



Guerrina, R., MacRae, H., & Masselot, A. (2023). Between a rock and a hard place: The EU's gender regime in times of crisis. *Women's Studies International Forum*, 99(July-August 2023), [102722].
<https://doi.org/10.1016/j.wsif.2023.102722>

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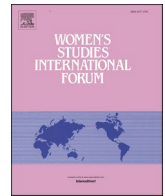
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Contents lists available at [ScienceDirect](https://www.sciencedirect.com)

Women's Studies International Forum

journal homepage: www.elsevier.com/locate/wsif

Between a rock and a hard place: The EU's gender regime in times of crisis

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ABSTRACT

This article applies Walby's Gender Regime Theory to examine the EU's role as a gender actor in the context of crisis. We build on Walby's analysis of the EU as a public gender regime to understand continuity and change as the European Commission sought to lead the EU and its Member States through one of the most existential crises faced by the organisation: the Covid-19 pandemic. Gender Regime Theory provides a useful way to think about the impact of multiple and overlapping crises on the European gender *acquis* and the way it contributes to the development of a European gender regime. In order to understand the way the EU gender regime has evolved, and is continuing to evolve, we bring together two distinct bodies of literature, GRT and Feminist EU Studies in order to understand the interaction between national and EU gender regimes and the ways in which these are intertwined in the EU's Covid recovery plan.

Introduction

"Gender equality and equal opportunities for all, and the mainstreaming of those objectives should be taken into account and promoted throughout the preparation and implementation of recovery and resilience plans submitted pursuant to this Regulation. Investment in robust care infrastructure is also essential in order to ensure gender equality and the economic empowerment of women, in order to build resilient societies, combat precarious conditions in a female-dominated sector, boost job creation, prevent poverty and social exclusion, and in order to have a positive effect on Gross Domestic Product (GDP), as it allows more women to take part in paid work."

(Regulation (EU) 2021/241, 2021, 21)

The EU's Recovery and Resilience Facility (RRF) signals the strength of European institutions' commitment to gender equality. On paper, the policy instruments and tools for the economic and social recovery of the EU place gender equality at the forefront of those efforts. Indeed, this programme represents an example of successful gender mainstreaming. Particularly noteworthy is that the focus on "investment in robust care infrastructure" indicates an understanding of the complexity of gender relations and division of work in public and private settings. It also starts to acknowledge the intersecting and compounding impact of different structures of power, e.g. gender and socio-economic status. Yet, despite

the declarations, there is little evidence that the EU or the member states are fully committed to centering equality, gender mainstreaming or intersectional approaches in crisis management and the post-crisis recovery. Moving beyond the sweeping statements of purpose to the process of implementation, it becomes clear that the value formally afforded to gender equality is not necessarily accompanied by measures to put these principles into actions.

In this article, we explore the EU's projection of its gender regime in the context of crisis and post-crisis recovery. The EU is a complex entity in which European practices and norms are constantly mediated through interactions with all its constituting parts, including member states. The research question underpinning our analysis is as follows: what is the relationship between EU level and national gender regimes in the context of crisis? The development of post-Covid-19 recovery plans, such as the RRF and NextGeneration EU (NGEU), will interact with the regimes of the EU and its member states. The question for us is whether these documents, and specifically NGEU, demonstrate a commitment to a recovery that is gender sensitive and intersectional. We then seek to examine how these measures can be used to understand the EU's overall commitment to gender equality and intersectionality as indicators of the EU's gender regime. In this way, we draw attention to shifts in the EU's commitment which may reflect a larger pattern of redefining a gender regime at the EU level.

Our analysis considers the NGEU and the RRF, the alleged "centre-piece of the NGEU" (European Commission, n.d.) as illustrations of the

Abbreviations: NGEU, Next Generation EU; RRF, Recovery and Resilience Facility; GTR, Gender Regime Theory; ERI, European Recovery Instrument; GES, Gender Equality Strategy.

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<https://doi.org/10.1016/j.wsif.2023.102722>

Received 4 November 2022; Received in revised form 26 February 2023; Accepted 27 March 2023

Available online 31 May 2023

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way European institutions factor gender into strategic approaches to crisis management. This overarching plan offers an excellent point of entry into a discussion about gender regimes as they are designed to promote economic and social growth following the Covid-19 shock by addressing other crises including climate change, the digital economy, social cohesion, and healthcare in an interconnected manner. They are thus able to highlight the position of gender within a broad set of policies. In our analysis, we assume that the Commission plays a central role in shaping and articulating the EU gender regime. First, the Commission is the only fully “European” body involved in the articulation of the recovery plan. As such, insofar as we can see an EU gender regime that exists separate from the member states, we can expect this to be articulated by the Commission. Secondly, the NGEU “empowers the Commission to assess the national plans based on whether they effectively contribute to the objectives of the RRF” (Schramm, Krotz and De Witte 2022, 117). This places the onus on the Commission to confirm that member states’ plans are in line with the overarching goals of the recovery measures. Finally, the Commission is an important locus of gendered power at this point in time, because for the first time in history, it is headed by a woman. In this context, we might expect to see a stronger commitment to gender equality.

