities through governing, among others, access to contraception, abortion or sterilisation, many regulations refer directly to women and their reproductive biological functions (Solinger, 2013).

The second framework considered is the concept of reproductive justice, which combines reproductive rights with social justice (Luna & Luker, 2015; Ross & Solinger, 2017). According to this approach, the focus is placed not only on legal regulations but also on the real possibility of the realisation of reproductive rights for people belonging to different social categories. (“There is no choice where there is no access”—Sister-song, n.d.) It’s about equality not only in access to the law, but also

the appropriate conditions for being able to have children, not have children, and have control over the circumstances of childbirth and care for the offspring. The reproductive justice approach leads “toward a holistic vision of women’s health and rights” (Beverly Yuen, 2017, 258). This analytical framework is useful to recognise the limitations of the reproductive choices of individuals belonging to different social categories and identify the social inequalities in this area.

Thirdly, related to the perspective of reproductive justice, in considering implementations of SRHR in the context of gender equality, we refer to the intersectional approach (Crenshaw, 1989; Hankivsky & Jordan-Zachery, 2019; Hill Collins, 2019; Hill Collins & Bilge, 2016; Misra, 2018; Robinson, 2018). Studying gender inequality demands analysing inequalities between and within gender categories, recognising the different social statuses and life chances of women and men or, more generally, gendered people differing in race, ethnicity, sexual orientation, socioeconomic status, age, health and ability status, religion or place of residence. All these categories of social distinctions and identities intersect and mutually influence a specific person’s social location, determining, among others, the ability to exercise one’s sexual and reproductive rights. Applying intersectionality to the analysis of inequality in SRHR includes the conceptualisation of gender as “an axis of oppression intersecting with other axes of oppression including race, sexuality, nationality, ability, religion, etc.” (Risman & Davis, 2013, 742).

In our considerations, we analyse only selected aspects of SRHR related to people’s reproductive choices and their capacity to control fertility: birth control education and more general sexuality education, as well as access to modern contraception and abortion. Firstly, individuals should be educated about sexuality, procreation and preventing unwanted pregnancy. Secondly, the use of existing possibilities for making reproductive decisions—the different methods of contraception and termination of unwanted pregnancy—should be easily accessible and achievable for everyone.

This chapter is structured as follows. We begin by discussing inequalities in Europe in terms of access to the three aspects of SRHR mentioned above—sex education, contraception and abortion—and identify the most critical problems and challenges in this area. Then, the arguments for including reproductive justice in building a new gender contract and an inclusive Europe are presented. In the final section, we identify selected courses of action and solutions that can contribute to this goal.

2 CURRENT TRENDS

Despite the fact that SRHR are mentioned in various documents on human and women’s rights, health and gender equality, as well as sustainable development, which all indicate their importance and solutions on how to protect and implement them, they are still not respected and are violated in many countries. Differences and inequalities in this area are observed globally in different regions, including in Europe. European institutions and organisations conduct systematic monitoring of various aspects of SRHR; this makes it possible not only to note differences in reproductive politics in EU countries but also to analyse the dynamics of the situation—whether and where there is improvement or regression.¹ There are a number of reports, also compiled by NGOs, both at international level and those working in the field of reproductive and sexual rights in specific countries, which are best versed in the situation and know the needs, expectations and shortcomings in this area. They are taken into account in the formulation of European Parliament resolutions concerning SRHR and human rights (see, e.g., European Parliament resolution of 24 June 2021 on the situation of SRHR in the EU, in the frame of women’s health) (European Parliament, 2021c). We also refer to them as reliable sources of up-to-date, systematically gathered and relatively detailed information on the analysed aspects of SRHR in Europe.

Regarding the possibilities of using modern birth control measures to condition reproductive autonomy, we can observe significant inequalities between citizens of different member states and within specific state populations, as well as between people belonging to different social categories. The Contraception Policy Atlas Europe 2023 (EPF, 2023) shows the differences between the politics of European states concerning access to contraceptive supplies, family-planning counselling and online information on contraception. According to gathered data, national health systems of only 20 European states (43%) cover contraceptives, including long-acting reversible contraception (LARC) methods. However, the WHO classifies contraceptives as essential medicines (see WHO, 2021, 49; Marques-Pereira, 2023, 19). The majority of European countries offer no reimbursement for any form of contraception and do not provide

¹ Here, we refer only to some reports on selected issues of SRHR. Other aspects of SRHR are the object of monitoring and research—for example, LGBTQIA + rights or in vitro policy (ILGA-Europe 2023, EPF 2022c).

special coverage for young people (until 19 or 25) and vulnerable groups (unemployed, low income) (EPF, 2023). In 31 countries, a prescription is required for hormonal contraceptives, which means additional barriers in access to contraception, among others, for people living in remote areas and in the case of ineffectiveness and dysfunctionality of the healthcare system (as in Poland, where there are too few professionals and many of them use a conscience clause to deny prescriptions—see Plagens-Rotman et al., 2021; Czekajewska et al., 2022) or in situations of limited or difficult access to doctors (such as during the pandemic—see, for example, Aly et al., 2020, Båge & Datta, 2021, Aly et al., 2022, VanBenschoten et al., 2022).

The experts observe “a two-speed Europe when it comes to access to information on modern, effective contraception” (EPF, 2018a, 7). They point to socioeconomic development as one of the determinants of these differences, but also cultural factors—the persistence of myths, misrepresentations and outdated beliefs about contraception (EPF, 2018a, 7).

One of the crucial conditions for using existing measures to control fertility is having knowledge about them and access to education in this area. It refers to comprehensive sex education at schools and family-planning counselling for adolescents and adults, including reliable and authoritative online information. As for the latter, according to the Contraception Atlas, 41 countries (89%) cover counselling within their national health systems but only 19 (41%) provide good or exceptional government-supported websites with thorough, evidence-based and practical information on contraception. In some European countries, citizens can use only nongovernmental websites to search for information on contraception.

The problem may not only be in accessing information but also its reliability and accuracy. “Women regularly receive inaccurate or incomplete information about contraception from medical professionals due to a lack of standardized guidelines and quality training in some parts of Europe, leading to misconceptions that influence their usage” (EPF, 2022b). In surveys conducted in selected European countries (Belgium, Germany, Greece, Italy and Romania), respondents pointed out that healthcare providers in their countries lacked knowledge about contraceptives and were judgmental towards contraceptive use among young people (EPF, 2022a).

In the case of sex education, as Picken states, “there are considerable differences in its content, delivery and organization between member states. As a result, children across the European Union are likely to receive very different messages and information from each other about these important topics, depending on how different Member States interpret and implement these international targets and standards” (Picken, 2020). Comprehensive sex education is not standard in schools in member states (Ketting et al., 2021). Although there are expert recommendations regarding teaching about the cognitive, emotional, social, interactive and physical aspects of sexuality from childhood (regarding forms and content relevant to the age of the child) and an international consensus that sexuality education positively influences young people’s health and autonomy (see, e.g., WHO, 2010; UNESCO, 2018), children and teenagers in European countries have unequal access to comprehensive knowledge and empowerment in this area. The differences refer to mandatory versus optional courses, specific lessons versus cross-curricular format (delivery of sexuality education across several subjects), the pupils’ age at which sexuality education is provided and, last but not least, the topics covered (Picken, 2020). The aim of the courses offered in some states is explicitly expressed in the name of the subject as “preparation for family life” in Poland (Davies, 2020). The term “sex/sexuality education” is often deliberately avoided in the face of attacks from anti-gender movements associating it with the sexualisation of children (see Kuhar and Paternotte 2018).

The “regional injustice” in the area of reproductive rights in Europe is also observed for access to abortion. There is “a mixed situation across the Continent. While national health systems in 21 countries treat abortion as any other medical service, in 14 countries and territories, abortion remains technically a crime, even though most Europeans consider abortion to be a women’s right” (EPF & IPPF EN, 2021). Abortion laws are beyond the legislative competence of the EU, “a matter of national sovereignty” and “the EU does not in principle guarantee women the right to abortion” (Marques-Pereira, 2023, 13). Marques-Pereira (2023) categorises five types of abortion regimes in the EU. The typology describes the differences between the most liberal systems, the less and more restrictive ones, and those that ban terminating pregnancy. It “shows that, to date, no country in the EU has recognized women’s right to abortion as a free choice, but only as a right to access abortion (in differing degrees) in the name of public health” (Marques-Pereira, 2023,

5). Other sources on abortion access in European countries are, among others, the comparative overview prepared by the Center for Reproductive Rights (2022), the European Abortion Atlas (EPF & IPPF EN, 2021) and the report from the International Planned Parenthood European Network “Abortion legislation and its implementation in Europe and Central Asia: Threats to women’s and girls’ reproductive health” (IPPF EN, 2019). In all mentioned studies, the following key factors influencing the possibility of terminating pregnancies are distinguished:

- **The criminalisation of abortion:** Terminating pregnancy, if it is lawfully available, unlike other health services, is commonly regulated through both criminal law and healthcare law; this refers to almost all countries today (Ambast et al., 2023). In EU states, pregnancy termination is available until a specified gestational age combined with specific grounds. There are sanctions for abortions outside this legal framework, which affect providers and, less often, women who terminate their pregnancies.
- **Time limits and grounds for legal access to abortion in the EU:** The majority of European countries have legalised abortion on request or broad social grounds, but usually limit it to the first trimester of pregnancy (Marques-Pereira, 2023). Gestational age limits are a severe restriction for self-determination in terminating unwanted pregnancies in countries with relatively liberal abortion legislations (De Zordo et al., 2023). They force women to undertake abortion travel to other states, which is expensive, stressful and influences their widely understood health.
- **Additional institutional and procedural hurdles to abortion care:** Beyond the time limit and indication of specific grounds for abortion, additional requirements make access to abortion more complicated. They may delay it or even make it impossible. In combination with gestational age limits (which are rigid and restrictive), they, in practice, serve to deny access to abortion care (Marques-Pereira, 2023, Center for Reproductive Rights, 2022, IPPF EN, 2019). Among the mandatory medical procedures, relatively common is a compulsory waiting period between requesting and receiving abortion care and obligatory counselling (medical interviews) before abortion (Center for Reproductive Rights, 2022; EPF & IPPF EN, 2021; Marques-Pereira, 2023; WHO, 2022, 41).

In many European countries, administrative obstacles in access to abortion, such as third-party authorisation procedures—permission from parents, guardians, doctors or official committees, are introduced (Marques-Pereira, 2023, EPF & IPPF EN, 2021, Center for Reproductive Rights, 2022, IPPF EN, 2019). The most common is parental or judicial consent in the case of minors (EPF & IPPF EN, 2021). “Such laws not only contravene the right to have personal health data and information treated with privacy and confidentiality but can expose girls to serious distress and even abuse. They often deter girls from accessing timely support, with grave consequences for their physical and mental health” (IPPF EN, 2019, 13).

The severe barrier for access to SRHR is the use of conscientious objection by medical staff in reproductive healthcare services, which is a growing phenomenon in European countries (Anedda et al., 2018; Marques-Pereira, 2023; Zampas & Andión-Ibañez, 2012). They can deny care based on their personal beliefs or convenience, including not only abortion but also contraceptive prescriptions and prenatal tests. It refers to most EU member states, regardless of the abortion regime (Marques-Pereira, 2023).

- **Financial affordability:** Among 53 European countries and territories included in the analysis of abortion policies prepared by EPF and IPPF EN, the majority (31 countries) do not include abortion in the national health system’s financial coverage—“this penalises all women and girls, but specifically the vulnerable (e.g., low income, living in rural areas, Roma, sex workers and undocumented migrants” (EPF, 2021). Many countries introduced limitations, making free abortion accessible only for residents, those under social security, only in the case of terminating a pregnancy for medical reasons or demanding some financial contribution from women (IPPF EN, 2019, 16; Marques-Pereira, 2023). The direct and indirect costs of abortion must be considered (IPPF EN, 2019, 18). Due to geographical disparities in the availability of health services, including abortion care, the termination of pregnancy involves long-distance travel to another region or country, which means an additional financial burden. “Indirect costs are also incurred by the imposition of obstacles such as mandatory waiting periods and mandatory counseling. Expenses arise from the additional appointments required, forcing women to take more time off

work, pay for more childcare, cover more transport and accommodation costs. These are especially onerous for women from low income households and/or located in rural areas” (IPPF EN, 2019, 18).

The characteristics of sex education, contraceptive and abortion policies in European countries show that they are very complicated and diverse and include many barriers undermining individuals’ autonomous reproductive decisions. The monitoring and studies of inequality in access to SRHR have started to include the intersectional approach. It is manifested, among other things, in the identification of vulnerable groups, relatively more exposed to violations of their rights, such as adolescents; low-income people; inhabitants of rural, remote areas; migrants; refugees and asylum seekers.

Monitoring the implementation of SRHR in European states has shown its dependence on the social-political system and the threat of growing anti-gender movements and illiberal regimes for individuals’ sexual and procreative autonomy and gender equality (Kováts et al., 2015, Kováts, 2018, Kuhar and Paternotte 2018, Kováts, 2021, Graff & Korolczuk, 2022, Pető, 2022). SRHR are a battlefield in contemporary culture and political wars (Grzebalska & Pető, 2018; Pető, 2022), which can be termed “a new Cold War between liberal and illiberal forces” (Pető, 2022, 228). Illiberal transformations and anti-gender mobilisations, which are observed in contemporary Europe (on a different scale in different countries) and contribute to “the global conservative revolution”, are based on the contestation of neoliberal democracy, rejection of liberal emancipatory politics, hijacking and redefinition of the meanings of human and women’s rights, and equality in the name of support “family” understood in the traditional way (“family mainstreaming”) (Grzebalska & Pető, 2018, Pető, 2022; see also Gaweda, 2022, Graff & Korolczuk, 2022). Gender is “a symbolic glue” for conservative politics, using “gender policy arguments as a cover up for fostering a deeper and profound change in the European political and value system” (Pető, 2015, 127). In countries of East-Central Europe, it is presented by anti-gender groups as a form of “colonialism”, Western imposition of liberal values and policies in the process of “Europeanization” by elites “against the will of the people” (see Korolczuk & Graff, 2018; Rawłuszko, 2021; Kováts, 2021; Graff & Korolczuk, 2022). According to Kováts, attacks on gender are fostered, among other things, by the variation and ambiguity of the term’s meaning at the EU level and the individualised understanding of the concept of

gender within gender theory, and feminist and LGBTQIA + activism, which further facilitates the anti-gender rhetoric of right-wing populist parties (connecting “gender” and individualism/neoliberalism) (Kováts, 2022; Kováts & Zacharenko, 2022).

Resistance to a so-called gender ideology includes contestation and aiming to limit sexual and reproductive rights, among others—access to contraception and abortion, in vitro and assisted fertility treatments, sexuality education and LGBTQIA + rights (Kováts & Maari, 2015, Heinrich-Böll-Stiftung 2015, Datta, 2021, Kováts & Zacharenko, 2022, Graff & Korolczuk, 2022). One element of anti-genderism as a body of knowledge and worldview is the naturalistic approach combined with a religious one (“nature” and “natural” roles of women and men as God’s creations) to human nature, femininity and masculinity, sexuality and reproduction, family (Graff & Korolczuk, 2022, 17, 20, 61). Consequently, any “interference” with the “natural order”, including controlling fertility by contraception (but also in vitro fertilisation), enabling women not to be mothers and allowing various forms of family life, are condemned and attacked (see, e.g., Graff & Korolczuk, 2022, 120).

On the other hand, simultaneously, we observe tremendous social mobilisation and solidarity in improving the implementation of SRHR in European countries and resistance to their reduction resulting from the activity of the anti-gender movement and the rising to power of conservative far-right parties in particular countries. It manifests, among others, in mass protests and street demonstrations against restrictive abortion laws (such as the Black Protests in Poland—Graff & Korolczuk, 2022; Korolczuk et al., 2019), but also includes the intra- and transnational cooperation in supporting women to access abortion and contraception. Examples of such initiatives include the informal Polish group Abortion Dream Team, counteracting abortion stigma and supporting women in self-managed abortions (medical abortions at home) (ADT, n.d.; Chelstowska & Ignaciuk, 2023), Abortion Without Borders—“a cross-European initiative with the goal of helping people in Poland access abortions, either at home with abortion pills or abroad in clinics and hospitals” (ASN, n.d.; Torrisi, 2020) and the abortion fund S.A.F.E.—Supporting Abortions for Everyone (SAFE, n.d.).

3 RELEVANCE FOR THE ACHIEVEMENT OF A NEW GENDER CONTRACT

In this section, we recognise that sexual and reproductive rights are human rights; this is based on the analysis of various international documents referring more or less directly to this issue (Marques-Pereira, 2023). “The right to sexual and reproductive health, and its hybridisation with sexual and reproductive rights, have their political, legal and judicial foundations in international and European human rights norms” (Marques-Pereira, 2023, 39). As a review of international documents related to sexual and reproductive rights indicates, when analysing them, one should also see their connection with other human rights. The ability to control one’s fertility and make informed decisions about whether or not to have children and access to reproductive healthcare is closely linked to rights such as the right to life; the right to self-determination; the right to health; the right to freedom from discrimination and violence; the right to freedom from torture, inhuman or degrading treatment; the right to respect for private and family life; the right to decide about one’s own body; and the right to benefit from scientific achievements.

As Goldberg states, “reproductive rights do not constitute the entirety of women’s rights, but are their fundamental condition. They allow women to survive and to achieve more than survival” (Goldberg, 2020, 28) (see also Russo & Steinberg, 2012, 145). Guaranteeing these rights is crucial for women’s position in society and for achieving gender equality. They should be promoted and postulated not only from a human rights perspective but also in the context of citizenship and citizen’s rights (see Marques-Pereira, 2023).

Reproductive politics that respects and implements SRHR allows real “conscious parenthood” and “family planning” (including having no offspring). It ensures procreative autonomy defined as “a right against coercive interference in decisions regarding procreation” (Brake & Millum, 2022), that is, independent decision-making in matters of reproduction. It means, among others, the possibility to choose to use contraceptives, terminate pregnancies and to be sterilised (Robertson, 2003, 447). The opposite of procreative freedom is reproductive coercion based upon the “withholding of services, particularly abortion and contraception, and thus forcing childbirth” (Joffe & Reich, 2015, 4).

The new gender contract has to guarantee autonomy and agency to people, regardless of their gender identity, with the “freedom to live

authentic lives within, beyond, or between gender categories” (Risman et al., 2020, 291). Discussing gender equality, we cannot reduce it to equality between men and women but should “study gender through an intersectional lens” (Robinson, 2018, 76). Intersectionality and the reproductive justice approach are essential and needed in both contexts used to implement SRHR and realise the idea of inclusive, intersectional feminism. They allow us to recognise if, in policies, public opinion and everyday practices, all those rights are treated as vested in every individual, regardless of their background, status, identities and other relevant socio-demographic characteristics.

4 CONCRETE ACTIONS AND RECOMMENDATIONS

We start by presenting the desired solutions with a short tale, which could be titled “Alice in feminist, inclusive Europe implementing SRHR”. Alice is born with female biological sex, as a “wanted child”—her mother was able to make a conscious decision to give birth to her. From the beginning of her education, she has access to age-appropriate content on various aspects of sexuality, empowering her by teaching her to understand herself, accept her physicality, set boundaries, recognise inappropriate touch, and seek help for sexual abuse and harassment situations. She recognises and understands the diversity of gender and sexuality and has the support of wise, educated, open-minded adults—parents and teachers—in defining and expressing her own identity. She accepts herself and is accepted by those around her, regardless of gender and sexual orientation. She feels that her SRH is vital to her health and well-being. Even as a teenager, she knows where, how and to whom to turn to obtain the necessary information. She can use various sources and turn to appropriately trained people in this area at an educational institution, a clinic dedicated to young people and organisations working with young people. She can talk to someone face to face or anonymously using the various educational materials available, including in digital form, provided in an attractive and understandable way. She is physically, mentally and emotionally prepared to engage in sexual activity and knows her rights and boundaries. She is aware of her options for controlling her fertility, her options in case she becomes pregnant, how to react and where to seek support in case of violence, and she can use the various options without hindrance.

For her choices and life chances with respect to reproduction, it does not matter her origin, skin colour, the socioeconomic situation of her family and its model, religion or place of residence. If she is a person with a disability, she receives the kind of support that ensures that she can function and benefit from various services on an equal footing with non-disabled people. Systemic solutions are individualised and offset any possible negative influences of her socio-demographic characteristics and life situation. Her reproductive subjectivity and agency are ensured through access to modern methods of contraception that meet her needs and health status, individually selected with the support of professional medical personnel. She does not have to worry about being unable to afford protection against unwanted pregnancy and sexually transmitted diseases, because the state finances it for her. It also applies to the birth control pill for men, which is now available, and it is not only women who bear the responsibility and various costs of fertility control. Emergency contraception is readily available and knowledge about it is widespread and reliable. If a woman becomes pregnant and is unwilling and/or unable to continue, she has access to abortion, for whatever reason—no one asks her. She can terminate her pregnancy in the hospital or at home, get a surgical or pharmacological abortion and receive necessary support from not only medical personnel. Each person has abortion doulas or “abortion friends” in their midst, as well as non-judgmental, friendly and professional medical professionals who do not refuse to terminate a pregnancy or prescribe contraception or prenatal testing using the conscience clause, which has been abolished. Neither the person terminating the pregnancy nor those supporting her in this experience face any sanctions and are unaffected by stigma. Aborting a pregnancy is a generally and easily accessible, free medical service and an experience that can be discussed normally. Individuals have the right not to have children, but they also have the right to have them, and in the case of infertility, they have access to modern treatments that increase their chances of having offspring. If they choose to continue their pregnancies and have a child in the case of foetal defects, they receive the necessary medical, social and financial support during pregnancy and parenthood.

How could such a world be realised? Is it even possible or realistic? Earlier, the problems members of societies in European countries face in the implementation of SRHR and what barriers and social inequalities they have to face were presented. What solutions would have to be

adopted, and what steps would have to be taken to put into practice a feminist, inclusive Europe implementing SRHR?

4.1 *Raising Awareness and Education*

The first step in changing the SRHR landscape in Europe is to raise awareness of the importance of SRHR for individuals and communities; and sustainable development; as well as destigmatising and demystifying contraception, abortion and sexual education through social campaigns in specific countries, educational programmes and online platforms. If such initiatives are blocked and rejected in particular countries because of the political situation, access to online educational platforms and other sources created and offered at the EU level with availability in different languages could be a tool for eliminating inequalities in access to information on SRHR.

It seems that one of the problems contributing to the neglect of sex education and the unsatisfactory implementation of it in the schooling system is low public awareness of the importance of knowledge about SRH, not only from an individual perspective but also from a mezzo- and macro-social perspective. Based on research, experts point to the positive impact of delivering sex education programmes in schools on gender equality, respect for sexual diversity, well-being, and the safety of children and young people (see, for example, Michielsen & Ivanova, 2022). Perhaps this sounds abstract and vague to the average receiver. Therefore, explaining it in understandable language is necessary, using examples from the everyday lives of individuals belonging to different social categories. Social campaigns should show that our exemplar Alice can struggle with many problems, lose control over her own life due to the lack of knowledge about different aspects of sexuality and the ability to control fertility and take care of SRH (and then the lack of access to the resources and services that allow this). She may attempt suicide through not understanding or accepting her otherness due to her non-heteronormative identity, facing prejudice, harassment, aggression and social rejection. She may experience violence and not know where to turn for help. She may fail to protect herself from unwanted pregnancy and sexually transmitted diseases by not knowing about methods of contraception or equating them with something evil, sinful or harmful. She may neglect her reproductive health through not knowing how to take care of it and not having basic knowledge of hygiene, prevention and avoiding

risky sexual behaviour. Recall that, according to UNESCO, among the eight key concepts around which sex education should be developed are relationships; values, rights, culture and sexuality; understanding gender; violence and staying safe; skills for health and well-being; the human body and development; sexuality and sexual behaviour; and sexual and reproductive health (UNESCO, 2018).

Public campaigns, which could be funded by EU sources, are needed, using various forms and channels of communication, to raise awareness among parents and all who care for children, including teachers, of the significance of sex education for the development and empowerment of children and young people. Not only educators but also psychologists, paediatricians, sexologists, gynaecologists and lawyers should speak out in campaigns to spread awareness of what sex education is and why it is necessary. Representatives of these groups could point out the variety of aspects of sex education, their importance for the functioning of individuals and the prevention of social problems. Such expert polyphony could contribute to the disenchantment and depoliticisation of sex education. Reliable information campaigns would also form of substantive response to protests against implementing sex education. They would point out misrepresentations and prejudices disseminated by opponents (such as equating sex education with the sexualisation of children and promoting homosexuality—Graff & Korolczuk, 2022, 12, 68–71, 124).

Improving awareness of people's entitlements and rights and available SRH services is also essential. Informed parents and young people could demand that the state realise their right to know, to education and to healthcare.

A crucial dimension of education and raising social awareness of SRHR is countering the narrative of anti-gender movements that reject reproductive and sexual rights and gender equality as threatening to the nation and family. Communication strategies to respond to the hijacking of the human rights language by anti-gender and anti-SRHR movements, demystifying their activity and disinformation, have to be developed. They should use the experiences of NGOs, which shape the SRHR discourse in their everyday activities, supporting people from different environments, listening to and collecting their stories, and acting for the “normalisation” of SRHR discourse against abortion stigma, taboo of sexual education and disinformation in the field of contraception.

4.2 *Monitoring the Implementation of SRHR in the EU*

Implementing sex education in each country in the EU should be constantly and carefully monitored. However, the primary data source cannot be official information that the government or other state institutions provide regarding, for example, the legislation, policies or adopted curriculum (sex education “in theory”). A “more detailed mapping of ongoing sexuality education practices in different EU Member States” is needed (Picken, 2020, 10). What is crucial is a systematic study of whether and how sex education in schools is available in practice to different categories of students in different types of schools, what content is taught, and whether it addresses different aspects of sexuality and meets the needs of young people. Research should consider the perspectives of student participants, teachers, educational institutions and NGOs working in the field to identify problems and obstacles to implementing comprehensive sex education. In the case of research among students, it is necessary to use an intersectional approach to capture the needs and barriers of people belonging to different social categories. The role of the EU could be not only to fund the organisation of such surveys (involving research organisations already operating in different countries) but also to coordinate such surveys, supporting the development of an appropriate methodology to compare the situation in different countries and capture their specificities.

Monitoring the differences in access to contraception among member states is a starting point for taking measures to oblige them to improve the situation. Although contraceptive use rates in Europe (and from a global perspective) are rising, and more and more people reduce the risk of unintended pregnancies and are able to plan how many children they have and when to have them, many women still have an unmet need for family planning (United Nations, 2022).

Ensuring the possibility of using a different method to control fertility should be treated as part of healthcare, as well as a tool for empowering citizens to make reproductive choices and plan their lives. In convincing governments and public opinion on the benefits of investment in reproductive healthcare, the negative social and economic consequences of unwanted pregnancies should be discussed. In educational campaigns, financed by the EU and aimed at European citizens, it is crucial to destigmatise and demystify contraception and offer evidence-based scientific information. The educational needs fulfilled by such campaigns should

be recognised in cooperation with NGOs and experts from specific countries. Raising awareness of the value of free, easily accessible contraception can mobilise grassroots lobbying for it.

Violation of SRHR-affected females should be openly and publicly named and formally treated as a manifestation of violence against women and girls (VAWG) (see EWL, 2022). According to the proposal by European Women's Lobby, key forms of VAWG include sexual violence, female genital mutilation, forced abortion and forced sterilisation as forms of oppression and subordination, as well as the denial of access to SRHR, including forced pregnancies (EWL, 2022). The last one has been already recognised by the European Parliament as a form of gender-based violence (European Parliament, 2021c, European Parliament, 2021a). In one of the resolutions, reproductive coercion and the denial of safe and legal abortion care were mentioned in this context (European Parliament, 2021b). Now is the time to develop, as soon as possible, effective solutions preventing and combating violations of SRHR as forms of VAWG. In the case of discriminatory practices legitimised by reproductive policies, implemented by institutions and organisations within the public system of healthcare or education (such as medical clinics or schools), they should be recognised as institutional or structural violence (see, e.g., May 28th, International Day of Action for Women's Health, n.d.; Nandagiri et al., 2020). The adoption of such an approach entails the development of measures to be applied by EU institutions against countries that use such violence.

Monitoring the implementation of SRHR should not be limited to the landscape of the whole EU or particular countries. It must include an analysis of the situation of different social categories, adopting intersectional and gender-sensitive approaches. Cooperation between different actors at international, national and local levels—healthcare professionals, social workers, lawyers, educators and activists—allows for the identification of vulnerable groups exposed to discrimination and experiencing violations of sexual and reproductive rights. Incorporation of their perspective into SRH politics demands the participation of their representatives or advocates to recognise the needs, deficits and desired solutions.

Medical professionals who are competent, friendly, non-judgmental, free of bias and do not use the conscience clause are also key actors in access to contraception. In this dimension of reproductive rights, it is crucial not only to inform people about the variety of modern methods

of contraception but to guarantee access to those contraceptives which are most suitable for the individuals, considering their age, health status and lifestyle. “Altogether, the body of policy recommendations and soft-law from international and European Institutions regarding contraception all point in the same direction, that state actors need and should take more proactive steps to facilitate access to contraception, both from a human rights perspective as well as a public health concern” (EPF, 2018a, 2018b, 10). Among such steps is the reimbursement of contraceptives to all people of reproductive age, which is “a game-changer in opening up access to modern contraception” (EPF, 2018b). Such improvement in access to modern contraception is noted in Western Europe. For example, in France, free condoms are available from pharmacies for people aged 16 to 25 in response to the increase in sexually transmitted infections (Kappeler & Ataman, 2023). Since 1 January 2022, French women under the age of 26 have had access to free contraception, including professional consultations and procedures associated with their chosen contraceptives. In 2023, the Italian Medicines Agency decided to make the birth control pill free for women of all ages in Italy (it was already reimbursable in some regions, but with age restrictions) (Carbonaro, 2023). Examples of these good practices should be promoted, using the strategies and rational arguments for introducing them and presenting the benefits for individuals and societies.

Access to contraception is linked to the right to benefit from the results of scientific development. The EU should support the introduction of contraceptive methods—hormonal methods or LARCs—for men, through research in this area, the implementation of methods already developed and an educational campaign. This would strengthen male procreative autonomy and contribute to “contraceptive justice” and gender equality. Today, women are perceived as being responsible for preventing unwanted pregnancies through contraception and bear most of the financial and health-related burdens. In many cases, her health condition and the side effects of contraception prevent her from using it. As Campo-Engelstein states, “we need both a change in technology—the development of male LARCs—and a change in ideology—the belief that both women and men should be responsible for contraception—to achieve the more just contraceptive arrangement” (Campo-Engelstein, 2012, 139).

Although there are two modern safe and effective methods of ending a pregnancy—with medicine or a surgical procedure—they are not available in all EU member states that allow abortion (within specific legal frameworks) (EPF & IPPF EN, 2021; Marques-Pereira, 2023). Although medical (medication/non-surgical) abortion based on using pharmacological drugs (mifepristone and misoprostol medication) to terminate pregnancy is recommended by the WHO as method that can be “provided at the primary-care level and on an outpatient basis, or from a pharmacy” and allows women to self-manage the medical abortion process outside of a healthcare facility (e.g., at home) in the first trimester (WHO, 2022, 62, 67), it is not legalised in countries such as Croatia, Lithuania and Slovakia (EPF & IPPF EN, 2021; Marques-Pereira, 2023). In some states, there are limitations to medical abortion, such as a time limit on the possibility of using this procedure (up to seven or nine weeks, e.g., in France, Luxemburg, Germany, Estonia or Latvia) (Marques-Pereira, 2023). Another barrier in access to this method of pregnancy termination is restricting its use by individuals without the direct supervision of a health worker, requiring them to undergo the procedure at a hospital or family-planning centre (e.g., in France, Italy or Belgium) (Marques-Pereira, 2023). In countries such as Poland with a near-total ban on abortion, abortifacients have not been approved for use.

“The pandemic has shown how simple, demedicalized models of access to abortion are not only possible, but desirable” (Yanow et al., 2021) (see also Assis & Larrea, 2020). Easily accessible, self-managed abortion can make the termination of pregnancy commonly available, safe and empowering for women in countries with liberal abortion regimes and those with near-total bans on abortion (as in Poland). Again, NGOs play a crucial role in disseminating and introducing this method of terminating pregnancy and educating the public and medical professionals about it. The international organisation Women on Web, which provides abortion pills, helps Ukrainian refugees gain safe abortion access when they come to Poland, where there are very restrictive possibilities for the termination of pregnancy, even in the case of rape (Women on Web, n.d.). This situation proves there is a need to develop strategies for protecting SRHR and emergency measures in a crisis.

“Reproductive justice requires abortion to be safe and accessible” (Russo & Steinberg, 2012, 160). The desired solution is the decriminalisation of abortion and removing barriers that make it difficult to terminate a pregnancy, even when the law allows abortion on request

or for social reasons. But, as Canada—a country without abortion law—shows, guaranteeing equal access to abortion services demands more than legal regulations (Johnstone, 2017; Sethna & Doull, 2013). Specific social categories have to be taken into account and proper solutions found to ensure access is implemented, as postulated in the reproductive justice concept.

Referring to earlier considered problems in access to SRHR and the implementation of reproductive justice nowadays in Europe, as well as recommendations formulated by experts in analysed reports, actions in the following chosen areas are desired:

- Working on solutions to ensure universal access to sexual and reproductive healthcare services and the integration of reproductive health into national strategies and programmes.
- Developing reimbursement schemes for contraception to all people of reproductive age, considering vulnerable groups.
- Improving access to medical abortion.
- Developing online tools offering information on a broad range of modern, effective contraceptive methods, while providing access to information for the digitally excluded (e.g., providing telephone hotlines).
- Developing solutions to facilitate and protect the mobility of people and medical products crossing borders.
- Recognising and reducing discriminatory practices towards vulnerable groups.
- Designing reproductive health service activities by considering the circumstances of marginalised groups (such as geographical and language barriers and the specific needs of adolescents and people with disabilities).
- Developing telemedicine for SRHR consultations.
- Restricting the use of the conscience clause by healthcare staff and recognising and eliminating cases of overusing it.
- Considering the solutions that could guarantee the protection and implementation of SRHR in different countries, especially in “illiberal democracies”.
- Including NGOs and the representatives of different social categories in formulating resolutions and consulting on changes to the law (at the national and EU levels).

- Involving healthcare representatives in efforts to improve SRHR implementation, and developing standards for their SRHR education.
- Incorporating a reproductive justice framework into healthcare training and practice. Training staff in healthcare and education services to reduce stigma and prejudices against vulnerable groups concerning sex education, contraception and abortion.

Implementing SRHR demands requires cooperation between policy-makers and scholars and practitioners. Experts have been developing innovative tools that can be helpful in the critical analysis of public policies if they are fair, inclusive and adopt an intersectionality approach, such as the Intersectionality-Based Policy Analysis (IBPA) framework (Hankivsky et al., 2014) or *EquiFrame* (“an analytical framework for assessing the degree to which social inclusion and human rights feature in policy and policy-related documents”), which has already been adopted for the SRH vulnerable group (Mannan et al., 2011, Amin et al., 2011, Ivanova et al., 2015, MacLachlan et al., 2015, Keygnaert, 2016). They, in cooperation with representatives of grassroots organisations, formulate recommendations for SRHR implementation and identify solutions that meet the needs of specific groups. Examples include a package of essential SRHR interventions for adolescents (Engel et al., 2019) or the minimum initial service package (MISP) for reproductive health (Onyango et al., 2013), which was recently invoked in response to the threat against SRHR resulting from the war in Ukraine (Kismödi & Pitchforth, 2022). We can find examples of good, inclusive practices in the activities of NGOs. For example, the Polish organisations such as Foundation for Women and Family Planning and Abortion Dream Team have organised phone consultations and prepared informational and educational materials in different languages, including sign language, in response to the influx of refugees from Ukraine (see the Instagram profiles of these organisations).

4.3 Supporting Grassroots Organisations Acting in the field of SRHR in the EU and Enhancing Cooperation Between the Different Actors in the Field of SRHR.

