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# A Crisis is a Terrible Thing to Waste: Feminist Reflections on the EU's Crisis Responses

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## Abstract

As critics are quick to point out, the European Union (EU) has entered the crisis phase of its evolution. It could be argued that crisis management is now the EU's new normal. Dealing with both endogenous (e.g., economic crisis and Brexit) and exogenous crises (e.g., the migrant crisis and COVID-19), the EU is facing a whole new set of challenges that has the potential to destabilize the complex institutional balance that has maintained the process of European integration over the last 70 years. In this environment of rapid responses, gender+ equality has frequently been compromised. As we argue in this article, the implications of this backsliding are grave not only for equality but also for the European Union as a whole. Drawing on Walby's concept of gender regimes and social transformation, we consider current crises and the EU's responses to those crises to highlight potentially dangerous shifts in the European gender regime. With crisis response increasingly supporting a neo-liberal gender regime, the current state of perpetual crisis in the European institutions does not bode well for the future of equality.

## Keywords

Gender regime, austerity, Brexit, refugee crisis

I have often used the Greek word 'polycrisis' to describe the current situation. Our various challenges—from the security threats in our neighbourhood and at home, to the refugee crisis, and to the UK referendum—have not only arrived at the same time. They also feed each other, creating a sense of doubt and uncertainty in the minds of our people. (Juncker, 2016)

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## Introduction

In the words of former Commission President Jean-Claude Juncker, the European Union (EU) is in a state of ‘polycrisis’ in which multiple economic, financial and social crises have come together, perpetuating uncertainty and discord among the member states. Of course, crises are not new to the European integration process. Webber (2019, p. 9) suggests that the EU has ‘spent much—perhaps as much as a third—of its history in crisis’. However, the current crisis—this polycrisis—is arguably fundamentally different. For the first time since the 1960s, the very process of integration is at risk. Mainstream accounts have thus moved from centring their analysis on institutions to the existential impact of the polycrisis on the future of the Union, as evidenced by Brexit (Dinan et al., 2017). And yet the assertion that the polycrisis is fundamentally new or different is problematic from a feminist and intersectional perspective, and is indicative of gender blindness in European studies (Guerrina et al., 2018).

Mainstream accounts start from a basic assumption that the poly-crisis is a new phenomenon. However, this reading renders the lived experiences of minoritized and marginalized communities invisible. Underrepresented communities in the EU have been experiencing social and political marginalization, as well as economic and social hardships, at least since the early 2000s. For many black and minoritized women, the implications of austerity measures, political marginalization and social exclusion in everyday life are akin to an ‘existential crisis’ experienced daily (Bassel & Emejulu, 2018).

With this in mind, we consider the latest EU existential crises from a feminist and intersectional perspective. Drawing on intersectional feminist accounts of the crisis, we argue that the political and institutional responses to these multiple crises have fundamentally undermined the most basic pillars of the EU: social and economic cohesion. The EU was once recognized as a leader in gender equality, with non-discrimination acknowledged as being one of the core principles of the process of integration. There is now strong evidence that the crises have hollowed out these commitments (Cavaghan, 2017; Cavaghan & O’Dwyer, 2018). Walby (2020a) sees these crises as trajectory-changing for gender regimes as crisis can undermine equality and pivot gender regimes from a path leading to greater social inclusion and increased democracy to one defined by increased authoritarianism and neo-liberal regimes (Walby, 2020a). This is where our analysis begins.

Looking at the evolution of the EU’s gender regime provides important, and yet often overlooked, insights into broader societal change. Section one outlines our theoretical framework. In the second section, we consider the extent to which the current polycrisis of the EU has contributed to changes in the trajectory of its gender regime. It is this changing trajectory that has the potential to undermine gender equality and with it social and economic cohesion at the European level. In the final section, we consider two crises: the 2015–2016 migrant and refugee crisis and Brexit. The crises are themselves gendered and racialized. In addition, the EU’s responses to these crises, are indicative of a broader shift in the EU’s gender regime and threaten to undermine earlier progress towards social equality.