Applying Walby’s gender regime theory to these processes, it becomes clear that while the Commission may embrace elements of a social democratic and thus, more gender-just gender regime, it fails to project this onto the member states, especially at times of crisis. Within the framework of the EU’s recovery plan, the member states are encouraged to take steps which fit with their specific national circumstances, even at the expense of gender equality. Devolving implementation to the member states, many of whom are currently critical of the EU’s regulatory stance on gender equality, may undermine the efficacy of mainstreaming initiatives as gender issues remained siloed in the “equalities” domain, and recovery projects can become a means to undermine the move towards a more progressive gender regime (Walby, 2018). In line with other feminist analyses, (for example, Cavaghan & O’Dwyer, 2018; Cavaghan, 2017) we thus view the EU’s crisis responses as evidence of the hollowness of the EU’s fundamental commitments to gender equity (see also Guerrina & Masselot, 2021) and the continued dominance of member states’ gender regimes. This process will in turn contribute to an overall reordering of the gender regimes at all policy levels to what Walby terms a more neoliberal gender regime, and which may eventually “cascade” (Walby, 2015) into greater forms of inequality. Building on Walby (2018)’s analysis of the remaking of subsidiarity in the context of crisis, our article makes an important contribution to Gender Regime Theory by exploring the complexity and co-constituted nature of European gender regimes. Understanding the negotiated nature of the EU and national gender regimes provides essential insights into the evolution of the EU as a gender equality actor as it comes to terms with gender governance in a state of permanent crisis.

Theoretically, we begin from Walby (2004)’s observation that the EU represents a form of public gender regime. Nearly two decades ago, Walby argued that “[t]he EU’s new variety of gender regime has a public form shaped by a distinctive institutionalised practice of social inclusion articulated through a new employment based set of regulations” (2004, 23). In other words, the EU displayed a gender regime that was more progressive than many of its member states, although it is fundamentally grounded in labour market policies. Her analysis takes a macro-level approach which purports that understanding gender relations as a regime or system rather than as “a series of dispersed separate phenomena” allows us to see nuances and the interconnectedness of various policy choices and to acknowledge that different aspects of the “gender regime are interconnected in practice, not sealed into separate compartments of economic and noneconomic issues” (2004, 22). Additionally, she recognizes that implementation depends on a broader context, not the least of which are the many ways in which values and policies are interpreted and implemented by the individual member states. This

analysis is further developed in 2018 through the prism of subsidiarity (Walby, 2018). In this piece she seeks to unpack the relationship between the EU’s “distinctive equality project” and national approaches to equality. This discussion links to our own approach which seeks to explore the co-constitutive nature of gender regimes, in the plural, in Europe. We will later on draw on the image of a double helix to explain this process. For now, suffice to say that gender regimes are distinct but mutually constitutive, insofar as individual processes and structures are shaped by interactions that create new ways to mediate gender relations at the national and European level. Crisis provides an entry point for our understanding of gender regimes in mediating these processes and thus transforming themselves and others.

Whereas Walby (2004) hints at the interconnection of the EU and domestic gender regimes, few studies have applied her understanding of gender regime theory analysis to the multiple levels in the European Union. Doing so can reveal important patterns and trends about both the EU and the gender regimes of the member states, as well as the power relations inherent in the interaction between these two levels of governance. Recent crises, in which the EU has set an overarching framework within which the member states have then executed national level policies, offer an opportunity to investigate the complexity embedded within the EU’s gender regime as it emerges from both the uploading of national gender regimes and the downloading of common interests, values and practices (Lombardo & Forest, 2012).

Section one outlines the theoretical underpinnings of our approach and demonstrates that crises, and specifically the Covid-19 pandemic, are gendered. To unpack this, we bring gender regimes literature into closer dialogue with crisis and disaster literature as well as Europeanization. In the second section, we turn our attention specifically to the Covid-19 pandemic and the EU’s primary post-recovery framework; Next Generation EU (NGEU). We show that an inability of the member states and the EU to adequately respond to these challenges, has shifted the trajectory of the EU’s gender regime from one edging towards the social democratic model to a more neoliberal regime as a lowest common denominator across the Union. This has implications for gender equality at the EU and the member state levels and can, over time, upend the overarching principles of equality upon which the EU institutions claim to be built (MacRae, 2010; MacRae et al., 2021). In the final section, we emphasise the challenges that equality and the EU gender regime face as structures prioritise economic over social and national over European solutions. We conclude with some thoughts about how our observations about the EU’s gender regime can contribute to our overall theorization of gender regimes.

Theorizing gender and crisis in the EU

In this section we set out our theoretical framework that is grounded in feminist analysis of crisis and disaster management, feminist EU studies and gender regime theory. This provides a unique lens to understand medium and long term impacts of crises and the EU’s responses to these perceived existential threats. It is in the midst of such existential challenges that gender regimes are mobilised in formal institutional responses. This framework will provide the prism for the textual analysis of NGEU in the next section of this paper.

Crisis as disaster

The state of on-going, multiple and overlapping crises experienced by the EU – the so-called “polycrisis” – highlights the tensions and weaknesses of the EU’s approach to equality as grounded in economic rationalities. Multiple simultaneous crises have formed a critical juncture creating points of pressure and gradually revealing a neoliberal trend that partially displaces some of the gains made towards integrating social democratic aspects in the gender regime of the EU. Rather, more progressive elements of the EU’s gender regime are being challenged by the polycrisis and institutional responses to it. This process

fundamentally undermines the EU's values and identity and in turn, its ascribed role as a gender actor internally and in its relationships with external partners (MacRae et al., 2021).

Crisis, is of course, not a new phenomenon in the EU. Past crises have intimately shaped the European integration project. Yet successive crises have increasingly been met with economic concerns (Bain & Masselot, 2013) over commitment to equality and social justice, all too often considered too costly (MacRae et al., 2021). Whereas the EU once billed itself as a global norm setter in gender equality (MacRae, 2010), a feminist and intersectional perspective reveals a more recent process of "dismantling" of the progressive project (Jacquot, 2015). The polycrisis thus raises existential questions for the EU: if it is no longer a global leader in gender equality, does this mean that the impact of the polycrisis has fundamentally changed the nature, the essence and the mission of European integration?