The analysis of the situation of SRHR in Europe in different dimensions proves the vital role of nongovernmental, grassroots organisations in all activities: monitoring; whistleblowing; advocacy; interventions; legal

and political actions; education and social activism; and the provision of various forms of information, technical (including financial) and psychological support for access to sex education and family-planning counselling, contraception and abortion. International self-help networks work efficiently and act in a crisis like the pandemic or war in Ukraine with the corresponding influx of refugees, responding immediately to their needs. They are active at the macrostructural level, influencing the politics, legal regulations and social awareness, as well as the mezzo- and microstructural level, by controlling public institutions in local communities and supporting and empowering individuals. They identify and address their actions and support to specific groups, which are invisible to the public healthcare or educational systems, ignored or discriminated against (such as migrants with undocumented status, LGBTQIA + people, sex workers, people with disabilities, inhabitants of remote locations, people with low socioeconomic statuses), understanding and applying the intersectionality approach.

The activity and significance role of NGOs in the field of SRHR needs greater recognition by EU institutions and increased support for their activities. They should be recognised and appreciated as crucial actors in implementing reproductive justice in specific countries as well as at the international level. Their demands, recommendations and proposals for solutions presented from the position of experts and practitioners should be taken into account in strategies and policies. They need permanent funding for their activities and international cooperation. Moreover, in countries where SRHR activity is hindered and risky, “defending defenders” is needed and demands special programmes for protection and different forms of support.

The EU could also support the networking of organisations operating in European countries, for the exchange of experiences, good practices, innovative solutions and countering groups opposed to sex education. Resources are needed so that such networking and cooperation can operate continuously, regardless of changes to the political situation in a particular country. It would be useful to map this network within the EU and support grassroots initiatives in the case of “white spots” on the EU map.

The implementation of SRHR must take place with the participation of civil society. As Rawluszko showed for the example of introducing gender mainstreaming in Poland and the anti-gender mobilisation in response to it, this process must not be perceived socially as top-down, imposed by

the EU without consultation with citizens, somewhat against their will, striking at state sovereignty and democracy (Rawłuszko, 2021) (“The technocratic manner of developing particular gender equality policies fuels its own opposition. Promoting ‘gender equality’ in an undemocratic manner that eludes parliamentary control and public debate may bring a strong counterresponse, grounded in objections to what may be framed as an obscure intervention made by the state without citizens’ consent” Rawłuszko, 2021, 18–19.) The participation of feminist experts and organisations and those representing the LGBTQIA + community in promoting and implementing SRHR is insufficient because these social actors are easy objects of attack for anti-gender groups as the agents of “gender ideology indoctrination”. Other social organisations must also be convinced and engaged in implementing SRHR. Public campaigns with the participation of local opinion leaders; activists; educational, medical or judicial community representatives; and ordinary citizens representing different social categories should make people aware of the importance of SRHR and the need for solutions to guarantee it.

In response to the growing anti-SRHR, anti-gender and anti-LGBTQIA + movement, the EU must encourage and support the development of a broad alliance of politicians; activists; medical professionals of various specialisations; sexologists; teachers and educators; and lawyers dealing with human, children’s, women’s, migrant and patient rights. Building networks and fostering cooperation among experts and practitioners from different fields will allow us to understand better the diverse and complex problems facing the implementation of SRHR in each country and from the EU perspective, as well as find practical solutions.

5 FINAL REMARKS

Our considerations were focused on SRHR issues, but these are treated only as a starting point for gender equality and creating feminist progressive policy. We see reproductive justice, together with the intersectional perspective, as a very valuable and useful tool not only in the context of SRHR.

A new gender contract should incorporate a reproductive justice framework that not only centres reproductive rights but also draws attention to intersecting injustices and identifies privileged and marginalised groups,

power structures and institutional violence. From this perspective, an individual is not only seen as a woman or man, but in the wider context of the different characteristics and factors that determine one's social position and life chances. On this basis of the intersectional approach, gender categories have to be seen as diverse. This will lead to more sensitive, individualised policy, which appreciates and supports diversity and justice. Moreover, although it focuses on human rights, individual autonomy and subjectivity, it stimulates social sensitivity and mobilises social solidarity.

The reproductive justice framework is essential for monitoring and addressing the gender inequality, but, first of all, it creates a feminist future based on social justice and the appreciation of diversity, guarantees subjectivity and autonomy for all individuals, and counteracts marginalisation and exclusion.

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Imagining a New Gender Contract for Labour

Rachel Silvera

1 INTRODUCTION

This publication is highly ambitious in its scope. It seeks to construct a new gender equality contract and demonstrate that feminism is a vital prospect for Europe's future. The new gender contract is diverse and complex, as all the contributions to this publication show. It would be inconceivable without referencing the economic and social issues around work. In this chapter, we intend to show that, more than ever before, the issues around work are central to Europe's future from the perspective of new feminism, even though this cause sometimes takes a back seat in the conversation that society is currently having. Until women are economically independent and until gender inequality at work and in life more generally is truly eradicated, the European project of a just and egalitarian society will be meaningless.

From the outset, the European framework has made a significant contribution to enshrining equality before the law and urging member states to adopt these principles. This solid European foundation is the

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cornerstone of a new gender equality contract. Yet the reality—true equality in the workplace—is still a long way off. Whenever there is a crisis—the Covid-19 pandemic being a case in point—we see all the inequalities that women suffer, especially in the workplace. For example, the majority of key workers, who carried on working during the lockdown, were women. It was they who saw to the children’s homeschooling while working from home. Yet those efforts received little or no recompense. Inequalities are entrenched in the labour market, whether in terms of access to skilled jobs and desegregation, job insecurity or wage inequality. In addition, new forms of inequality are emerging in today’s labour market, as a result of the “uberisation” of jobs, the breaking up of work collectives caused by remote working and issues around digital technology. Women will only gain full independence and be able to take their effective place in society if they have quality work with decent pay. Before looking at the current trends and challenges at work for women (Sect. 3), we must examine the issue of equality at work from a feminist perspective (Sect. 2). We then consider what new actions are needed for a true feminist democratisation of work (Sect. 4).

2 THE ISSUE OF EQUALITY AT WORK FOR A FEMINIST FUTURE

Women’s empowerment still depends on work: As historian Sylvie Schweitzer (2002) has shown, women have always worked. We seem to forget that, like men, they were farmers, shopkeepers, manual labourers, office workers and nurses. As Schweitzer reminds us, we picture the work done by women during the First World War as a temporary phenomenon. She explains that this is incorrect because women were working even before the war: more than 2.3 million women declared themselves workers in 1914, compared with 2.8 million in 1918. Admittedly, occupations previously reserved for men became open to them, particularly in munitions factories, but they also worked as mail carriers, tram drivers and teachers in boys’ schools.

We tend to assume that women only really started working in the late 1960s and that female employment declined during the first part of the twentieth century. However, that decline is merely a statistical optical illusion (Maruani & Meron, 2012). In reality, the share of women in employment in France has always been above 30% and is almost at parity

today (48%, according to the INSEE, 2020 employment survey). The statistics made a significant proportion of female workers invisible in the early twentieth century, especially farmers, who were reduced to being farmers' wives (see, in particular, Delphy 2013).

This all goes to show that women's work has always been considered suspect: Does a woman farmer tend to her household, or does she actually work? It has always been assumed that, more than any other category, women's work is transitory, contingent and fluid.

Why do these questions never crop up in relation to men? Clearly, it is because of the crucial role of women in "social reproduction", within the private sphere of the family. Time and again, women are associated with their putative roles of mother, daughter and daughter-in-law; forever assigned a maternal role.

However, the true empowerment of women, their access to independence, presupposes access to quality paid work, free from any inequality. It could be said that "feminism depends on work", but only on condition that gender inequality in the workplace is reduced, if not eradicated.

Giving (back) employment a central role within the feminist movement: Feminism has been criss-crossed by different currents and movements and seen numerous controversies. To break it down, we can use the distinction between at least four waves of feminism in France: from the end of the nineteenth century to the mid-twentieth century; from the 1960s to the 1980s; and the current third wave, which began in the early 2000s (Bard, 2012); lastly, since the #MeToo movement, a new wave of feminism has appeared (Koechlin, 2019). In the 1990s and 2000s, American Afrofeminism and the struggle of sexual and identity minorities began to emerge. These currents of feminism have embraced various causes, such as the right to vote, with the emblematic fight of the suffragettes; contraception and free access to abortion; gender parity in politics; and, more recently, combating violence against women, as well as the protection of all gender minorities. But what about work? Feminist demands for the right to work and equal pay have a special place in this story: although present since the first wave of feminism, the question of women working has been controversial because of Proudhon's influence on the labour movement.¹ International socialism in the early twentieth

¹ For example, the International Working Men's Association of 1864 published a motion against women working (Pavard et al., 2020).

century continually accused feminism of being “bourgeois”, incapable of defending the proletariat. Traces of these tensions still remained when the trade union movement was established, undermining the ability of female employees to be heard within it.

This is perhaps why, in the eyes of society, the question of work only emerged as a secondary issue later on in the 1960s, when the Women’s Liberation Movement brought “societal” issues, around sexual freedom, to the public fore. The same is true now, at a time when feminism includes issues of sexual identity and orientation through the concept of intersectionality (at the crossroads of “race”, gender and class domination). Naturally, the #MeToo movement made the issue of gender and sexual violence central once more to feminist struggles. Yet, throughout history, these currents of feminism have consistently affirmed women’s right to work as a fundamental right. Women’s struggles at work continued, without always being perceived as feminist struggles, even though the domination *and* exploitation experienced by women in the workplace were denounced. In France, for example, some feminists in the 1970s embraced the concept of “class politics”, pointing to women in salaried employment and making the link between class struggles and women’s struggles (Rojtman, 2022). Likewise, today, during protests against labour or pension reforms, or in the *gilets jaunes* movement in France, the participation of women and feminists is significant, but most of the support comes from women trade unionists rather than feminist organisations. Indeed, with a few exceptions,² feminist organisations do not get involved in industrial action, but are more focused on a societal approach.

Our aim is to reaffirm the “centrality of work” in these feminist struggles, both today and in the past. Work is not only the primary setting for domination; it is also a place of solidarity and cooperation, of socialisation (Kergoat, 2018, 253). Ensuring that all women have access to decent work is the key to women’s independence, financial self-sufficiency and empowerment. One of the priorities of feminism is to secure full recognition of women in the workplace, and thus, put an end to inequality. One would think that, with all the laws on equality in the workplace, this struggle would be a thing of the past. Yet nothing could be further from the truth: although women have won the right to work, at least on

² The European Association Opposing Violence against Women at Work (AVFT) is one of the few to do so in France.

paper, obstacles remain. To be fair, inequality at work has changed over time, but it still exists. The fight for a just and egalitarian society must link feminism with social objectives and not just societal ones.

3 WOMEN'S PLACE IN THE LABOUR MARKET: TRENDS AND CHALLENGES

Structural inequality in the labour market revived by the Covid-19 crisis across Europe: The Covid-19 crisis reinforced social and gender inequalities. Numerous surveys³ have shown that the economic and social effects of the pandemic had gendered impacts at several levels, largely depending on the extent to which jobs were protected. Temporary jobs with fixed-term or agency contracts and intermittent and undeclared jobs bore the full brunt of the crisis and recorded the highest number of job losses, often receiving less government support. Yet most of these temporary and informal jobs are still done by women, so they were the most at risk from job losses. In addition, their employment status has become increasingly precarious since the pandemic. Unlike the 2008 financial crisis, the Covid-19 crisis had a greater impact on the employment of women, particularly the least skilled, since they are over-represented in the sectors hit hardest by the crisis, such as hospitality and tourism (ILO, 2021).

A second divide emerged between jobs and activities that could be put on hold or done remotely during lockdown, and occupations that were “essential” to the functioning of society, which were maintained, significantly increasing the risk of infection. Here too, it was mostly women who held these key-worker posts, whether in care and personal services, or in essential public services (such as retail and cleaning). However, these occupations are considerably undervalued: their high social value is inversely proportional to their professional value, as demonstrated by the level of pay, as a study carried out in France on the care profession and personal services shows (Silvera, 2023).

Lastly, gender inequality in the home has become more entrenched, as women take on additional domestic tasks (homeschooling, cooking, etc.),

³ For France, see, in particular: Lambert and Cayouette-Remblière 2021, or at the European level, the numerous Eurofound surveys 2020 and 2022 and the synthesis by Rubery and Tavora 2021.

as a result of the pandemic and during lockdown (see, e.g., Eurofound, 2020). Similarly, although remote working has tended to increase since the pandemic for both women and men, it has led to new forms of gender inequality linked to the changes underway in the workplace, which are far from being gender neutral.

New forms of gender inequality at work: The last decade has seen a transformation of the workplace, in parallel with and as a result of the Covid-19 crisis. In this respect, remote working represents one of the key challenges since the pandemic, given the significant direct and indirect gendered effects it has had. In addition, the collapse of “traditional” employee status, with the uberisation of jobs, has also had an impact on women’s employment. Lastly, digital technology and the use of artificial intelligence (AI) have redefined women’s role in the workplace.

The new risks of remote working for women: There was an unprecedented worldwide boom in remote working during the Covid-19 pandemic. Since then, remote working has not vanished entirely but has shifted towards a “hybrid” model, combining a couple of days a week working from home with a few days in the office. This is a major social innovation, the positive aspects of which are well publicised: from the employees’ point of view, the advantages are not having to commute, a better work-life balance and more freedom at work. For the employer, the positives include the productivity gains generated by remote working. Is remote working feminist? Is it an opportunity at last for women and men to share domestic tasks more equally? Far from it.

Various publications, in France and internationally,⁴ have shown that remote working is not without its risks, particularly from a gender equality perspective. Firstly, the remote-working arrangements have proven to be much more difficult for women, who are less likely to have a dedicated space at home where they can work (Lambert et al., 2020). In addition, working hours have increased for people who work from home, particularly women: in France, 23% of women and 15% of men reported this in 2020 (INSEE and DREES 2020). Similarly, as remote working becomes a permanent fixture in France, 39% of people work during their lunch break and 31% increasingly work late in the evening and at weekends (BCG-Ipsos survey 2021). This is due to the invisibility of remote working,

⁴ See, in particular, the work of Vayre 2019, the EESC 2021 opinion and the ILO 2020 report.

which can make people, especially women, more willing to engage than if they were in the office. There is also a form of “implicit pressure” that encourages employees to overcompensate for the time saved on commuting, as if remote workers were “indebted” to the company for being allowed to work from home.

What about the division of domestic work and family responsibilities? Overall, the research does not suggest that the workload is shared more equally. According to a Eurofound survey (2020), mothers of children under the age of 12 have suffered most from the conflict between work and personal life caused by remote working; nearly a third of them had difficulty concentrating at work (compared with one sixth of fathers). Another statistic from the Eurofound survey (2022), focusing on dual-income parents, shows a 20% increase in the educational workload for mothers working remotely (even if the father also works from home). The only case where the father significantly increases his share of parental duties is when he works from home on his own. According to Vayre (2019), women who work from home tend to spend more time on housework and have less leisure time than those who do not work from home.

On the whole, this remote-working movement is similar to the long-criticised effects of part-time work: taking a part-time job (or working from home) gives the impression of stepping back from the company, being less invested in one’s career and, by extension, leading to fewer opportunities for promotion and increased responsibility, while further consigning women to the home since they have more free time. The opinion of the Council of the European Union lists all these risks:

[T]he risk of an increase in the amount of unpaid work performed by women [...], the risk of increasing work intensity and of a blurring of the boundaries between paid work and private life; the risk of reducing women’s visibility in the work community and hindering women’s career progression; and the risk of increasing online violence and harassment against women. (European Union 2021, 8)

The uberisation of jobs: What impact does this have on women? Like Uber, the gig economy tended to develop in parallel with the crisis. Gig jobs are not covered by employment legislation, even though various campaigns and legal actions have sought to reclassify gig workers as employees. There is still a tendency to place value on a job that is “free”

from the constraints of salaried employment and self-employment. Yet behind the term “uberisation” lies a contradiction between the “collaborative” or sharing economy and forms of “wage slavery”. What links them is an online platform that allows organisations, usually for profit, to connect “freelancers” with potential clients. While some workers have discovered a huge opportunity to fulfil their potential, especially through start-ups, the majority experience job insecurity, without the protection of labour laws and with few employment rights. It is essentially a return to piecework and casual labour, since there is no incentive to declare the hours spent on a job for a private individual.

As Diane Rodet (2019) puts it, there is a real denial of the work carried out via platforms. Because of the “per-task payment”, hours are not counted, nor are working conditions taken into account, in the same way as volunteering in the social and solidarity economy. People are willing to equate this work with an activity they enjoy and can engage with, where the concepts of independence and freedom play an important role. This is the case, for example, with Etsy, a platform dedicated to the sale of hand-made items with the marketing slogan “how to turn your hobby into a business”.

This type of activity resonates with women, particularly given its flexible, family-friendly characteristics. The perfect balance between work and family life—or “having it all”—is therefore a myth, the feminine version of the promise of democratisation of work by digital platforms (Jourdain & Naulin, 2019). Similarly, Julie Landour’s study (2019) of France shows that, while a few “mompreneurs” are doing well financially, they remain the exception. Two main categories of women entrepreneurs are emerging: a minority whose self-employment is constructive and has a solid basis, and those who are more akin to the homemaker revisited by the market society. We cannot conclude, therefore, that this type of platform work is necessarily synonymous with social progress and equality for women.

Broadly speaking, the inequality that exists in salaried employment is also found in—and indeed reinforced by—uberisation: an Australian study by the Queensland University of Technology (Williams 2021) shows that the pay gap between women and men in the gig economy is in the region of 10–37%, bearing in mind that nearly 40% of the workers concerned do not know exactly how much they earn. For example, nearly a third of women report earning less than AU\$40,000 per annum, while this is the case for 15% of men. For the platforms studied in France, we

know that, in general, only a tiny proportion of these workers earn an adequate income (it is estimated that 1% of workers earn the minimum wage each month). Similarly, an ILO survey (Berg et al., 2018) shows that 3500 platform workers⁵ earn an average of US\$4.43 per hour (or even US\$3.31, including unpaid hours). According to the same source, atypical hours are extremely common: 43% work at night and 68% in the evening.

On the whole, this idea of a worker who is completely free—outside any legal hierarchy or pyramid organisation—is a delusion (Abdelnour & Méda, 2019). In reality, platform work is not synonymous with independence and freedom, even though women like the flexible working hours and working from home. According to Sarah Abdelnour and Dominique Méda (2019, 101–102), we must break with the romantic and misleading illusion of an independence that is only possible outside salaried employment; instead, we must make salaried employment more attractive by improving not only the working conditions, but also the freedom that employees have.

The effects of digital technology and artificial intelligence: During the 1980s, women held more than a third of jobs in the information technology (IT) sector; some courses even had an equal number of male and female students. By contrast, the digital age has seen this trend fall to below 20%. According to a survey carried out by the firm Global Contact, the proportion of female graduates working in the digital sector in the EU was only 17% in 2022. In addition, half of women in tech leave their jobs after the age of 35 (Global Contact, 2022). According to Collet (2021), unlike professions that men have left and that women have in turn filled, the digital sector is seeing a significant influx of men due to the growing prestige of such jobs. This corresponds to the concept of the “leaky pipeline”, characteristic of the digital sector, where the proportion of female “talent” tends to decrease as the level of responsibility increases. One explanation for this may be the working arrangements, which may be incompatible with family commitments (Almukhambetova et al., 2021).

The algorithms on which AI is based might be presumed to be objective and egalitarian, and therefore, gender neutral. However, we must not forget that they are coded by humans and that AI reflects the biased representation systems of their programmers. As a result, AI reproduces

⁵ The survey covered five platforms operating in 75 countries.

gender stereotypes. This plays out on several levels: because it is a growth sector, women are still struggling to gain a foothold; it is estimated that they represent only 12% of AI researchers in France (Bernheim & Vincent, 2019). In addition, in all HR, assessment and recruitment procedures, discriminatory bias can hinder women’s access to skilled jobs. This bias consciously or unconsciously reproduces stereotypes about functions perceived as “natural” for women, such as altruism, patience and attention to detail, and “manly” qualities for men (such as authority and leadership skills). In one study, Isabelle Collet looked at the recruitment software automated by Amazon in 2014, in which the AI tended to exclude women by reproducing the situation in the tech industry. She found that *“whenever women were mentioned, their CV was rejected. Yet the software was only reproducing the corporate culture it was asked to analyse, which proved revealing”* (translated from Collet, 2019).

In addition to the data fed into the algorithm, the algorithmic reasoning system itself may contain a gender bias. For example, some algorithms may associate high levels of workplace attendance with employee performance. This “culture of presenteeism” is biased against women, owing to the family constraints that limit their visibility within the company.

4 WHAT IS THE APPROACH FOR ACHIEVING A NEW GENDER CONTRACT AT WORK?

The role of governments: Public policies, particularly in Europe, have come up with various mechanisms to boost gender equality. Some of the latest key measures include the European Commission’s 2021 action plan, setting out the European Pillar of Social Rights⁶ and the European Strategy for Gender Equality 2020–2025, adopted just before the Covid-19 crisis.⁷ This strategy seeks to promote women’s employment, equal pay, greater economic independence for women and gender equality in the provision of unpaid care and education. Recent directives, for example, on pay transparency, the number of women on boards of

⁶ See the action plan: <https://op.europa.eu/webpub/empl/european-pillar-of-social-rights/en/>

⁷ See: https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/gender-equality-strategy_fr#strat%C3%A9gie-cn-faveur-de-l%C3%A9galit%C3%A9-hommes-femmes-2020-2025.

directors and the European care strategy, are the cornerstone of this approach, which should be promoted and implemented at the national level. Although gender equality benefits from a significant legal arsenal at both the EU and national levels, more binding measures are needed if we really want to progress towards equality.

Transposing and implementing the EU Pay Transparency Directive: The main focus of this approach is unequal pay, and the EU Pay Transparency Directive⁸ clearly represents a step forward: it ensures that workers have access to comprehensive information on pay (including performance-related pay), disaggregated by sex for people doing the same work or work of equal value. The criteria used to determine pay must be transparent. It is suggested that each member state should compile data on pay at the central government level, which will ensure that the information is reliable. Likewise, it should be easier to compare jobs of equal value but done mainly by either women or men. Job evaluation systems will have to be based on objective criteria, such as “educational, professional and training requirements, skills, effort and responsibility, work undertaken and the nature of the tasks involved”. The directive is original in that, for the first time, it introduces the concept of “intersectional discrimination”, stressing that discrimination based on sex may intersect with other grounds of discrimination. Implementing this directive at the level of each member state will be central to a new gender contract for work.

Equality cross-compliance in public investments: Like environmental cross-compliance, which seeks to make government support for businesses conditional on their environmental performance, equality cross-compliance makes government support conditional on respect for all the principles of equality and the adoption of practices that seek to reduce gender discrimination in companies.

At the European level, several studies have criticised the absence of gender mainstreaming in post-pandemic recovery plans, particularly in “NextGenerationEU” funding. For example, Laeticia Thissen (2022) shows that few member states have made any real effort in the care

⁸ See the Directive of the European Parliament and of the Council to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:32023L0970>

sector—despite it being recognised as essential—compared with male-dominated sectors, such as digital technology and the green economy. Admittedly, some countries have used the funding to invest in childcare, but this is not the case everywhere (Corti et al., 2022). This is also one of the findings of Rubery and Tavora (2021), who call for a genuine commitment to gender mainstreaming in recovery plans.

In France, for example, a study by the *Fondation des Femmes*, a foundation for women’s rights, showed that, in the face of the pandemic, ambitious measures to support the economy were mainly directed towards male-dominated sectors. It found that of the €35 billion from the government stimulus package earmarked for sector support, only €7 billion was allocated to jobs predominantly held by women (Fondation des Femmes, 2021). Envisaging a “feminist recovery plan” is part of this cross-compliance approach, since gender equality must be taken into account before each measure and the utmost done to address it.

In general, the objective is that, firstly, all companies bidding for public procurements or receiving government support should be fully compliant with the laws on equality in the workplace. Secondly, they must go further and plan corrective actions and measures for recruitment, training and pay to be eligible for such support. Similarly, action can be taken to prevent gender-based and sexual violence, as is the case, for example, at the French National Centre for Cinema (CNC), where, since 2021, the allocation of funding has been contingent on specific measures being in place (appointment of harassment officers, helpline, training plan, etc.) (CNC 2022).

Sufficient provision of high-quality public services for early childhood and long-term care (LTC): Gender equality at work requires the integration of family constraints, the burden of which still falls mainly on women. According to the European Institute for Gender Equality (EIGE), in 2016, 80% of women spent at least an hour a day on household chores, compared with 36% of men. Fully 81% of women and 48% of men are carers. This increases to 88% for mothers and to 64% for fathers of children under the age of 18 (EIGE, 2020). Data vary significantly, depending on the country and social category. The rollout of affordable, high-quality services for children and people who need LTC remains a key issue for gender equality. This was the premise behind the European Care Strategy, which was unveiled in 2022 (European Commission 2022). It has several aims: firstly, to improve early childhood education by raising

collective education targets (increase from 33 to 50% for the number of children enrolled below the age of 3 and to 96% (instead of 90%) for children aged 3–7); secondly, to boost LTC, so that it is adequate, high quality and affordable; thirdly, to improve the working conditions and pay of professionals working throughout the sector. These three aims are conducive to gender equality in two ways: firstly, developing this sector will reduce the overall burden on women who are primary caregivers; secondly, the improvement in working conditions and pay will benefit women most of all, since they are over-represented in this sector (around 90% at the European level). Implementing this ambitious project in each member state is essential for a new gender contract.

A collective reduction in working time: A true feminist solution:

Working time is one of the main sources of gender inequality. Part-time work, which is done mostly by women, accounts for 40% of pay disparities (INSEE, 2020). The working hours of women and men continue to differ: women still shoulder two thirds of domestic work and family responsibilities, effectively working a double shift. In addition, nearly 30% of women are trapped in part-time jobs, especially unskilled workers and employees (INSEE, 2022). This results in a part-time salary, flexibility and long working hours. At the same time, women in management roles find it impossible to have a career and take on more responsibility or work overtime. This continual pressure explains why women are twice as likely to experience burnout.

Women end up having disjointed careers, being forced to reduce their hours or stop working to raise children or look after older relatives with LTC needs: in France, one in two women and one in nine men are in this situation when their children are born. This has a spillover effect on retirement and accounts for most of the 40% pension gap in direct entitlements between men and women (DREES 2020).

By reducing everyone's working time, it could be shared more equally, enabling women to climb out of the part-time trap and access full-time employment. It would also be a way of reconciling work, family and personal life and improving gender equality within the home. The review of the 35-hour week in France was ambivalent on this point, since the division of domestic work and family responsibilities was not sufficiently taken into account. A campaign for the equal distribution of domestic work and family responsibilities and support for people with LTC needs could be part of the conversation on reducing working time. This could

be combined with a reform of parental leave: each parent could effectively share several months' leave, which should be well paid to avoid it becoming a welfare trap for women in the most precarious jobs. Similarly, the development of care services for all dependents is essential (see above). In the interests of progress for both women and men, reducing the amount of time spent working each week, each year or over an entire lifetime means that everyone can work full time while fulfilling their parental responsibilities, freeing up time for leisure activities or social and societal commitments. It is also a way of reducing the number of part-time employees and creating decent jobs.

Enhancing the status of feminised occupations: Most of the jobs regarded as front line or second line during the Covid-19 crisis tended to be highly feminised. They included carers, nurses (87% women) and care assistants (91% women), as well as domestic cleaners and helpers (97% women), commercial cleaners (73% women), cashiers and sales assistants (76% women), and teachers (71% women).⁹ These are diverse occupations. They require different levels of skills and qualifications and cover both the private and public sectors. Yet they are all female-dominated; they are “women’s jobs”, implicitly for women. They consist of educating, caring, assisting, cleaning, serving, supporting, advising, listening and coordinating—in short, drawing on the “innate skills” that come so “naturally” to women. This undervaluation is one of the factors explaining the pay gap between women and men.

Improving the wages for feminised jobs is central to the work of social scientists, as well as being a core demand of feminists and trade unionists for several years.¹⁰ According to the EU Pay Transparency Directive, there must be equal pay for equal work, as well as for work of equal value. At both the EU and national levels, the directive thus allows equal pay for jobs that are different but considered of equal value. This means that the value of highly feminised jobs can be compared with that of male-dominated jobs. When we look at precisely what skills and qualifications are required for feminised occupations, we ask ourselves: what professional know-how is required? What are the vocational skills, responsibilities, and physical and mental demands of these jobs? All too often, we discover that they are undervalued. For example, qualifications in service

⁹ INSEE employment survey data—see also Silvera [2023](#).

¹⁰ See the French, Quebec and Swedish experiences in Blanchard and Pochic [2021](#).

professions are still not valued in the same way as those in technical and industrial sectors. Furthermore, interpersonal skills are rarely considered complex technical skills. They are likened to personal qualities, thus ignoring the professional knowledge and experience required. Responsibility for sick and vulnerable people often receives less recognition than budgetary or financial responsibilities. Being constantly interrupted or having to multitask at work is not recognised as being multiskilled. Offering physical and psychological end-of-life support to a patient, providing care at home without professional equipment or scanning thousands of items an hour at a checkout, while still maintaining a positive demeanour, are forms of hardship that place a physical and mental strain on workers.

Although some measures have been taken in response to the Covid-19 crisis, a comprehensive review of these professions is still needed. This means involving the government as an employer in the many sectors where these jobs exist, as well as companies during the negotiation of job classifications.

Towards a feminist democratisation of work: The final stage of this new gender contract requires a feminist democratisation of work, with a view to empowering all women employees in the professional sphere. As a reminder, the overarching aim of this book is to demonstrate that a true European democracy only has a chance of succeeding if it includes gender equality. A feminist democratisation of all spheres of society—economic, political and social—is therefore central to this new gender contract for Europe.

This democratisation means not only meeting employees' expectations in terms of working conditions, security and job fulfilment, but questioning decision-making power within the company. Through the democratisation of work, even within organisations, we can find real alternatives to the current forms of salaried employment, which are fraught with discrimination. According to Renault (2022), the democratisation of work is justified in democratic societies by the fact that most of our life is spent in non-democratic institutions, such as companies and public administrations. If democracy is justified to govern the State, it should also be justified for companies. In that respect, strategic decisions about production, remuneration, organisation and working conditions should not be the sole purview of boards of directors, but should include workers' assemblies.

Democratising work means handing decision-making power to workers, involving them at the highest level, even in the boardroom. In the *Manifeste Travail* (Ferrerias et al., 2020), H el ene Landemore explains that only a handful of countries—such as Germany, the Scandinavian countries and even France to some extent—give employees a voice. This is to protect the dignity of workers, who are not just “resources” but human beings who deserve respect for their autonomy as both workers and citizens (Landemore, 2020, 69). Yet it is also because the collective intelligence contributed by the democratisation of work will improve the quality of decision-making.

The *Manifeste Travail* (Ferrerias et al., 2020) recommends either appointing workers to the board of directors, alongside the holders of capital, or a form of German-style co-management, a “bicameral” model, where decisions would be taken by two committees: one representing the holders of capital; the other representing the workforce. Alternatively, the workers alone could be responsible for decision-making, with an enlarged works council making decisions directly. According to Renault (2022), this “participatory democratisation” of work could go far: it could cover all echelons of power and issues such as work arrangements, pay, regulations and targets, or all strategic choices.

Similarly, the idea of a job guarantee is essential for the democratisation of work: offering everyone access to employment and a decent wage by creating jobs that meet the myriad needs of society, irrespective of market logic and profit-seeking. In real terms, it is about creating jobs within local infrastructure, supported by local authorities but financed at the national level. The decommodification of work does not mean scrapping salaried employment, but transforming how it is organised and practised. By democratising work, the real change consists of giving workers a say in how their employment is governed (Tcherneva, 2020, 135). This will ensure economic security for all. The scheme could also take the issue of gender equality upstream and introduce criteria so that the job guarantee takes into account the situation of women.

This goal is crucial to the feminist project, since women, especially when they become mothers, still lack incentives to work due to the lack of collective parental support. Equally, we have shown that they are particularly affected by poor working and employment conditions, as well as numerous forms of discrimination: women are most likely to be at the heart of intersecting inequalities, such as ethnicity, class, age or sexual orientation, in addition to being women.

Such an approach will be accompanied, in practice, by a reduction in the pay gap and wage differential between women and men, as well as less discrimination against women, provided they are properly represented. The European Women on Boards Directive of November 2022 stipulates that women should make up at least 40% of boards of directors of listed companies by 2026.¹¹ Laws to that effect have already been introduced in some European countries, such as France and Spain. In France, for example, the 40% quota is now required for boards of directors of large companies. This principle is still far from being the norm, but at least it applies in CAC 40 companies (Silvera, 2020).

The idea of gender parity on the boards of large companies may seem positive, but it is far from sufficient and is even a source of social inequality. It leads to “gender parity at the top”, by appointing highly qualified women to boards of directors or management committees, as required by a new law passed on 24 December 2021 in France to accelerate equal employment and economic equality (Silvera, 2021). Yet such laws are of limited benefit to other women employed by these companies. The assumption is that the “trickle-down theory” will apply and that these “trail-blazing” women will improve conditions for all women in the company, thus ensuring equality for all. But the trickle-down effect does not seem to be happening; indeed, it is quite the opposite: the communication on gender parity at the top often masks a lack of thoroughgoing actions on equality, particularly on pay disparities, job security and the undervaluation of feminised occupations. Ultimately, such laws are intended to improve business performance and fail to address social justice issues.

In our opinion, the democratisation of work must be based on the role of trade unions and employee representatives, elected by all workers. But women must still be properly represented within this, depending on their presence in each occupational category of the company. As Maruani points out (2013, 10): “The logics of gender [...] do not neutralise those of social classes. They nurture and strengthen them”.

The objective of any feminist democratisation of work must therefore be for all women to be involved in these decision-making bodies, at all levels of the company, and for the logics of gender to intersect with the logics of class. As we can see, constructing a new gender contract for

¹¹ See: <https://www.europarl.europa.eu/news/en/press-room/20221118IPR55706/parliament-approves-landmark-rules-to-boost-gender-equality-on-corporate-boards>.

Europe's future cannot be envisaged without raising the issue of work, tackling all forms of inequality in the labour market and within the family.

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Imagining a New Gender Contract for Care

Eugenia Caracciolo di Torella

1 INTRODUCTION

Imagine a better world. A world that is sustainable, a world where it is possible to plan for the future, rather than react to crisis after crisis. A world that we will be confident and proud to leave to our children. For this to happen, an alternative “way of ‘doing’ law and justice” (Ferreira, 2016) is needed. We must devise a social contract that binds policy and lawmakers that has care as its underpinning value. Care and caring have always been an essential feature of our lives: they are not exceptions to the norm,¹ but an inalienable and a central concern in the life of most human beings (Tronto, 1993). Furthermore, they are essential to the sustainability of our economy, society and individual well-being (Herring, 2013, 1). With that said, for quite some time, care has been in crisis. However, it has taken a pandemic to make us realise the very depth of the crisis. Since 2020 and 2021, the importance of care has never been clearer. In other words, care is *the* glue that keeps us together and ensures that our world is, and will continue to be, sustainable. Traditionally, care has always had

¹ See, amongst others, Held (2006).

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a highly gendered dimension, therefore, such a contract must be a *gender contract*.

In this chapter, we discuss the role of a gender contract for care, and we argue that it is not only a prerequisite to lay the foundations for a better world; it is also essential to a post-pandemic recovery. As such, it will provide a blueprint to address the events that are unfolding before us, from the rising cost of living to the healthcare crisis, with a view to making our society and economy more sustainable. We also argue that the EU *already has*, at least some of, the legal tools necessary to develop such a contract and it *must now* take leadership in this area as a matter of urgency.

This chapter is organised into two main sections. Section 2 explains the meaning, relevance and urgency of a gender contract for care. Section 3 assesses the EU's position. It starts by arguing that it is imperative for the EU to act, and that the necessary legal tools are already in place. It then explores the relevant existing measures that can lay the foundations of a gender contract for care. Those are the measures, either policy documents or binding legislation, that can, directly or indirectly, impact on caring relationships. Against this backdrop, it critically evaluates the potential and limitations of these measures, as well as the challenges that remain to be addressed. The chapter concludes that, although the pandemic has brought the need for a gender contract for care to the forefront, indeed prompting some action, the EU cannot be complacent, nor can it afford to lose momentum. Until a clear commitment and concrete measures are in place, any intervention will continue to be empty rhetoric.