## Theorising Gender Regimes

We are primarily interested here in the relationship between the EU's crisis responses and the state of play of gender equality at the EU level. We ask how the institutional responses to the crises contribute to a macro-level restructuring of EU gender equality practices. For us, gender relations and institutional transformations are co-constitutive: the EU's crisis responses will be partly determined by the gendered social and political relations that exist between and within the institutions. Moreover, the extent to which the EU can be viewed as a gender-equal polity is also partly determined by how its institutions respond to crises. Sylvia Walby notes, 'the EU is restructuring in response to the crisis. This has major implications for gender and other inequalities, although these are rarely explicit in the official texts' (Walby, 2018, p. 72). Thus, in order to understand the relationship between crises and gender relations, we must examine the impact of this polycrisis on the EU's gender regime.

The concept of gender regime emerged as a response to the gender blindness of Esping-Anderson's (1990) welfare regimes typology. Whereas Esping-Andersen categorized welfare states on a commodification/decommodification axis, he failed to recognize the importance of gender divisions of labour in the family and their impact on women's participation in the labour market. Specifically, Esping-Andersen's model ignored the pre-commodified nature of care work (Lewis, 1992, 1997). Gender scholars thus introduced a different typology based on the depth of male-breadwinner structures as defining features of welfare states. The basic typology included strong, weak and modified male-breadwinner states (Lewis, 1992; Ostner & Lewis, 1995; Sainsbury, 1994). The introduction of activation policies to encourage women's participation in the labour market in the 1990s led to the introduction of a new ideal type of gender regime: the adult worker model (Annesley, 2007; Lewis, 2001).

The evolution of this theoretical model led to a reconceptualization of some of the defining features of gender regimes. At the most basic level, gender regimes are used to refer to the 'rules and norms about gender relations allocating tasks and rights to the two sexes' (Sainsbury, 1999, p. 5). Gender regime theory has since been broadened beyond care work to encompass all aspects of social and economic life, to the point that there is now a debate as to which relations and structures are most implicated in defining the gender regime (Kantola & Lombardo, 2017, p. 31). For our purposes, Walby's (2018, 2020a) understanding of gender regimes is most useful insofar as it can be deployed to examine the way gender weaves through the social and economic institutions and thus institutional responses to crises. Walby uses the concept of gender regimes to explain macro-level social transformations. Her model is structured around four separate but interconnected domains: the economy, the polity, civil society and violence. These domains are self-contained and may fall at different points along the spectrum between domestic/private and public; or, once on the public scale, between neo-liberal and social democratic.

Walby's conceptualization sees gender relations as existing along a two-part scale, in which they are conceived as either domestic or public, and within public gender regimes, as either social democratic or neo-liberal. The key to understanding Walby's theory is that gender-equitable outcomes require a double transition on this sliding scale. Firstly, gender regimes need to move from private to public, thereby undergoing a qualitative shift from pre-modern to modern. Importantly, this shift does not necessarily imply an objective 'improvement' in women's equality (Walby, 2020a, pp. 416–417). Once gender regimes have transitioned to the public domain, further change from, in her terms, neo-liberal to social democratic, is required to move towards a more equal society. It should be stressed that gender equality outcomes are not inevitable, but 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 neo-liberal (Walby, 2020a, p. 415). This sliding scale in which we can conceive of different relations existing along the continuum from social democratic to neo-liberal is particularly helpful in capturing the constantly changing gender relations in the EU. While some policy responses may reflect a neo-liberal gender regime, others may show clear elements of a social-democratic regime.

Walby's articulation is also useful for the way in which she brings economic systems and particularly the relationship among gender, power and neoliberalism into consideration about the nature of the gender regime (Cullen & Murphy, 2017). This allows her to distinguish between regimes that increase social inequality (neo-liberal) and those which diminish it (social democratic) (Walby, 2020a, p. 419). Moreover, neo-liberal regimes tend, in conjunction with increasing inequalities, to diminish the depth of democracy. As such, feminist mobilization becomes less able to intervene and contest the move to increased inequalities. This trajectory is especially useful in helping us to unpack crises, responses and counter-responses in the EU.