Far from grounding further integration, crisis itself is seen as undermining the fundamental goals of European integration. As such, it is becoming increasingly important to consider crises, insofar as they are like natural disasters fundamentally about humans and social relations (Farber, 2007). In fact, the differentiation between natural disasters as opposed to human or "man-made" disasters, or indeed, crises is ever more contested. This contested space is particularly evident around the Covid-19 pandemic, where aspects of the crisis show clear similarities to a natural disaster, whereas others, such as the economic repercussions of the pandemic, are akin to "man-made" disasters. What is important in disasters and crises are their scale, which is defined by their impact on human lives (Chmutina & von Meding, 2019). Large disasters and crises alike reflect their ability to affect a large number of people.

Framing crises as a form of natural disaster leads us to consider two points from disaster risk management studies, both of which allow for a more intersectional approach to understanding the interconnections between crisis and inequalities. First, the severity of the impact of any given disaster will depend on the resilience of the existing infrastructure as well as access to local networks to support the affected populations. It is important to note at this point that the very notion of resilience may reproduce social and economic hierarchies, in so far as it requires affected populations to engage with state infrastructure on unequal terms. Resilience is based on an assessment of needs and interests that is not value free, but may well reproduce bias and inequalities in organisations. This means that the scale of the impact of any disaster or crisis is a reflection on the human ability to make decisions collectively and individually (Kelman, 2020). The actions, behaviours, values, decisions, and choices made either by individuals, by those who have power and resources, or by those who make decisions for others, with or without their awareness and consent shape and reflect long-term societal organisations and structures, which determine governance, distribution of wealth and decision-making as well as implementation (Kelman, 2020). Ultimately, decision-makers affect the treatment and agency of groups based on class, gender, race, ethnicity, religious affiliation, age, physical and mental health conditions, immigration status (Wisner et al., 2012, 18–19). In doing so, they contribute to what is referred to in disaster studies as the "vulnerability" of some populations (Kelman, 2020). Whereas, the Covid-19 virus, was initially viewed as affecting all populations equally and indiscriminately, it was soon made clear that outcomes and realities differed widely for different populations (Guerrina & Masselot, 2021; MacRae, 2020; Masselot & Hayes, 2020). Thus, crisis responses ought to acknowledge the institutional propensity to reproduce existing inequalities and seek to mitigate these.

This leads to the second point: disasters, and crises, affect some people more than others. Groups with lesser capabilities, resources and opportunities, the so-called vulnerable population, are more likely to suffer from disasters or indeed crises (Neumayer & Plümper, 2007). Moreover, disaster and vulnerability feed each other as the "negative effects are multiplied for some vulnerable groups and minimised for other, usually better-resourced, groups" (True, 2013, 80). Lack of resources plays a role in constraining individuals from making choices

that, if acted upon, would help moderate their vulnerability (Kelman, 2020). Women's unpaid care work has long been a driver of gender inequality (see Caracciolo di Torella & Masselot, 2020) but the Covid crisis has particularly underscored the impact of vertical and horizontal segregation of the labour force. The systemic undervaluing of care is deeply embedded in the discussions about welfare and gender regimes. The material impact of these structural inequalities was compounded during the pandemic as women had to decide whether to keep their paid employment or care for their children and families. Despite differences in gender regimes, the compounding effects of the double burden was a defining feature of many women's experiences of Covid. Ultimately, the Covid crisis contributed to increased vulnerability for many, and was especially damaging for marginalised women.

Disasters and crises can magnify the inequalities and oppressions which already exist within social structures (Neumayer & Plümper, 2007) but a focus on intersectional equality can reduce the gap between men's and women's position during disrupted times (True, 2013). Accordingly, the severity of the impact of any disaster, and by extension crisis, reflects the political, legal and economic conditions of marginalised individuals in any given society. Typically, women who are at the intersection of multiple vulnerabilities are disproportionately affected by crises (Arora, 2020). Thus, the importance of principles of diversity and equality in society prior to any disaster or crisis is fundamental to not only increase the population's resilience, but also to reduce vulnerabilities in times of disasters (Masselot, 2022). Conceptualising the Covid-19 pandemic as a disaster helps to open our eyes to the inequalities inherent in crises and the gendered and racialised nature of the pandemic specifically. As we move from this observation to Walby's gender regime theory it becomes clear that the gendered nature of the crisis, together with the EU's recovery plans may represent a fundamental shift in the EU's ability to project itself as a gender equal polity.

Gender regimes at the junction between national and transnational

Gender Regime Theory (GRT) has its roots in feminist and gender critiques of Esping-Andersen (1990)'s welfare regime typology. As a concept, gender regimes can be used to understand the way gender structures access to power and resources at different levels. Walby (2020) specifically conceives of gender regimes as system level structures, whereby gender-based inequalities exist across several domains. What gender regimes theories have in common is a focus on the complexity of social relations that shape and define individual interactions with the economy and the state (see for example the work of Kantola & Lombardo, 2017, 31).

Our work draws on Walby (2004, 2020)'s work on gender regimes, as it adopts a system level approach. Walby's materialist approach to gender relations allows her to conceptualise gender regimes as systems of oppression and/or emancipation. Drawing on the early work in this field, she looks at where a state's gender regime falls in the public-private continuum. In this framework a domestic gender regime connotes a pre-modern patriarchy, whereas a public gender regime "is modern, underlining the autonomous historical development of systems of gender inequality vis-à-vis class and other systems of inequality (Shire & Walby, 2020, 410). The two main types of public gender regimes included in this model are the neoliberal and the social democratic gender regimes.