2 A GENDER CONTRACT FOR CARE

Care is in crisis.² In a nutshell, this means that we do not have the time and capacity to care for ourselves and one another. In other words, developed countries are increasingly experiencing the inability to provide quality care to meet the needs of individuals, be these children, elderly parents or frailer members of society. This crisis has repercussions for the EU. The underlying reasons are often quoted as a combination of rising life expectancy, as well as the increased participation of women in the workforce. On the one hand, statistics are clearly telling us that

² See, amongst others, Dowling (2021).

society is ageing rapidly (European Commission and Social Protection Committee 2021, 18). On the other hand, it is trite but true that women undertake a significantly greater proportion of care work than men. As Fineman notes, “[i]n the pattern of long-standing tradition, caretaking continues to be delegated to women—assigned as the *responsibility* of the person occupying the gendered role of wife, mother, or grandmother or daughter or daughter in law, or sister” (Fineman, 2004, 37, emphasis added). In the same vein, Gilligan maintains that a “[w]omen’s place in man’s life-cycle has been that of nurturer, caretaker, and helpmate, the weaver of those networks of relationships on which she in turn relies” (Gilligan, 1982, 17). Although care has traditionally been a “female phenomenon” (Gilligan, 1986), the surge in unpaid care work following the pandemic has made it even more evident. And when women, who as mothers, partners and daughters have shouldered much of the care, enter the labour market and dedicate less time to care, this creates a care gap (Advisory Committee on Equal Opportunities for Women and Men 2021a).

But we argue that the crisis is more profound than this. The real crisis is the lack of value that our society and decisionmakers are prepared to attribute to care, and the pandemic has made it clear how, historically, this has always been the case and how entrenched this is in our society and legal system. This is reflected in the fact that care continues to be characterised as a “problem” to solve and, more specifically, in the low status traditionally attached to carers and care jobs, as well as in the chronic lack of investment in care infrastructure.

To address this crisis, a gender contract for care that challenges the status quo, is urgently needed. Such a contract must be based on a holistic vision and has three main features. Firstly, it acknowledges and challenges the historically gendered impact of care. By doing so, not only would it alleviate the gendered consequences of care, but it would also encourage men to care, thus moving away from the feminisation of care. Secondly, it conceptualises care as a value to cherish that is essential to sustain our world. In turn, care and caring would be conceptualised as productive work, rather than as a by-product of economic development. Thirdly, it acknowledges that care and caring are broad and multifaceted concepts. For example, they are not limited to the romanticised mother and child relationship, they also involve a wider (and less romanticised) set of relationships. Moreover, care and caring also involve *activities* that are perhaps repetitive, monotonous and unglamorous but are crucial “to

maintain, continue and repair our ‘world’ so that we can live in it as well as possible” (Fisher & Tronto, 1990). To cater for this vast range of situations and achieve justice, a gender contract for care needs a variety of instruments, ranging from legislation to soft law and policy documents. Thus, a gender contract for care needs the active engagement of policy- and lawmakers.

Such a contract must be underpinned by a feminist vision, where the ethics of justice and care are intertwined. The debate on the similarities and differences of the two sets of ethics is vast and has been ongoing for quite some time.³ This chapter emphasises that both ethics are designed to achieve justice, with each emphasising a different aspect of the debate. The ethics of justice focus on equality, individual rights based on abstract principles and their consistent application (Held, 2006, 15; West, 1979). Individual rights are essential because they confer specific entitlements and, ultimately, are instrumental in shaping the normative framework: they have a transformative aspect, insofar as they have the potential to empower individuals and change the legal system. Focusing on individual rights alone, however, fails to capture the very essence of care, in particular, because they lack the contextual perspective that is the very essence of care (Herring, 2020). Individual rights must, therefore, be supported by an ethics of care approach. We draw on Carol Gilligan’s (1982) seminal work on the ethics of care, *In a Different Voice*. This work challenged traditional gendered assumptions about moral development and reasoning in young boys (men) and girls (women). Gilligan developed her moral theory in contrast to that of Lawrence Kohlberg (1981, 1984), whose model had established that boys (men) were found to be more morally mature than girls (women). In particular, he argued that, whilst boys (men) viewed their position in terms of abstract concepts and rules, such as fairness, equality, individual rights and their consistent application, girls (women) became overly concerned with their conflicting responsibilities towards particular individuals. As a result, girls were rarely able to move beyond a stage of moral development, where “morality is conceived in interpersonal terms and goodness is equated with helping and pleasing others” (Gilligan, 1982, 18). Gilligan’s main criticism of Kohlberg was the suggestion that the female approach was inferior to the male one. She argued that neither approach was inferior to the other:

³ See, for example, West (1979), and for a comprehensive account of the debate, Clement (1996).

they simply speak in a “different voice”. Since then, the ethics of care has developed as an approach that adopts a contextual perspective (Flanagan and Jackson 1987, 625) and focuses on attentiveness, trust, responsiveness to need, narrative nuance, relationships and responsibilities and has “at its core a central mandate to care for the relationships that sustain life” (West 1997, 8). Accordingly, it has been used to give centre stage to everyday care work and the responsibilities that come with it. Although its original valorisation of a “female voice” has been problematic,⁴ the ethics of care has nonetheless offered a valuable perspective that could radically transform legal rights. Specifically, it has highlighted the importance and universality of care and has captured the diverse experiences and needs of both the carers and the cared for.⁵ In doing so, this theory normalises care in public life rather than confining it to the private sphere, where it is kept hidden and often devalued. By contrast, the historical and ongoing failure to include the ethics of care when considering policy and legislation relevant to care has meant that existing measures lack the quality, depth and shelf-life that might otherwise have been achieved had it been introduced with an ethic that “has at its core a central mandate to care for the relationships that sustain life” (West 1987, 8). Instead, measures remain entrenched in a neoliberal approach that continues to promote, prioritise and reward autonomy, individualism and market making above informal (unpaid) care giving, and this continues to be at odds with the reality of many individuals’ lives.

Thus, a gender contract for care needs to be underpinned by both sets of ethics. On the one hand, rights are necessary to empower individuals, but relying simply on the ethics of justice would fail to capture the relational context in which care operates. On the other hand, the ethics of care is relevant to capture the very essence of care. Yet to rely upon the ethics of care alone risks lacking legal depth and binding force, thus remaining an empty rhetoric. Accordingly, the two sets of ethics are not only intertwined and complementary, but also each is a necessary precondition of the other. In essence, “justice must be caring if it is to be just, and [that] caring must be just if it is to be caring” (Clement, 1996, 15)

⁴ The argument being that “women value care because men have valued us according to the care we give them” (MacKinnon 1987, 39).

⁵ For a critique of an important piece of legislation, the Mental Capacity Act 2005, using the ethics of care, see Clough 2014. See also, more generally, Herring (2013).

because “there can be care without justice... [but] there can be no justice without care” (Held 2005, 72).

3 THE EU AND CARE

3.1 *Should the EU Develop a Gender Contract for Care?*

Due to its supranational position, the EU has considerable power to shape and influence policy discussion across Europe and globally. Because of this, we argue that the EU is in the position, and has the duty, to firmly place care on the agenda and ultimately to lead the way to devise a gender contract for care. Because, at the very least, it is necessary to counteract the glaring and long-lasting negative gendered implications of care. Care, indeed, has clear repercussions for women’s pay and economic security. Recent figures highlighted that 16% of women, but only 2% of men, cited caring responsibilities as the main reason for their inactivity.⁶ The fact that women have to reduce their working hours, or have given up work, can have detrimental consequences: in the short term, it affects their earnings and can also impact on their ability to re-engage in the labour market, even after their caring responsibilities are finished (Eurofound, 2020; Prinzellner et al., 2023). In turn, in the long term, this widens the gender pay gap and affects the ability to accumulate a pension.⁷ Even when women continue to work, care might impact on their performance, and this could affect their prospects for promotion or make them more exposed to the threat of redundancy, especially in the post-pandemic environment. Thus, care is not only instrumental to the achievement of gender equality, but also to the full-employment agenda. Employment is a source of wealth and growth that offers protection against different types of risks. Firstly, it protects against the so-called old risks (Gregory et al., 2013), such as unemployment and long-term poverty (Busby, 2001), and secondly against the “new” social risks (Bonoli, 2005, 433; Esping-Andersen, 2002; Jensen 2006; Taylor-Gooby, 2004), most notably inadequate social security coverage due to, for example, care leave (Gornick and Meyers 2005, Saraceno, 2011).

⁶ Communication from the Commission on the European Care Strategy, 7 September 2022, COM (2022) 440 Final. Retrieved September 30, 2023, from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52022DC0440>.

⁷ See the discussion in Tronto (2015).

Furthermore, the EU needs to take a stand in this area simply because care transcends domestic boundaries.⁸ For example, third-country nationals who come into the EU as spouses might find that care becomes the only link they have with the EU,⁹ not to mention the high number of undocumented workers already working as carers in Europe. Another example is when care is provided as a service across the internal market. Whilst care per se is not regulated in the same way as paid work,¹⁰ the protection of carers can be relevant to the free movement of workers across the EU.¹¹ Moreover, there is also the position of care professionals and labour migration from non-EU countries that must be facilitated.

If the EU does not intervene by regulating the various aspects and implications, or at the very least by offering some form of guidance, the situation might arise where carers are protected in one member state but not in another because they are not regarded as workers or where there is a carer shortage. Ultimately, this could hinder the uniform application of the free-movement provisions.

There is, therefore, a straightforward *economic* rationale for the EU to develop a gender contract for care. The EU needs, as a matter of urgency, suitable strategies to allow individuals to care for their dependents and, at the same time, to participate in paid employment and rebuild the post-pandemic economy. Simply put, a right to care would provide individuals with the ability to work (Lewis, 2008).

The very value of care goes beyond its economic currency, however. To emphasise the economic importance of care risks causing care to lose its very value: “[c]are is the development of a relationship, not the production of a product that is separable from the person delivering it” (Himmelweit, 2008). The economic argument cannot be decoupled from

⁸ In Italy, for example, it is estimated that three quarters of all carers are (often undeclared) migrants, see Di Rosa et al. (2012). More generally, see Organisation for Economic Co-operation and Development 2013.

⁹ For example, see Case C-413/99 *Baumbast and R. v Secretary of State for the Home Department* ECLI:EU:C:2002:493 and Case C-60/00 *Mary Carpenter v Secretary of State for the Home Department* ECLI:EU:C:2002:434.

¹⁰ See, for example, the Case of *Levin*, where the essence of work was conceptualised as a “genuine economic activity”; Case 53/81 *D.M. Levin v Staatssecretaris van Justitie* ECLI:EU:C:1982:105; in the same vein, see also Case 66/85 *Lawrie-Blum v Land Baden-Württemberg* ECLI:EU:C:1986:284, para 17. See the discussion in Bednarowicz (2020), p. 428.

¹¹ See the discussion in Taylor (2017).

a moral claim that values care for what it is; for its key contribution to society, rather than focusing on care as an obstacle to economic productivity. This moral argument is, in turn, based on the ethics of care that uses as a starting point the fact that we are all in mutually interdependent relationships and, as individuals, we can only exist because of these very caring relationships. Care is important because it is the foundation of society. It is a most basic human need (Lynch, 2009): young children and frailer adults cannot survive without care (Kittay, 1999). It is essential to the welfare of society, as well as that of individuals: it is a form of social capital (Sevenhuijsen, 2000).

3.2 *A Legal Basis for the EU to Develop a Gender Contract for Care*

Therefore, the EU must develop a legal system that acknowledges, promotes and protects care and caring, not only because it makes economic sense, but ultimately because the law should “exist for people [and] for the sake of people” (Ferreira, 2016). This chapter argues that the two sets of ethics, justice and care, are already reflected in the EU’s fundamental and historical values. Combined, these values, can provide a basis for the EU’s engagement in this area.

More specifically, Articles 2 and 3 of the Treaty on European Union (TEU) contain the Union’s values and goals. The values are listed in Article 2, which states that the Union is founded on:

[the] respect for *human dignity*, freedom, democracy, *equality*, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, *non-discrimination*, *tolerance*, *justice*, *solidarity and equality between women and men* prevail.¹²

Furthermore, TEU Article 3 lists the goals of the EU. Particularly relevant for the purpose of this chapter, is the commitment of the Union to “promote peace, [...] and the well-being of its peoples”¹³ and the commitment to respect “solidarity between generations”.

¹² Author’s emphasis.

¹³ Article 3(1) TEU.

Arguably, these two articles reflect both sets of ethics.¹⁴ On the one hand, the ethics of justice is reflected in the reference to equality and the rule of law. These have led to the adoption of a sophisticated array of gender equality legislation,¹⁵ which has, in turn, benefitted many carers (Horton, 2015). On the other hand, the ethics of care transpires, in particular, in reference to human dignity, solidarity and well-being. These might not be, strictly speaking, legal concepts, but have nevertheless been employed by the law on several occasions. For example, human dignity, even prior to its formal inclusion in the EU and in the EU's Charter of Fundamental Rights (CFR), via the Treaty of Lisbon,¹⁶ was defined by the Court of Justice of the European Union (CJEU or the Court) as a general principle of EU law.¹⁷ Furthermore, it was the Court, in the case of Coleman,¹⁸ that highlighted the potential of the concept of dignity for carers. In his opinion, Advocate General Maduro indicated that "at its bare minimum, human dignity entails the recognition of the equal worth

¹⁴ See the discussion in Sect. 2.

¹⁵ See, for example, Council Directive 76/207 [1976] OJ L39/40 (Equal Treatment Directive), as amended by Directive 2002/73 of the European Parliament and the Council [2002] OJ L269 (the amended Equal Treatment Directive); Directive 2000/78 EC [2000] OJ L303/16 (Employment Equality Directive); Council Directive 2000/43 EC [2000] OJ L180/22 (Race Directive). Occupational Social Security: Directive 86/378 as amended by Council Directive 96/97 EC [1997] OJ L 272/36; 92/85 EEC [1992] OJ L348/1 (the Pregnant Workers Directive).

¹⁶ Article 1 Charter of Fundamental Rights simply states that "h]uman dignity is inviolable. It must be respected and protected". In addition, the concept of dignity is contained in other provisions in the CFR: Articles 25 (Rights of the Elderly) and 31 (Fair and Just Working Conditions).

¹⁷ In Case C-168/91 *Christos Konstantinidis v Stadt Altensteig-Standesamt and Landratsamt Calw-Ordnungsamt*. ECLI:EU:C:1993:115, Advocate General Jacobs stated that "the constitutional traditions of the Member States in general allow for the conclusion that there exists a principle according to which the State must respect not only the individual's physical well-being, but also his dignity, moral integrity and sense of personal identity" ECLI:EU:C:1992:504, para 39; see also Case C-13/94 *P v S and Cornwall County Council*, where it was held that "to tolerate such discrimination would be tantamount, as regards such a person, to a failure to respect the dignity and freedom to which he or she is entitled, and which the Court has a duty to safeguard" ECLI:EU:C:1996:170, para 22. More recently, in Case C-36/02 *Omega Spielhallen-und Automatenaufstellungs-GmbH v Oberbürgermeisterin der Bundesstadt Bonn*, it was held that the "respect for human dignity [is] a general principle of law" ECLI:EU:C:2004:614.

¹⁸ Case C-303/06 *Coleman v Attridge Law and Steve Law*. ECLI:EU:C:2008:415.

of every individual”.¹⁹ He went further to indicate that “[o]ne’s life is valuable by virtue of the mere fact that one is human, and no life is more or less valuable than another”.²⁰ It is easy to see how it would be beneficial to extend this reasoning to all caring relationships: preserving the dignity of those in need of care as well as those who provide care—regardless of the economic contribution that an individual can make—represents a powerful argument. Individuals are not just a means of economic investment, but there is an intrinsic value in human dignity whether they are economically productive or not.

The commitment to solidarity amongst generations, as one of the values on which the Union is founded,²¹ is also relevant in this context. For the purpose of this chapter, solidarity is a fundamental principle of the caring relationship that emphasises a sense of unity and support. It also implies that care work should not fall as a burden on the shoulders of the few, mainly women, but should be shared amongst men and women as a norm (Fineman, 2004). Seen in this light, the concept is an expression of the principle that “providing care for people over the life cycle is a social responsibility, an obligation that reflects our ties to one another as a human community” (Brenner, 2009, 189).

Last, but not least, well-being is a fundamental consideration when discussing care. Ultimately, the law must be designed to protect individual well-being. In this case, the pandemic has reminded us how care is important for our well-being. Despite the absence of a statutory definition, in a report discussing the gender implications of care, the European Parliament found that “the well-being of women who have left the labour market is lower than those who have not” (European Parliament FEMM Committee, 2016). The same report also highlighted how poor work-life balance (WLB) measures, leading to the inability to care, impacted on an individual’s mental health (Eurofound, 2018).

¹⁹ Opinion of Advocate General Maduro in Case C-303/06 *Coleman v Attridge Law*, ECLI:EU:C:2008:61, para 9. See also paras 8–10, 12–13, 15 and 22.

²⁰ Advocate General Maduro in Case C-303/06 *Coleman v Attridge Law* ECLI:EU:C:2008:61, para 9.

²¹ Article 2 TEU.

4 EU PROVISIONS: TOWARDS A GENDER CONTRACT FOR CARE?

Although traditionally the EU has not been concerned specifically with the concept of care, over the years, it has incrementally developed a set of measures, both policy documents and binding legislation, that have advanced the rights of (certain) carers.²² From early provisions on gender equality,²³ to some employment-related instruments, such as the part-time workers directive,²⁴ as well as the sophisticated array of provisions addressed to working parents, there is little doubt that these provisions have improved the situations of (certain) carers. Yet, despite their importance, these provisions were traditionally developed as a response to economic concerns. In other words, they remain firmly *in line with the EU's economic objectives*.

Arguably, this has started to change. The 2008 financial crisis and the austerity that followed acted as a stark reminder of the importance of measures to support care.²⁵ In 2017, the European Pillar of Social Rights (EPSR)²⁶ solemnly renewed the EU's commitment to social rights. At the time of its adoption, the Commission described the EPSR as “a compass for a renewed process of upward convergence towards better working and living conditions in the European Union”.²⁷ It is composed of 20 principles, covering a variety of social policy issues. Of these, three expressly mention different aspects of care. Principle 9 (WLB)²⁸ reiterates the rights of parents and stresses that fathers should enjoy the same rights as mothers. In doing so, the principle reinforces the commitment to challenge the gendered dimension of care. Principle 11 (childcare and

²² For an overview, see Caracciolo di Torella and Masselot (2020).

²³ Council Directive 76/207 [1976] OJ L39/40, to name one.

²⁴ Council Directive 97/81/EC [1988] OJ L 014.

²⁵ See, for example, Guerrina (2015).

²⁶ Interinstitutional Proclamation on the European Pillar of Social Rights, OJ. [2017] C428/10. See also Bell (2018).

²⁷ European Commission (2018). Monitoring the implementation of the European Pillar of Social Rights. COM 130, 2.

²⁸ Principle 9 (Work Life Balance): “Parents and people with caring responsibilities have the right to suitable leave, flexible working arrangements and access to care services. Women and men shall have equal access to special leaves of absence in order to fulfil their caring responsibilities and be encouraged to use them in a balanced way”.

support to children)²⁹ reiterates the rights of children to early education as a means to combat poverty and enhance equal opportunities later in life. This principle decouples childcare provisions from simply being a vehicle to make it possible for women to work, and frames them as a right for children, thus reiterating the very value of caring relationships. Finally, Principle 18 (LTC)³⁰ expressly mentions LTC as a right for everyone. In doing so, it acknowledges that care needs to be addressed with a life-cycle approach.

With these principles, the EPSR is a step in the right direction: it emphasises the importance of care and increases the visibility of (working) carers. Importantly, although not legally binding, the EPSR has provided some impetus for action. Indeed, it led to the adoption in 2019 of the WLB directive.³¹ In a nutshell, the WLB directive repeals the existing parental leave directive³² and aims to modernise the existing framework of (parent-oriented) rights, which was set up in the 1990s, by acknowledging the evolving needs and diversity of care and carers, in line with today's fast-changing society.³³ Specifically, it focuses on four individual rights. It strengthens two existing rights, parental leave³⁴ and the right to request flexible working,³⁵ and it introduces two new rights, paternity leave³⁶ and carer leave.³⁷ At the time of its introduction, the WLB directive was met with enthusiasm by academics and stakeholders

²⁹ Principle 11 (Childcare and support to children): “(a) Children have the right to affordable early childhood education and care of good quality and (b) Children have the right to protection from poverty. Children from disadvantaged backgrounds have the right to specific measures to enhance equal opportunities”.

³⁰ Principle 18 (Long-term care): “Everyone has the right to affordable long-term care services of good quality, in particular home-care and community-based services”.

³¹ Directive 2019/1158 of the European Parliament and of the Council of 20 June 2019 on Work-Life Balance for Parents and Carers and Repealing Council Directive 2010/18/EU, *OJ (2019) L 188*.

³² Parental Leave Directive 2010/18/EU implementing the revised Framework Agreement on parental leave *OJ (2010) L 68/13*.

³³ For background on the WLB Directive, see Caracciolo di Torella [2017](#).

³⁴ Articles 5 and 8, Directive 2019/1158.

³⁵ Article 9, Directive 2019/1158.

³⁶ Articles 4 and 8, Directive 2019/1158.

³⁷ Article 6, Directive 2019/1158.

(Oliveria et al. 2020, 302). Indeed, conceptually, it was the first instrument to acknowledge that caring responsibility (and its consequences) was not limited to young children. Furthermore, it genuinely seemed to set concrete measures to challenge gender stereotypes. The WLB directive was adopted a few months before the pandemic struck. The latter quickly highlighted the limitations of this provision (Arabadjieva, 2022). In essence, the WLB directive continues to address mainly certain working carers (Chieragato, 2020); it is not really effective at challenging stereotypes and the feminisation of care and pays lip service to the essence of care. With hindsight, the WLB directive is not the instrument that will lay the foundation for a gender contract for care, essentially because its approach is to continue to prioritise economic concerns. This approach also transpires in a further measure, also triggered by the EPSR, namely, the directive on transparent and predictable working conditions³⁸ adopted in the same year. By promoting more transparent and predictable employment, it aims to improve the working conditions of those working in non-standard forms of employment. True, it is a key instrument to protect those who, because of their caring responsibilities, have to resort to certain forms of employment,³⁹ but it remains anchored to economic concerns.

Overall, despite being *prima facie* a testament to the EU's commitment, these developments continue to conceptualise caring responsibility as a "hindrance" to work.

It took the pandemic to prompt the EU to rethink and bring care to the forefront of the agenda (Caracciolo di Torella, 2023). In September 2022,⁴⁰ the European Union adopted the European Care Strategy⁴¹ to "support men and women in finding the best balance for them". The strategy must be applauded, as it is, to date, the most significant EU

³⁸ Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union, *OJ L 186, 11.7.2019, p. 105–121*. See Bednarowicz 2020.

³⁹ Recital 8 Directive 2019/1158.

⁴⁰ Ursula von der Leyen, President of European Commission, introducing the European Care Strategy, see Communication from the Commission on the European Care Strategy (2022), COM(2022)440 final.

⁴¹ European Commission, Communication on the European Care Strategy, COM(2022) 440 Final. Retrieved September 23, 2023, from https://ec.europa.eu/commission/presscorner/detail/en/ip_22_5169.

measure in the area of care. It acknowledges that care is the backbone of our society and, crucially, departs from the traditional approach, namely, to focus on *some working carers*. This is reflected in the very name of the strategy, which refers to *care* rather than *carers*, sending the message that care is not merely important to allow individuals to work, but to society as a whole. *Prima facie*, the strategy is a signature piece (Daly, 2023) and, as such, the most concrete measure towards a gender contract for care.

The strategy sets out an ambitious vision for the provision of care in Europe. For this purpose, it identifies a number of interlinked targets. To start with, the strategy recognises the importance of improving care services for both young children and those needing LTC in either formal or informal settings. These services should be underpinned by the principles of availability, quality, affordability and accessibility. Reference to these principles is not new (European Commission, Directorate-General for Justice 2013); however, the strategy brings them to life by providing concrete examples. For example, when discussing availability, a specific reference is made to the need to provide services in rural and remote areas that might be excluded because of long distances and limited public transport.⁴² Furthermore, it expressly acknowledges that quality must not apply only to infrastructures and services, but also to the human interaction between carers and those who are cared for. Accordingly, it expressly refers to the need for inclusivity and non-segregated childcare facilities, as well as the need to uphold dignity in LTC. Affordability is also presented as being crucial for the achievement of a fairer society and to reduce poverty.

The strategy also acknowledges that improvements to working conditions in the care sector are needed. Care workers are essential to the sustainability of our lives (FEANTSA, 2022), yet their work is consistently underpaid and undervalued. It is imperative to improve their access to social and employment rights, such as access to better pay and career development opportunities. However, not all those who provide care are formal care workers. Informal carers are currently the largest group of caregivers in Europe; many try to combine care and work responsibilities, to the detriment of their own physical and mental health. Thus, the focus on WLB is identified as a key component of the European Care Strategy, which refers expressly to the WLB directive.

⁴² Communication from the Commission on the European Care Strategy COM (2022) 440 final {SWD(2022)} 440 final, p. 5.

Moreover, the strategy acknowledges that these targets cannot be achieved without investing in public care services. Only adequately funded public care services can ensure that care receivers exercise autonomy and real choices as to the type of care that they want and deserve. Only adequately funded public care services can ensure that informal caregivers have a genuine choice concerning the care that they are able and willing to provide.

Finally, the strategy acknowledges the importance of reliable data to monitor progress and develop policies. Data in this area are not, so far, collected routinely and this hinders progress. For example, we know that care provisions in remote and rural areas are scarce, but more evidence is needed to develop a response to this problem. The communication emphasises the need to keep reliable and comparable data to increase and monitor progress (European Commission, 2022).

The strategy led to the adoption of two recommendations that further specify the principles of the strategy: one on access to affordable high-quality LTC⁴³ and one on the revision of the Barcelona targets on early childhood education and care.⁴⁴

Therefore, the strategy appears to be a concrete step towards establishing a gender contract for care based on a holistic and life-cycle vision of care that, for the first time, places childcare and LTC on the same footing. The strategy also appears to contain the three key features of such a contract. Firstly, it continues to highlight persistent gender and other inequalities and seeks to promote men's involvement in this area. Secondly, its key message is about the real value of care: care is essential for the sustainability of society and to increase resilience to significant external shocks. Thirdly, it addresses a variety of situations and employs a variety of instruments, from the legally binding WLB directive to the two Council recommendations. In other words, it aims to build Europe back up from the pandemic leaving nobody behind.

Yet, a closer look shows that there is still a long way to go. The strategy has loopholes that must be addressed to avoid empty rhetoric.

⁴³ Council Recommendation on access to affordable high-quality long-term care OJ [2022] C 476/01. Retrieved September 23, 2023, from [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022H1215\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022H1215(01)&from=EN).

⁴⁴ Council Recommendation on early childhood education and care: the Barcelona targets for 2030 OJ [2022] C484/01. Retrieved September 23, 2023, from [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022H1220\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022H1220(01)).

To start with, the strategy is not a legally binding measure. Although a mixture of policy and legal instruments is necessary to address this complex area, there is little doubt that more judicially enforceable rights would have offered stronger protection to carers and ultimately sent a stronger message in relation to the value of care. The reason for the lack of legally enforceable measures is that the EU does not have express competencies in this area. Instead, it relies on member states to do the “heavy lifting” and ensure that the services that they offer are adequate, available and affordable, with only, arguably limited, technical support from the EU. To this end, specific, adequate funding⁴⁵ should be allocated to the care sector to make it feasible for member states to encourage quality job creation and ensure that jobs in social care are attractive, adequately paid and valued, and offer good career prospects (Unicare, 2022).

In addition, the requirement for monitoring and data collection must be enforced, not merely advised and encouraged. For example, the WLB directive must be routinely monitored to evaluate its impact on individuals; equally, data on children’s participation in early childhood education and care are needed to understand its usage. Also, data collection must be considered in the light of local and global contexts, as well as power relationships. Ultimately, data are crucial to ensure the collection of comprehensive information for designing and implementing policies and reforms.

Furthermore, although the strategy acknowledges that 80% of care is shouldered by informal carers, who are mostly women, it does not effectively question such reliance. Accordingly, it does not really address the prevailing feminisation of care and entrenches the gender-symmetrical distribution of care. This situation is exacerbated by the fact that existing measures continue to have a clear link with the employment market. This perpetuates the message that care is a hindrance to paid work, and carers’ rights are employment-related rights. Although the EU might not have express competences on care, it certainly has competences when it comes to gender equality. The existing legislative and policy framework should be enhanced by specifically tailored measures to attract more men to the care sector and ensure a better distribution of care within households, such as addressing gender stereotypes of carers (Prinzellner et al.,

⁴⁵ See, for example, the EU Programme for Employment and Social Innovation. Retrieved September 23, 2023, from <http://ec.europa.eu/social/main.jsp?catId=1081>.

2023, Advisory Committee on Equal Opportunities for Women and Men 2021b).

Finally, there is a stark contrast between how carers, whose different typology is at least acknowledged, and those in need of care are addressed. The strategy refers to the latter as a group with undifferentiated needs, rather than different individuals with specific needs, agency and rights. This is particularly evident in the case of LTC. The interests of LTC recipients should be better represented, and they should be meaningfully involved throughout the policy cycle.

5 CONCLUSION

Care is the glue that keeps us together and, just like glue, it is invisible, but it is crucial to keep us together and for our sustainability. Probably because it is invisible, for far too long, it has not been part of policy, let alone legal, discussions. For some time now, care has been on the agenda of national governments, however. The EU is no exception, and for this purpose, measures have been gradually introduced. Traditionally, these measures addressed care as an obstacle to economic productivity. In other words, they addressed it as a problem experienced by individuals who could not reconcile their caring and working responsibilities. This has de facto shaped the response to the needs of care as a by-product of economic interests. In doing so, such a response has failed to appreciate the very essence of care, namely, that it is an issue of public interest, central to our very sustainability.

The pandemic told us nothing new, but has made national governments, across Europe and globally, increasingly aware of the importance of care. The global lockdown has made us realise how care is embedded in every aspect of our life, and social distancing has made us understand how care is fundamental to our well-being. More specifically, the pandemic has demonstrated that a resilient care system is key to building the way forward. But for an effective post-pandemic reconstruction, we need more than simply acknowledging that care is important: we need a gender contract for care that places care at the very heart of our society.

In this chapter, we have argued that, because of its supranational position, the EU must lead the way in developing such a contract, where everyone can participate, contribute and remain included in society; in other words, where nobody is left behind. And indeed, the EU has, within its fundamental values, the legal tools to start developing such a contract

on care. Arguably, the European Care Strategy can be seen as the first concrete step in this direction. It is a milestone that can make a real difference to the way in which the EU engages with care. Yet, this is only the start, and it is imperative not to lose momentum. There are still loopholes, and in this chapter, we have explored some possible solutions. Although the principles underpinning the strategy are laudable, they must be accompanied by concrete actions (Unicare, 2022) to ensure that a gender contract for care becomes a reality. Failure to do so will result, at best, in reiterating empty rhetoric. At worst, it will exacerbate the existing gender inequality, dissolve the glue that keeps us together and ultimately fail coming generations.

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Imagining a New Gender Contract for Education

Andrea Petö

1 CURRENT TRENDS

“What can be done when nothing can be done?” This was a very catchy question raised at a recent conference organised by gender studies scholars at Columbia University in New York, which articulated a feeling very much present amongst most academics nowadays: the feelings of powerlessness amidst global transformation of higher education in a pandemic and war.

This chapter argues that the seemingly paralysed and non-responsive actors in higher education contribute to the spreading of illiberal alternatives in Europe. This is even more important, as European higher education will transform not only because of demographic challenges as the 1968 scholars retire, but because internationalisation as a process is making higher education vulnerable to the illiberal connections that push illiberal ideas at the global level. The analysis of challenges to gender studies, usually connecting them to illiberal backlashes, overlooks that these problems are related to financial uncertainties: the true challenge

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is the business-minded approach to academia because it opens a space for the spreading of illiberal knowledge. This chapter uses examples from Hungary, but the problem with illiberal states goes beyond a national framework.

1.1 The Increasing Importance of Higher Education

The importance of educational institutions is that they are sites of knowledge production and transfer, training of loyal citizens, academic authorisation and the dissemination of ideas abroad. The present academic evaluation system, with non-transparent impact factors and managerial teaching deliverables, opened space for illiberal attacks (Espeland & Suder, 2016). Political interventions in the functioning of higher education institutions and the work their staff carry out have occurred in several countries of the European higher educational area (EHEA), most recently in Hungary. Recent alarming de-democratisation tendencies in the European Union (EU) also reached the field of higher education. Science policy has been discussed as a site where different illiberal policies are manifest, but not as a separate field. The rapid spread of illiberal science policies, such as closing accredited study programmes and research institutions, privatising higher education, appointing university leaders based on their loyalty to the government and ignoring quality assurance, demands not only a reaction but also critical analysis.

The importance of higher education cannot be overestimated. EU countries enrol more than half their young people in tertiary education; therefore, how knowledge is produced, shared and evaluated in higher educational institutions is strategically important. However, science policy is the stepchild of European policies. Because science policy has a national framework and because the notion of “excellence” and the elitism of science overlap with the political and power framework, science is treated as an internal affair for a small, select group. But this has fundamentally changed recently because of the challenges of an illiberal state together with neoliberal managerialism.

It is easy to list other challenges, like the demographics of students: fewer in number and not necessarily seeing university education as a good investment in their future. Global inequalities mean that foreign students are bringing money into underfunded European research and higher education, but the recent geopolitical shift makes them a security threat. The structural nature of European higher education is that

the 1968 movement has led to the creation of new institutions, the leading researchers of which are slowly retiring (more than one third of professors in Europe will retire by 2030) and whose replacement is not assured due to financial constraints. The populist redefinition of science also portrays science as an enemy. It is questioning, in the framework of anti-intellectualism, the monopoly of knowledge by experts and denies the existence of Covid-19 and the impact of vaccination. Science and academic research are very similar to Covid-19, a transnational activity. As science institutions and actors are global, this illiberal transfer will be quicker than before (Pető, 2022). Internationalism, which was previously considered as a key to good science, is now portrayed as a threat, as the influx of students sponsored by their illiberal governments to European higher education might bring those ideas inside. The internationalisation of science, which used to be a guarantee of quality, is now a danger because illiberal states use science for strategic purposes and are not interested in the ethics of science. The challenge cannot be addressed by controlling national borders.

1.2 Challenges of Managerialism and Illiberalism

The EHEA is facing these significant challenges, particularly in relation to gender studies, and it also questions gender equality. These challenges are usually explained as they have arisen, due to political interventions, de-democratisation tendencies and the rise of illiberal forces in various European countries (Grzebalska and Pető, 2017). The implications of these challenges go beyond academia, impacting the very essence of higher education as a site of knowledge production, transfer and dissemination. Explanations, however, ignore the devastating impact of the neoliberal transformation of higher education. The commercialisation of education and the influence of English-dominated global science perpetuate global inequalities inherited from colonialism. The concept of global science refers to selected English-language science: not all knowledge is produced in English-speaking countries and refugee scholars must pass two hurdles of integrating into the host's higher education system and global science as the yardstick for institutions. Global inequalities inherited from colonialism are also constructed and maintained by higher education institutions and the recent influx of refugee scholars just made these contradictions even more visible (Özdemir et al., 2019). There is

financial uncertainty, as European higher education is based on an unsustainable financial model, and therefore, the continuous withdrawal of funds from the public sector makes education and its workers vulnerable. This is made worse by the impoverishment of the EU due to declining competitiveness and increasing military spending, which have recently been driven by geopolitical and commercial agendas that are challenging the previous rights-based approach. Neoliberal policy worsens inequalities within countries as well as between countries.

Business-minded academic reforms, outsourced course content, decentralisation of science and the substitution of high-cost human teaching with cheaper technological alternatives are often presented as alternatives. The “value of a college degree” is understood in terms of “return on investment”, as a measurable good. Students are their own entrepreneurs, rationally investing in skills that make them competitive in the marketplace. The impact of artificial intelligence on social imagination will happen via education and transforming education into a skilling factory in alliance with illiberal political alternatives questioning the necessary connection between excellent knowledge production and liberal values.

The marketisation of knowledge production and learning and democratisation are united, as they both use the language of excellence and aim to improve entrepreneurial abilities and individual performances (Olssen & Peters, 2005). This is not a backlash against the “good old days”; they were not good old days. The situation is new because what we see today is not a temporary backlash, but a fundamentally new phenomenon that was launched for the sake of establishing a new world order. It is a fight for socialisation in the Gramscian sense, a nationalist neoconservative response to the crisis of the global neoliberal world order. This war is waged in the field of science. And independent of our will to participate, we are all in. This attack sometimes uses the previously established neoliberal lingo for measuring academic excellence, but sometimes it reaches back to the terminology of the nineteenth century for promoting “the national interest” and Christianity as a criterion of good science. The analogy to authoritarianism (historical analogies with Nazi Germany and the Soviet Union, the communist bloc during the Cold War) is misleading. Neoliberal managerialism (impact, indicators, excellence, educational achievement, etc.) presents itself as “there is no alternative”. However, as we argue in the conclusion, there have been several other, more inclusive, modes of knowledge production in the past, which continue to be an inspiration for newly founded institutions.

In countries where the state has been captured by illiberal forces, the whole of higher education and research is under attack now because of a fundamentally new relationship between the state and tax-paying citizens. The countries that went through neoliberalisation, which fundamentally weakened state institutions with the slogan of excellence and economic efficiency, created a state that is strong for the strong and weak for the weak, which means that the state decides who are the worthy citizens whom they serve.

1.3 *Consequences of Illiberal Takeover*

The takeover of public higher education institutions with the narrative of threat and hate will result in further securitisation: syllabi will be controlled, the classroom video surveillance system will be installed and new free applications will be advertised on campus to report teachers to the administration. The academic authority granted by these illiberal organisations is necessary not only to legitimise their ideological agenda but, more importantly, to secure future employment for loyal supporters who will train further loyal supporters, creating personal continuity in the life cycle of existing educational and research institutions. Higher education was transformed into a business enterprise driven by economic indicators.

Examples from illiberal states like Hungary might be easy to implant but will bring the danger of further isolation and a decrease in higher education academic exchanges. The neoliberal university policy, which is based on gender inequality, is a precondition for illiberal policy and illiberal policy is difficult to recognise as a novelty because it is difficult to distinguish the vocabulary of illiberal actors from the vocabulary of neoliberal policy. The reaction to the neoliberalisation of higher education is the new wave of institutionalisation by illiberal forces. The new wave of institution building by illiberal forces, the takeover of public institutions by illiberal states and the attack on disciplines (gender studies, critical race studies) are the signs of the new era.

The story of the Central European University (CEU), a private American university in Hungary now forced to move to Vienna, Austria, from one EU member country to another, helps us to rethink whether only public universities can serve the public good. In fact, if the state is captured by the mafia and operates as a mafia group, a private university can serve as a beacon of academic freedom. That was the reason why the

CEU had to leave Hungary. Of course, this process is not only “Orbanisation”, although it is easy to pin structural changes, a paradigm change, on one person, as it helps to normalise this disturbing paradigm change with orientalisation. Instead, what is occurring is even more dangerous, as this illiberal state capture is using the hijacked neoliberal language of excellence, competitiveness, impact, social outreach and indices as its proxy female leaders talking about women’s rights. This leads to another feature, resulting in sleepwalking, and that is the concept of “illiberal pragmatism”, which means anything goes. If one argument does not work, it does not cause any problems, as another one is applied, which might be just the opposite of the first one. The content does not really matter. Intellectuals, scientists and progressive politicians are spending considerable time and energy on analysing and understanding a phenomenon that is impossible to analyse and understand. This impossible task also contributes to exhaustion and depression amongst progressive forces.

Neoliberal policies focusing primarily on financial aspects have reduced universities to mere training centres, prioritising corporate interests over critical thinking and interdisciplinary studies, particularly in fields like the humanities and social sciences, which are often associated with gender studies. This financial pressure stifles academic freedom and limits the ability to conduct critical research. At the same time, it opened spaces for the illiberal offer in higher education.

1.4 Gender Studies as a Test Case

Attacks on gender studies are connected to the neoliberalisation of academia, as it makes the structure vulnerable. The emergence of anti-gender movements, as a reaction to the triple crises of 2008—financial, security and migration—followed by the pandemic and war in Europe, dramatically changed the framework in which gender studies has been operating in Europe. Anti-gender movements are populist neoconservative movements, which, as a response to the crisis of the neoliberal world order, use the concept of “gender” to mobilise against gender studies; LGBTQIA + rights; the Istanbul convention; sex education in schools and international organisations, such as the EU, the UN and the WHO. Some representatives are connected to different churches; others are non-believers who use anti-gender positions to criticise neoliberalism (Grzebalska, 2016). It is a Gramscian socialisation movement aiming for

a new world order. One of the sites where this new world order is created is in education.

The rise of illiberal forces, coupled with increasing nationalism and populism, further exacerbates the challenges faced by gender studies and gender equality in higher education (Pető, 2020). One of the major challenges is the government's interference in higher education institutions, resulting in the revocation of licenses for gender studies programmes without consultation and the denial of funding for such programmes based on ideological grounds. This undermines the academic autonomy of institutions and hinders the pursuit of knowledge in gender studies, thereby perpetuating gender inequalities. Illiberal actors question the legitimacy of gender studies as a scientific discipline and use pseudo-scientific arguments to support their ideological agendas. Moreover, higher education institutions have become susceptible to physical threats and attacks against academics who engage in gender studies and other critical research areas. This hinders academic freedom and raises concerns about the safety of scholars pursuing such studies. Considering these challenges, it is crucial to address the issues and find solutions that uphold the principles of academic freedom, gender equality and scientific integrity. The next section analyses how access, content and staff can do this.

2 RELEVANCE FOR THE ACHIEVEMENT OF A NEW GENDER CONTRACT

The new gender contract should consider three topics: access, content and staff.

2.1 *Access*

Crafting a feminist utopia was connected to the right to study from the start. Having private tutors or studying in institutions authorised to disseminate authorised knowledge was not only a tool for social mobility but also a tool for preserving social hierarchies, including excluding women from the public sphere. Public and mass higher educational institutions were the result and institutions of the nation, state-building projects and liberal modernisation were expected to facilitate social mobility and knowledge production required for these projects. University was originally an autonomous space of self-governance (the origin of universities was *universitas*). Higher education matters, such as

conducting science research and being able to study, became an important part of human rights guaranteed by constitutions. Higher education also provides academic authorisation together with employment opportunities.

Throughout the long history of education, women and men have been treated very differently. The same is true in educational institutions—schools, nurseries and universities—and can be seen in the way children and young people’s learning opportunities are regulated, and in the design and development of curricula and teaching materials.

In addition to analyses of ethnic, class, national and other social differences, the history of education also raises gender issues. The school itself (and even nursery school) is an important step on the way to preparing children for their future gender roles. In educational institutions, boys and girls were explicitly encouraged to play certain kinds of games and discouraged from others. The aim was to ensure that children practised patterns of behaviour appropriate to their future male and female roles.

Women with privileges have been questioning the logic that they were excluded from the process of knowledge production and transmission. In the ideal city imagined by Christine de Pisan (1365–1429), women studied and were a part of the public sphere. European modernity also addressed the issue of women’s participation in the public sphere. In Europe, women’s educational institutions were influenced by the ideas of the Enlightenment. They were greatly influenced by the ideas of the Swiss educator Pestalozzi (1746–1827) who analysed the relationship between family and social life and emphasised the role of the mother as an educator. His views delineated and, at the same time, placed in a strict social context, the scope of women’s education, which was characterised by the predominance of family responsibilities.

As a form of protest, women who were able organised book clubs, reading and debate circles and founded associations. This self-organising under the radar can be an important resource when rethinking the future of higher education in Europe. Together with building up the nation-state, more and more citizens were included in lower-level education and higher education: the distributor of prestige and authority of knowledge remained closed to women. This gradually changed by granting women the right to graduate from secondary schools as regular or even irregular or private students and be admitted to European universities from the end of the nineteenth century.

Gaining access to higher education and research did not happen without a fight. Women's emancipation movements throughout Europe focused on widening access to education, opening the teaching profession to women and including education content relevant for women. These demands remain unchanged today, regardless of the fact that the right to education is now part of the constitution. Higher education has become a fundamental public good, and while the debate about this notion often focuses on public access to it, it also includes what is being taught and how it is taught. Education and citizenship are closely linked. The state, after it won the fight against different churches, determines the content of education and the academic authorisation system. Also, members of the academic community, individually or collectively, should be free to pursue, develop and transmit knowledge and ideas, through research and teaching, orally and in writing. The concept of academic freedom guarantees the liberty of individuals to fulfil their functions without discrimination or fear of repression by the state or any other actor.

Step by step, the state opened possibilities for women's education, and the belief that the state would continue to do this was coined. However, the illiberal strategy of state capture fundamentally changes options, strategies and opportunities. The option to exclude women from higher education based on their unpaid care work and reproductive capacities is not that far-fetched. After a report by the Hungarian State Audit Office, Pink Education Report, argued that the state should not invest public money in women in higher education, as they will go on maternity leave and their professional careers will never match up to the public spending on the costs of their higher education, was followed by introducing oral entrance exams for the most prestigious professions. Instead of an anonymised, written entrance exam, the bodies of the applicants will determine if they have access to higher education.¹

Access can be also a proxy, as neoliberalisation reduces inclusion, as pointed out by Sara Ahmed (2012, 53). This diversity paradigm has been used to adapt academia to marketisation: "Diversity has a commercial value and can be used as a way not only of marketing the university

¹ The Pink Education Report was removed from the page of Hungarian State Audit Office. The analysis of the report can be retrieved from <https://qubit.hu/2022/09/21/mta-az-allami-szamvevoszek-pink-education-jelensegrol-irt-elemzese-megalapozatlan-es-karos>.

but of making the university into a marketplace. Others have called this the ‘Benetton model’ of diversity, in which diversity becomes an aesthetic style or a way of ‘rebranding’ an organization [... and] as a management term”.

As far as liberalisation is concerned, the three main ways are to widen access to education, open the teaching profession to women and include education content relevant to women.

2.2 *Content*

As a result of 1968 and the collapse of communism, academic freedom to determine the content of education was considered to be a given; however, that changed. The illiberal science policy uses four strategies to undermine European higher education (Ergas et al., 2022). The first is breaking, to undermine established norms regarding academic freedom, like the closing of gender studies and other academic programmes labelled as nonrelevant for the labour market. This was the argument used by the Hungarian government in 2017 when they deleted a two-year MA in gender studies from the accredited study list. Independently, the MA programme taught in English at the CEU had fantastic placement data internationally, and the MA programme taught in Hungarian did not have any graduates at the time of the ban. The second one is bending by conforming to existing laws (or policies) but contradicting the basic purpose by undermining existing institutional structures (Pető, 2021). Using existing institutional regulations to diminish funding, close independent units or circumvent democratic election processes of university leaders to parachute in new leaders without legitimacy but close to the government are forms of bending. The privatisation of most Hungarian higher education institutions happened in two weeks, and loyal commissars were appointed to the board. The third is forging, which uses extra-legal methods: personal and informal threats, rewriting regulations for ideological aims, de-legitimisation of certain forms of inquiry, applying parameters like manipulating the volume of student enrolments that may be generally relevant to higher education but the application of which may allow for administrative discretion. The fourth is de-specification, which is the reorganisation of educational programmes: integrating or dissolving programmes that entail discursive redefinition of the content of teaching. This is also a form of “discourse capture”, when, during the reorganisation process, outside bodies and selected experts define

and redefine the educational content to promote ideological aims. In the case of gender studies, rebranding educational programmes and courses as “family studies” is a process of de-specification used from Russia to Turkey and Hungary.

The unfounded hopes of colleagues in higher education who think that their academic ivory tower will resist earthquakes from illiberal science policy are based on the illusion that there have been several illiberal tendencies in higher education policies before, like privatisation of higher education, allowing the development of parallel education structures where the content of education is different from that in public higher education or appointing commissars to leadership positions. These have not fundamentally changed the structural framework of higher education.

2.3 *Staff*

Crafting feminist utopias was happening inside and outside the existing infrastructure and institutions with the founding of new institutions. Academics arrived in the field of gender studies from three directions.

The first direction to institutionalisation is to accredit gender studies as a separate discipline, which has not been successful, even at the EU level, as the European Commission funding schemes do not acknowledge gender studies as a separate discipline. The second step is the inclusion of gender studies approaches in traditional disciplines of humanities, such as history, literary studies or linguistics. This was the second factor that contributed to the institutionalisation of gender studies: feminist literary studies and linguistics, as well as English and American studies departments, played key roles in this development. The fact that gender studies was mostly embedded in the humanities and less in the social sciences contributed to the “cultural turn” in gender studies.

The third factor was women’s NGOs in close connection with societal stakeholders. Gender studies have always developed in close connection with the society they are part of, mutually responding and shaping each other’s intellectual climate. Women’s studies are centred not only on documentation and research but also provide university-level education in gender studies outside the institutional structure of universities. The training offered by NGOs has focused on domestic violence, female entrepreneurship and LGBTQIA + tolerance, and while relying primarily on external resources, they pushed for changes in norms and attitudes. These NGOs also started libraries and publication programmes. Illiberal

attacks can ban gender studies, fire and imprison academics, and close NGOs, so non-formalised educational circles can be more influential, as far as resistance and building alternative knowledge are concerned.

2.4 *Concrete Actions*

The neoliberal science policy, which is based on gender inequality, is a precondition for illiberal science policy, and illiberal science policy is difficult to recognise as a novelty because it is difficult to distinguish the vocabulary of illiberal actors from the vocabulary of neoliberal science policy.

One may have hoped earlier that perhaps elite academics locked within the ivory towers of science would be able to keep the populist powers of alternative scientific discourse at bay successfully. The tools they think they have in this fight are the concepts of excellence, high-impact factors and indices against neoliberal reconstruction for protecting autonomy and academic freedom. By now, it is clear to most that this strategy is not only unsustainable but also harmful. As this is a self-deception, this non-action gives the green light to the two encroaching dangers to science.

The first danger is that in more and more countries the state is becoming a fugitive of illiberalism. The connection between liberalism and academic work has been questioned. To think that this new mode of governance will not influence scientific life elsewhere, or that its questioning of the contents, institutions and social relevance and therefore state funding of knowledge will stop at borders (only at your own border), would be an error. In a number of countries, the very foundation of science, the freedom of expression and truth-seeking are criminalised or delegitimised by the state.

The second danger is that our over-bureaucratized neoliberal universities, with their impact factor obsession and conveyor-belt-style teaching, while being apt at many things, are no longer suitable for raising responsible, critical thinkers. Complying with that system, one contributes to its success. While more and more personal investment is needed, sometimes even at the price of burnout to maintain this system, the results are less and less meaningful.

Higher education has also transformed in this process: the percentage of public higher educational institutions decreased and access to higher education became a privilege again, not a fundamental human right. The whole of Hungarian higher education was privatised within two weeks(!),

which meant losing the autonomy and freedom to decide what to teach and how. Parallel with privatisation, faculty salaries were doubled and tripled, which contributed to the normalisation of the loss of academic autonomy and to compliance with Hungarian illiberal science policy.

Today, amidst the resurgence of analysing historical analogies, there is a real uncertainty about this transitional time we are living in. Historians are comparing Weimar Germany to the present USA, and some Italian colleagues are arguing that the fascists are already in power there. Following the developments in Florida proves that Eris Fassin's term, the neofascist phase of neoliberalism, is more apt than ever (Fassin, 2018). But in both cases, higher educational institutions kept on working in those countries. However, very soon, the first wave of intellectual migrants left those countries before being imprisoned and killed. The re-enchancement of the political fight beyond election numbers and policy proposals is the first step. One can derive strength from this as an individual; the physical joy of fighting a good fight. We also need to derive strength for our value-based fight because they know that it will be a long one. There is but one thing we cannot avoid when it comes to a fight: fighting it. Not fighting would mean the loss of our right to the passionate protection of free science, which is the foundation of all scientific work.

How can you get physical joy from your academic work? This would be the kind of education, founded on rigorous intellectual work, passion and volunteerism that we received from the seminars of the Budapest Flying University during communism. This is the tradition represented by the CEU, where I have been a committed professor for 32 years now. This passionate and free approach to science necessarily comes into conflict with that hierarchical control of education, which always sees citizens as subjects to be kept under surveillance—just as in the case of the CEU, which was forced into exile from one EU member state to another. The freedom of science and passion for doing science together opens up the possibility of intellectual resistance. But this freedom is not self-evident. There are moments when you must fight for it when the fight looks hopeless, and you feel exhausted and tired. In conclusion, the challenges faced by European higher education, concerning gender studies and gender equality, require proactive and collective efforts from scholars, institutions, governments and civil society. Only through a commitment to academic freedom, gender equality and diversity can European higher education truly thrive and contribute to the advancement of knowledge and social progress.

3 POLICY RECOMMENDATIONS

Attacks on science and building up science policy are offering a political opportunity, as they create a paradoxical recognition: the importance of science becomes evident (Fassin, 2018). It is time for substantive debates about the role of science and the role of academics and their institutions. There is a political opportunity if academic freedom for gender studies is included in different university rankings. Creating new alliances, together with forming new institutions, is an opportunity.

History can be our ally to allow us to learn from previous experience: under Communism, for instance, semi-public private spheres like the kitchen used to serve as a new site of resistance (Pető & Szapor, 2004). Examples of new institutions as alternatives to neoliberal institutions as sites of knowledge production include the *Birarada Academic Platform* in Turkey, *Bibo University* in Hungary, *Anti-University* in Russia, *Off-University* in Germany, *SAR's Americas Academic Freedom Hub* in the USA, *Academy in Exile* in Germany, *CEPIA* in Brazil, *New University in Exile Consortium* in the USA and *UNE* in the Netherlands.

The crucial question is whether the work of academic feminists meets the expectations of what Fassin called “double exposure”, as the anti-gender movements, demonstrations and discourse brought national and international recognition to gender studies scholars (Pető, 2017). The public exposure of gender as an analytical concept and gender studies as a science has made the profession ever more political, as it found itself in an open political struggle. In a sense, this is nothing new, as gender studies always had a strong dialogue with social activism.

The EU should consider revisiting funding exchange programmes with countries ignoring the European framework of quality assurance and the value of freedom of education, like in the case of Hungarian universities being excluded from Horizon Framework Programmes. National governments should review bilateral exchange programmes with countries violating academic freedom. Higher education institutions should be vigilant and uncompromising about the autonomy of education, rejecting self-censorship and government threats. All academics should be vigilant to preserve the autonomy of education institutions together with sharing information about the de-democratisation process.

4 CONCLUSION

Strengthening academic freedom: Governments and higher education institutions must work together to safeguard academic freedom, ensuring that scholars can pursue research and teaching without fear of repression or censorship.

Finding alternatives to create space for academic work: Support a new wave of founding universities to meet the new challenges, as happened after World War I as a result of the mass emigration of refugee scholars to the USA; in public universities after 1968; the EUI in Florence, as a result of European integration and the CEU in 1991, as a result of the collapse of communism.

Promoting gender equality: Universities should actively promote gender equality and inclusion in their policies and curriculum and research activities. This involves integrating gender perspectives across disciplines and promoting women's representation in academic leadership positions.

Advocacy and solidarity: Scholars, academic institutions and civil society should engage in advocacy efforts to protect gender studies and other critical research areas from ideological interference. Building solidarity with international academic communities can counter isolation and facilitate support during times of crisis.

Diverse funding sources: Encouraging diverse funding sources for research can help reduce dependence on illiberal government funding, enabling scholars to pursue their work without ideological interference.

International collaboration: Fostering international collaboration and academic exchange can bolster gender studies and ensure that researchers in challenging environments have access to resources and support.

Educating the public: Promoting awareness about the importance of gender studies and its role in fostering gender equality is essential. This involves engaging the public, policymakers and stakeholders to understand the value of this field.

Resilience and adaptability: Higher education institutions need to adapt to changing circumstances, while maintaining their commitment to academic freedom and gender equality, together with increasing state spending on higher education.

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Imagining a New Gender Contract for Cultural Rights

Mafalda Dâmaso

1 INTRODUCTION

Woke. This is one of the words most often directed at cultural and creative workers today. It is how conservatives referred to the adaptation of *The Little Mermaid* into a film led by a young Black woman, how they name brands that express their support for LGBTQIA + rights, and how they described the anti-patriarchal narrative of the film *Barbie*. The story of how small reactionary groups from the USA were able to transform a term that originally reflected alertness to racial prejudice and discrimination into something derogatory, and how this approach was copied by European political and lobbying groups, is an important one. However, its analysis remains outside of the scope of this chapter. Rather, for the purposes of this edited volume, it is important to stress that the rhetorical success of the term “wokeism” in the media and in public discourse also

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reflects the absence of a convincing response to the conflation between, on the one hand, support for cultural diversity and, on the other hand, what some, using reactionary language, see as the supposedly limitless and, thus, harmful support for equality and human rights, which would fail to protect white people, cis individuals and/or men. In this and other contexts, how can tensions between cultural and human rights be navigated? And how can cultural diversity be supported without legitimising the rhetorical weaponisation of difference in favour of abuses of power?

If an articulate response to these questions and to the aforementioned superficial and erroneous attacks is not developed, cultural rights advocates risk losing the support of important groups for whom cultural diversity is not a slogan but a matter of representation—such as women, young people, racialised minorities and LGBTQIA + individuals. In a sense, wokeism as a political accusation is the rhetorical opposite of the celebration of cultural rights. This is not a theoretical statement. As is mentioned in a recent report by Sara Whyatt for the Council of Europe on the freedom of artistic expression, the increase in traditionalism and conservatism across Europe

“had a negative impact on the ability to create art on issues around LGBTI, women’s rights, religion and other works challenging traditional norms. This trend is illustrated through several cases of the banning of LGBTI-themed performances, festivals and books, and legislation against expressions seen to be ‘promoting homosexuality’. Attempts to ban and suppress LGBTI expression are typically led by conservative and orthodox religious leaders, often openly supported by heads of state.” (Whyatt, 2023, 30)

This quote highlights why engaging with the issue of cultural rights is fundamental to the crafting of a robust gender contract. If the latter focuses exclusively on gender or on issues related to the protection of individual sexual preferences and identities, it will fail to consider the interrelation between gender rights and inequities, on the one hand, and other dimensions of inequality and oppression on the other hand. That is, if the gender contract that is proposed with this book aims to establish a multidimensional framework to confront discrimination and build more equitable societies, this contract must be built on an extensive approach to rights—namely, cultural. This statement reflects accumulated knowledge and data linking gendered expectations and limited access of women to

cultural work and leadership positions in the sector. For example, a recent overview of gender equality in the cultural and creative industries for UNESCO (Villarroya, 2022) argues that, despite significant progress in the mainstreaming of policies and measures promoting gender equality by the parties to the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), such initiatives perceive women “more as consumers than as creators and changemakers in the field of culture [...]. Their recognition as professionals is likely to be hindered by stereotypes about women’s role in society, thereby limiting their capacity to reach their full creative potential” (Villarroya, 2022, 245).

That being said, contrary to a common but mistaken understanding, impressive museums and art history books, theatres and art galleries are not the only or even the main sites of culture; rather, it is everywhere and with everyone. As summarised in an old definition that is often quoted by UNESCO, culture is a “complex whole which includes knowledge, beliefs, arts, morals, laws, customs, and any other capabilities and habits acquired by [a human] as a member of society” (Tylor, 1871). A more recent definition proposed by the Porto Santo Charter, which provides principles and recommendations to implement cultural democracy in Europe, defines it as “a set of symbolic systems in which people live and which help give meaning to the personal and collective experience, and apply a human form to the world, determining the horizon of possibilities in which we move” (Porto Santo Conference 2021), establishing an implicit link between the cultural and the political realms. The production and reproduction of culture is a central feature of human experience. Therefore, the right (namely, by women) to experience, produce, co-create, question and modify a wide range of cultural practices—understood as modes of individual and community expression—be it as cultural workers or simply as individuals inhabiting particular cultural contexts, must be recognised and protected.

This requires acknowledging a new family of rights in European policy frameworks: cultural rights. The latter overlap partly but not fully with other rights, such as women’s rights, freedom of expression, and artistic freedom. To recognise these new rights, it is important to begin by reflecting on how international frameworks and discussions currently understand cultural rights and what avenues exist for the EU to support their protection. The argument developed in this chapter has several steps: firstly, we summarise existing international definitions of the term cultural

rights and recent reports by the holders of the United Nations Special Rapporteur in the field of cultural rights. Secondly, engaging with decolonial and feminist thinkers, we argue that the use of the term cultural relativism by such Rapporteurs occasionally fails to highlight diversity as a political positive that should be celebrated and strengthened by international organisations. Thirdly, we propose that the work of theorist Nancy Fraser provides in its approach to pluralisation a rationale that clarifies how cultural rights and diversity can be managed in a feminist and systematic manner. Fourthly, and finally, we conclude with a number of recommendations.

2 UNDERSTANDING CULTURAL RIGHTS AS A NEW FAMILY OF RIGHTS

The question of how to support cultural rights requires engaging with the first question that guides this chapter: How can the correct balance be found between respect for cultural diversity and support for human rights? That is, should a group be given the right to express its cultural practices if the latter are detrimental to the human rights of individuals? In the case of the rights of women, female genital mutilation—“a deeply rooted cultural practice mainly undertaken in Africa, the Middle East and Asian countries” (Ali et al., 2020)—is an extreme example of this debate. There is unanimity amongst feminists against this violent and incapacitating practice; however, the broader tension between individual and community rights is not always as straightforward to navigate as in this case.

To philosophers or political theorists, this is a classic debate. Authors positioned within the spectrum of liberal thinking and communitarianism, such as Alasdair MacIntyre (1988), John Rawls (1971) and Michael Walzer (1994), and the influential work on multiculturalism developed by Will Kymlicka (1995), Seyla Benhabib (2002) and others, positioned the negotiation between universalism and particularism at the centre of political theory. While liberal thinkers foreground individual liberty and argue that any political authority limiting the former must be justified, communitarians highlight precisely the opposite, that is, the importance of social relations, communities and culture to shape identities, normative frameworks, and policies. In a sense, multiculturalism theorists can be read as trying to find a middle ground between the recognition of the cultural, social and historical relevance of the multiple communities

that make up cities and countries, on the one hand, and the value of freedom—namely, from the constraint to be affiliated with one cultural group over another—on the other hand. And yet, whereas the work of these scholars reveals the existence of generalised agreement regarding a fundamental set of human rights (such as prohibitions against slavery and genocide), it also foregrounds the lack of extension of such agreement to women’s rights, social and economic rights, the rights of indigenous communities, and cultural rights. That is, despite growing interest in the overlap between women’s rights and cultural rights (evidenced by empirical analyses, such as Ariany (2013), Leiber (2017), Msuya (2019) and Nyangweso (2022), and discussions of the relationships between economic, social and cultural rights, such as Venter (1995), Eide et al. (2001) and Yamin (2005), not to mention Veazey’s discussion of “gendered cultural rights” (2015), a systematic approach that could guide decisions regarding competing claims made in this regard has not yet emerged. The closest to such an approach can be found in work by Alexandra Xanthaki (whose name will be mentioned again in this chapter), such as a journal article titled *When universalism becomes a bully: Revisiting the interplay between cultural rights and women’s rights* (2019). In it, the author considers potential conflicts between cultural rights and women’s rights applied to minority and indigenous women, arguing that the principle of subsidiary can address them—“subsidiarity applied, the decision will not be made by the international community, state, nor the group as a whole, but by the actual women who are affected by the practice in question” (Xanthaki, 2019, 719). However, this solution does not provide an answer to conflicts taking place at the same policy level, that is, when the subsidiarity principle does not allow one to distinguish between opposing claimants.

Although there isn’t a single official definition of cultural rights, Articles 22 and 27 of the Universal Declaration of Human Rights highlight the right to take part to the “realisation of the [...] cultural rights indispensable for his (sic) dignity and the free development of his (sic) personality” and to participate in “the cultural life of the community”, respectively (UN General Assembly, 1948). The interconnection is echoed by the Fribourg Declaration on Cultural Rights, which begins by declaring in Article 1 that cultural rights “are essential to human dignity. For this reason, they form an integral part of human rights and must be interpreted according to the principles of universality, indivisibility and interdependence” (University of Fribourg, 2007). As for the scope of

the term cultural rights, the declaration sees it as combining rights across several issues: identity and cultural heritage, reference to cultural communities, access to and participation in cultural life, education and training, information and communication, and cultural cooperation. The first two issues are particularly important, considering the focus of this chapter. Regarding identity and cultural heritage, Article 3 states that “everyone, alone or in community with others, has the right: a. To choose and to have one’s cultural identity respected, in the variety of its different means of expression. This right is exercised in interconnection with, in particular, the freedoms of thought, conscience, religion, opinion and expression”, whereas Article 4, in reference to cultural communities, begins by stating that “everyone is free to choose to identify or not to identify with one or several cultural communities, regardless of frontiers, and to modify such a choice” (University of Fribourg, 2007). These documents position the enjoyment and expression of cultural preferences and frameworks—as well as their potential rejection—as central to individual development and dignity.

As for the term women’s cultural rights, it is important to mention a key set of references. Article 3 of the International Covenant on Economic, Social and Cultural Rights affirms the need to “ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights” (UN General Assembly, 1966b), whereas Article I of the Convention on the Elimination of All Forms of Discrimination against Women extends the notion of “discrimination against women” to cultural freedoms. Specifically, the article states that

the term ‘discrimination against women’ shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. (UN General Assembly, 1979)

Furthermore, echoing the aforementioned Covenant, Article 3 of the Convention states that “States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and

advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men” (UN General Assembly, 1979). Later, the Beijing Declaration and Platform for Action identified culture as one of the factors that limited “equal enjoyment of all human rights and fundamental freedoms for all women and girls who face multiple barriers to their empowerment and advancement” (UN Women, 1995)—one of many references within this document to the term. Notably, the declaration defines poverty as a condition “characterized by lack of participation in decision-making and in civil, social and cultural life”, associates “full participation and respect for [...] cultural diversity” as central in policies “to promote and strengthen policies and programmes for indigenous women”, and identifies “sustainable development as [...] possible only through improving the economic, social, political, legal and cultural status of women” (UN Women, 1995). All in all, these documents recognise the fundamental links between women’s exclusion and cultural exclusion and, conversely, women’s rights and cultural rights.¹

Additionally, provisions and instruments focused on minorities, such as the International Covenant on Civil and Political Rights (UN General Assembly, 1966a) and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and Indigenous Peoples (UN General Assembly, 1992), also refer to cultural rights. In the case of the former, Article 1 states that “all peoples have the right of self-determination”, which includes the right to “freely pursue their economic, social and cultural development”, and Article 27 establishes that persons belonging to minorities “shall not be denied the right, in community with the other members of their group, to enjoy their own culture” (UN General Assembly, 1966a). Similarly, the 1992 Declaration protects, in Article 1, “the existence and the national or ethnic, cultural, religious and linguistic identity of minorities” and, in Article 2, the right of persons belonging to minorities “the right to enjoy their own culture [...] freely and without interference or any form of discrimination” and “to participate effectively in cultural [...] life”. Finally, Article 4(1) states that “states shall take measures to create favourable conditions to enable persons belonging to minorities to express their characteristics

¹ For a more extensive summary of the main international and regional instruments on gender equality—an issue that is outside the scope of this chapter—see pp. 7–8 and the Annex of Conor’s report for UNESCO (2021a, 2021b).

and to develop their culture, language, religion, traditions and customs, except where specific practices are in violation of national law and contrary to international standards” (UN General Assembly, 1992). Moreover, according to Article 2 of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, “cultural diversity can be protected and promoted only if human rights and fundamental freedoms, such as freedom of expression as well as the ability of individuals to choose cultural expressions, are guaranteed” (UNESCO, 2005). That is, these international documents establish cultural rights as being intimately connected both to individual development and to participation in the life of a community. Therefore, they should be supported—except if such cultural practices oppose national law and international standards. This provides an initial answer to the first question that guides this chapter—even though, as we will see, invocations of the term “cultural relativism” can complicate matters.

Recent reports by holders of the post of United Nations Special Rapporteur in the field of cultural rights make this point explicitly. The role of this independent expert in the field of cultural rights was established in 2009 by the Human Rights Council under Resolution 10/23 (OHCHR, 2009). Special Rapporteurs (henceforth known as the Rapporteur) hold the mandate for three years, although it can be extended by human rights resolutions. The Rapporteur reports both to the Human Rights Council and to the General Assembly. Since October 2021, the UN Special Rapporteur in the field of cultural rights has been Alexandra Xanthaki, Professor of Laws at Brunel University, London, and the author of the aforementioned article on women’s rights and cultural rights.

Xanthaki followed two other holders of the post: Farida Shaheed (2009–2015), a Pakistani sociologist and Executive Director of Shirkat Gah-Women’s Resource Centre in Pakistan, who originally took up the role as an independent expert in the field of cultural rights in 2009 and continued as a Special Rapporteur from 2012, and Karima Bennoune (2015–2021), Professor of Law and Martin Luther King, Jr., Hall Research Scholar at the University of California-Davis School of Law. Among its responsibilities, the post holder must “identify best practices of promoting and protecting cultural rights at local, national, regional and international levels”, “identify obstacles to the promotion and protection of cultural rights”, and “integrate a gender and a disability perspective into this work” (OHCHR, n.d.). For the sake of clarity, this chapter refers to the Rapporteur as the position rather than a specific holder thereof.

In practical terms, this work is reflected in reports that are made publicly available on the United Nations website. A brief summary of how some of these documents engage with the issue of the management of cultural diversity is warranted. For example, a report focused on the principles linking development and human rights states:

cultural rights protect the right of each person individually, in community with others and collectively, to develop and express their humanity, their world views and the meanings they give to their existence and their development, including through, inter alia, values, beliefs, convictions, languages, knowledge and the arts, institutions and ways of life. Cultural rights also protect the cultural heritage of the individual and groups and the resources that enable such identification and development processes. (OHCHR, 2010, 5)

This definition combines liberal and communitarian aspects, echoing the tension that is present in the scholarship mentioned earlier. However, and crucially, this and other reports suggest that individual rights and community heritage and linkages are not in opposition but, rather, in a flexible relationship between ever-changing concepts, practices and identities. Foregrounding “the rights to mix, borrow, traverse and fuse cultures and to engage in syncretic cultural practice”, which “are among the foundations of cultural rights” (OHCHR, 2021, 6), the Rapporteur reiterates in another report the complexity of cultural frameworks as “overlapping and disorderly formed circles around the individual” (OHCHR, 2022, 5) that must be balanced with other rights (OHCHR, 2022, 9).

3 HUMAN RIGHTS, WOMEN’S RIGHTS AND CULTURAL RELATIVISM

On this topic, several of these reports highlight the need to balance collective cultural rights and women’s rights, establishing a direct link between cultural rights, women’s rights and gender equality (OHCHR, 2021). That is, these reports position cultural and women’s rights at the junction of several normative concerns, opposing a reductionist understanding of multiculturalism (OHCHR, 2021). However, this framework is not accompanied by guidelines as to how this complexity is to be navigated.

Moreover, a set of statements can be perceived as contradictory to the idea of cultural diversity management as an iterative process: specifically,

those that focus on cultural relativism. The latter is defined by the Rapporteur in two ways. Firstly, in one of the reports, the Rapporteur states that “cultural rights are not [...] tantamount to cultural relativism” (OHCHR, 2018, 6). Whereas culture is perceived to be constantly evolving, cultural relativism is associated with views “with regard to the rights of others, deemed to have lesser or different rights claims because of the collective to which they are assumed to belong” (OHCHR, 2018, 15). In making this statement, the Rapporteur is suggesting that cultural relativism is a practice of marginalisation by powerful groups using culture as a tool to achieve this goal—a practice that “seek(s) to place individuals and groups from marginalized communities outside the protection of international and national human rights protection mechanisms” (OHCHR, 2018, 41). In other words, in this understanding of the term, cultural relativism refers to the invocation of cultural diversity to justify violations of human rights.

Secondly, cultural relativism is presented in another report as a Western-centric, if not neocolonial, approach to cultural difference. As the Rapporteur writes, “the debate on cultural relativism is often framed as if to suggest that only some, usually non- ‘Western’, people have culture [...] and as something that is invariably in opposition to what are claimed to be ‘Western human rights norms’” (OHCHR, 2018, 17). In this understanding of the term, cultural relativism is used by privileged groups in the Global North to explain (thus legitimising and reinforcing, even if unwittingly) the existence of cultural practices that are counter to human rights. In common, both interpretations see cultural relativism as a strategy that is used by different groups to delink or justify the delinking of cultural practices and universal human rights.