At the core of her theory is the premise that a shift towards a more gender equal society necessitates a double transition on this sliding scale. Firstly, gender regimes need to move from private to public, and thus undergo a qualitative shift from pre-modern to modern. Importantly, the shift from pre-modern to modern does not necessarily mean an objective "improvement" in women's equality (2020, 416–417). Once gender regimes have transitioned to the public domain, further change from neoliberal to social democratic is required in order to move towards a more equal society. It should be stressed that the transition is not perceived as linear, nor are gender equality outcomes inevitable

although they are unlikely to occur without progress towards a social democratic regime. Factors such as the form of capitalism, depth of democracy and the strength of feminism and its allies contribute to the classification of a regime as more social democratic or more neoliberal (Walby, 2020, 415). This sliding scale in which we can conceive of different relations existing along the continuum from social democratic to neoliberal is particularly helpful in capturing the constantly changing relations in the European Union. Walby notes that “[t]he tension between neoliberal and social democratic approaches to capitalism is endemic in processes of economic governance in the EU, and the balance between these approaches changes over time and especially in times of crisis” (2015, 135). While in 2004, Walby identified the EU as a largely social democratic gender regime, by 2015, she sees an “increase in the priority accorded to the neoliberal model of economic growth” (135). In our reading, the continued deprioritization of gender equality, along with the shift towards the neoliberal model of economic growth are evidence of an overall shift in the gender regime from the social democratic, towards the neoliberal. However, while some policy responses may reflect a neoliberal gender regime, others may show clear elements of a social democratic regime. GRT as articulated in Walby’s work is unique in that she considers gender relations at the macro level, as a complex system grounded in four domains: the economy, the polity; civil society and, violence. These four domains capture the key elements of gender relations and they are each affected by crises.

The complexity of the EU-member state relations make it especially difficult to trace patterns across these domains. Moreover, within both the member state and the EU levels, there may be several “differently gendered polities coexisting (and competing) in the same territory: ‘national’ state, EU (or other hegemon), organised religion (e.g. Catholic Church). They have different depths of gendered democracy, so variations in the balance of power between them are gendered.” (Walby & Shire, 2022, 16). Regimes at all levels are fluid, evolving and co-constitutive. The complexity of such a system means that Walby’s framework can at times, miss some of the underlying trends. This may be especially evident as we attempt to capture the power of anti-gender sentiments that pit some domestic regimes clearly against the EU’s gender regime. Indeed, Verloo notes that “the current articulation of varieties of gender regimes as between public neoliberal and social democratic gender regimes is not enough to get a grip on current anti-gender campaigns and the resulting turn to less progressive forms of gender relations” (Verloo, 2022). This was especially evident in the responses to public health measures during the height of the crisis. It is our intention to try and tease some of these relationships out by further nuancing the GRT approach with insights from feminist European Union Studies.

Feminist European studies

Much of feminist EU studies has focused on gender policies at the EU level, gender regimes within the institutions (Abels & MacRae, 2021; Chappell & Guerrina, 2020) and the decline of gender equality within the organisation (Jacquot, 2015; Weiner and MacRae, 2017). While gender policy has been a key focal point, there has been surprising little theorization around the EU as a gender regime. For von Wahl, gender regime theorizing is a “moving target” (2021, 19) because the EU is constantly evolving, changing and shifting. However, she does not understand gender regime as a system in the way that we, following Walby, do. Rather, von Wahl views the gender regime simply as a collection of policies and norms around gender equality at the EU level: “Intensified interaction among member states, the development of new institutions, norms and laws, and the rise of transnational women’s groups have led to a process of Europeanization drawing together an extensive and multi-level web of gender-related policies, networks and discourses” (2021,23).

What is important in this theorization, however, are the links that von Wahl draws between these studies of gender policies and gender in

the institutions, and the process of Europeanization. Walby’s earlier research which first describes the EU as a gender regime (2004) also sees the EU’s influence over national norms as one of the main ways in which the EU gender regime exerts itself. However, while these analyses are extremely important to feminist theorizations of the EU, in our reading they do not go far enough in drawing out the links between Europeanization, the EU gender regime and the national gender regime. Feminist accounts of Europeanization have tended to see the EU in a relatively positive light in which the EU is able to pressure national gender regimes to shift, or even replace, conservative regimes with more social democratic. These analyses thus have a tendency to focus on the top-down process of Europeanization, neglecting to fully analyse bottom-up pressures in which the less progressive gender regimes of some individual member states can reshape the overarching gender regime of the EU. As states resist the imposition of the EU’s liberal and public gender regime, they simultaneously upload their own preferences to the EU level, drawing boundaries around what types of gender policies they deem to be acceptable through the incorporation of specific types of equality policies in national action plans. Europeanization is thus a two-way street with the EU and national gender regimes co-constitutive and intertwined.

Through the process of policy implementation, the individual gender regimes are constantly interacting with one another. The uploading of national preferences becomes particularly important in the current context of increasing backlash against feminist and intersectional norms. With the rise in support for the far right and the extreme right across many EU member states, the EU’s liberal gender policies including attempts to mainstream gender are being viewed in an increasingly hostile manner (Rawluszko, 2021; Verloo, 2018).

The rise in public support for far right positions is relevant in several ways. First, as these positions gain support among much of the population, it becomes increasingly difficult to generate backing for the EU’s liberal equality or even intersectional frame. Feminists have pointed out the links between the far right ideology and attacks on gender and feminist ideologies. “They fiercely oppose same-sex marriage and LGBT rights, argue against gender studies and gender equality education, and reject feminist demands on the state, especially with regard to women’s reproductive rights and combating gender-based violence” (Rawluszko, 2021, 302). Rawluszko demonstrates, drawing on the case of Poland, how gender equality policies such as gender mainstreaming are, in the discourse of the far right, directly linked to top-down Europeanization (see also Verloo, 2018 with reference to the Netherlands). If the government allows the EU to dictate gender equality policy it is considered to be a loss of control by the citizens. As such, the implementation of gender equality policies indirectly fuel anti-gender mobilisation at the member state level. This fundamental clash is one way that the national gender regimes come into direct conflict with the EU level.