Several authors have proposed a more positive and productive understanding of the term both in academic and in policy terms—namely, anthropologist Margaret Mead. Inspired by her doctoral supervisor, Franz Boas (who had stated that cultures cannot be assessed as right or wrong, and thus, organised in a supposed hierarchy, introducing cultural relativism as an anthropological method), and as a result of extensive fieldwork, Mead proposed to view culture as an integrated whole that was maintained through “the internalization of structures of authority” (Mandler, 2009, 152) and cultural difference as the reflection of the development of different structures thereof. For example, Mead’s interviews and psychological tests with adolescents in Samoa (Mead, 1923) suggested that if adolescence is a difficult period in the USA this is due to

the latter's cultural patterns. Then, in New Guinea and Bali, Mead investigated gender roles (1935) and concluded that they did not reflect innate differences. Later, in a manuscript for an unpublished book, she wrote that the "world was made up of many cultures, 'each [...] valid in its own right'" (Mandler, 2009, 155, citing Mead, 1945) and that "we 'might try to find out what is the special contribution and special gift of each of these cultures', [...] leaving no one out—and by left out I mean not only not given a seat at the peace table, but not allowed to participate in all the planning, policy making, implementation and reconstruction at every step'" (Mandler, 2009, 155, citing Mead, 1945). That is, Mead's work highlights the links between social expectations, gender, the inequality of access by specific groups to decision-making fora, and the ways how these constructions underpin structures of authority and privilege—which are to be critically examined, questioned and disassembled.

4 NAVIGATING CULTURAL AND HUMAN RIGHTS: THE DECOLONIAL ANGLE

At this point in the analysis, it is helpful to foreground, yet again, the questions with which this chapter is concerned. Firstly, how can tensions between cultural and human rights be navigated? Secondly, how can cultural diversity be supported without legitimising the rhetorical weaponisation of difference in favour of abuses of power? Several affirmations by the Rapporteur provide insights as to how the second question can (and should) be answered. However, they are scattered across reports, thus failing to provide an explicit and structured rationale to manage disagreement regarding cultural rights. What is at stake is a broader paradigm shift proposed by the Rapporteur—a change "from viewing culture as an obstacle to women's rights to emphasising the need to ensure women's equal enjoyment of cultural rights. It is important to ensure the right of all women to [...] contribute to all aspects of cultural life, including in [...] deciding which cultural traditions [...] are to be kept intact, modified or discarded altogether" (OHCHR, 2016, 8). What is at stake is how to support cultural freedom and with it women's freedom.

As the work of decolonial and feminist thinkers, such as those that are mentioned throughout this chapter, makes clear, a principled approach to the management of cultural rights is indeed possible. To articulate it, it is important to begin by addressing the elephant in the room that often

emerges in and ends debates about cultural diversity: epistemological difference. Rather than automatically creating a deadlock for policymakers in the Global North—as it is often perceived—engaging with this idea can contribute to opening up new avenues for policy action. Although the depth of difference that can underpin cultural diversity hasn't always been recognised by Western feminism, exemplifying what has been named as epistemic violence by Gayatri Spivak—"the remotely orchestrated, far-flung, and heterogeneous project to constitute the colonial subject as Other" (1988, 280)—the work of decolonial thinkers suggests that this difference is not to be conflated with a form of absolute cultural relativism that would be disconnected from ethical principles, and that it can, therefore, be managed.

Claudia Brunner (2021), a scholar of political theory, peace studies, and gender, expands on Spivak's definition and positions epistemic violence alongside the idea of the colonisation of knowledge and its implications for international relations (IR) scholarship. This leads Brunner to engage with the work of Quijano (1993, 2010), according to whom IR is built upon a paradigmatic opposition: modernity versus coloniality. This analysis is helpful to understand how cultural relativism is presented by the Special Rapporteur, according to whose reports the former opposes the rationality and ethics of universal human rights. However, when read in context, the statements that are made by the Rapporteur about this issue emerge as echoing a critical stance regarding a rhetorical strategy of epistemic violence, rather than as an example thereof. The reports oppose the idea that violence is something that "occurs somewhere else (i.e., not in the Global North—and if so, it is understood to be the exception rather than the rule); second, as something that is perpetrated by somebody else (i.e., not by a rational political subject—and if so, it is done for the right reasons)" (Brunner, 2021).

It's important to note that, after spending decades positioned as a theoretical framework used by unorthodox academic departments and scholars, following the Black Lives Matter movement and, arguably, reinforced by discussions around climate change and calls for Global North to Global South reparations, decolonisation has begun to be acknowledged by major progressive parties. This is evident, for example, in calls by the French Socialist Party to "decolonise the global economic system" (Parti Socialiste, 2022) and by Black Labour MPs, including frontbenchers, for the British government to reform the curriculum and include more Black British history in it (Kersley, 2020). Although these examples remain the

exception rather than the norm, they point to the closing of the gap between decolonial theory and mainstream progressive thought. Within apolitical cultural circles and institutions, calls for decolonisation have also gradually taken centre stage. Namely, the British Council Anti-Racism Action Plan explores the relationship between decoloniality and British Council funding (British Council, n.d.), whereas the UNESCO website mentions decolonisation in relation to education (UNESCO, 2021a), open science practices (UNESCO, 2021b) and history (Iye, 2009).

These calls have been met with criticism in public fora. According to some, supporters of decolonisation “infantilize the cultures they presume to defend” (Varadarajan, 2022), a position that has famously been developed by political philosopher Olúfemi Táíwò (2022). Others suggest that decolonisation is incompatible with the principles of the Enlightenment—particularly, the pursuit of freedom and progress through the exercise of reason. However, as the work of Nikita Dhawan articulates, even though the promises of the Enlightenment cannot be fully separated from colonialism and several past crimes against humanity, it is possible—and necessary—to reposition Enlightenment norms, such as human rights, within decolonisation or, in other words, to *Decolonise Enlightenment* (Dhawan, 2014). This chapter can be understood as contributing to these efforts.

4.1 Beyond Epistemological Incommensurability: From Difference to Pluralism

Indeed, most criticisms of decoloniality fail to recognise the movement of transformation that is inherent to it—one that is guided by the vision of plural forms of governance that reflect a plural body politic. As Catherine Walsh explains, decoloniality is “the process and project of building, shaping, and enabling coloniality’s otherwise, interculturality” (2018, 57), following the understanding of the term that is provided by indigenous movements from the Andean region. It is worth quoting Walsh at length:

The critical decolonizing view of interculturality [...] calls for radical change in the dominant order and in its foundational base of capitalism, Western modernity, and ongoing colonial power [...]. Its project (is) to transform, reconceptualize, and refound structures and institutions in ways that put in equitable (but still conflictive) relation diverse cultural logics,

practices, and ways of knowing, thinking, acting, being, and living. Interculturality [...] suggests a permanent and active process of negotiation and interrelation in which difference does not disappear. (2018, 57–59)

Decolonial thinking is, thus, not incompatible with human rights and their global governance; rather, it can be interpreted as suggesting the need for a bottom-up and pluralising understanding of the role of global (and other) institutions in managing cultural difference. In other words, based on the work of decolonial authors, such as those mentioned so far, one can affirm that it is possible to decolonise the Enlightenment, knowledge and institutions if one is open to, as Walsh states elsewhere, “pluralise their meaning” (Mignolo & Walsh, 2018, 65, citing Walsh, 2010). That being said, pluralisation is not a neutral approach. It does not necessarily reject global institutions, but it does question the hierarchies that would see such institutions as a supposed pinnacle of human civilisation, echoing the work of Boas and Mead.

To return to the work of the Rapporteur, even if the use of cultural relativism is understandable in context, we want to propose a different understanding of the term in these discussions. We want to argue that it is not enough to suggest that references to cultural relativism are used to justify a certain form of absolute relativism (that is, one rejecting the existence of a normative basis to support the rights of individuals) and that this reflects a rhetorical strategy used to reinforce power over minorities—namely, over women’s right to decide how to live their lives. At the same time, one must also reject the idea that cultural relativism is necessarily a negative principle—not doing so can unwittingly reinforce the same hierarchies that the Rapporteur is proposing to reject. Instead, one must foreground the positive dimension of difference. Doing so is consistent with the Rapporteur’s approach to cultural diversity, described as “both a necessary condition for and the result of the exercise of cultural rights by all. Access to the diversity of persons, knowledge, cultural heritage and creative expressions of others is necessary to develop capacities and expressions. In turn, the way each person participates in and contributes to cultural life adds to the cultural diversity of the environment” (OHCHR, 2018, 17–18).

The work of philosopher Bruno Latour is particularly helpful in this regard. In *We Have Never Been Modern* (1993 [1991]), a book that explores and questions the dualistic distinction between nature and society, Latour defines cultural relativism as the existence of multiple

cultural groups with a common background and interest—for example, nature—that is perceived and understood, however, according to social and individual determinants. A more productive use of the term would echo Latour’s understanding of cultural relativism as a social context of disagreement regarding the meaning of nature, which does not, however, question its existence. This would be aligned with broader statements made by the Rapporteur, such as when suggesting that cultural diversity is reflected in the existence of multiple understandings of sustainability: “there can be no single definition or perception of sustainability; rather, its internal diversity must be accepted. It is essential that people have the space and freedom to express and draw upon their cultural resources to define their vision for the future” (OHCHR, 2019, 9). Another report is even more explicit about the existence of multiple epistemologies if not ontologies: “universality is of great importance to indigenous peoples in their struggles to keep their cultures and traditions alive and resist assimilation [...]. For indigenous peoples, the right to self-determination and most other human rights cannot be fully realized without respect for their world views and cultural resources” (OHCHR, 2018, 18). Repositioning the term cultural relativism to highlight the productive dimension of difference opens up the possibility to develop a more systematic response to competing demands that use the language of cultural rights or diversity.

4.2 *Towards a Feminist Approach to the Management of Cultural Diversity*

The work of Nancy Fraser provides a potential framework to manage opposing demands regarding cultural rights that is aligned with such a pluralising approach. Indeed, as she writes in an early piece, “we *can* distinguish better from worse interpretations of people’s needs. To say that needs are culturally constructed and discursively interpreted is not to say that any need interpretation is as good as any other. On the contrary, it is to underline the importance of an account of interpretive justification” (Fraser, 1989, 311–212, emphasis in original). To build such an account, firstly, the philosopher differentiates between claims for economic redistribution and for cultural recognition (Fraser, 1995 and 2003). Secondly, she argues that conflicts regarding such claims should be decided based on the extent to which they contribute to increasing inclusiveness and parity of participation. The former principle of inclusiveness expands who participates in public discussion, while parity of participation focuses on

the quality of such participation and states that actors that preclude the expansion of redistribution or recognition are not to have their demands recognised (Fraser, 2003, 19).

To return to the initial example mentioned in this chapter, giving the role of the main character of a film such as *The Little Mermaid* to a young Black actress, and accompanying this decision with policies aimed at giving Black and other minority groups a seat at the table, in terms of advocacy and decision-making in the film industry, as well as a fair share of the wealth that is created in the industry, contributes to increasing inclusiveness and parity of participation as well as cultural recognition and economic redistribution. In vibrant liberal societies, wokeism and anti-wokeism are not simple opposites; actions associated with the former support the continued expansion of rights, whereas those that identify with the latter deny this movement. In other words, these ideas suggest that recognition isn't an absolute process; rather, it is relative and conditional on a claim's broader impact on all. A statement made in a report of the Rapporteur regarding vulnerable or marginalised groups can be read as echoing the principle that competing claims must be assessed based on their broader impact: "in balancing cultural rights with other rights or interests, the rights of vulnerable or marginalized sections of the population must take priority so that effective and real equality can be achieved" (OHCHR, 2022, 10).

Moreover, as Fraser writes in *Redistribution or Recognition* (Fraser & Honneth, 2003), the principle of parity of participation also depends on two conditions: objective and intersubjective. The former "precludes forms and levels of economic dependence that impede parity of participation"; the latter condition "precludes institutionalised norms that systematically depreciate some qualities of people and the qualities associated with them" (Fraser, 2003, 36). This means that claims for participation—for instance, as contributions to conversations in which decisions regarding economic and cultural (re)distribution are to be made—"must show that the socio-cultural institutional changes they seek will supply the needed intersubjective conditions [...] without unjustifiably creating or worsening other disparities" (Fraser, 2003, 39).

That is, Fraser's work reiterates several points made by the Rapporteur while also providing a clear principle that expands the tools available to cultural rights managers. In a feminist understanding of cultural rights and diversity, claims that preclude *both* increased inclusiveness *and* increased

parity of participation *for all* do not have the same weight as claims that support these principles.

Although some readers may find these statements obvious, the management of disagreement regarding cultural rights is far from always being guided by these ideas. As is highlighted in a report by Freemuse, an independent international human rights organisation, about women's right to artistic freedom, "sixty-four per cent of cases in which the right to artistic freedom was violated [...] were motivated by perceptions surrounding indecency. This includes the portrayal of the female body or parts of it, and artists or artworks that may not necessarily appear in contexts that are sexualised" (Plipat, 2018, 52). That is, even though international human rights frameworks suggest that restrictions on freedom of expression are only justifiable by a limited set of conditions (Plipat, 2018, 32) the reality is very different. Regarding a broader issue—that of artistic freedom—and according to a different report by Freemuse, there were 380 reported violations against it in 28 countries in Europe, 31 imprisoned artists, 50 detained awaiting trial and 21 on trial between January 2018 and October 2019 alone (2020). This included blasphemy and defamation cases brought by religious groups, as well as the use of anti-terror and national security laws to silence legitimate political commentary (Freemuse, 2020, 14).

For those who oppose women's rights, it is obvious that limitations to the latter go hand in hand with restrictions to artistic experimentation and to religious or political stances taken by members of minority or powerless groups. It is time that human rights advocates also recognise the linkages between different rights—women's rights, artistic freedom, freedom of expression, cultural rights—and see them as inseparable dimensions of an inclusive and emancipatory model of development. Recognising their articulation allows for the emergence of a broader and holistic understanding of what is at stake in the management of cultural diversity.

5 ACTIONS AND RECOMMENDATIONS

The previous sections highlight the potential of, and need for, further research and policy work connecting women's rights, cultural rights, and cultural diversity. That being said, they also suggest three fundamental principles inspired by decolonial and feminist thinking that can guide the development of the field of cultural diversity management in a more holistic manner: (1) cultural difference has positive value and should not

be conflated with absolute cultural relativism: (2) the management of such difference requires a pluralising understanding of the role of institutions that represent or assemble multiple cultural groups, which are to be placed in equitable relation and active negotiation in such fora; and (3) the recognition of cultural rights claims should be conditional on a claim's broader impact on all and on its relative contribution to increasing inclusiveness and parity of participation.

Inspired by these ideas, there are several potential actions and recommendations that can already be made. For the sake of clarity, they are organised into policies focused on different priorities and levels of action. Future policies to better connect gender equality and cultural rights within the EU could be concerned with, for example, the inclusion of cultural diversity experts in gender equality policy discussions and vice versa, and invitations to a wider range of cultural spokespeople in fora dedicated to diversity and social inclusion. This would question or at least avoid reinforcing cultural silos and a static understanding of cultural diversity; it would also contribute to operationalising the Porto Santo Charter recommendation to “reinforce the necessary conditions to create long-term action plans for all people to be able to exercise their cultural rights and duties: valuing cultural diversity [...]; empowering them and giving them voice and power of decision” (The Porto Santo Conference, 2021). Crucially, this recommendation applies both to EU policymaking and to policymaking at the national, regional and local levels. Indeed, the need for joint action at the last two levels is highlighted by Farida Shaheed in a report for United Cities and Local Governments, which calls for the establishment of “coordination mechanisms between the gender equality unit, cultural critical decision-making apparatus and other departments” in gender equality/women's empowerment units in municipal structures and recommends preparing “a comprehensive transversal gender equality strategy” in consultation with “women's organisations, women's/gender studies departments and rights oriented cultural groups” (2021).

Additionally, European action in the sphere of cultural rights across international fora should include an explicit commitment to supporting a wider range of forms of cultural expression and to considering the global impact of its regulatory efforts, particularly across intellectual property frameworks—namely, those of indigenous groups, a topic that was recently discussed at the World Intellectual Property Organization (Wendland, 2023). In practical terms, such concerns should not be forgotten by the EU in the renegotiation of copyright agreements and

frameworks, which is made increasingly urgent by the development of artificial intelligence. This echoes one of the calls to action of UNESCO's MONDIACULT 2022 Declaration: "to foster an enabling environment conducive to the respect of all human rights, in particular cultural rights [...], including in the digital environment, in order to build a more just and equitable world, and reduce inequalities, including for women [and] indigenous people" (UNESCO, 2022). Similarly, the EU could call for the protection of cultural rights in the post-Sustainable Development Goals (for more on this topic, see Baltà Portolés and Dragičević Šešić, 2017).

Finally, despite the richness of the scholarly traditions that frame these discussions and the urgency of linking academic and policy debates on this topic, existing opportunities for interdisciplinary, research-based and policy-focused discussions remain limited. The EU could address this gap by creating a European Commission Expert Group on cultural diversity, which would foster discussion among academics, stakeholder representatives and Commission officials, and commission joint reports and recommendations. This could be combined with an online platform summarising the state of cultural rights across EU member states, containing examples of best practices (namely, by collating relevant projects and cultural rights plans or legal frameworks at the local, regional and national levels in the EU), and identifying relevant organisations and experts across the EU. Due to the complexity of cultural rights as a relative rather than an absolute right, their advancement cannot be monitored with simple indicators. However, progress across the Union could nonetheless be assessed with regular reports on how member states support cultural rights in relation to several other rights (e.g., women's rights, artistic freedom and religious rights) from independent experts. This effort could be combined with other relevant data-gathering processes, such as the Cultural Democracy Index proposed in the Porto Santo Charter as a way to monitor "the governance, processes and practices that institutions promote to ensure multicultural diversity, broad social participation and cultural empowerment of all people" (The Porto Santo Conference, 2021), and with the encouragement of more detailed data gathering on women in the cultural and media sectors—whose absence, as mentioned in the aforementioned piece by Villarroya for UNESCO, "remains a major obstacle in the way of progress on gender equality in creative professions" (Villarroya, 2022, 259). The analysis of this data should, whenever possible, follow an intersectional approach

(Crenshaw 1989). The development of such a platform, the initial collection of best practices, and the design of the data-gathering collection process could be the focus of a Preparatory Action on Women's Rights and Cultural Rights in the EU.

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Imagining a New Gender Contract for Democracy

Réjane Sénac

What challenges must be overcome to achieve gender equality in twenty-first century Europe? The answer to this question lies beyond the law, given that equality before the law was achieved in the second half of the twentieth century at both the European and national levels (Jacquot, 2015). To associate the twenty-first century with the next phase is to recognise that significant progress was made in the second half of the twentieth century and that equality is still on the horizon. The enigma of the persistence of inequalities, despite the proclaimed equality before the law, is often solved by contrasting *de jure* equality with *de facto* inequalities. The idea is that supposedly neutral and pure fundamental rights translate as equality before the law. Yet the way in which this is applied to all citizens, especially women, must improve if we are to work towards *de facto* equality. Such a dichotomous reading is limited, because it fails to take into account the exclusions inherent in the declaration of equality before the law. As a result, a proper diagnosis cannot be carried out and

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suitable measures cannot be defined, since deciding “how” to act effectively is based on a discussion of the “who”, “what” and “where” of equality in the past, present and future.

To grasp the complexity of this discussion, we must analyse the legacy around it. It is vital to take into account the origins of women’s historical exclusion from citizenship in the two main political traditions of political liberalism and republicanism. An analysis of the founding philosophies of the social contract has shown that the democratic process was built on a division of social labour, relegating women to creating social mores in the private sphere and men to making laws via the representation of the body politic in the public sphere (Pateman, 1988; Phillips, 1991). The feminist movements associated with the first and second waves primarily sought to denounce and deconstruct the fundamental exclusion of women from the fraternal contract. By fighting for women’s access to civic and civil citizenship, and then unveiling the power relationships between the sexes in all areas of social life, feminist movements advocated and supported the extension of civil, political and social rights to women in the twentieth century. The third and fourth waves of feminism focus on the intersection between gender inequalities and other inequalities, notably through the link between the “sexual contract” and the “racial contract” (Davis, 1981; Pateman & Mills, 2007).

If we look at how gender inequalities appear in political representation, it is often said that the number of women is naturally increasing as a result of a gradual and automatic shift in attitudes. Yet this assertion is contradicted by the number of women in positions of responsibility worldwide. As of 1 January 2023, 11.3% of countries had women heads of state (17 out of 151 countries, monarchy-based systems excluded), and 9.8% had women heads of government (19 out of 193). The average number of women members of parliament (MPs) is 26% globally, compared with 31% for Council of Europe countries and 32.5% for European Union (EU) countries.¹ This state of affairs illustrates the paradoxical coexistence of criticism of the underrepresentation of women in positions of responsibility, particularly in politics, and the endurance of inequalities. This criticism and endurance exist in both national legacies and contexts and in more global movements and attitudes.

¹ Inter-Parliamentary Union figures: <https://www.ipu.org/fr/node/12135>.

The history of the expression “parity democracy” is emblematic of the link between the globalisation of egalitarian demands, particularly the role of Europe, and their national implementation.

The analysis of the transformation of European gender equality policy by the political scientist Sophie Jacquot (2015) explains how policies have evolved throughout Europe’s history. The analysis is based on a comparison of administrative, parliamentary and expert reports, archives, budget data and qualitative surveys (2000–2006, 2012–2013) carried out among political, institutional, third-sector, trade unionist and academic actors from the Treaty of Rome in 1957 to the post-Lisbon period. Jacquot notes a certain overlap between the stages of economic and political integration of the EU and the three types of public action successively implemented in the field of gender equality. The common thread between all the sequences is that they are market driven. For example, equal treatment in the 1970s reflected the dynamics of market making; equal opportunities in the 1980s coincided with market correcting; and gender mainstreaming in the 1990s occurred when economic integration was overtaken by social engineering. Although she describes the sequence from the Treaty of Rome to the Maastricht Treaty (1992) as “the golden age of an exceptional policy”, in the sense that gender equality was pursued and developed for itself *within* the market, she associates the period that begins with the Maastricht Treaty with a sequence where equality is *for* the market in the sense that it is subordinate to the market standard. Lastly, she regards the post-Lisbon Treaty (2007) as a sequence where the cognitive framework of European gender equality policy is destabilised against the backdrop of an economic and budgetary crisis. Equality becomes an objective that is not only subordinate but truly secondary, even ancillary, to the European project. In this new configuration, equality can only exist, therefore, “*despite* the market”, by scaling back ambitions and refocusing on narrow consensus issues.

The post-Covid-19 period can be linked to a global crisis in the sense that it straddles the economic, political, social and environmental spheres. In this period of uncertainty, which is undermining, even endangering, the application of the principles of liberal democracy, how can we reframe an egalitarian democracy?

To answer this question, we analyse how Europe can participate in the advent of a more egalitarian democracy, in keeping with its role in redefining democracy through the lens of parity. We then examine the current challenges that need to be overcome to address this issue

from two angles: the connection between descriptive and substantive representation, and the overlap between inequalities and demands.

1 EUROPE: A POLITICAL, LEGAL AND INSTITUTIONAL FRAMEWORK TOWARDS PARITY DEMOCRACY

The term “parity” refers to the link between the techniques implemented to ensure a more balanced, even egalitarian, gender representation within elites and their effects on the gender system. It refers to both international and European calls for equal power sharing, embodied in particular by the United Nations (UN) Fourth World Conference on Women in Beijing in 1995, and its application in national electoral quotas imposing or promoting an equal gender distribution of candidates or seats (Sénac-Slawinski, 2008).

1.1 *Parity Between Globalisation and Path Dependency*

Before we examine Europe’s role in the historical and contemporary discussion of parity democracy, it must be emphasised that, from a parity perspective, in view of the complexity of modern-day governance, equality policies are both rooted in national political and institutional legacies (path dependency) and influenced by globalisation (Rai & Waylen, 2008) and regional integration, for example, Europeanisation (Lombardo & Forest, 2012). A comparative analysis of the global application of parity standards advocating equal participation of both sexes in decision-making (Sacchet, 2008). The Scandinavian model, cited as an example of an egalitarian, democratic culture, coexists alongside the rapid progress of countries that have adopted legal quotas for candidates or reserved seats (Dahlerup & Freidenvall, 2005). The fact that, since 2003, Rwanda has been the leading country for women’s parliamentary representation²—ahead of Sweden, surprisingly (48.8% compared with 45.3% in 2003, and 61.3% compared with 46.4% in 2023)—is thus interpreted as the advent of a new global trend. Although the Nordic countries (Finland, Norway

² See the Inter-Parliamentary Union website: <https://data.ipu.org/women-ranking?month=3&year=2023>.

and then Sweden) have represented the vanguard of women's parliamentary representation for decades, it only took 15 years for countries as diverse as Argentina, Uganda, South Africa, Bosnia and Herzegovina, France and Costa Rica to rapidly change the historical underrepresentation of women in political institutions through the use of gender quotas (Dahlerup, 2006, 3).

Echoing the work on gender quotas in Africa (Bauer, 2008), those on Latin America (Jones, 2009) and South Asia (Rai et al., 2006) explain the importance of the intersection between path dependency and international parity standards for analysing national differences in terms of the effectiveness of quotas. The need to maintain gender quotas to prevent the proportion of women in spaces historically dominated by men (universities, professional and political elites) from exceeding the proportion of men is also posited (Suk, 2023).

As we see in Sect. 3.1., although the figures are important for objectifying the exclusion, underrepresentation and increase in the proportion of women in power structures, they are not sufficient to measure progress when it comes to power sharing. The quantitative approach and assessment must be accompanied by a qualitative approach and assessment, taking into account national legacies and differences. If we take the case of Rwanda, the parliamentary representation of women sits within the wider context of the use of quotas in African countries and countries emerging from conflict. According to the Inter-Parliamentary Union,³ the world organisation of parliaments of sovereign states, since 2000, countries emerging from conflict have ranked in the top 30 for the number of women in national parliaments, making effective use of quotas and reserved seats in newly formed institutions.

Since 2018, Rwanda's lower house has comprised 61.3% women and the senate 38.5%. This level of representation is all the more striking since Rwandan women only gained the right to vote and to stand for election in 1961, when the country proclaimed its independence from Belgium. Before the civil war in the early 1990s and the 1994 genocide, Rwandan women had never held more than 18% of the seats. During the nine years of rule under the post-genocide transitional government, from 1994 to 2003, women's representation in parliament rose to 25.7% (based on nominations).

³ Established in 1889, this is the oldest of the international political institutions (<http://www.ipu.org/english/home.htm>).

The new constitution, adopted in May 2003, was drafted in a participatory manner by a 12-member constitutional commission that included three women, including Judith Kanakuze, the only representative from civil society. In its preamble, it refers to various internationally adopted human rights instruments and conventions and specifically mentions the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). In Chapter II of Title I, Article 9 states that the Rwandan state commits itself to “building a state governed by the rule of law, a pluralistic democratic government, equality of all Rwandans and between women and men reflected by ensuring that women are granted at least thirty per cent of posts in decision-making organs”. The procedures for reserving seats in parliament and the senate are described in Title IV.

Following the 1994 genocide, the government’s decision to make the political representation of women a fundamental principle of the Rwandan state was undoubtedly due to pressure from international institutions and donors, as well as the mobilisation of Rwandan women and Uganda’s influence on the Rwandan Patriotic Front (RPF). Indeed, a significant number of RPF members lived in exile there for years (Burnet, 2019; Tremblay, 2005). In 1995, Uganda introduced a quota system into its constitution to guarantee women’s participation by reserving a seat for them in each district. RPF members were aware of this system and the success of women members of the African National Congress (ANC) in South Africa. Uganda’s quota system is due in large part to the significant role of female combatants in the National Resistance Army (NRA) in the 1980s. In each area captured by the rebels, local councils were set up with a female secretary in charge of women’s affairs. When the NRA came to power in 1986, it introduced this system on the national political scene. In 1994, the government of President Yoweri Museveni appointed Wandira Kazibwe as Vice President, making her one of the first women to hold one of the top positions in African politics. Rwanda was thus inspired by Uganda in adopting constitutional provisions to reserve seats for women in the national parliament. Other African countries, such as Sudan and Niger, also have provisions in national law. In Niger, the law passed in 2000 and in force since 2004 introduced a quota system, granting women first 10% and then 25% of elected posts (25% and 30% of nominations).

1.2 *The Council of Europe: The Father of “Parity Democracy”*

The gradual legitimisation of positive action measures and the priority given to equality in decision-making were developed by the UN and the Council of Europe, at the level of the European Communities (EC) and later the EU (Hubert, 2022). Since 1979, gender equality has been one of the principles that the Council of Europe has been intent on safeguarding and promoting through the rule of law and political guidelines, such as the Istanbul Convention (2011) on preventing and combating violence against women and domestic violence. It is worth noting that this principle was already enshrined in the Council of Europe’s two main legal instruments: the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950) and the European Social Charter (1961). Aside from the guarantee of formal rights and protection of the individual, the Council makes the concrete achievement of equality, particularly gender equality, a legitimate objective converging with UN initiatives. Its reports and resolutions reveal a gap between *de jure* equality and *de facto* inequalities, highlighting in particular the link between inequalities in the private sphere (the burden of cultural stereotypes, the gendered dimension of education and family commitments) and inequalities in the public sphere (whether in the professional world or in politics). Objective 1.4 of the Council of Europe’s second medium-term plan (1981–1986) states that the promotion of women’s participation in political life is one of the Council’s aims, confirming the particular interest in achieving equality in the field of social and political rights.

A seminar on “parity democracy” was held in Strasbourg on 6 and 7 November 1989, coinciding with the Council of Europe’s 40th anniversary. This marked the official recognition of this concept in the international arena. It also confirmed the central role of the Council of Europe in developing a new normative framework, in which the participation of women in decision-making was posited as a condition of democracy. The seminar concluded that the effective exercise by women of the right of citizenship, and in particular the need for women to be involved in lawmaking and civic administration, could alone give concrete meaning to equal rights, a fundamental principle of democracy.⁴

⁴ Council of Europe seminar on “La démocratie paritaire. Quarante années d’activité du Conseil de l’Europe”. Conclusion, doc. e.g. Sem (89) rev. 5, Strasbourg, 1989, p. 1.

Claudette Apprill, then secretary to the Council of Europe Steering Committee for Equality between Women and Men, called for the introduction of the concepts of gender parity and parity democracy in gender equality issues by proposing them as a new working hypothesis to Council of Europe experts in April 1989. Parity was presented as the gateway to a “new age of democracy”. In 1995, the Parliamentary Assembly of the Council of Europe adopted Recommendation 1269, Article 3 of which states that “de jure and de facto equality between men and women is crucial” and “parity democracy is especially important”, while Article 6–2 establishes specific policies and action programmes.

To give effect to those commitments by implementing public policy instruments at the local level, it would be interesting to see the Council of Europe work with the European Committee of the Regions and the Council of European Municipalities and Regions on the European charter for equality of women and men in local life. A joint seminar could be held on the progress and challenges of parity democracy 30 years after the 1995 recommendation. The seminar could be entitled “Parity democracy 1995–2025: 30 years on, where do we stand?” The aim would be to take stock of the forms of parity democracy almost 30 years after the Council of Europe’s recommendation and the challenges to overcome for it to become a reality at the EU, national and local levels. The idea would be to map the implementation of the principle of parity democracy by examining the core criteria. By reviewing the level of progress and the resistance encountered over the last 30 years, a new recommendation could be drawn up to provide fresh guidance on how parity democracy may be achieved, taking into account national and regional differences.

1.3 The EU Legal Framework: From Equal Treatment to “Positive Action”

Article 119 of the Treaty of Rome (now Article 141), establishing the European Community in 1957, was the only EU legislative basis on gender equality until the directives of 10 February 1975 and 9 February 1976 were adopted. Note that this article, introduced at France’s request, expresses the principle of free and fair competition, and is not an explicit feminist demand. While Article 119 and the 1975 directive promote “the application of the principle of equal pay for male and female workers for equal work” (Article 119), the directive of 9 February 1976 on

equal treatment legalises measures to remedy inequalities affecting equal opportunities between women and men.

The normative framework for these measures is set out in a recommendation “on the promotion of positive action for women” (84/635/EEC), adopted by the European Council of Ministers on 13 December 1984. However, the reports drawn up by the European Commission in 1988 and 1995 lament the fact that, unless it is binding, positive action is, at best, a public policy instrument and not a legal pillar of equal opportunities.

The case law of the European Court of Justice clarified the rules for implementing positive action in national legislation with the *Kalanke* judgement in 1995 and the *Marschall* judgement in 1997. The Marschall judgement removed any ambiguity over the legality of positive action and reignited a trend in Europe for such measures to eliminate discrimination in employment (Sénac, 2006). This development was supported by Article 141 (formerly Article 119 of the Treaty of Rome) of the Treaty of Amsterdam of 2 October 1997, paragraph 4 of which states that: “with a view to ensuring full equality in practice between men and women in working life, the principle of equal treatment shall not prevent any member state from maintaining or adopting measures providing for specific advantages in order to make it easier for the under-represented sex to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers”. This paragraph is repeated in Article 3 (“Positive action”) of the Directive of the European Parliament and of the Council of 5 July 2006, recasting the EU’s gender equality laws.

As for political representation, the arguments for adopting gender quotas, whether legal or partisan, raised by political and third-sector actors, call for the application of the principle of equality to coexist alongside the social investment framework in the name of the qualitative improvement of representation that might follow (Lovenduski & Norris, 2003, 87–89). Four main arguments are put forward (Dahlerup, 2006). Firstly, the principle of non-discrimination applies, according to which women are entitled to half of the seats of elected representatives, since they make up half of the population. At the same time, their presence is justified on account of the experience they bring and their specific interests, whether biological or socially constructed. The importance of setting an example is also cited to legitimise measures promoting the representation of women in power, in view of the changing standards and collective and individual projections on the place of women in society as

a whole (Mansbridge, 2005). Lastly, there is the argument for increasing the legitimacy of the democratic system and the fact that sharing democratic speech (voice argument) is a source of confidence (trust argument) in its institutions (Araujo & Garcia, 2006; Williams, 1998).

1.4 The EU's Institutional Framework: From Employment to Decision-Making

Although the sphere of competence of the EC and later the EU is limited to employment, since 1975—designated as International Women's Year—the EC institutions have played a part in legitimising positive action to achieve gender equality in general, and political participation in particular. In November 1976, the Office for Women's Employment was set up within the Directorate-General for Employment. In 1992, it became the Equal Opportunities Unit, a sign that it was open to dealing with matters other than employment. In 1984, a women's rights committee attached to the European Parliament succeeded the ad hoc committee for women's rights set up in 1979 by Yvette Roudy, then a member of the European Parliament (MEP). Despite a relative erosion of interest in positive action in the first half of the 1990s, the Commission's third programme on equal opportunities (1991–1995) echoed the work of the Council of Europe by affirming that the active participation of women in the decision-making process could be one of the most effective ways of achieving equal opportunities for men and women and fostering lasting changes in attitudes. The programme was committed to taking measures and notably established a network of experts, "Women in decision-making", coordinated by Sabine de Béthune. Within this network, Françoise Gaspard represented France and Éliane Vogel-Polsky represented Belgium. Along with Agnès Hubert, head of the European Commission's Equal Opportunities Unit, the network's members adopted the central argument developed under the aegis of the Council of Europe that the absence of women in elected assemblies is a sign of democratic deficit.

Thanks to the network, the European Commission's first "Women in Power" summit was held in Athens in November 1992, attended by senior European politicians. This culminated in the adoption of a charter, which clearly stated the need for joint responsibility of both sexes in political decision-making. The charter launched a public debate by affirming that democracy required parity in the representation and administration of nations. It called for national and European women's associations to

pursue their efforts to encourage women to exercise their rights fully as citizens through awareness-raising campaigns, training programmes and other appropriate measures. In 1994, the network published its report *Strategies to promote women's participation in political decision-making*. Its recommendations were included in the Charter of Rome, signed on 18 May 1996 at the conference organised by the European Commission following the Athens summit.