Secondly, as far right parties gain control in an increased number of states, the balance of power at the EU level, or at least in some of the EU institutions, also shifts. It can become increasingly difficult to pursue feminist goals in the Council if more than a small minority of states support a platform that openly rejects the premise of equality. The Commission is one of the main institutions, together with the Court of Justice of the EU which arguably remain somewhat shielded from domestic level power shifts. This is one reason why it is important to consider the role of the Commission in shaping EU gender policy; it is likely the institution which best reflects an EU-gender regime. Some of these trends and constraints are particularly visible in the ways that the Commission advanced the EU’s Covid-19 recovery with an awareness of the role of gender equity, but was unable to enforce a particular vision of equality in the member state implementation of these proposals.

The crisis and recovery process

This section will examine the impact of institutional approaches to crisis on the European gender regime and its relationship with national

variations in the member states. We are specifically interested in the way gender has been integrated in post-Covid recovery and how gender equality relates to other priorities. We will draw on the European Commission's NGEU strategy and conduct a textual analysis of the document. The main aim of our analysis is to identify key areas in which the European Commission integrates gender in its approach to crisis management; and what this can tell us about how crisis intersects with the evolution of the EU's gender regime.

Key factors in the crisis

Walby's framework allows us to introduce complexity not only through the four domains of analysis, but also across several different levels. She argues (2018) that gender relations exist across macro (regimes); meso (institutions) and micro (practices and projects) levels. When we take these three levels together, we are able to gain insights into the overall state of gender relations in a given space. This is especially relevant in the study of the EU as its gender regime (macro level) is shaped by the institutions. For Walby, when we consider Europe, the analysis of the macro level "requires analysis in addition to the meso levels of the gendering of specific institutions...and the gendering of projects" (Walby, 2018, 312). The analysis of the EU's responses to the Covid crisis allows us to trace the gender relations across these domains and levels. Covid-19 was thus a whole system crisis on an unprecedented scale. It is therefore a useful site of analysis for looking at the impact of crises on gender structures and regimes.

If we begin from Walby's four domains - economy, polity, civil society and violence - it is clear that in the European Union, the pandemic exerted influence across all these domains. The crisis originated as a public health crisis, but quickly spread to the economic domain as a result of public health management measures. As industries, corporations and businesses shut down in March 2020, the crisis "cascaded" through society from the economy, to the polity and into violence (Walby, 2015; Walby, 2021).

It has become an oft-repeated refrain since 2020 that the Covid-19 crisis has had a disproportionate effect on women. This is true across all domains. The pandemic and national responses to the pandemic contributed to an economic downturn with widespread implications for men's and women's employment levels. In the months immediately following the peak of the pandemic, evidence indicates that men are recovering more quickly than women (EIGE, n.d.). According to a recent Eurobarometer survey over 20 % of the women surveyed "[a]re considering or have decided to permanently reduce the amount of time they allocate to paid work" (European Parliament, 2022). There is significant evidence that the pandemic widened the gender pay gap, undoing some of the gains that women had made over the years. Minority women, those in already precarious positions and single parents are most likely to be adversely affected by the economic uncertainty resulting from the Covid-19 restrictions. As austerity measures and employment restructuring is likely to occur over the next several years in response to the costs of the pandemic, we can expect, based on the impact of previous austerity policy (Karamessini & Rubery, 2013), that it will continue to be women and precariously positioned individuals who will face the brunt of the economic hardship. In this sense, there is a further retrenching of the neoliberal economic models.

From this economic crisis, the pandemic then started to affect the polity. The public health crisis directly impacted decision-making and legislation which became increasingly authoritarian, with lockdown measures, and curfews imposing limits on individual freedoms that had not been seen in Europe for over half a century. There is little, if any evidence of steps to help mitigate the gendered outcomes of these measures. As a result, the crisis further evolved from the polity into the domestic sphere and the domain of violence. Incidents of domestic violence increased sharply during lockdowns, and as a result of austerity driven closures to shelters, there were few places for women to go to if sheltering at home was not a safe option. Some studies indicate an

increase in reported domestic violence in excess of 30 % (Klatzer & Rinaldi, 2020, 7).

For the most part, the jurisdiction to address these issues rests with the member states. Health care questions, domestic violence, decisions around lockdowns and closing of borders and other mechanisms designed to mitigate the pandemic fell to the member states. At the level of the EU, the European Commission spearheaded the EU's response to Covid-19 through the Next Generation EU programme. Covid-mitigating measures also brought into sharp relief the historical tensions between Member States and EU institutions. As borders started to shut down in March 2020, the community of European states was reminded that sovereignty still matters, and in the context of Covid management the European Commission had once again to make the argument about the pursuit of the common interest. A self-proclaimed gender equality actor, the EU had to find a way to ensure the commitment to mainstreaming gender did not fall by the wayside as it dealt with this large-scale emergency. The next section will therefore examine if and how the EU has included or accounted for gender in its Covid response.

Whose recovery? Post-covid gender regimes

Covid-19 probably represented the most significant challenge faced by European institutions in the seventy year history of the organisation. It was a political challenge as it exposed the sovereignty logic that supranational institutions have to contend with. It was a social crisis in so far as it required states to extend cross border solidarity, and it was an economic crisis of unprecedented scale. In this fast moving environment that required coordination between institutions and member states, it was the Commission that was tasked with coordinating a joint response (de la Porte & Jensen, 2021). The new von der Leyen Commission, with its emphasis on gender parity and renewed commitment to gender mainstreaming, is the most obvious site for our analysis. Understanding the impact of the Commission's Recovery Plan for Europe provides important insights into the trajectory of the EU's Gender Regime and its role as a gender equality actor.

The von der Leyen Commission took office in December 2019, less than six months before the Covid-19 outbreak. This new Commission set out an ambitious vision for the Union, including a renewed commitment to promoting gender equality and mainstreaming gender in all policy areas. In her first speech to the European Parliament von der Leyen set out her commitment to develop a "Union of Equality" in which gender equality would be a core pillar of the economic strategy (Abels & Mushaben, 2020). Indeed, she stated: "A prosperous and social Europe depends on us all. We need equality for all and equality in all of its senses" (von der Leyen, 2019: 11). Von der Leyen's Commission thus reasserted the position of this institution as a norm entrepreneur and a key actor in the development of a European Gender Equality Regime.

This is not the first time that the European Commission has taken the institutional lead in advancing gender equality within the institutional architecture, as well as the policy framework of the EU. We can think back to the golden age of the feminist triangle, when a clustering of femocrats in the Commission, an active civil society sector, and feminist academics, were able to push through significant advances in gender equality policies (Jacquot, 2015). The work of femocrats operating in the European Commission is testament to the importance of critical actors who create a space for the inclusion of the equalities agenda across a range of policy fields. Perhaps most importantly for the analysis presented here, this gender-aware Commission is the backdrop that informed Walby (2004)'s analysis of the EU's gender regime as one that was evolving to incorporate significant elements of the social-democratic regime. It is therefore important to apply these same lenses to examine the way the Commission's response to Covid-19 shapes the future of the EU's gender regime.

Our analysis starts from von der Leyen's ambitious pre-Covid vision set out in the Gender Equality Strategy (GES), "A Union of Equality" (2020–25), and the creation of a new position within the College of

Commissioners with specific responsibility for Equality. As [Abels and Mushaben \(2020: 125\)](#) explain:

“The GES recognizes the promotion of equality between women and men as ‘a task for the Union, in all its activities’; it foresees the use of a dual approach, combining targeted measures with effective gender mainstreaming and the application of intersectionality as a cross-cutting principle. Gender equality experts display real excitement regarding its detailed contents ([Iratxe et al., 2020](#)), which parallel many of the pledges outlined in von der Leyen’s July speech”.

Symbolically, the election of the first woman president of the European Commission was an important milestone for an organisation that has consistently sought to position itself as a trailblazer in the area of gender equality. Moreover, as mentioned previously, von der Leyen’s commitment to achieving gender parity within the Commission and the launch of the GES marked a renewed commitment towards the institutionalisation of a progressive or social democratic gender regime. In terms of the analysis presented here, we would therefore expect this institution, perhaps the most gender aware in the history of the EU, to ensure gender is mainstreamed across all policy domains, even in the context of an existential crisis, such as the Covid pandemic. Moreover, we must ascertain if improvements in descriptive representation within the Commission has an impact on the EU’s gender regime. This is especially relevant as the official vision for a Union of equality comes up against national gender regimes and increasing resistance to gender equality+ policies in the member states.

The European Commission tabled a proposal for a Regulation of the European Parliament and of the Council Regulation ([COM \(2020\) 408 Final](#)) Establishing a European Recovery Instrument (ERI) in May 2020. In the explanatory memorandum the Commission acknowledges the impact of Covid-19 on increasing poverty and inequalities. Rooted in a drive to increase resilience, the proposal sets out to ensure that the Commission’s vision for a greener and more cohesive Union is not set aside as a result of the Covid pandemic. There is, instead, a clear attempt to merge the Union’s key priorities with plans for recovery from the unexpected and devastating pandemic. The European Recovery Instrument was adopted by the Council in 2020 and a budget of Euro 750,000 million was allocated to support social and economic infrastructure. This included funding for economic and social resilience ([Council Regulation \(EU\) 2020/2094](#)). This act of the Council thus brought to life the Next Generation EU programme, which operationalises the ERI.

The original Commission proposal is intended to capture its priority areas amidst the crisis. Equalities are included in the proposal, but without a clear scope or systematic proposal. Rather, equality is implicit and piecemeal. This is illustrated by the only paragraph that sets out the scope of the initiative, focussing on “fundamental rights” of which equality is only one form:

“The proposal has a positive effect on the preservation and development of Union fundamental rights, assuming that the Member States request and receive support in related areas. For example, support in areas such as, labour markets and social insurance, healthcare, education, the environment, property, public administration and the judicial system can support Union fundamental rights such as dignity, freedom, equality, solidarity, citizens’ rights and justice” ([European Commission, 2020](#)).

Solidarity and parity of access between member states was the focus of the document and the associated programme of action. Perhaps the most telling part of this paragraph is that the member states are firmly at the centre of the proposal. The “positive effect” can only be expected if the member states request support for this area. Specifically, Member States have to use the European Semester in order to identify and agree specific measures at the national level. Consequently, the EU’s framework for equality is directly subordinated to the member state’s goals.

The Next Generation EU programme identifies five priorities areas:

environment and climate change, digital transformation, health, resilience, and equality. The main instrument for the implementation of this programme of action is the European Recovery and Resilience Facility (ERRF). The Facility is structured around six pillars that pick up the key themes of the Next Generation EU programme: green transition, digital transformation, smart, sustainable and inclusive growth, social and territorial cohesion, health and economic, social and institutional resilience, and policies for the next generation. Equality is intended to be a cross-cutting pillar that informs actions at European and national level. Member States are expected to submit plans for investment and growth aligned with the six pillars.