The question of balance in decision-making was a theme of the fourth action programme (1996–2000), although the network of experts was disbanded. Based on this programme, priority was given to gender mainstreaming, an “integrated approach to equality”, rather than previous equality policies, such as specific actions in favour of women. Thus, the Council Recommendation of 2 December 1996 on the balanced participation of women and men in the decision-making process (96/694/EC) recommended that member states “adopt a comprehensive, integrated strategy designed to promote the balanced participation of women and men in the decision-making process, and to develop or introduce to this end the appropriate legislative, regulatory or incentive measures”.

The measures adopted at the national level form part of these EU and international norms, which were an opportunity to legitimise the discussion—particularly in the political arena and in the media—of the underrepresentation of women in politics. The various actors committed to these issues, whether third-sector, institutional, political or academic, were able to draw on EU and international positions and texts. The importance of the European and international framework should not be underestimated, but neither should it be overestimated, given that it has no binding effect. In addition, since 1996 there have been fewer debates and measures put in place to achieve parity at the international level. Moreover, the link between actions at the EU level and those at the national level is not always recognised or highlighted. Nevertheless, the reference to the EU was used in France to legitimise the amendment to the French Constitution in 1999 and the adoption of “parity laws” from 2000 onwards (Bereni, 2015).

We now examine the current challenges that must be faced to ensure that the phrase “parity democracy” is not overused, or even forgotten, but remains a fundamental and core principle of European citizenship.

2 CHALLENGES FOR AN EGALITARIAN DEMOCRACY IN THE TWENTY-FIRST CENTURY

Examining the conditions for true democracy through the prism of parity raises the question: what does the term “parity democracy” actually mean? Specifically, how does the goal of equal power sharing between men and women intersect with the universal enforcement of fundamental rights and the prospect of an egalitarian society? Questioning the exclusion of women from power is thus part of the wider debate on the meaning of democracy, its paradoxes and its limitations. This forces us to consider democracy as a political project linking representative democracy based on pluralism and liberal democracy guaranteeing fundamental rights and political citizenship with civil, social and economic citizenship.

The analysis of the theoretical and practical issues raised by the right to abortion highlights the complexity of the links between these different types of citizenship (Marques-Pereira, 2023). Changes to national laws, such as the legalisation of civil marriage for same-sex couples, are part of a broader context of the emergence of a discourse on both the universality of rights and freedom of choice as a concrete expression of equality (Tremblay et al., 2011). The international discourse in favour of the legalisation of civil marriage for same-sex couples thus points to a transformative interpretation of the law that includes human rights advocacy (Sanders, 1994; Waites, 2009).

In view of the political participation crisis, most visible in the disaffection of citizens with elections and their mistrust of elected representatives, coupled with the rise of populism, Europe has a role to play in reviving the political debate and in the defence and enforcement of fundamental rights.

2.1 Descriptive and Substantive Representation

Debates on the legitimacy of adopting measures, including gender quotas, to increase the number of women in politics, challenge the interrelationship between descriptive, substantive and symbolic representation and the link between corrective and transformative measures (Fraser, 2009). The proportion of women is increasing within the various nation states, as evidenced by the number of women who are MPs or ministers. At the EU level, the growing number of women in positions of responsibility is striking, particularly in the European Parliament. Women made

up only 16% of the Chamber in 1979, compared with 41% of elected representatives during the period 2019–2024 (38.9% after the exit of the United Kingdom). For the first time, parity has been achieved among European Commissioners (2019–2024). The same progress is seen in the most prestigious posts of the EU institutions. The glass ceiling has been shattered, insofar as women hold the presidencies of the European Commission (Ursula von der Leyen), the European Central Bank (Christine Lagarde) and the European Parliament (Roberta Metsola). Yet it is worth examining the links between the increase in the descriptive representation of women at the EU level and the revival of European gender equality policies after decades of obstruction (Irigoién, 2018). There is no simple answer to this question, since the accession of women to positions of responsibility can also foster discourse and policies that roll back women’s rights, and human rights in general, contrary to liberal democracy. By way of example, we need only look at politicians such as Giorgia Meloni, Italian prime minister and president of the European Conservatives and Reformists Party, or Marine Le Pen, member of the French parliament and former president of the National Rally in France.

Echoing the arguments legitimising the use of gender quotas by the specific contribution that women make to politics, policy and polity, the question arises of whether representing a group in the descriptive sense of *standing for* is sufficient to ensure that “its” interests are represented in the substantive sense of *acting for* (Pitkin, 1967; Voet, 1992). The symbolic one-third threshold is traditionally used, particularly by European and international bodies, to designate the “critical mass” from which a minority acquires the necessary autonomy to influence the organisation’s culture and to forge alliances (Dahlerup, 1988). Research into the implementation of gender quotas has shown that, even below that threshold, women MPs make a specific contribution to public policy, and not just in areas related to “women’s interests” (Waring et al., 2000). The existence of a common interest within the women’s group and its ideological dimension should be examined in more depth. In other words, we should explore the link between the representation of women’s interests and its feminist character.

Although no consensus has been reached, the link between descriptive and substantive representation has been analysed, showing that representatives can factor in the existence of differences and inequalities in their deliberations without espousing them and vice versa (Goodin, 2004). The assertion that the functional representation of women ensures the

representation of their common specific interests and the advent of women-friendly politics (Sapiro, 1981) is undermined by an approach that highlights the need to question the gender codes that are an integral part of the public sphere (Diamond & Hartsock, 1998 [1981]) and individual subjectivity at the intersection of potentially conflicting social positions (sex, class, race, educational background, etc.) (Pringle & Watson, 1998).

Drawing on research into gendered institutions that reveals the importance of the institutional framework in making the link between *standing for* and *acting for* (Lovenduski, 1997), Manda Green analyses the fact that, behind the apparent neutrality, some of the structural aspects of parliamentary institutions influence the room for manoeuvre available to women. These are not overtly discriminatory practices, but often mechanisms or traditions that value characteristics not acquired by women (Ross, 2002) or that inhibit the expression of dissent (Green, 2004, 100).

2.2 *Gendered Approach to the Political Agenda and Essentialist Risk*

We must examine the conditions required so that the increase in the number of women in politics allows a gendered approach to the political debate and agenda. This underlines the importance of resisting the temptation to essentialise differences, particularly gender differences, in political activity both for the justification of compensatory measures (Murray, 2014) and the gender-based division of political work. This essentialist temptation reflects and contributes to women politicians being assigned, or even confined to, limited legitimacy in terms of their sphere of activity and modes of action. The “feminine” (i.e., nurturing) qualities associated with women are applied both to the areas in which they are considered “naturally” competent (family, social life, healthcare, culture, etc.) and to how they are expected to act as politicians (required to listen and support the consensus). As a result, they have to prove themselves on “masculine” subjects, or even risk being discredited if they are considered “non-conformist” in their private or public life. For example, after a video was released in August 2022 showing her dancing at a private party, Sanna Marin, then Finnish prime minister, came under attack and had to agree to a drugs test to prove that she had not taken drugs. Such criticism is gendered, insofar as it questions her ability to hold public office on the basis that how she behaves in her private life is not deemed to be sensible, or indeed virtuous, enough. Following this criticism, she received widespread support denouncing the unjustified

misogynistic attacks on her privacy and her right to a private life. The hashtag #solidaritywithsanna, launched by Finnish women who filmed themselves dancing and partying, thus became the symbol of international solidarity with women discredited in positions of responsibility. In February 2023, two leaders resigned, citing the pressures of the role. New Zealand Prime Minister Jacinda Ardern described feeling exhausted, while Nicola Sturgeon, First Minister of Scotland, was weakened after the adoption of the controversial Gender Recognition Reform Bill, allowing gender reassignment from the age of 16 without medical advice. The scale of cyberviolence and psychological violence is a factor in the distancing, or even exclusion, of women from the public space (Radičević, 2022). The analysis of discourse and practices within the European Parliament also explains the resistance to equality policies linked to sexist behaviour and violence (Berthet, 2023).

An evaluation of the introduction of gender quotas reveals that, apart from a statistical approach to the proportion of women elected, it is crucial to examine how they redistribute not only seats but power (Meier, 2008). The issue is to determine how and to what extent they are a driving force for democracy and equality, particularly in terms of deconstructing gender inequalities (Bauer, 2008). This process underscores the need to examine how this public policy instrument is a lever for democratisation or, on the contrary, a strategy for avoiding it.

We must therefore analyse to what extent the policies put in place to increase the number of women in politics are “critical acts” (Lovensduski, 2001), in the sense of being an event that significantly changes the position of a minority and leads to other changes (Dahlerup, 1988, 26). Representative democracy comes under scrutiny here in the tension between its deliberative dimension (Mouffe, 1999; Phillips, 1995) and the participatory imperative. It is largely a case of examining the coherence between the principle of equality and the implementation of procedures for dealing with pluralism (Young, 1990) by including the gender dimension in the debate on the intersection between forms of discrimination.

To measure the impact of legal developments on the gendered construction of societies in Europe, it is essential to distinguish between policies aimed at erasing disadvantages before reintroducing a policy of indifference to difference, and the policy of recognition, which is concerned not with differences to be eliminated but, on the contrary, with differences to be valued (Policar, 2015, 98). If we want to achieve gender equality rather than the modernisation of gender complementarity, the

justification for equality policies must be taken seriously. Justifying such policies by the benefits offered by diversity has both an ideological and practical impact, insofar as it allows, at best, a shift towards a society that values the inclusion of women only where this is profitable. This does not lead to a deracialised and degendered society, but one in which racism and sexism is benevolent in the sense that they are inclusive. This type of argument allays the fear of non-differentiation and intermingling by a model of coexistence rather than co-construction, which would require a deconstruction of the boundary between the norm and the singular, brothers and “non-brothers” (Sénac, 2016). Identifying who is a “brother” and who is a “non-brother” disrupts a narrative that associates France with an exemplary, even hallowed universalism, when in truth it is problematic. The peculiar barbarity of the term “non-brother” means that categories of individuals are associated with a fundamental negative based on an opinion of what they are, or rather what they cannot be: autonomous citizens. Whether they are singled out by their identification with a sex—women and non-binary people—or skin colour, what non-brothers have in common is that they are excluded from the universal, owing to one or more particular traits being deemed incompatible with the neutrality that supposedly underpins the political community. The term “non-brother” suggests that it is on account of the negation, absence and opposition between active citizen and passive subject, between rationality and emotions, that certain groups of individuals have been excluded from a purportedly neutral universalism and social contract.

Therefore, although specific measures must be taken to prevent the inegalitarian order from surviving, this must be in the name of combating forms of differentiation considered unlawful, and not in recognition of differences and the benefits they bring, to avoid restoring social and political hierarchies.

It would be interesting to commission a report from EIGE to review equality policies on the basis of the “most favoured European woman clause”, the brainchild of French lawyer and MP Gisèle Halimi and an initiative of the non-governmental organisation (NGO) *Choisir la cause des femmes* (“Choose the women’s cause”) in 2005. The underlying principle is to apply harmonised laws to all European women, enabling them to benefit from the most advantageous legislation in existence in EU member states. To ensure that this commitment does not become newspeak and cannot be weaponised by conservatives, an explanation would be needed of how it is possible to determine what is most

favourable to women in different sectors of public policy. In dialogue with *Choisir la cause des femmes*, which carried out a comparative analysis of women's rights in EU member states, this would have to be mapped from an intersectional perspective, extending it to issues related to LGBTQIA + discrimination. The report would have to be drafted in partnership with the European Parliament's Committee on Women's Rights and Gender Equality. Once the report is published, a discussion would have to take place on how it might be transcribed into a guide and/or recommendation by the various EU institutions. By working in partnership with NGO networks, such as the European Women's Lobby, acting as a link between the EU and national levels, the report could then be replicated at the member state level.

3 TOWARDS A REAPPROPRIATION OF PARITY DEMOCRACY AT A TIME OF CONVERGING STRUGGLES

From the early 2010s, echoing the public protests that took place across the Maghreb region and the Middle East (Tunisia, Jordan, Egypt, Yemen, Libya, Bahrain, Morocco, Syria) under the name "Arab Spring", the occupation of public places was seen as a new generation of movements based more on cultural pragmatism and personal experience than on an organisation that would give them a collective identity (Pleyers & Glasius, 2013). These public demonstrations in places symbolising political and/or economic power, appropriating them as spaces for anger (Combes et al., 2016), build consensus around a common cause rather than political affiliation (Source, 2017, 141). A community of anger and resistance in the face of individually suffered but collectively denounced injustices is formed through meetings, discussions and debates in a public place reappropriated as a shared communal space. However, despite the commonalities between street demonstrations, the protest movements are fighting for different causes and use different methods of dissent (Guichoux, 2016), whether to overthrow autocratic regimes, as in Egypt with the occupation of Tahrir Square or in Ukraine with the occupation of Independence Square, or to denounce the oligarchic excesses of democratic regimes, as in Spain with the *Indignados* 15-M, in New York with Occupy Wall Street or in France with *Nuit Debout*.

The freedom of speech and freedom of listening on topics such as gendered violence, sexual violence, police brutality and climate change

through the #MeToo or #Onveutrespirer movements challenge the relationship with democracy at all levels, including the European level, from an intersectional perspective (Krizsan et al., 2012). Indeed, individual experiences of injustice have become a platform for denouncing power relationships and structural inequalities. A growing awareness of the overlap between social and environmental emergencies, accentuated by the pandemic, fosters recognition of the interdependence of sexist, racist and environmental inequalities and how they can be overcome through shared emancipation. The right to petition the European Citizens' Initiative (ECI) and the organisation of citizens' conventions at national and EU levels will help translate these overlapping demands.

The transnational and national resurgence of protest is dismantling the relationship with political divisions and classes. At the same time, a democratic aspiration is emerging that is wary of established forms of mediation and of trade union or partisan affiliation, taking the form of a general protest movement against the ruling classes in the name of the people (Hayat, 2018). The criticism of representative democracy and elites should not be reduced to the negative side of an opposition that is simply *against* injustices and inequalities. Indeed, it promotes a positive side, a *for*, through the reappropriation of legacy collective action and the invention of alternatives to protest (Sénac, 2021). The use of the petition as a means of lodging a collective request compiled from individual initiatives and/or complaints is symptomatic of the process of formulating shared demands based not on an ideological framework, but on lived experience. The politician Jean-Gabriel Contamin stresses the importance of not equating modern-day petitions with “lazy” political participation—associated with “clicktivism” or “slacktivism”—but of seeing them as the embodiment of a “relational rationality” between available forms of collective action and appropriation by actors.

In Europe, one approach might be to consider applying the right to petition and the ECI to the fight against discrimination and for equality by introducing citizens' conventions for gender equality at the national and EU levels, randomly selecting citizens from each country and then grouping them together at the European level. European citizens and experts could be invited to form groups, first by country, and then across national borders, to formulate shared demands. These citizens' conventions for equality could be coordinated by EIGE in association with the European Economic and Social Committee and national Economic, Social and Environmental Councils. The principle of the most favoured

European woman clause could serve as a basis for the discussion in all countries and at the EU level. It would be a question of implementing the fundamental principles of liberal democracy in the interrelationship between representative and participatory democracy (Morel, 2022). These European conventions for equality will supplement the proposals of the Conference of the Future of Europe, criticised by feminists for failing to adopt a gender-sensitive approach from a substantive point of view, despite achieving parity from a descriptive point of view (Kantola & Lombardo, 2022; Olczak, 2022).

In the manifesto for a *Feminism for the 99%* (2019: 57), Cinzia Arruzza, Tithi Bhattacharya and Nancy Fraser, three of the organisers of the International Women’s Strike on 8 March 2017, argued that the separation from neoliberal feminism is a condition of emancipatory feminism, insofar as it is limited to securing equal opportunity domination for women while the planet burns. Faced with a social and environmental emergency, the current challenge for feminists is, they argue, to assert their demands in synergy with anti-capitalist and anti-imperialist rallies by aligning themselves with anti-racists, environmentalists and activists for the rights of workers and migrants (ibid.: 16). In this manifesto, “anti-capitalist” feminism, particularly in the form of the strikes by women activists that paralysed Spain on 8 March 2018, is taken as an example of a movement that can rise to those challenges.

Questioning how Europe, as a political and institutional entity, can help address those challenges, suggests that the shift towards neoliberal feminism is not a foregone conclusion.

Beyond the horizon of parity democracy, we need to focus more broadly on how to implement the principle of equality at the EU and national levels without being trapped by the commodification of equality. As Sophie Jacquot points out in her analysis and as mentioned in the introduction, the EU’s equality policies need to be studied in relation to market power, its methods and its repercussions. The various approaches and actions we have outlined to achieve parity democracy were developed by taking into account an ambivalent legacy. The European legacy is inegalitarian due to the historical exclusion of women from the democratic contract. Yet it is also egalitarian, owing to the role played by Europe—particularly through its body of laws (treaties, directives) and its institutions—in promoting gender equality and parity democracy. In view of the crisis of political participation, most apparent in the disaffection of citizens with elections and their mistrust of elected representatives,

coupled with the rise of populism, Europe has a fundamental role to play in reviving the political debate and in the defence and enforcement of fundamental rights.

The challenge is to ensure coherence between support for the principle of equality and the implementation of procedures for dealing with pluralism by including the gender dimension in the debate on the intersection between forms of discrimination.

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Imagining a New Gender Contract for Climate

Annica Kronsell

1 INTRODUCTION

Climate change governance—the steering towards climate objectives—happens at several interconnected levels, at the global, regional and local levels, and includes sector institutions of energy, transport, industry and agriculture, which are highly implicated in and critical to climate governance. The number of women in these contexts is generally low to very low, and gender mainstreaming efforts are largely absent. The dominance of the rationality of ecological modernisation in the governance of climate change will likely not succeed in achieving climate objectives. The aim of this chapter is to suggest an alternative governance model for climate governance that addresses the climate change problem in line with imagining a new gender contract for a fairer, more equal and feminist European Union (EU).

The European Green Deal (EGD) is one example of climate governance. It sets high ambitions for the EU “to become the first climate neutral continent” and pushes member states to decarbonise the sectors

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155

responsible for a large part of the emissions that cause climate change. The EGD is also a growth policy that (re)distributes resources, in terms of jobs, technologies and subsidies. In the EU, these sectors are strongly male dominated, in terms of the labour market and who decides and who owns the relevant businesses (EIGE, 2023). The EGD is an example of the rationality of ecological modernisation, with its emphasis on the economy and growth, technology and male-dominated sectors. The EGD was announced in the same breath as the new gender equality strategy and the appointment of the first ever Commissioner for Equalities (Von der Leyen, 2019), creating hope that the two priorities of climate action and equalities would be integrated.

Indeed, the EGD's attention to a just transition means it recognises that decarbonisation has distributive and social effects. This is an important step. Yet, in an analysis of the EGD strategies from an equalities lens, Allwood and Kronsell (2024) conclude that the EU has not been able to integrate the EGD agenda with the EU equality agenda. Despite the stated intention of "leaving no one behind", EU climate policy remains gender blind (Allwood, 2020). It also includes the strategy Fit for 55, and the 2021 Climate Law (Allwood, 2022). Policymakers, sector actors and the public seem largely unaware of potential gender effects. Impact assessments are either not carried out at all (e.g., the 2021 Climate Law) or ignore gender (e.g., the impact assessment accompanying the Communication *Stepping up the EU's climate action*¹). This is a problematic omission.

Research has shown that injustices related to the material conditions of climate change have profound implications on livelihoods, leading to marginalisation and vulnerability (MacGregor, 2017) as well as differential privileges in terms of access to power and resources (Buckingham & Le Masson, 2017; Cohen, 2017; Magnusdóttir & Kronsell, 2021). Such injustices have an intersectional character, meaning that gender equality is intricately linked with other expressions of power around place, class, ethnicity, age and so forth. That the EGD ignores gender is likely to exacerbate existing inequalities and give rise to new ones. This is a lost opportunity, as awareness and understanding of the connections between gender and climate change can produce integrated policy with benefits for several policy objectives (Allwood & Kronsell, 2024).

¹ European Commission (2020).

The chapter suggests that the problem relates to the dominant governance model used in EU climate governance. It begins by outlining the rationality of ecological modernisation, which currently dominates the way climate governance is materialised and it demonstrates the gendered effects of this rationality. Rationality is the underlying logic of governance and the reasoning behind which governance action proceeds (Kronsell & Bäckstrand, 2010). Then an alternative governance rationality based on ecofeminist thought and the ethics of care is proposed as a way to imagine a new gender contract for climate governance. It includes examples of policies that exemplify this alternative rationality.

2 CLIMATE GOVERNANCE RATIONALITY: THE DOMINANCE OF ECOLOGICAL MODERNISATION

Climate and environmental issues have become part of states' core governance activities. Most countries in the world—particularly rich countries—now have a variety of environmental and climate strategies in place, as well as institutions that are set to implement climate commitments, with a significant proportion of states' budgets devoted to environmental matters (Kronsell & Hildingsson, 2022). Governments have been using many types of measures to steer towards climate and environmental goals—bans, sanctions, taxation, subsidies, information measures, planning and infrastructure investments—mostly based on the governance rationality of ecological modernisation. It is the underlying logic of much of the current steering towards climate objectives, including the EU and its member states.

As scholars argue, when climate and environmental governance of European states has emerged, it has been in line with ecological modernisation (Jänicke & Jacob, 2004; cf. Mol, 2002, Næss & Saglie, 2019). It is based on the idea that the economy constantly develops to become ever more efficient, with the help of new (technological) innovations that benefit the market. The underlying idea is that the economy can continue to grow while the climate effects are contained and reduced. Thus, economic growth is perceived as a welfare creator, and it includes a great deal of optimism about what the market can achieve. This governance rationality—which also contains other elements, as outlined in this section—is reflected in the policies and strategies within the framework of the EGD. In general, the path of ecological modernisation has been viewed by governments and policymakers as a win–win for everyone, it is

only recently that it has been recognised that it may actually “leave some behind”.

As the preferred governance rationality of European welfare states, the dominance of ecological modernisation means that there is a need to tax wage labour, consumption, environmental emissions and profits to generate the resources that can create welfare for citizens and to solve possible problems and conflicts within society with distributive policies. GDP is the key measure of economic growth and is both a desire and a measure of success, according to this rationality. It presents a dilemma for states because, as citizens reduce carbon emissions through diminishing resource consumption, which is desirable from an environmental and climate perspective, the government’s revenue base is reduced. Thus, the urge for citizens “to consume themselves out of the crisis” is in line with this rationality but can severely undermine the ambition to reach climate objectives.

Rich countries’ dependence on ecological modernisation as the underlying rationality for governance with economic growth at its core has been identified by many environmentalist critics, as a key problem. It leads to unsustainable practices because efforts centre on production and consumption through globalised trade with the exploitation of wage differentials and varied cost of natural resources (Bäckstrand & Kronsell, 2015; Eckersley, 2004). The problem with the rationality of ecological modernisation is exemplified in the EU, where member states are not performing well enough on climate targets, according to the Intergovernmental Panel on Climate Change (IPCC, 2022), despite having, by now, a substantial climate governance portfolio in place. It should be recognised that there is variation between different countries’ performances and that there has been some success in curbing emissions from production (Hildingsson et al., 2019; Kronsell et al., 2019). Although climate emission rates also vary based on how they are calculated, the EU member states are among the rich countries and have consumption patterns that result in comparatively large ecological footprints and high climate emissions (Fritz & Koch, 2016; Koch & Fritz, 2015; Mol, 2016).

Environmental scholar have voiced strong critique of the role of economic growth in the rationality of ecological modernisation (Jackson, 2019; Kallis, 2011; Koch, 2015; Mastini et al., 2021), arguing that known limits to growth are not sufficiently recognised (Meadows & Randers, 2012; Meadows et al., 1972). The focus on GDP as a measure for economic activities has very important gender implications. It means that

reproduction—all activities that involve sustaining life—are either invisible, denied relevance or less valued. The caring functions of welfare states—health, school, elderly and social governance—as they do not generate GDP growth, are perceived as a dependent sector that relies on growth in the “productive” sector. Even though the productive economy rests on unpaid work, this dependence is not expressed explicitly in economic policies (Mellor, 1997 and 2017).

Nature, too, remains largely open to exploitation, with resource depletion as a consequence. This illustrates the problem of emphasising economic growth over social reproduction and nature. The idea of growth presupposes that nature’s resources are infinite, while it denies and makes invisible humans’ dependence on nature and on reproduction (Bauhardt, 2014; Mellor, 2017). Equality policies also seem to be influenced by this idea of growth, in that they are often geared towards women achieving a fair and equal share of production, consumption and growth, but this is mainly as it stands. Its aim is in line with women “catching up” with the economic and political position of white middle-class men in the North. Such a vision of reaching equality collides with the conditions for sustaining life (Shiva & Mies, 2014) in the condition of limited natural resources and planetary boundaries (Rockström et al., 2009).

Robyn Eckersley (2021) proposes a differentiation between types of growth as good or bad and argues that some types of growth—in the circular economy, renewable energy and social sector—may actually be beneficial for the climate transition. The Covid-19 pandemic certainly gave salience to the importance of care for society and welfare. However, climate policymakers appear to continue to adhere to the rationality of ecological modernisation and likely have not engaged in any serious rethinking of the meaning of growth. Current EGD strategies are evidence of this. They do not include the social sector.

Furthermore, the rationality of ecological modernisation includes an overconfidence that new technical innovations can solve any resource shortage (cf. Levidow, 2023). This implies a constant search for new innovations to solve energy supply, transport demand and natural resource consumption problems that are also assumed to generate more economic growth. The current rallying for electrification in the EGD is an example. The electric vehicle is framed as the solution for high carbon emissions in the transport sector, and the electrification of industry is the way to reduce its emissions and move away from fossil fuel dependence. Electrification ignores the dependence on nature. Firstly, it requires energy,

as electrification is based on energy being generated from something other than fossil fuels, and secondly, electrification requires new resources, such as rare metals, which are essential for batteries; in turn, leading to new mines being opened in search of natural resources. Electrification, although lauded for all the jobs it will create in the EGD, will likely give rise to new inequities, inequalities and environmental consequences. The relevance of the gender dimension of electrification is ignored. The new jobs assumed to be generated in the electrification sector will largely benefit men, and the electric personal car is for the upper-middle-class man (Sovacool et al., 2019). Attention to the electrification of personal cars also means that more sustainable solutions receive less attention.

The importance attributed to technical solutions and innovations in the rationality of ecological modernisation means that values and norms of technical masculinity continue to be dominant in the sectors it includes (Hultman, 2017a and 2017b, Hultman & Anshelm, 2017, Hultman & Pulé, 2018). Through the rationality of ecological modernisation, technical masculinities are normalised within most sectors associated with climate governance—transport, energy, industry—and associated with these sectors there are (gendered) professional identities. In turn, this leads to the exclusion of women, but also paradoxically to the invisibility of gender. Engineers—predominantly male—are the dominant professional group in these sectors. Thus, a technical masculinity mindset and the preference for technical knowledge have historically dominated. This influences how problems are perceived, what type of knowledge is relevant to include in strategies and policy, and which groups are to be engaged in climate policymaking. An example is transport planning, which has historically been dictated by technical masculinity, with an emphasis on technical knowledge; quantitative cost–benefit analysis; technical infrastructure and a top-down, expert-oriented perspectives (Jacobsson & Mujkic, 2016; Rømer Christensen & Brengaard 2021; Uteng et al., 2020; Winter, 2021). It has included a strong focus on automobile mobility, with a prioritisation of personal car use (Hysing, 2009, 247; Sheller & Urry, 2000). Thus, the way that the transport sector prefers to deal with climate objectives (such as in the EGD (EC, 2019)) is typically in line with this rationality, by investments in transport infrastructure, the development of vehicles—electric and autonomous—and operations that should be designed to minimise losses, maximise value and contribute to economic growth—like smart mobility solutions.

In conclusion, the dominance of the rationality of ecological modernisation in climate governance has two major implications for gender equality: that the over-representation of men in the relevant sectors implicated in climate change governance persists; and the relevance of the reproductive aspects of the economy, namely, social sector, women's unpaid work and nature's reproductive work, is either completely excluded, not recognised or considerably devalued. Some aspects of the rationality of ecological modernisation may be needed in reaching set climate targets because climate change is a super-wicked problem (Levin et al., 2012). However, its complete dominance is likely to be destructive and detrimental to climate governance. Governance should be diversified; recognise complexity; and in the governance process be reflexive and broadly inclusive of different type of actors, visions and ways. The application of other rationalities of governance can build capacity to meet current and future climate problems. In the following, we sketch an alternative rationality. Empathic rationality is a proposal for a new gender equality contract, whereby environmentalisms, ecofeminism and ethics of care can provide the progressive glue of EU climate governance.

3 AN ALTERNATIVE GOVERNANCE RATIONALITY: EMPATHIC RATIONALITY

This section is based on the transformative scholarship of ecological feminisms and proposes an alternative governance rationality, which addresses the question of what is needed to change the norms of the climate governance agenda to become more equal and just, in a new gender equality contract. It builds on the works of ecofeminists (e.g., Buckingham, 2004; Gaard, 2010, 2015, & 2017; Kings, 2017; MacGregor, 2006 & 2021), alternative masculinities (e.g., Allister, 2004; Hedenqvist et al., 2021; Hultman & Anshelm, 2017; Hultman & Pulé, 2018) and ethics of care scholars (e.g., Donovan & Adams, 2007; Held, 2006; Stensöta, 2015; Tronto, 1994). The argument is that policymaking can become green(er), more sustainable and can decarbonise the economy through the notion of an inclusive, caring governance that is based on a different rationality grounded in care and empathy (Kronsell & Stensöta, 2015). In the following, the core elements of empathic rationality are presented and discussed in relation to what it can provide in terms of an input to develop concrete EU and member state policy strategies.

In an edited volume on the green state (Bäckstrand & Kronsell, 2015), we proposed empathic rationality as a foundation for governance in the state (Kronsell & Stensöta, 2015). The empathic governance rationality proposed there is further developed here. Empathic rationality is based on a logic of care, whereby economic growth and efficiency are subordinated to care. Applying the idea of care as a political principle and enacted by the EU, in the member states and by its implementing agencies, means that the state's task can be understood in an alternative way, as founded in concern for the welfare of all citizens. The welfare state can be viewed as a "state that cares" because, in comparison with other state forms (Hay et al., 2022), welfare states, like the EU member states, have rather extensive social policies and institutions that make arrangement for social reproductive sector, and forms for resolving grievances between groups, like between labour and capital (Bailey, 2015; Meadowcroft, 2005). However, through the rationality of ecological modernisation, modern welfare states have become "slaves" to the imperative of economic growth. As argued in Sect. 2, if we imagine a new gender contract for climate governance, there is a pressing need to question the current economic imperative, which subsumes social and reproductive spheres of politics under the goal of production and growth.

Empathic rationality as a principle for climate governance seeks to reverse that relationship in a way that accentuates the productive sectors' (industry, business, etc.) dependence on the reproductive sphere (social, health etc.) and the informal sector (unpaid labour and care labour). At the core of empathic rationality is the centrality of care in human lives. Humans are interdependent, as they need care and are care providers at some time in their lives. This interdependence is what holds communities together, but also what makes us humans. Empathetic rationality sees caring as emanating from a first-hand but also shared experience of how we are both dependent and independent at the same time and throughout the life cycle. This connection deepens the relationships between people in very concrete ways, which leads to an experience of the mutuality in interdependent relationships. This deeper interdependence, as part of the human condition, is unique to empathic rationality, and it can be extended to address the question of human/non-human/nature relationships. Solidarity with present and future human and non-human others can be obtained through experiencing interdependence through caring and with the help of empathy.

Although an ethics based on human care may be assumed to prioritise human needs first, it is not necessarily the case. As empathic rationality is based on the ability to empathise with the needs of “the other”, it includes imagining needs of differently placed humans, but it can include imagining nature’s needs and the future situation of coming human, animal and nature generations. Through sensitivity to the situation of these others, their needs can be reinterpreted within a framework of sustainability (cf. Plumwood, 1993). For example, in rich countries like ours, this includes questioning consumption “needs”, thus, reining in excessive consumption to address what human needs are really relevant to and can be satisfied in an ecologically sensitive care economy. The unique feature of empathy is that it can give people insight into what it’s like to be someone or something else and create an understanding that there are other ways of being, and other ways of doing in the world. Through empathy, the interdependent relationships within the human world and between the natural and human worlds are captured and more profoundly understood, also in a future perspective. Empathy can contribute with a way to think about how to better represent nature, other species and future generations in climate governance. Empathy also contributes with an insight about the limitation of perceptions, and thereby, adds humility to what it is possible to know about “the other” and includes a degree of humility of what can be achieved. Thus, there is a need to cultivate feelings that advance empathic ability.

For empathic rationality, it is important to find ways to define needs because care ethics suggests responsiveness is crucial; this means to be responsive to care recipients on whether their needs have been met. Caring for needs is central. Yet, it is necessary to think very critically about needs, as an emphasis on needs may work against sustainable initiatives that are designed to evoke a change in terms of restrained consumption and lifestyle choices. Discussions reflecting on what type of “needs” are acceptable to a sustainable, green and caring economy are necessary, and political initiatives should be evaluated on the basis of whether the need has been met in the most sustainable way. When applying empathic rationality in governance, care as sensitivity and response to needs are important elements when designing policies and taking decisions. It also prescribes governance in the direction of holistic and circular thinking and call for action that is based on caution. Care as caution suggests a strong awareness of possible risks, leading to a preference for preventive measures and precaution, including the acceptance of limits.

3.1 *Holistic Thinking*

Holistic thinking is central to emphatic rationality, as it is based on insights from ecology, with a systemic view of how humans and non-humans are part of ecosystems with complex connections and close interdependencies (Dyball & Newell, 2014). Holistic thinking calls for a shift in the direction of a recognition that humans live in a world with limited resources and are embedded in relationships with other people, species and nature, which, in turn, is the very prerequisite for our and future existences and the survival of coming generations of humans and nature. The circular economy is in line with holistic thinking and calls for caring for, repairing and recreating, as essential components.

Although social reproduction or care is not an explicit consideration, the concept of the “circular economy” has some prominence in the EGD (European Commission 2019) and the Fit for 55 (European Commission, 2021) strategies. However, critical voices argue the way it is envisioned is not transformative enough, and they argue there is a need for a further cultural shift, suggesting, for example, that green investments need to see care and social reproduction as an integral part of the green and circular economy (Clancy et al., 2022; EEB, 2021; Heffernan et al., 2021).

The EU vision of the circular economy relies on the competition of the market to achieve efficiency in the use of materials. Emphatic rationality would emphasise that a circular economy should be based on caution and prevention, which means it would have constraining effects. This includes a way to limit the totality of resource use because, in care ethics, care also means to accept how things are (i.e., that one is old, sick and dependent). When interpreted for the circular economy, this implies the possibility to learn to be content with what we have because it is deemed sufficient. As a first step, taxes and fiscal policies have to be designed so that they give preference to a circular and sharing economy.

3.2 *Empathy as Governance Conduct*

An essential conduct in this governance rationality is empathy, which makes it possible to fully realise caring. Greta Gaard (2015, 26) writes that empathy can remind humans about their place in the ecosystem, their dependence on other species, for example, in food production. At the same time, it can lead to a recognition of the suffering of animals, the destruction of nature and the depletion of natural resources, and make

it possible to imagine the intrinsic value of non-humans. In this effort, the representation of nature must become a concern on political agendas and in governance contexts. The mechanism for change emanating from empathic rationality is to broaden and deepen the understanding of interdependence, for example, through inclusive policies that spread the experience of caring and taking care of humans, nature, other species and future generations. The transformative process of recognising interdependence is not something that occurs solely intellectually but is rooted in lived experiences of meeting other people's needs as well as having one's own needs met. Thus, to be transformative, governance initiatives should foster empathy through experiences and support strategies that allow for people to step into the experience of being interdependent with nature (cf. Martin et al., 2020; Rosa & Collado, 2019). Examples of such initiatives are subsidies and support to civic organisations that engage people in projects to conserve nature, monitor wildlife, gardening and other projects that aim to bring nature closer to humans and to city life. It includes projects that are geared towards rethinking masculinity in relation to caring for the Earth (Hedenqvist et al., 2021).