Given that “mainstreaming” is the primary strategy for the integration of the EU’s gender equality regime across all policy areas, it is appropriate for us to examine how effectively this has been done in the context of a Facility which sets out European level ambitions, but requires member states to identify priorities that are determined by their context, and we would argue their national gender regime. The Regulation establishing Facility ([EU 2021/241](#)) reaffirms the commitment to ensuring post-Covid reconstruction is sensitive to the broad equality agenda and seeks to tackle the growing inequalities brought into sharp relief by the pandemic (Paragraph 6). Paragraph 4 of the Regulation specifically states:

“At Union level, the European Semester for economic policy coordination (European Semester), including the principles of the European Pillar of Social Rights, is the framework to identify national reform priorities and monitor their implementation. In addition to measures that strengthen the competitiveness, growth potential and sustainable public finances, reforms based on solidarity, integration, social justice and a fair distribution of wealth should also be introduced with the aim of creating quality employment and sustainable growth, ensuring equality of, and access to, opportunities and social protection, protecting vulnerable groups and improving the living standards of all Union citizens. ...”

At first glance it would thus appear that the principles embedded in the European Commission’s strategy for a “Union of Equality” are widely integrated into the document. Paragraph 28 specifically calls for mainstreaming equal opportunities to reflect increased awareness of the impact of gender hierarchies and divisions of care work on the resilience of the Union and across the Member States. Moreover,

“investment in robust care infrastructure is also essential in order to ensure gender equality and the economic empowerment of women, in order to build resilient societies, combat precarious conditions in a female-dominated sector, boost job creation, prevent poverty and social exclusion, and in order to have a positive effect on Gross Domestic Product (GDP), as it allows more women to take part in paid work” (Paragraph 28)

This document thus reaffirms the Commission’s vision for a public gender regime in which access and participation in the official labour market are the most important tools for empowerment and emancipation. Drawing on Walby’s framework this reaffirms the EU’s position as a public gender regime that blends elements of the neoliberal and social-democratic regimes. It sets out priorities that address gender across all four of the domains: while the economy and polity are central to recovery and growth; civil society remains important for addressing issues relating to violence highlighted by the increase in domestic abuse during the pandemic.

Acting as a norm entrepreneur, the Commission seeks to embed these values and priorities in the plans and strategies of all stakeholders, as highlighted by Paragraph 39: “The recovery and resilience plan should set out the expected contributions to gender equality and equal opportunities for all as well as summary of the conducted consultation process with relevant national stakeholder”. Straight out of the mainstreaming toolkit, the Regulation calls for an equalities impact assessment and

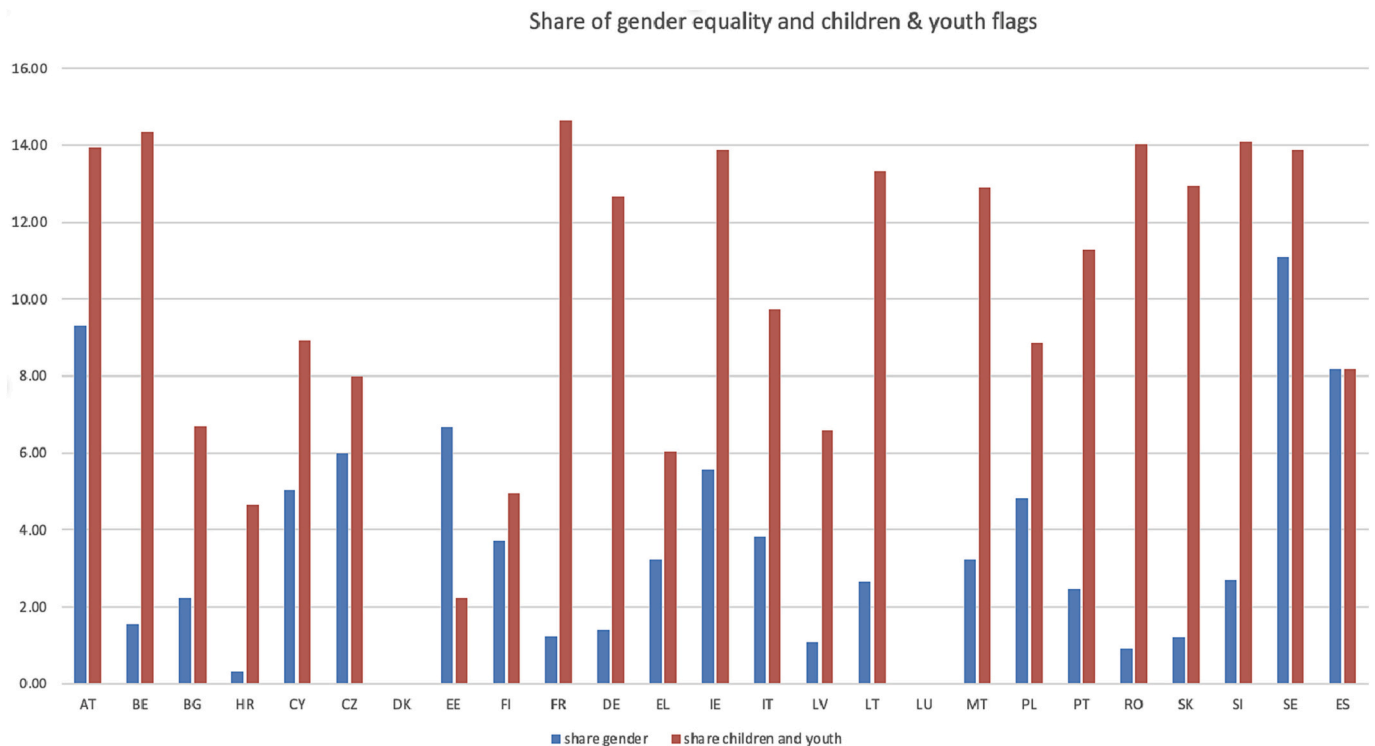


Fig. 1. European Commission scoreboard data and visualisation (European Commission, 2022).

analysis to be included in the Member States' annual report and evaluation. The Recovery and Resilience Scoreboard is then used to track progress against key indicators at the European and national level (European Commission, no date).

Gender equality is reported alongside investment in measures to support children and youths. Listed under the "Future Generations" pillar, this breakdown of the RRF measures presented by the European Commission shows a much greater focus on children and youth, rather than gender equality. As of June 2022, the Commission reported 397 measures focusing on youths and 129 measures focusing on gender equality across all Member States (European Commission, 2022). Fig. 1 provides a comparison of the investment by Members during the first twelve months of the Facility as reported by the European Commission in 2022.

It is important to note that, in all but one member state (Estonia), significantly more initiatives for youth have been undertaken than for gender equality. In other words, even though the Commission' sets gender equality as a central pillar of the RRF, this is not reflected in the execution and implementation of projects. Member states do not prioritise gender equality measures. Importantly, these statistics do not tell us what types of gender equality projects were undertaken. However, with the lack of guidance provided around gender equality it would not be surprising to see a wide array of projects ranging from very gender aware to gender sensitive only in name.

The issue at stake here in terms of our analysis relates to the complex relationship between the gender regime that is being promoted by the European Commission at the European level and the way these values interact with gender regimes, structures and economic models at the national level. This multi-level interaction reflects the way the process of Europeanisation includes both uploading and downloading. To return the metaphor used earlier in this paper, what we see is the emergence of a gender regime that operates in conjunctions with a range of gender regimes that come together as the building blocks of a double helix. The Covid response measures are significant for our analysis in so far as they highlight that the thread that runs all the way through the DNA of the European gender regime is rooted in the neoliberal regime defined by

access, opportunities and subsidiarity (Walby, 2005; Walby, 2020, 2018).

What this analysis highlights is a key question that goes to the core of our discussion and our understanding of the EU as a gender regime and a gender equality actor: is the EU (and its gender regime) a "system" separate from the gender regimes of the member states? To what extent are they mutually constitutive? Our analysis draws attention to the way these are separate but interrelated systems. In the context of crisis, this challenges the idea of the cascading impact on different domains and gender regimes, in favour of a more distinctive set of relationships that through their interactions, and only through those specific interactions, construct the EU and national gender regimes. In other words, the way member states respond to crises alters the opportunities and options available to the EU to respond to the same crisis. Equally, the EU level response inevitably shapes and binds the response of member states. What this means is that gender regimes are separate, but interconnected. When you change one, it has an impact on the whole. What is important to note is that this process is more than simple adaptation, in so far as it changes the nature of the whole system.

Conclusions

This article seeks to understand gender relations, as Walby does, at the level of society as a whole, rather than focussing only on policy changes. In each of the recent crises, including the Covid-19 pandemic, there was a recognition, at the level of EU policy, through reports and research to bring a gender perspective into the recovery project. However, these interventions were often ignored or, at best, acknowledged and then forgotten. Moreover, the principle of subsidiarity necessitated the downloading of key aspects of the Covid crisis responses to the member states. In these circumstances, it is the national gender regimes which then take precedence over the EU gender regime (see for example MacRae et al., 2021). This interaction between the national and European level gender regimes must be more fully theorised. Whereas Walby sees the EU as articulating its own gender regime, independent from the member states, in our view, these cannot be disconnected from one another.

The European Commission's NGEU programme provides important insights into the level of complexity that underpins the EU gender regime. Gender relations are entwined not only across the four domains, but also across 27 different national regimes as well as within the EU level regime. We conceptualise this interaction somewhat like a double helix: gender regimes at both national and EU levels are twisted and complex. They are made up of several different materials (domains). They are, however, also intertwined with one another, such that a change in either one necessitates a change in the other. Changes articulated through various policies, may facilitate fundamental, or only superficial changes in the national gender regimes.

In this context, the EU's gender regime is not only shaped by its relationship and connections with that of the Member States, it is also impacted by its internal conceptual shortcomings; namely the lack of intersectionality in the Commission's approach to equalities. The neoliberal focus on access and participation reproduces existing economic structures. The all encompassing nature of the Covid crisis required a multi-level and multi-faceted response that is sensitive to the diverse set of individual and group circumstances. The rhetoric associated with the Next Generation EU and the Facility, as well as the programmes close association with the European Semester, are in danger of overlooking the long term impact of Covid on equality and inclusion. What should have been learnt from the 2008 Financial Crisis is that reproducing existing economic and social models provides limited and unequal pathways to recovery (Cavaghan & O'Dwyer, 2018). From an intersectional perspective, this latest crisis, with its gendered and racialised impact, only compounds the level of anxiety and exclusion experienced by many black and minoritised women in Europe (Emejulu & Bassel, 2015).

To conclude, our analysis draws out the co-constitutive nature of national and European level gender regimes, and the way crisis amplifies tensions and interactions between these two levels of analysis. It also makes a significant contribution to ongoing debates about Gender Regimes Theory. The addition of a supranational dimension provides additional nuance to our understanding of the way gender relations interact with social norms, practices and structures to create gender regimes. In this context, we can conclude that the EU's gender regime is in a constant state of flux as its very fabric is defined by exogenous forces (e.g. Covid-19), national trends, and inter-institutional dynamics at the EU level. It is a gender regime that it defined by tensions and inconsistencies, but that percolates through and intersects with national regimes. It therefore requires detailed consideration and study.

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