Another possible way to forward empathic rationality is to make the experience of interdependence with others more broadly acquired in society, by advocating a generalist view of task division in society, especially regarding care assignments. Policies that allow and encourage shared parental leave exemplify a type of policy that works in this direction, however imperfect it may be in current versions. In a recent study (EIGE, 2023), which outlines the male dominance of the transport and energy sectors in EU member states, in terms of the labour market as well as politics and business, it is argued that the most important reason why there are so few women employed and active in these sectors is because women have to take on such a large share of the responsibility for caring. It is argued to be one of the main reasons why work in the transport and energy sectors is male dominated. Hence, an EU strategy for the climate transition, which the EGD purports to be, must include the social sector and, in particular, advance solutions that are serious about a shared contribution to parenting between women and men (such as generous parental leave schemes) as well as a share of informal caring work (Allwood & Kronsell, 2024).

Empathic rationality would advance solutions that strive to make caring assignments equally shared among citizens, regardless of sex, while

also targeting sexual/gender harassment that affects women in male-dominated jobs. The generalist view of task division means that every citizen should share in caring. This suggests that more time be devoted to such tasks and points to the need for policy interventions that aim to reduce working hours and the standard of full-time work. Proposals that combine reduced working hours with expectations that every citizen join caring efforts will alter gender relations. Women and men will have to devote equal shares of their free time to caring for children, the elderly, for social relations and for nature caring activities (such as biodiversity supportive activities, engagement in local nature projects and in environmental organisations).

3.3 *Care Is Something Everyone Does*

At this point, it might be useful to point out that empathic rationality does in no way assume that care is something essential to and associated with women. When care is a political principle, it assumes that everyone can care and are subject to care at some points of their lives. Nevertheless, the exploitation and devaluation of women's care work has been and continues to be an integral part of the current economic system. This results in gendered income and pension gaps, the feminisation of transport and energy poverty, as important examples (Allwood & Kronsell, 2024). Hence, in developing emphatic rationality as climate governance, it is important not to lose sight of power structures. Empathic rationality calls for solidarity with others.

Each individual is embedded in different intersectional social power relationships. For example, how sustainably we live depends on our material resources; our place in the world and on social categories like gender, class, ethnicity and age. Even among citizens in EU member states, many cannot afford to buy organic food or exchange their old car for an electric one, or their freezer for a less-energy-intensive one. How a person acts sustainably also depends on this person's economic status. Some groups, such as poor women, tend to use fewer resources and leave smaller ecological footprints; many live in energy and transport poverty, which means they cannot afford heating for their houses or the cost of a car or a bus ticket, and their mobility is restricted by it. This means they are less implicated in the causes of climate change because they emit minimal amounts of CO₂. This is important when considering what sectors should be economically supported in the climate transition, for example, in the

various EGD strategies, assumed to be tackling the problem. When these strategies mainly support the electrification of vehicles and industry, it is likely that many groups, like women and the poor, will be excluded. Empathic rationality would also be inclusive of their concerns and needs. The emphasis on “leaving no one behind” means that the effects of strategies need to be fully elucidated. There are steps towards considering social justice and equality aspects in these EU climate strategies, but they fall short of addressing representative and distributive issues (Heffernan et al., 2021).

Care ethics builds on an acceptance for variation and respect for diversity in experience. Thus, universal solutions are not necessarily the best option. Rather, a sensitivity to the capacity of each individual to contribute to a caring world is required. Information and consultation on how to buy, live and recycle ecologically are useful policy options and so are policies that are based on precaution as a proactive stance because care means preventing harm (cf. Bauhardt & Harcourt, 2019). Being proactive on care and prevention suggests that governance based on emphatic rationality is expected to advance enabling strategies that make the sustainable alternative the easiest path to follow, including strategies for sustainable consumption and lifestyle choices. It is likely to also require policies that regulate products and benefit organically grown and locally produced foods, to make these less-harmful food alternatives widely available and affordable to many, in turn, requiring changes in agricultural policies and the EU common agricultural policy in a caring direction.

Another example is city and infrastructure planning that reduces carbon emissions, by making public transportation, walking and cycling the easiest, most affordable and most logical choice for every individual. This would, rather than relying on electrification, rely on solutions that propose new ways of using cars (e.g., sharing rather than owning a car that mostly sits idle) and reevaluating the purpose of the use of the personal car (e.g., for daily commuting or multipurpose trips), and include investments in active transport infrastructure (i.e., walking and cycling) and in public transportation. Such incentives for sustainable planning of mobility across regions and in cities would go a long way to achieve climate, gender equality and equity targets.

An example of how empathic rationality may be enacted is taken from research at the local level in Sweden, where we found that caring values were expressed in municipalities that have performed well on sustainability in transport planning. Caring values, such as care for needs of vulnerable

groups, were expressed in transport policies and plans, in terms of recognising the diversity of citizens (age, place, ability), their different mobility patterns (cyclists, motorists, public transport users) and different needs (going to school, commuting, shopping, playing). This was evident in policy strategies and in the committees where transport decisions were made. Care for needs and vulnerable groups were expressed when developing ways to safeguard children's cycling or walking routes to school, the elderly's access to public transportation and the possibility for those without a car to get out to experience nature or in the way that snow removal was organised. Plans also reflected a holistic perspective on mobility, while recognising the diversity of transport users. In several of these municipalities, priority was given to accessibility on foot and cycle paths. This also profoundly challenged the prevailing norm of technical masculinity in transport, with its prioritisation of personal car use and road infrastructure (Kronsell et al., 2023). In the municipal transport planning context, a suggested way to plan a town is by catering simultaneously for the needs of the eight year old and the 88 year old to assure they can move about in a safe way, with access to public services. This kind of planning is assumed to be inclusive and leads to lower carbon emissions because it prioritises sustainable mobility patterns with public transport, cycling and walking as the given mobility choices.

3.4 *Care for Nature*

However, what we did find in our studies of sustainable transport planning in eight municipalities was that the ecological dimension of sustainability was seldom addressed or prioritised (Kronsell et al., 2023). This is also generally the case in climate policies and governance. As a first step, empathic rationality has to find ways to comprehend nature's and non-human needs. Responsiveness—the call to be responsive to the needs of others—as it is forwarded in the ethics of care tradition, can include future generations based on the way it argues for a focus on the well-being of children (Engster & Stensöta, 2011). Starting from the idea of responsiveness, nature and future generations can be comprehended as policy recipients that have difficulties making their claims heard in the way we are used to hearing claims.

An example from environmental management can illustrate how ecological values can become more integrated in concrete policy and governance. To assign nature a legal status with personhood has become

a common legal practice in various locations across the world. Its aim is to care for nature. One example is the river *Tē Awa Tupua* in *Aotearoa*/New Zealand, which was assigned legal personhood in 2017. The river's intrinsic value was recognised in law. In caring for the river's needs, there is a change of perspective: all decisions affecting the river have to respect and be in line with the needs and values intrinsic to the river. This is a long way from what has been common in previous nature conservation policy, to see a river as an object worth preserving only for the benefit of humans, never for its own sake. In the case of the *Tē Awa Tupua* river, the Maori and local citizens were given the task of establishing the needs of the river. They are entrusted with this task because the care for nature is prominent in Maori culture and includes considering the dependence on nature over generations and into the future. Thus, Maori groups were considered particularly fit to appreciate the needs and values of the river and have come to play an important role in its management. In general, when governance has given rights or personhood to nature, indigenous groups are often granted a prominent role. Their world views are perceived as in line with a recognition of the social interdependence with nature, including knowledge about how such relationships can ameliorate and become caring. In some cases, such as that of *Tē Awa Tupua*, this can also have another effect of soothing, even reconciling, past grievances between indigenous people and settler communities. Legal rights or personhood of nature are not frequent in Europe. It could be highly useful as a way to care for nature, to foster knowledge about nature and to recognise and incorporate indigenous and local traditions in policymaking and implementation and provide an alternative to the overemphasis on economic and technical knowledge in the still dominant governance rationality of ecological modernisation.

Although empathic rationality has the potential to advance a more inclusive climate governance through the way care aims to satisfy current needs and prevent future harm, actual policymaking will not be relieved of dilemmas, such as making caring priorities in cases when human and ecological needs may be or seem to be conflicting and how to prioritise between current and perceived future needs.

4 SUGGESTIONS ON HOW TO REALISE THE NEW GENDER CONTRACT FOR CLIMATE GOVERNANCE

The chapter critiqued the rationality of ecological modernisation, which has been dominant in climate governance, and concluded it is unlikely to solve the climate problem while also increasing gender equality. To be successful, the climate transition must include the social and reproductive sectors and be inclusive of the needs of all citizens and of non-humans and nature. The chapter made this argument and contributed by developing an alternative rationality for climate governance that is inclusive of gender and nature, which is also how it imagines the new gender contract for the EU. Empathic rationality is based on the combination of environmental thinking, ecofeminism and the ethics of care, and on the conviction that the problems of climate change, gender equality and equity should be tackled together. Empathic rationality advances governance that is founded on care values, empathy, solidarity and holism and argues that precautionary and preventive approaches and the re-evaluation of social reproduction can be key to achieving the climate transition. Several policy options and approaches were suggested.

We are looking for a shift in the logic of governance to be guided by empathic rationality. This requires a change in the reasoning behind which governance action proceeds and not something done easily, but there are options to enable this shift. The insufficiency of the rationality of ecological modernisation to achieve climate and equality targets may lead to a rethinking among policymakers. This requires a context of governance where some degree of reflexivity is possible and where new ideas, such as empathic rationality, can be picked up and acted upon. This would likely be facilitated by an equal and diverse set of policymakers, including diverse genders, backgrounds and professions, who are more likely to have other ideas on climate governance and can introduce them when they are included in policymaking. Thus, equal representation continues to be an important goal for the new gender contract and should be subject to continued monitoring and evaluation in both the governance contexts and among researchers.

Empathic rationality suggests that we should be wary of power relationships, and hence, it is important to ask if and how current and future climate governance policies and strategies lead to differential privileges. It could be addressed by closely investigating how climate policies and investments shape social relationships by asking who can decide on a

specific strategy (like bioenergy policy), who gets to share resources and new job opportunities (e.g., with the electrification of personal cars), and how nature is affected by investments and actions (e.g., in the renewable energy sector). Available gender mainstreaming and assessment “tools”, if they are used throughout climate governance, can be helpful. However, their importance in and to the policy process must be upgraded, by providing appropriate resources to engage qualified staff and allow time to carry out assessments.

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Imagining a New Feminist Contract for Foreign Policy

Annika Bergman Rosamond and Jessica Cheung

1 INTRODUCTION

Sweden was the first state and European Union (EU) member in the world to adopt an explicit feminist foreign policy (FFP) in 2014, inspiring a range of other EU states to adopt a feminist approach (e.g., Cyprus, France, Germany, Luxemburg, Slovenia, Spain and the Netherlands). As scholars have noted, Sweden's turn to feminism in foreign policy has found resonance in a range of countries within and beyond the EU. This turn towards adopting a FFP platform amongst individual member states can be juxtaposed against the EU's broader external approach towards gender equality. Despite gender equality being a key dimension of the EU's repertoire of norms, it has not, to date, adopted a feminist approach to its external relations, with the latter embracing foreign affairs, security, defence, trade, development, climate policy and diplomatic practice. This

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absence exists despite the EU's emphasis on the significance of gender equality across its external and internal policies, and has given rise to prolific feminist scholarship (Abels & Mushaben, 2012; David et al., 2023; Guerrina et al., 2023; Hoskyns, 1996; Walby, 2004; Wright & Guerrina, 2020).

A prominent example of the EU's commitment to global gender equality is the European Parliament's (EP) adoption of a resolution on "Gender Equality in EU's Foreign and Security Policy" (European Parliament, 2020). The Greens within the EP have been particularly vocal in their support for an EU-based FFP, arguing that it would "[put] the existing balance of power, notably male-dominated patriarchal patterns, into question", ensuring that "a multidimensional framework that allows for inclusive and non-discriminatory interactions across the entire foreign policy spectrum such as diplomacy, climate, security and trade" is put into place (The Greens/EFA, 2021, 2). Similarly, the progressive alliance of Socialists and Democrats (S&D) in the EP has called for a FFP that is rooted in gender-equal representation within European institutions, the incorporation of gender in new external policies and actions, a greater presence of gender equality within the member states' development policies and more emphasis on gender budgeting and analysis within the EU and its member states (S&D, 2021).

While the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy have noted that the rights of women and girls should prevail within the Union's external affairs, they have not, to date, shown full support for the adoption of a FFP. Nonetheless, the European Commission launched the Union's Action Plan, GAP III (2021–2025), in 2020 on International Women's Day; this aims to mainstream gender across EU external policies and actions (European Commission, 2020a). What can be derived from this approach is that "gender", rather than "feminism", tends to define the external relations of the EU, with gender often being equated with women and girls, rather than a variety of intersectional identities and power relationships. In line with the wider objectives of this edited collection, we propose here that an EU-based FFP should move beyond (neo)liberal feminism, by being authentic, ambitious and accountable in its approach and conduct (Bergman Rosamond et al., 2022). To do this, we argue that an EU FFP should be grounded in an intersectional perspective that seeks to actively recognise the interweaving and complex nature of contemporary power relationships beyond the confines of a restrictive and violent

gender dichotomy. It should also substantially engage with civil society organisations and actors to better resist the reproduction of top-down power hierarchies. Additionally, it should recognise and address colonial injustices past, present and ongoing, as critical sources of intersectional inequality.

The recommendations provided in this chapter are significant, as most FFPs rest on broad (neo)liberal feminist principles rather than a thorough and meaningful set of transformative and radical objectives (Parisi, 2020). As several scholars have shown, in particular, in the case of Sweden, its FFP was broadly liberal, equating gender with women and emphasising measurable results and outcomes (Bergman Rosamond, 2020; Robinson, 2021; Thomson, 2020). Absent from such a broad (neo)liberal feminist agenda is a meaningful recognition of the injustices that emerge from neoliberal market-driven solutions to global gender problems as a product of colonialism (Parisi, 2020). The prevalence of a neoliberal articulation of FFPs is further complicated within the context of the EU, given the dominance of, and at times rejection of, gender equality and justice amongst member states. For an EU FFP to become a reality, it would require a joint feminist contract subscribed to by all member states and EU institutions and be anchored in the European polity. Yet, the members of the EU vary in their enthusiasm with regard to the establishment of a joint EU FFP, with some states, including Hungary and Poland, even opposing the use of gender in central EU documents (Zalan, 2020).

In many ways, the adoption of a cohesive and truly EU FFP seems an unachievable goal, given the plurality of interests, value systems and preferences harboured by the member states. Nonetheless, a FFP platform can provide a productive space for deliberations on how to transform the global gender order into a more just and equitable space. As such, a truly European FFP, although not immediately realisable, could be envisaged as a progressive glue, bringing EU actors together in the quest for gender justice. In this chapter, we develop these thoughts, complementing our arguments with a set of concrete recommendations, the latter of which are provided in Sect. 6.

We commence by locating the chapter within the prolific research on FFPs. We then briefly account for the FFPs that have been adopted by a selection of EU member states. Key here also is the abandonment of Sweden's FFP, and we ask what lessons can be learnt from this shift in Sweden's external relations. Next, we explore the EU as a gender actor, committed to pro-gender norms in domestic and foreign policy. Here,

we draw upon research that centres on the EU's ethical and normative power (Manners, 2023), not least work that has sought to add a feminist and postcolonial understanding of the EU as an external actor (David et al., 2023; Manners, 2023). We then reflect on what a feminist contract expressed in a common FFP could look like. We propose that such an EU FFP could be based on authenticity, accountability and ambition (Bergman Rosamond et al., 2022) and be committed to critical notions of care, as well as being sensitive to intersectionality and postcolonial critique (Bergman Rosamond et al., 2023). While recognising that the adoption of an EU FFP is an ambition unlikely to become a reality anytime soon, it can still provide a discursive space for European dialogue and, as such, be envisaged as a symbolic progressive glue, bringing like-minded progressive states together to engage less-feminist-orientated members of the EU. We complement this theorisation with a set of policy recommendations that the EU could consider prior to entertaining the idea of adopting a FFP.

2 SCHOLARSHIP ON FFP

FFPs have emerged in the last ten years as an “ethical alternative to *realpolitik* (including ‘hyper-masculine nationalism’)” (Robinson, 2021, 21). First adopted by Sweden in 2014, FFPs have since grown in popularity and been embraced by countries in and outside the EU as a principled and ethical approach to foreign policymaking (Aggestam et al., 2019; Robinson, 2021). Building on liberal legacies of gender equality commitment, both domestically and internationally (Aggestam & True, 2020; Bergman Rosamond, 2020), FFPs represent a transformative approach to international politics, which seeks to challenge the status quo of foreign policymaking by centring a feminist perspective. This has required states to rethink and re-evaluate traditional approaches to foreign policy and its implications in the reproduction of intersectional inequality, discrimination and injustice around the world.

Since its initial materialisation in 2014 as an actionable policy approach, studies of FFP have rapidly grown, leading to the development of a unique and dynamic body of research. Distinct from the literature on women, peace and security, and feminist international relations (IR) more broadly, research into FFPs has typically sought to address the topic from both a normative- and policy-analysis-based perspective. Consequently, what has emerged is the formation of two distinct strands of FFP research.

The first strand of research has attended to the normative considerations that underpin discussions and understandings of FFP. This has led to the production of research focused on defining FFP as a concept in practice (Aggestam & Bergman Rosamond, 2016; Alwan & Weldon, 2017; Scheyer & Kumskova, 2018; Aggestam & Bergman Rosamond, 2019a, 2019b; Thomson, 2020), as well as its capacity and potential for transformation (Aggestam et al., 2019; Bergman Rosamond, 2020; Robinson, 2021). Other normative studies have sought to trace and examine the domestic origins of Sweden (Bergman Rosamond, 2020) and Canada's (Cadesky, 2020) FFPs by drawing attention to the internal conditions, histories and legacies enabling their production. Meanwhile, broader normative interventions in the field have questioned the capacity of the liberal state to engage with feminist politics (Duriesmith, 2018), as well as the value of adding a feminist approach to foreign policy analysis (Achilleos-Sarll, 2018; Aggestam & True, 2020).

In contrast to the normative considerations raised above, the second strain of research has tended to analyse FFPs as policies in practice. Within this strain of research, academic attention has been heavily drawn to the notion of diplomacy and its intersection with FFPs through online platforms (Aggestam et al., 2022; Jezierska, 2021) and as a form of digital storytelling (Bergman Rosamond & Hedling, 2022). Alongside this focus on diplomacy, feminist researchers have also been interested in analysing FFPs and their relationship with questions of security and conflict. This has led to the production of scholarship investigating FFPs at the nexus of gender and security (Aggestam & Bergman Rosamond), comparisons of FFPs and human security discourse (Smith & Ajadi, 2020) and explorations into the limits of FFPs under occupation and blockade (Swan, 2021). Another subcategory of analysis has focused on looking at perceptions of FFPs. This has included studies on FFP countries as norm entrepreneurs (Rosén Sundström & Elgström, 2020), analyses of FFPs as sites and sources of pro-gender norm translation (Sundström et al. 2021), as well as interpretations of FFPs across different policy spaces (Rao & Tiessen, 2020). Similarly, scholarly engagements have also examined the reception to FFPs from a postcolonial perspective (Zhukova, 2021), for example, in the context of indigenous injustice (Bergman Rosamond et al., 2023).

The emergence of critical approaches to FFPs has shed light on the limits and transformative potential of FFPs to effect meaningful change. This has led to the development of research attending to the absence

of intersectionality (Aylward & Brown, 2020; Morton et al., 2020), the questionable substance of FFPs (Tiessen, 2019; Tiessen & Swan, 2018) and the troubling neoliberal foundations of feminist approaches (Parisi, 2020). As academic discussions on FFPs have continued to develop, and more countries around the world have chosen to adopt a feminist approach, feminist scholars have also sought to explore the potentiality and applicability of FFPs across a range of different geopolitical contexts (Haastруп, 2020) and multilateral settings (Vishwanath & Mukund, 2022).

Last but not least, connected to these academic investigations into FFPs is the work of civil society, grassroots organisations and think tanks, which have advanced and advocated for a feminist approach to foreign policy across a variety of settings and locations. This has resulted in the production of a number of policy briefs and reports from organisations such as the International Women’s Development Agency, the Centre for Feminist Foreign Policy, the International Center for Research on Women, the Women’s International League for Peace and Freedom, the Kubernein Initiative, the Kvinna till Kvinna Foundation, the Africa Policy Research Institute, Women in International Security, Partos and *Internactional Feminista*.

In summary, there is a wide array of research on FFPs, as a policy, as a practice, and as feminist and ethical ambitions and ideals. The EU, we would argue, could benefit from such knowledge production, and we envisage that this book will provide some clarity to notions of an EU gender contract, not least in the area of foreign and security policy. In what follows, we briefly account for the FFPs adopted by EU member states, commencing with a somewhat longer discussion of Sweden, the first country to adopt and abandon an FFP.

3 FFPs WITHIN THE EU

3.1 *Sweden*

Under the guidance of ex-Foreign Minister Margot Wallström, Sweden was the first country in the world to trailblaze an approach to FFPs. Although Sweden’s FFP has since been abandoned, it continues to inspire the development of FFPs around the world. Thus, Sweden’s FFP was a successful exercise in nation branding, finding resonance in a range of countries and pushing for a transformation of foreign policies within

broad feminist principles. Constructed as a “working method” that was to be applied across the Ministry, Sweden’s FFP broadly consisted of the “3Rs—rights, representation and resources”, and was grounded in a “fourth R—reality” (Ministry for Foreign Affairs, 2019, 13). A broad-reaching policy, Sweden’s FFP covered several key policy areas, including foreign and security policy; peace and security; human rights, democracy and the rule of law; disarmament and non-proliferation; international development and cooperation; and trade and promotion policy. Alongside practical applications at the ministry and country level, Sweden’s FFP also focused on norm change through communication and cultural cooperation strategies (Ministry for Foreign Affairs, 2019, 53–57).

Despite successfully exporting pro-gender norms and feminist values to other national and organisational contexts, Sweden’s FFP came to an end in 2022. In October of that year, the Conservative Foreign Minister Tobias Billström noted that, while “equality between men and women is a core value for both Sweden and the government”, it will not conduct a FFP since, in his view, “that label has not fulfilled a good purpose and has hidden the fact that Swedish foreign policy needs to be based on Swedish values and interests” (Granlund, 2022). Although Sweden’s FFP inspired many and led to some key results, for example, the launch of several peacebuilding initiatives (Aggestam & Bergman Rosamond, 2021), it did not constitute a radical transformative agenda leading to a real shift in Swedish foreign policy. This helps to explain the side-lining of FFP in Swedish political debates on the Russian full-scale invasion of Ukraine, as well as Sweden’s subsequent application for NATO membership.

Lessons can be learnt from the Swedish case; in particular, it tells us that FFPs must amount to more than a hollow nation brand (Bergman Rosamond & Hedling, 2022). Rather, as we have noted above, they need to aspire to transformative change and self-reflection. Sweden then, can teach other EU states and the Union as a whole that an EU FFP requires challenging the current economic global order and the ways it disadvantages women and other marginalised groups in the Global South. It also requires critical examinations of militarism at home and abroad, not least against the backdrop of the full-scale invasion of Ukraine. The previous Social Democratic government side-lined FFP when faced with the war in its vicinity, rapidly leading to the dismantling of its external feminist agenda. Additionally, Sweden’s FFP was not rooted in the wider fabric of Swedish society, despite the country’s strong state feminist tradition (Bergman Rosamond & Hedling, 2022). Meanwhile, the Swedish

Democrats, a far-right party supporting the current coalition government, though not of government, has secured a strong grip on Swedish politics, enabling it to impact Sweden's immigration discourse and practice and ensuring an audience for its anti-feminist agenda. The EU and other member states are advised to rest their FFPs on transformative feminist ambition, self-reflection and anchorage in the wider public, rather than nation branding alone (Bergman Rosamond & Hedling, 2022).

3.2 *France*

France first announced its feminist approach to diplomacy in 2018; this was later developed into a FFP in 2019. Central to the country's approach is a focus on inequality reduction, sustainable development, peace and security, defence and promotion of fundamental rights and climate and economic issues (Ministère de L'Europe et des Affaires Étrangères, 2020 and 2022). France's FFP is grounded in its international strategy for gender equality (2018–2022), which outlines the country's key priorities, principles and objectives. A key strategy deployed by the French government concerns the country's efforts to promote gender equality and women's rights through large-scale international events, such as the Generation Equality Forum (2021), which was described as “the most important feminist event since the Beijing World Conference on Women in 1995” (Ministère de L'Europe et des Affaires Étrangères, 2022).

3.3 *Luxembourg*

In 2019, the Minister for Foreign Affairs, Jean Asselborn, announced the coalition government's intention to implement a FFP. Luxembourg's FFP focuses on “the promotion of women's rights as an integral part of human rights, strengthening the representation and participation of women, as an under-represented sex, at all levels of society, as well as the promotion of an active policy of gender equality within the very structures of Luxembourg diplomacy” (JCA, 2021). This is framed around the country's “3D” approach, which consists of diplomacy, development and defence (JCA, 2021).

3.4 *Spain*

Adopted in 2021, Spain's FFP is articulated as a practical policy "delivered through our commitment to multilateralism, our actions in the EU, our bilateral relations as well as through our development cooperation policy, not to mention equality within our own Foreign Service" (Ministerio de Asuntos Exteriores, 2021). Spain's FFP is based on five principles: a transformative approach, committed leadership, ownership, inclusive participation and boosting national and international alliances and diversity and intersectionality. Significant to Spain's policy is a push for "structural change and reform"; this is most evident in relation to the country's incorporation of a transformative gender lens into its foreign service work (Thompson et al., 2021, 16).

3.5 *Germany*

In 2021, Germany's coalition government announced its intention to adopt a FFP. This was met in 2023 with the publication of the country's FFP guidelines, as well as the adoption of a connected, yet distinct, feminist development policy. Similar to Sweden, Germany's FFP also rests on a three R approach—rights, representation and resources—as a framework for action. Additionally, emphasising the pragmatism of the approach, Germany's FFP promotes the cultivation of a "feminist reflex" that aims to mainstream a feminist perspective across the country's national, European and international policy to affect a "cultural shift" (Federal Foreign Office, 2023, 14).

3.6 *Netherlands*

As of 2022, the Netherlands has been working on developing a FFP. Rooted in the principle of equality, the Dutch approach to a FFP seeks to protect the "human rights of women and LGBTIQ + people" by "promoting their meaningful participation in decision-making processes" (Government of the Netherlands, 2022, 1). Referencing Sweden's early model, the Netherlands has also mobilised a 4R approach (rights, representation, resources and reality), yet given it a "specifically Dutch interpretation by devoting additional attention to LGBTIQ + people and by actively involving men and boys in efforts to change negative gender norms" (Government of the Netherlands, 2022, 1).

3.7 *Slovenia*

In March 2023, Minister for Foreign and European Affairs Tanja Fajon announced that Slovenia would launch its FFP strategy in June 2023. Highlighting the challenges of gender equality in Slovenia, the country's introduction of its FFP is set to "further strengthen its bilateral and multilateral relations to promote respect for the rights of women and girls and their economic, political and social empowerment, including through development and humanitarian aid" (Government of Slovenia, 2023).

As detailed above, the widespread movement towards the adoption of an FFP has left its mark on the European region. This pattern of growth is also mirrored outside the EU, where a whole host of countries around the globe have also adopted and/or made a commitment to adopt a FFP. This includes countries such as Canada (2017), Mexico (2020), Chile (2022), Colombia (2022), Liberia (2022), Scotland (2022), Libya (2022) and Mongolia (2023). A commonly held position occupied by the FFP EU countries briefly outlined above is that a commitment to a feminist approach is broadly compatible with increased military spending, arms trade and restrictive migration policies. There is also a tendency to equate gender with women and girls and, as such, employ gender binaries rather than intersectional sensitivity and postcolonial insight, with some variation. It is worth noting here that Germany has voiced its support for an intersectional approach to its FFP. That country, however, has recently moved from a cautious approach to armament and militarism, given its unique history, to being fully committed to more financial resources being spent on its military. Contrary to our recommendation in this chapter, there is also a tendency to treat FFP as something that is employed beyond borders, rather than something that should be about both the endogenous and exogenous sites of polity and policy, with gendered violence and harms being far from eradicated within the boundaries of the Union. FFPs should be about deeply political endeavours rather than nation branding.

4 IS THE EU A NORMATIVE GLOBAL ACTOR?

Having described the broad contents of existing FFPs, as well as Sweden's previous FFP, we now turn to the EU, exploring its normative credentials and role as a gender actor in global politics. We then consider what an

EU-wide feminist contract, expressed in a common FFP, could look like and what challenges it might face.

In 1993, the EU adopted a Common Foreign and Security Policy (CFSP) to replace the European Political Cooperation framework that was adopted in 1970, with the latter having enabled EU (then European Community) members to diplomatically collaborate and express themselves with one voice. The establishment of the Union's CFSP was an attempt to add further clout and cohesion to the Union as an international actor. In 1999, the EU adopted a European Security and Defence Policy and has since deployed several peacekeeping missions in Africa in particular. In 2003, the EU adopted a distinctively European security strategy, setting out its security and strategic objectives and ambitions (Dannreuther & Peterson, 2006). Furthermore, the EU established the European External Action Service in 2010, facilitating its diplomatic communication and cooperation (Hedling, 2021), with the diplomatic service being charged with the tasks of implementing the Union's CFSP, promoting peace, prosperity, security and European interests, with gender equality now also figuring amongst its objectives (EEAS, 2022).

Thus, the EU is a central global actor, possessing a range of policies and diplomatic tools, stretching across a range of policy areas, including security, defence, diplomacy, trade and aid, to name a few. Admittedly, those policies rest on the Union's wish to exercise impact on global politics, and, as such, ensure that the member states' joint interests are safeguarded. This geopolitical quest, however, is not free from ethical concerns and a wish to steer global politics in a direction consistent with international law and global norms. In what follows, we explore scholarly debates that centre on the normative logics of the EU as a global actor, not least its role as a gender actor beyond borders.

Toni Erskine (2003) has, through thorough ethical enquiry, shown that it is possible to assign moral agency to institutions, including international organisations, not least the EU. A moral agent is an entity that has a pronounced self-identity over time, which enables it to deliberate on moral dilemmas and make decisions accordingly (Erskine, 2003). The EU possesses many of these qualities and could be viewed as a candidate for moral agency. Indeed, the EU has been the subject of much normative enquiry. Since 2002, Ian Manners's (2002, 2023) scholarship on normative power in Europe has been at the forefront of such inquiry. Through the projection of its normative power, the EU seeks to change our sense of what is normal conduct in international politics (Manners, 2008).

Manners' notion of normative power has found resonance amongst a range of scholars, with Michelle Pace (2007, also see Pace, 2023), for example, applying it to the study of the EU's relations with the Middle East, in particular the sticky relationship between Israel and the Palestinian authority, showing that the EU's policy often falls short of being ethical. More recently, Manners (2023) has sought to refine his scholarship on the EU's normative power, not least by locating it within the wider context of what he defines as planetary politics, but also by calling for more engagement with postcolonial criticisms of the EU project. Drawing upon Kinnvall and other postcolonial critics of the EU, he concedes that the EU is tainted by colonialism, the legacies of which still impact on its ability to enact its normative power. Relatedly, he revises his understanding of power by employing the notion of empowerment, drawing upon liberal feminist understandings of the concept, though not problematising the neoliberal underpinnings of empowerment as a development strategy.

The EU's external relations then, though discursively informed by normative aspiration, are located within Eurocentricity and imperialism, which are aspects of the European project that are perhaps less recognised in the everyday diplomatic practices of the Union (Hedling, 2021). Additionally, that Eurocentricity and colonial logic, as Kinnvall (2021, 81) notes, are often paired with explicitly "anti-feminist values" in some member states, with racialised assumptions being made about Muslim women living within the EU.

Although Manners' reasoning provides a platform for thinking through what kind of actor the EU should be, which was one of his original ambitions, it is not informed by a meaningful analysis of the Union's role as a global gender actor. Maria Stern's 2011 deconstruction of the contents of the EU's first security strategy (ESS) is telling here. She demonstrated that the strategy was couched within "'sticky' gendered and racialised signs" and that it echoed "Europe's colonial past, the ESS represents its 'Others' as both feminised and subordinate". In her words, "the European project of security-development as written in the ESS is both civilising (normative) and violently exclusionary – in contradistinction to many contemporary depictions of Europe as a normative power and a harbour of tolerance" (Stern 2011, abstract). Similarly, Annica Kronsell (2016) has identified clear masculine practices and discourses in the visual representation of the EU's common security and defence policy, noting that women are "written out" of those representations, while

the gendered protector (male soldiers) versus protected myth (vulnerable women) remains intact. Other feminist scholars have directly sought to add a feminist dimension to Manner's theorisation of normative power with recent interventions by David et al. (2023) being noteworthy here. Through a feminist lens, they suggest that the "potential of a normative power approach in realising a planetary politics" that challenges anthropocentrism "can only be fulfilled if political and societal actors embrace [...] ethic[s] of care, empathy, emancipation and equity" (David et al., 2023, 1). The question of whether the EU can ever be a fully feminist international actor guides another piece by Guerrina et al., (2023, 1). They propose that several "feminist frames" prevail in the Union's external relations, including liberal, intersectional and postcolonial, while maintaining that the EU continues to be located within masculinist tropes and ideas, as well as racist and colonial logics (Guerrina et al., 2023, 1).

4.1 A Feminist Contract Expressed in a Common FFP: The Way Forward for the EU?

Underlying this section is the question of what a distinctively EU feminist contract would look like, and to what extent it could inform a joint EU FFP. The first thing to note is that traditional social contract theory is notoriously gender blind, with political philosophers, such as Kant and later Rawls, omitting women from their ethical reasoning (Pateman, 1988). In contrast, our concept of a gender contract is pronouncedly feminist, favouring a transformative feminist approach to supranational foreign policymaking. In what follows, we lay out the broad contours of our reasoning.

What principles would such a feminist contract and by extension an EU FFP rest on? Here, we draw upon the ideas put forth by Bergman Rosamond et al. (2022) in envisaging what a Scottish FFP should entail, in particular, their proposal that it should be authentic, accountable and ambitious. While Scotland is a substate, constitutionally restricted by the laws of the UK, we maintain that the aforementioned principles could inform an EU-wide FFP contract. Such an approach would also be informed by intersectionality, decolonialisation as well as conceptions of care that are not grounded in paternalism and masculinist protection, but rather notions of self-determination, "self-care" and dialogue with the very people whose lives the EU seeks to emancipate and support (Lorde,

2017; see also Bergman Rosamond et al., 2023). Thus, a feminist transformation of the EU's external relations needs to be ambitious and rest on a strong normative commitment to structural change, as well as a genuine wish to disrupt the current global gender order. This ambition, moreover, should not be confined to foreign policy, diplomatic practice and European security and defence, but also include other areas, such as climate, development and trade policy, with political alliances in the EP advocating for such a wide approach to FFPs (S&D, 2021; The Greens/EFA, 2021). Thus, an EU FFP should not operate as an exercise in self-serving and neocolonial branding, as well as point scoring, but cut across all areas of the EU's external relations and aim to structurally change the gendered and colonial injustices that prevail globally.

A feminist contract, upon which the EU could base its FFP, also needs to be pronouncedly authentic and, as such, based on transformative ethics rather than branding alone. Such authenticity also demands continuous self-examination on the part of the EU, as well as recognition that gendered injustices and harms are not confined to the Global South, but also exist within the confines of the EU. That insight, again, drawing upon Bergman et al. (2022) should inform both the domestic and global policies of the EU.

An EU FFP would also rest on accountability, whereby the historical harms of European colonialism are recognised by all member states. Those harms are “wrought by colonialism and imperialism, namely racial hierarchies, extreme inequalities of power and wealth, and the climate and biodiversity crises” (Bergman Rosamond et al., 2022; see also Kinnvall, 2021). Thus, a truly feminist EU foreign and security policy would be rooted in a willingness to critique and decolonise Europe's privileged position in global politics historically and presently, and, in so doing actively seek to restructure the current gendered power hierarchies that are still in place in Europe and beyond. This involves rethinking the Union's imposition of conditions on its trading partners and on recipients of foreign aid, as well as recognising the neoliberal logic that underpins such policies and the global economy more broadly.

Accountability also refers to the need for open and inclusive dialogue with civil society across the member states, but also beyond the EU, to ensure that feminist voices in the Global South are heard and listened to. Underlying this approach is an open and inclusive engagement with a broad range of civil society actors and groups beyond a set of prominent

organisations and the dominance of the “Brussels bubble”. Additionally, given the Union’s relationships and programmes with countries in the Global South through its external relations, it is of vital importance that the EU meaningfully and inclusively engages with civil society from these regions and countries as equal and valued partners. This involves engaging in dialogue with regard to a set of key questions, including how gender equality should be conceived and what kind of feminism should inform an EU FFP. Sweden is an instructive point in case here because the aforementioned questions were not really posed to civil society prior to the country adopting its FFP, with a more dialogical approach probably having contributed to making Sweden’s FFP more anchored in the social and political fabric of national society. The EU then could draw upon the knowledge produced by a growing number of think tanks and NGOs that actively engage with issues pertaining to FFPs, including Concord Sweden, the Centre for Feminist Foreign Policy, the Foundation for European Progressive Studies, Heinrich Böll Stiftung, the International Center for Research on Women and the Carnegie Endowment for International Peace. Their insight and critical engagement, moreover, would be consistent with the positions put forth by the European Greens and S&D groups in the EP.

An EU approach to FFP also needs to rest on intersectionality, which refrains from treating gender as the sole power relation and, as such, neglecting the prevalence of other inequalities in the global system. Thus, an EU FFP needs to stay attentive to a variety of intersectional power relations including race, class coloniality, age, ability and geographical location (Hooks, 1984). Indeed, “intersectionality [...] rests on the idea that people’s lived experiences are shaped by interlocking structures of inequalities and the recognition that many groups of men also suffer oppression and exploitation” (Bergman Rosamond et al., 2022). While the EU Gender Equality Strategy clearly states that intersectionality should underpin the Union’s internal and external policies, this normative commitment needs to be paired with real action, ensuring that actual policies live up to this promise (European Commission, 2020b). Hence, intersectionality should not be a hollow objective but a method and goal informing the making of foreign, security, defence, trade, development and climate policies. Such an approach would enable the EU to conduct a gender analysis of pressing global problems without employing strict gender binaries that assign certain attributes to women, often as victims, and demand men to be their protectors. This, in turn, requires the EU

to envisage care as a relational practice that is sensitive to self-care and self-determination, rather than predetermining what care needs particular communities beyond the EU's regional borders might have without consulting them (Bergman Rosamond et al., 2023).

While these ideas, if implemented, could cause some friction amongst EU member states, given their different stances on gender and feminism, they lend themselves nicely to feminist calls for structural reform rather than instrumental branding. Moreover, they would enable the EU to speak with one voice on a range of issues pertaining to gender injustice and inequality, not least in its multilateral relations on the global stage and within the United Nations. Such a contract would also provide a platform for the implementation of the Women, Peace and Security (WPS) agenda, a policy goal widely supported by the EU. Also, it might enable the EU as a collective to mitigate the negative effects of the ongoing "feminist backlash" facing the world and articulate more visibly collective responses to encroachments on women's reproductive and human rights.

Furthermore, it would indicate that the EU is ready to face its colonial past, not least by implementing a version of FFP that does not impose understandings of gender equality and empowerment on partner countries, but seeks to mitigate such understandings through open-ended dialogue. This, however, is not possible unless the EU members engage in self-reflection and seriously consider the negative impact of their trade and aid policies on the Global South, as well as restrictive migration policies, to name a few. Our proposed contract also lends itself to a gender analysis of ongoing conflicts in Ukraine and elsewhere, with many of these conflicts being the symptoms of colonialism and empire, the roots of which first emerged in the European space. Of interest is the question of whether militarism, in its different expressions, is ever reconcilable with feminist policies, with a number of EU member states seemingly being of the view that this is the case. For example, Spain, France and Germany have all announced increased defence spending in the face of the war in Ukraine, while simultaneously conducting FFPs. To expand on the points raised, we now turn to address key challenges affecting the adoption of an EU FFP.

4.2 *Challenges to a Collective EU FFP*

Resistance to Gender Equality and the Mobilisation of Member States: Resistance to feminist politics remains a key barrier to the adoption of an EU FFP. As noted by Verloo and Paternotte, “[o]pposition to feminist and sexual politics—even if a staple of politics in many times and places—has become more visible in Europe, and can now be found at national, regional and international level, and involves different kinds of actors and mechanisms” (2018, 1). Although this anti-gender/feminist sentiment has often been referred to in reactionary terms as a “backlash”, we align with Paternotte by cautioning against the use of narratives of “backlash” as a means of describing contemporary gender equality politics. Narrating resistance to gender equality and feminism as a reaction to their increasing salience in global and regional politics has the tendency to “lead to hasty and binary categorisations, which do not allow us to see the diversity and the tensions in a complex array of forces and actors” (Paternotte, 2020). What emerges from such a deterministic understanding of the issue is an us-versus-them dichotomy, which fails to recognise the many ways in which tensions and divisions emerge amongst pro- and anti-gender camps. Connected to this homogenising account of anti-gender politics as “backlash” is a failure to recognise the many ways in which certain ideas of women and women’s rights have become politically powerful and useful in promoting certain ideals surrounding race, migration and religion. As demonstrated through studies of femonationalism (see Farris, 2017), the struggle for women’s rights can operate as an extremely powerful discourse through which movements, governments and policies can be (re)branded (Verloo & Paternotte, 2018, 2).

The difficulty associated with adopting a FFP at the EU level stems from an ideologically diverse electorate and, by extension, an ideologically diverse EP, the only directly elected EU institution. As Verloo and Paternotte have found, resistance to feminist politics is “characterized by a double phenomenon: an increasing polarisation in politics and an increased politicization of gender and sexuality, leading to new forms of opposition and changing alliances between oppositional actors” (Verloo & Paternotte, 2018, 1). Thus, a substantial impediment to the proliferation of a feminist agenda for the EU concerns bridging this ideological divide to establish a collective response in support of a FFP, as well as enacting a shared and united vision for a feminist agenda.

Despite this disparate political environment, the “EU has begun to internalise feminist principles, both in its foreign policy documents and in what it does” (Haastrup, 2021). This is supported by the work of progressive stakeholders in advancing a feminist platform in the EU’s external policy, leading to the development of concrete gender-conscious initiatives that have projected the EU as a “world-leading gender actors and feminist actor” (Haastrup, 2021). Such pro-gender discourse has also been employed by several EU leaders, past and present, for example, former Social Democratic Deputy Head of the European Commission and Swedish Foreign Minister Margot Wallström, the European leader most associated with the principles of a FFP, has advocated on several occasions for the significance of both states and organisations adhering to feminist principles in global politics (Aggestam et al., 2023). Similarly, Ann Linde, a Swedish Social Democratic politician who served as Minister for Trade, Minister for EU affairs and Foreign Minister, is adamant that the way forward is for more states to adopt a feminist platform to combat war, conflict and injustice globally. Other noteworthy female advocates of FFPs are German Green MEP Hannah Neumann and German Foreign Minister Annalena Baerbock, also a Green politician, both of whom are dedicated advocates of feminist transformations of global politics (Barczyk, 2020).

While an EU FFP should not be driven by female leadership alone, these pioneering female Social Democratic and Green European politicians have, through their diplomatic efforts, played a vital role in dispersing feminist values across the European continent and, in doing so, contested far-right anti-gender sentiments across the continent and beyond (Aggestam et al., 2002 and, 2023). As discussed in greater detail below, although these demonstrations of gender and feminist leadership distract from the internal anti-gender sentiments demonstrated by some member states, the “lack of alignment between external relation commitments and the domestic” trouble the substance of the EU’s claims as a feminist actor (Haastrup, 2021).

Feminist Branding and the Creation of Hollow Policies: A persistent concern leveraged against the popularisation of feminism as a platform for foreign policymaking relates to the production of empty and/or hollow FFPs. This concern is rooted in an awareness for the growing value and strategic benefits associated with adopting a feminist label as a site and source of productive power (Wright et al., 2020). As noted by Thomson, by “embedding liberal feminist ideas into national self-identity

and self-promotion”, states are able to use “these ideas as a way to distinguish them from other nations, particularly to suggest that they are more progressive” (2020, 434). The effect of this is to reproduce and reassert the dominance of the liberal “manly state” as a figure of protection and standard of morality and civilisation (Wright et al., 2020, Durriesmith 2018). Thus, in reproducing traditional systems, structures and practices, FFPs are at risk of not only failing to address the root causes of inequality, namely, the perpetuation of violent systems and structures of inequality (Bergman Rosamond et al., 2022, 5), but also perpetuate intersectional forms of violence under the guise of a feminist politics. This is particularly pertinent in relation to the unaddressed and often omitted “legacies of colonialism and persistence of coloniality in the implementation of so-called feminist foreign policies” (Ansorg et al., 2021, 2022).

Connected to the production of hollow FFPs are a number of dichotomous tensions. The most blatant of these tensions concerns the “ambition of a feminist ethic, to ‘understand, criticize, and correct’, and that of foreign policy traditionally shaped by the pursuit of the ‘national interest’” (Wright et al., 2020). This often manifests itself in a split and/or inconsistency between form/rhetoric and substance/action. Despite promising transformation on paper, current approaches to FFPs remain wedded to violent international practices, as well as being ignorant of domestic calls for intersectional justice within borders. As feminist scholars have highlighted, the promotion of a progressive national brand in both Sweden and Canada has centred gender equality and human rights at the forefront of their respective foreign policies, resulting in the production of identifiable “feminist” brands (Thomson, 2020). However, omitted from these dominant narratives of ethical foreign policymaking and international humanitarianism (Bergman Rosamond et al., 2023) are troubling practices, which function to reveal the hollowness of FFP adoption. A clear and often cited example of this tension relates to the sale of arms and light armoured vehicles (LAV) by Sweden and Canada to countries with histories of human and women’s rights violations (Robinson, 2021; Parisi, 2020, Aggestam & Bergman Rosamond, 2016). Additionally, as noted within the context of Mexico, the country’s outward promotion of a FFP through “some multilateral fora” and its continued failure to address the “gender-related crisis at home” (Philipson García, 2022) highlights the troubling inconsistency and superficiality that undermines a meaningful feminist agenda.

Militarism: As we have alluded to above, EU member states' adoption of FFPs has taken place against the backdrop of rising militarism in Europe and beyond. The effects of this (re)militarisation have challenged the normative commitments and stability of FFPs, exposing their vulnerability to crises. For example, prior to abandoning its FFP, Sweden had announced that it would increase its military spending to respond to the war in Ukraine (Bergman Rosamond, 2024). This announcement has been read as an indication of Sweden's readiness for NATO membership and as a demonstration of the country's status as a responsible European security actor (Bergman Rosamond, 2024). The resulting silencing of the country's FFP by the current right-wing coalition as a result of the announcement ultimately contributes to the abandonment of the country's FFP. However, Sweden is not alone in its militarised response, with other FFP states (e.g., Germany, France and Spain) mobilising a similar approach.

The relationship between feminism and militarism has remained a highly contentious issue and source of debate within feminist circles and communities. Given the ethical framing of FFPs and the recent (re)turn towards a militarised approach, feminists have called into question whether the adoption of a feminist platform by a state, substate actor or international organisation can be reconciled with practices of militarism and armament (Bergman Rosamond et al., 2022). Traditionally, feminism has been associated with de-/anti-militarisation, anti-war movements and peace building (see Enloe, 2007, Cockburn, 2012, Peterson, 2007, Sjoberg & Via, 2010). This sentiment continues to ring true and clear, with the promotion of a pro-peace approach remaining an important aspect of a feminist agenda. However, despite this commitment to peace, the propensity towards blindly accepting a wholly pacifistic liberal feminist approach towards conflict, war and crises has been subject to criticism. As feminists have argued, "liberal feminist's blanket rejection of women's violence, no matter the objective, fails to qualitatively distinguish between statist, colonialist, imperialist, interventionist militarism and necessary, legitimate self-defence" (Dirik, 2017).

The ongoing war in Ukraine has highlighted the troubling and violent realities of a simplistic and pacifistic response to active forms of (colonial) aggression. What has emerged is an awareness of the fact that traditional liberal feminist responses to conflict do not accurately represent the care needs/requests of the intersectional individuals and communities that are the most affected by the crisis. This critical perspective is

reflected in the approaches of many Ukrainian feminists, who argue that “[s]taying away from the issue of arming people who have no choice but to defend themselves is not about feminist values” (Tsymbalyuk et al., 2022). Here, attention is drawn to the nature and geopolitical context of the conflict, as well as the ensuing power imbalances and colonial history. As Enloe has highlighted, “fighting a war of self-defence is not the same as supporting a war of aggression, or autocratic perpetuation, or neo-colonial intervention” (2023, 291). Thus, in facing the challenge of an increasingly militarised EU region and global geopolitical environment, a FFP needs to balance and wrestle with these competing perspectives on militarism by providing a nuanced assessment and reading of different situations on a case-by-case basis.

Having accounted for some of the challenges facing the EU, should it ever adopt its own FFP, we now turn to the question of whether an EU FFP can, at the very least, provide a progressive glue and dialogic space in which a variety of European actors can engage in fruitful feminist dialogue and solidarity-informed cooperation.

5 FFPs AS PROGRESSIVE GLUE AND DIALOGIC SPACE?

An EU FFP is a normative objective in line with the turn towards feminism in foreign policy in a range of member states and the broader WPS agenda, the latter of which is supported by the EU, most notably through the adoption of its action plan on WPS (Council of the European Union 2019). Yet, the EU is nowhere near adopting a collective FFP supported by all member states. While most member states, though not all, are generally in favour of ensuring that the Union’s internal and external policies are conducted in a fashion that is sensitive to gender equality and justice, this is far from true in some states. Similarly, some political groups in the EP are actively advocating feminism as a progressive glue that brings justice to global relations and internal policies, not least the Greens and the S&D. This broad feminist position is not shared by the European Conservatives and Reformists nor some of the member states, notably Hungary and Poland. As noted above, both states object to the use of gender equality in key EU documents, favouring traditional family values rather than progressive feminist policies, whether at the domestic or European level (Zalan, 2020). For example, in 2021, Poland criminalised the right to free abortion, with very few exceptions,

encroaching on Polish women's reproductive rights and freedoms. Meanwhile, the Hungarian government, under the leadership of Viktor Orban, has officially banned gender studies programmes from universities and restricted the sale of children's books with LGBTQIA + contents. Malta is another country whose stance on women's reproductive rights is far from feminist, with women only being allowed abortion if their lives are in danger. Meanwhile, Sweden, the pioneer of FFP and feminist governance, has abandoned its FFP, thereby demonstrating the vulnerability of FFP in times of war, militarism and crisis. So then, what are the prospects for feminism becoming a progressive glue within the EU, given the diversity of positions on feminism and pro-gender values across the member states?

We propose here that feminism, as a progressive political agenda, has relevance within the EU, providing a normative platform for fruitful ethical dialogue amongst progressive actors dedicated to global gender justice and inspiring others to gradually join such deliberations. In particular, feminism, ideologically and politically, can enable the institutions of the EU, political leaders and national parliaments to ethically engage with questions concerning what kind of international actor the EU should be and what policy objectives it should prioritise. This also involves asking questions about the EU's ability to couple its normative commitment to gender equality within the Union, with a proactive approach to gender justice and equality externally, with this dual ethical obligation being highlighted within the EU's current Gender Equality Strategy (European Commission, 2020b).

However, such dialogue cannot centre on women's rights and justice claims alone, but must be mediated through an intersectional lens, as we have argued above. However, a feminist-inspired dialogical approach to the EU's external relations needs to be sufficiently open and inclusive to allow for multiple voices and positions, while ensuring that feminism does not become a hollow normative goal or simply an exercise in EU branding (Guerrina et al., 2023). Rather, an EU-wide discursive dialogical community, including EU institutions, civil society and member states, should provide opportunities to debate what kind of feminism would work for the EU and how it might move beyond a feminism solely centred on women and girls. A key question here is also how the EU should respond to postcolonial criticisms of its location within colonialism and racism (Guerrina et al., 2023; Kinnvall, 2021). These questions, moreover, would have to be addressed against the backdrop of the full-scale

war in Ukraine, with a number of states spending large amounts of money on armament, while professing to be feminist in their foreign policy outlook. While this is not to deny the right of Ukraine to defend its territory and its people, the EU and its member states need to conduct frank dialogue on the inconsistency between most feminisms' rejection of militarism, armament, securitisation and escalation of conflict, and the move towards FFPs in a growing number of member states.

Deliberating on these wider justice-based issues will have resonance with progressive voices within the EU, but might have less appeal amongst Conservative member states and party groups within the EP. Thus, it is necessary to recognise that a good number of member states and section of the public do not share the enthusiasm for feminism that the Greens and the S&D within the EP harbour. Key here is the act of listening, championed by several FFP scholars (Aggestam et al., 2019; Robinson, 2011, 2021). Drawing upon such work, we suggest that, for FFP to become a truly progressive glue in the EU, there needs to be such listening, not least listening to a variety of voices within the Union. As we have argued above, this also involves listening to the voices of civil society and the various constituencies across the European continent. Transnational feminist and LGBTQ + groups should also be consulted in such dialogue.

Yet, existing FFPs have rarely been preceded by such thorough and inclusive practices, rather they have been adopted by policy elites and are, therefore, not sufficiently rooted in the social fabric of the societies in which they have been introduced. Rather than envisaging an EU FFP as an elite-driven project, it should be an inclusive project firmly rooted in civil society. Here, the Swedish example can be useful, generally being insufficiently rooted in the social fabric of Swedish society, and, therefore, easy to ditch in times of conflict and crisis. With the EU often being met with scepticism and indifference, there is always a risk that FFP remains an elitist project with little bearing on domestic societies. To counter this risk FFP, as a discursive space, should be inclusive and closely engage the myriad of think tanks and NGOs in both the EU and Global South that currently advocate for feminism in foreign policy. This, however, does not mean that contestation and agonism should not be allowed, rather engaging in agonistic dialogue with one's adversaries can produce fruitful democratic politics, with the parties to such dialogue eventually finding common ground (Mouffe, 2005). Thus, rather than confining debates on FFP to what might be considered progressive, like-minded actors,

whether member states or party groups within the EU, they should be inclusive and build on “empathetic cooperation” (Aggestam et al., 2019; Sylvester, 1994). Such emphatic cooperation should embrace and include the people and countries that are positioned at the receiving end of the EU’s external policies.

Hence, while the EU may not be ready to adopt a distinctive FFP, the latter can still provide a progressive glue of sorts, evoking thorough ethical discussion amongst a range of actors and, as such, arriving at some common positions on the broader policy goal of gender equality. Such dialogic-induced policymaking might indeed stop short of the adoption of a fully fledged FFP, but can nonetheless normatively shift the EU towards intersectional and gender justice within and beyond the borders of the EU. Thus, feminist dialogue involves both solidarity and a sense of collective justice, rather than simply branding one’s foreign policy as feminist without pairing it with the implementation of transformative policies across the areas of trade, development, climate, international law and migration, to name a few. It also involves self-critique and preparedness to question the EU’s location within immense privilege and perpetuation of colonialism.

6 CONCLUSION AND RECOMMENDATIONS

We commenced our chapter by accounting for current research on FFP and then went on to explore the broad contours of existing FFPs within the EU, including Sweden’s previous FFP. We argued that the Swedish case was insightful, having not only normatively inspired other states to adopt FFPs, but also being the first country to abandon it entirely. We addressed some of the reasons for the abandonment of Sweden’s FFP, including the silencing of feminism in the wake of the war in Ukraine. We then turned to the EU, exploring scholarly reasoning on the normative underpinning of the EU as a global actor, with our reasoning being in broad agreement with scholarship that has actively sought to add a feminist dimension to the study of the EU’s normative role in the world (David et al., 2023). We then laid out our vision of an EU feminist contract, expressed in a collective FFP, addressing the question of what an EU FFP might look like. Drawing upon the categorisation provided by Bergman Rosamond et al. (2022), we proposed that an EU-based FFP should seek to be ambitious, authentic and accountable; actively engaging

in intersectional analysis and decoloniality; and treating care as a relational and dialogical practice. We finalise our article by providing a set of policy recommendations that we hope can inspire further reflection on the possibility of adopting an EU FFP.

Before proceeding, it is important to note that the recommendations outlined below will have different effects, meaning and bearing on the varied actors, organisations and groups involved in foreign policymaking. For example, our recommendation to engage civil society is primarily targeted at the EU across its many parts. However, the remaining recommendations are applicable to the diverse European foreign policy community and should be included in all aspects of the development, implementation and management of an EU FFP.

6.1 *Engaging Civil Society*

The emergence of a FFP as a recognisable approach to international politics is indebted to the work of civil society actors, grassroots organisations and activists, which have long advocated for the importance of a gender perspective across all dimensions of IR (Achilleos-Sarll et al., 2023). In this light, should the EU adopt a FFP, it is advised to take into account the feminist advocacy and knowledge production of civil society actors, not least to ensure that any attempt to transform the EU's external relations in a feminist direction would be broadly anchored in the social and political fabric of feminist networks across the Union. As feminist scholars have noted, “[f]eminist foreign policy is clearly linked to the decades-long work of states and civil society around Women, Peace and Security” (Thomson, 2020; see also Achilleos-Sarll et al., 2023), as well as domestic traditions and legacies of “state feminism” (Aggestam et al., 2019; Bergman Rosamond, 2020). Referencing the work of and efforts surrounding the production and ongoing development of WPS, scholars and activists alike have highlighted the instrumental role civil society agents and organisations have played in the institutionalisation and operationalisation of the WPS principles. This same value extends to FFPs, whereby the need for global civil society engagement grows in urgency and depth. As FFPs continue to develop, the work and role of civil society both within and outside the EU remains crucial to the development, implementation and practice of substantive and impactful foreign policy agendas. The EU then stands to learn from this development.

Partnering with civil society offers opportunities for the EU to counteract a universalising and homogenous application of a feminist contract by incorporating the voices, perspectives and knowledge of local actors and organisations as equal participants (Scheyer & Kumskova, 2019). To enable this collaborative and inclusive process, the EU can work with civil society agents and organisations both within the Union and beyond by “making space for gender lobbyism, regularly hearing and consulting with civil society, reaching out to grassroots and local organisations and refraining from supporting traditional hierarchical structures through a reference to a ‘bottom-up’ approach, which is inherently hierarchical” (Scheyer & Kumskova, 2019, 63).

The EU’s engagement with civil society is important, as it also allows for progressive actors both within and outside the region to come together and participate in feminist-inspired dialogue that is inclusive and open for a range of actors, and, as we have proposed above, allows for a wider array of opinions. Through such dialogue, the FFP, as a discursive space and a policy objective, as well as a method of conducting gender analysis, can acquire the character of a symbolic glue. Engaging in contestation, and at times agonistic dialogue, can ensure that gendered silences and otherwise neglected contentious issues are being brought into the political space and thus politicised (Aggestam & Bergman Rosamond, 2019a, 2019b). The involvement of civil society in dialogue on FFPs can also contribute to ensuring that the citizens of Europe feel less removed from the decision-making process, and, as such ensure that matters related to FFP practice are not elite-driven, but anchored in the wider public of the EU (Bergman Rosamond, 2024).

6.2 *Promoting Authenticity and Accountability Through Consistency and Coherency*

Concerns regarding the instrumentalisation and/or co-opting of feminism as an exercise in nation branding are deeply linked to issues of authenticity and inconsistency. Inconsistency in relation to FFPs manifests through a number of tensions and paradoxes. This includes a separation between rhetoric and action, discrepancies in the mobilisation of feminist politics “abroad” and at “home” and a limited and/or restricted application of a FFP across the totality of a country’s foreign policy

agenda.¹ Examples of inconsistent and jarring incidences of feminist action include the sale of arms and LAV by FFP-practicing states to known human-rights-violating countries (Robinson, 2021), as well as the promotion of feminist action abroad, in spite of ongoing issues of violence against marginalised peoples and communities domestically (Bergman Rosamond et al., 2023). As these identifiable sites and modes of inconsistency demonstrate, the failure to pursue a reliable and committed feminist position across different spaces, areas and modalities erodes at the transformative potential of a FFP by undermining the veracity of its convictions.

Addressing and preventing inconsistencies requires a high degree of accountability and self-reflexivity (Cheung et al., 2021). One way in which states and institutions are held *accountable* and can both demonstrate a sense of *accountability* is through active engagement with civil society agents and organisations within the EU and beyond that have the capacity to provide valuable and meaningful feedback and direction. Alongside notions of accountability, states and institutions can also combat inconsistency by being self-reflexive. Countries such as Germany have attempted to translate the notion of self-reflexivity into their feminist agendas through the language of a “feminist reflex”.² However, this differs from the critical and active forms of self-reflection required to produce a truly transformative policy. We propose that the EU should adopt an approach to FFPs that encourages self-questioning and critique, as well as an awareness of how a FFP is shaped, implemented and developed in relation to others. This includes examining the “gendered and racialized inequalities and insecurities within their own borders, as well as the nature of relations with all states and communities globally” (Wright et al., 2020).

¹ A good example of a limited application of a FFP is Canada, whereby the country’s policy is focused on international development.

² Germany’s “feminist reflex” appears in the country’s feminist foreign policy guidelines (Federal Foreign Office 2023) and is referenced in relation to gender mainstreaming. The term seeks to express Germany’s commitment to normative change.

6.3 *Centring an Intersectional Perspective*

To combat the violence of a potentially universalising and homogenous approach to FFP, as well as the reproduction of intersectional power hierarchies, we advocate for the adoption of an intersectional approach to FFP making. Emerging from Black feminist thought, intersectionality “investigates how intersecting power relations influence social relations across diverse societies as well as individual experiences in everyday life. As an analytical tool, intersectionality views categories of race, class, gender, sexuality, nation, ability, ethnicity, and age—among others—as interrelated and mutually shaping one another” (Hill Collins & Bilge, 2020, 2). Given the status of feminism as a radical and transformative approach to politics, centring on an intersectional perspective enables the production of a substantive policy that aims to address inequality and injustice beyond a gendered perspective. This functions to disrupt both the depoliticisation of feminist and gender politics through an “add women and stir approach” (Scheyer & Kumskova, 2019; Wright et al., 2020), as well as challenging the limits of a unitary analysis of global issues, as articulated through an essentialising gender dichotomy.

Feminist scholars, activists and organisations have long advocated for the adoption of an intersectional approach to FFP by drawing attention to the many ways in which intersectionality has been excluded from FFPs (Thomson, 2022), mobilised as a synonym for diversity (Cheung et al., 2021) and/or expressed at a rhetorical level without any substantial and meaningful action (Morton et al., 2020). Thus, although the absence of intersectionality from FFP remains a dominant issue, concerns regarding its “hollow” inclusion highlight the pitfalls of a superficial level of engagement (Nylund et al., 2022).

Leading politicians and advocates of FFP also adhere to the principle of intersectionality, with German Foreign Minister Annalena Baerbock noting that “feminist foreign policy [...] is not foreign policy for women, but for all members of a society”, regardless of their “gender identity, origin, religion, age, disability, sexual orientation or other reasons” (Rinaldi, 2023). At present, the EU has demonstrated an awareness and commitment to a “transformative and intersectional approach” through its GAP III. To further advance and follow through with this transformative outlook, the EU’s adoption of a FFP would substantiate its claims to an intersectional approach by recognising and addressing ongoing sources of oppression and exclusion in foreign policy (Haastруп, 2023, 1). This

would result in the establishment of a FFP that is better able to address the different and interweaving power relations that shape and define the region (Maes & Debusscher, 2022), as well as its relationship with other states and actors outside the EU (Haastrup, 2023, 1).

6.4 *Recognising and Addressing Ongoing Colonial Injustices*

Connected to the aforementioned recommendation of an intersectional approach is the need for feminist states, institutions and bodies to recognise individual and collective histories of colonial violence. Although some FFP-practising states have openly acknowledged their colonial histories,³ this is often framed as a past action/incident with little to no effect on contemporary power relations and inequalities. As postcolonial scholars have argued,

the organising logics borne out of colonialism continue to reverberate, determining contemporary relations between states, and other actors, that operate through postcolonial encounters, which in many cases represents imperialism-without-borders. It is therefore crucial to draw attention to the ‘continuing colonial legacies of the colonizer’s relations with the colonized, showing the relevance of the past not only for the present but also for its implications for the future.’ (Achilleos-Sarll, 2018, 44)

Thus, acknowledging and addressing these histories of colonial violence as ongoing sources of inequality and injustice is crucial to the proliferation of a meaningful, substantive and effective FFP that addresses the root causes of inequality, and its impact on the everyday lived realities of marginalised people.

This post-/decolonial approach requires states to be active and self-reflexive in how they produce and proceed with their feminist agendas, as well as conscious and attentive to “the artificial, and racialised, distinction set up between the ‘foreign’ and the ‘domestic’, which ignores the ways in which both spatial domains are intimately connected” (Achilleos-Sarll, 2018, 43). Given the potential for FFPs to turn into “branding” opportunities and become complicit in the reproduction of colonial

³ Here, we want to acknowledge that there is some progression towards acknowledging colonial histories (see Germany’s shaping feminist foreign policy guidelines, Federal Foreign Office 2023); however, this is often expressed as a matter of the *past* with no material bearing on the present and future power relationships.

power relations, particularly in the Global South, it is of fundamental importance that states engage with their colonial legacies to prevent the spread of Eurocentric ideals through neocolonial practices and policies (Rivera Chávez, 2022). This is particularly important within the context of the EU and its promotion of gender equality as an ongoing “civilising mission” (Kunz & Maisenbacher, 2017).

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INDEX

A

academia, 4, 88, 89, 92, 95
algorithms, 51, 52
Anti-gender movement, 4, 15, 18, 19,
24, 92

C

care, 2, 5, 12, 16, 17, 23, 24, 26, 28,
47, 53, 56, 57, 65–82, 157, 159,
161–170, 180, 189, 192, 196,
201
care giving, 69
care work, 67, 69
caring relationships, 66, 72, 74, 76
caring responsibilities, 70, 75, 77
Charter of Fundamental Rights, 73
citizenship, 20, 95, 132, 137, 141,
142
Covid-19, 44, 47, 48, 52, 56, 57, 89,
159
Covid-19 crisis, 47, 52, 56, 57
crisis, 2, 5, 28, 31, 44, 47–49, 65–67,
75, 90, 92, 101, 133, 142, 149,
158, 195, 196, 198, 199

cultural diversity, 6, 106, 108,
111–113, 115, 116, 118, 119,
121–123
cultural relativism, 108, 112–114,
116, 118, 122
cultural rights, 106–115, 118–123

D

decolonial, 108, 115, 117, 118, 121
de-democratisation, 2, 88–90, 100
democracy, 123
democratisation of work, 44, 50, 57,
58
discrimination, 3, 10, 20, 26, 53,
57–59, 72, 73, 95, 139, 145,
147, 148, 150, 180
domestic, 47–49, 55, 56, 71, 97, 137,
179, 181, 190, 194, 195, 197,
199, 201, 205
domestic work, 55

E

ecological modernization, 155–162,
169, 170

economic independence, 52
 empathic rationality, 161, 162, 165–167, 170
 empathy, 161–164, 170, 189
 emphatic rationality, 164, 166, 167
 employment, 44–52, 55–59, 70, 71, 75, 77, 78, 80, 91, 94, 139, 140
 equality, 1, 2, 4–6, 9–13, 18, 20, 21, 23, 24, 27, 32, 43, 44, 46, 48, 50, 52–55, 57–59, 68, 70, 72, 73, 75, 80, 89, 93, 99, 101, 106, 107, 110, 111, 113, 120, 122, 123, 131, 133, 134, 136–143, 145, 146, 148–150, 156, 159, 161, 167, 170, 177–180, 183–187, 191–193, 195, 197, 198, 200, 206
 ethics of care, 68, 69, 72
 ethics of justice, 68, 69, 73
 EU law, 73
 European Commission, 2, 52, 54, 67, 75, 77, 78, 97, 139, 140, 143, 164, 178, 191, 194, 198
 European Green Deal, 155, 157, 160
 European Pillar of Social Rights, 52, 75
 European Strategy for Gender Equality, 52
 European Union, 9, 15, 49, 72, 73, 75, 77, 88, 132, 155, 177, 197

F
 feminism, 2, 4–6, 9, 21, 43, 45, 46, 132, 149, 177, 178, 191–194, 196–202, 204
 feminist, 1, 3–6, 9, 19, 21, 23, 32, 33, 44–46, 48, 54, 55, 57–59, 68, 93, 97, 132, 138, 143, 155, 177, 179–190, 192–205
 feminist foreign policy, 3, 6, 177, 203–205
 feminist perspective. *See* feminism

future of Europe, 4

G

gender, xix, 1–6, 9–13, 15, 18–21, 23, 24, 26, 27, 31–33, 43–48, 51–55, 57–59, 66, 67, 69–75, 77–82, 87, 89, 91–94, 96–101, 131–135, 137–145, 148–150, 155–158, 160–162, 166, 167, 170, 171, 177–195, 197, 198, 200–204, 206
 Gender contract, 4, 5, 9, 12, 20, 32, 43, 53, 55, 57, 59, 66–72, 77–79, 81, 82, 93, 106, 155, 157, 162, 170, 182, 189
 gendered dimension, 66, 75, 137
 Gender ideology, 19, 32
 gendered impact, 67
 gender inequality(ies), 12, 43, 45, 47, 48, 55, 82, 91, 93, 98, 132, 145
 gender mainstreaming, 31, 53, 133, 141, 155, 171, 203
 gender stereotypes, 3, 52, 77, 80
 gender studies, 87, 89, 91–93, 96, 97, 99–101, 198
 growth, 156–160, 162, 186

H

higher education, 6, 11, 87–89, 91–99, 101
 household chores, 54
 human rights, 113

I

illiberal, 18, 93, 97
 illiberal backlashes, 87
 illiberal forces, 2, 18, 89, 91, 93
 illiberal science, 88, 96–99
 illiberal states, 88, 89, 91
 institutional violence, 33

intersectional(ity), 2, 5, 12, 18, 21,
25, 26, 30–33, 46, 53, 147, 148,
156, 166, 178, 180, 182, 185,
186, 189, 191, 195, 196, 198,
200, 201, 204, 205

investment in care, 67

J

jobs of equal value, 53

L

labour, 44–47, 50, 60, 67, 70, 71,
74, 96, 132, 156, 158, 162, 165
long-term care, 54, 76, 79

M

masculinity, 19

N

neoliberal, 90, 92
neoliberalisation, 91, 92, 95

P

pandemic, 5, 14, 28, 31, 44, 47, 48,
53, 54, 65–67, 70, 71, 74, 77,
79, 81, 87, 92, 148, 159
parental leave, 56, 76, 165
parity, 6, 44, 45, 59, 119–122,
133–135, 137, 138, 140–143,
147, 149
part-time, 49, 55, 75
pay gap, 50, 56, 59, 70
Pay Transparency, 53, 56
procreative autonomy, 18, 20, 27
public policies, 52

Q

quotas, 134, 135, 139, 142, 143, 145

R

recovery, 5, 53, 54, 66
remote working, 44, 48, 49
reproductive coercion, 20, 26
reproductive justice, 5, 11, 12, 21,
29–33
reproductive politics, 5, 11, 13
responsiveness, 163, 168

S

science policy, 88, 96–100
securitisation, 91, 199
sexual and reproductive health and
rights (SRHR), 5, 9–13, 17–26,
28–32
social progress, 50, 99
social reproduction, 159, 164, 170
soft law, 68

T

technical masculinity, 160, 168. *See*
also masculinity

U

uberisation, 44, 48–50
unpaid, 49, 51, 52, 67, 69, 95, 159,
161, 162
unpaid care, 52, 67, 95

W

well-being, 5, 9, 10, 21, 23, 65,
72–74, 81, 168
woke, 105
wokeism, 105, 106, 120
women's rights, 2, 5, 13, 18, 20, 54,
92, 106, 109, 111–113, 115,
121, 123, 140, 143, 147, 184,
193, 195, 198
work, 18, 31, 43–46, 48–59, 67, 68,
70, 71, 74, 76–78, 80, 88, 92,

- 95, 98–101, 131, 135, 138, 140, 144, 159, 161, 163, 165, 166, 180, 182, 185, 194, 198, 199, 201, 202
- worker, 28, 47, 51
- work from home. *See* remote working
- working conditions, 50, 51, 55, 57, 77, 78
- working from home, 44, 48, 49, 51
- working remotely. *See* remote working
- working time, 55
- work of equal value, 53, 56
- workplace, 44–46, 48, 52, 54