Finally, Walby's conceptualization is unique in its treatment of violence as a specific component of the gender regime. Many feminist scholars (e.g., Hearn et al., 2020) argued that violence is an essential part of gender relations that ought to be considered as a regime in and of itself. For Walby, violence is both inherently connected to other aspects of equality and also a 'distinct form of power that is gendered' (Walby, 2020a, p. 67). She links neo-liberalism and violence, arguing that 'neoliberalism, while purporting to shrink the state in relation to the economy, grows it in relation to violence, producing a larger and more coercive state, not a smaller state thereby producing the things it rhetorically claims to oppose' (Walby, 2018, p. 69). For Walby, this connection is essential to understanding opportunities and constraints to social and political transformation and is an important addition to the way we think about the transformations of gender regimes in the context of wider political trends. For example, as support for radical right movements increases across Europe and within the EU, there is evidence of increased violence against minoritized groups, and in many cases a corresponding failure of the state to censor this violence. This demonstrates the interconnected nature of these crises and the various domains of Walby's gender regime.

In the sections below, we look to the EU's crisis responses to understand the extent to which these reflect the ideal types of social democratic (decreasing inequalities) or neo-liberal (increasing inequalities) regimes. Drawing on the overall trends, we argue that there is a noticeable shift, connected to, but not entirely determined by the crises which tip the EU's gender regime away from a social democratic towards the neo-liberal ideal type. We must be very aware that an increasingly neoliberal gender regime may come with increased violence at both the state and civil society level. The marginalization of equality in times of crisis is thus detrimental, not only to gender relations but also to the overall stability of the EU.

## **The EU, Its Gender Regime and Crisis**

Some 15 years ago, Walby (2004) theorized the EU's gender regime as a public gender regime with strong elements of social inclusion. Elsewhere, Walby (2020b, p. 22) has noted that 'the EU has a more social-democratic public gender regime than the average of EU member states'. Although she detects a gradual overall shift from domestic towards the public in the EU, this is differentiated along national lines, with Sweden representing a more social democratic and the UK a more neo-liberal example of gender regime. Nonetheless, Walby theorized a pan-EU gender regime which she asserted, leaned towards social-democratic. Interestingly, for Walby, the 2008 financial crisis did not lead to a return to a private gender regime in Europe, as care work was not re-privatized. Care remains highly commodified and accessible through the marketplace. The EU's approach to activation policies and work-life balance policies in the 1990s and early 2000s recognized the importance of such services for women's participation in the public sphere, and thus equality of outcomes (Caracciolo di Torella & Masselot, 2010). It did not, however, specify if these services were to be provided by the state or the market. The 2008 crisis partially shifted care work from the state to the market but did not push it fully into the private sphere.

The EU is 'considered one of the world's most advanced political systems with regard to the promotion of gender equality, with its policies aiming to combat gender inequality often being considered "exceptional"' (Jacquot, 2020). However, this is a complicated and multi-layered story. The principle of gender equality was embedded in the legal and social frameworks of the EU at the beginning (Bain & Masselot, 2013; Guerrina & Masselot, 2018; Hoskyns, 1996; MacRae, 2010). Originally envisaged as an instrument to correct competition distortions between the Member States, the principle has transcended its initial economic goals. Today, gender equality is a value (Article 2, TEU), an objective (Article 3, TEU), a fundamental right (Article 23, EU Charter of Fundamental Rights; Case C-243/95 Hill and Stapleton; Koukoulis-Spiliotopoulos, 2008), a process (Article 8, TFEU) and a positive duty (Article 157, TFEU; Fredman, 2005) of EU law. However, while gender equality is a central EU principle, it has lost traction in the way it has been operationalized over the last 20 years.

Despite being an EU fundamental value, gender equality does not stand alone but is considered a subsection of social policy. This can undermine the importance of gender equality as a foundational norm because social policy is too often subjugated to the priorities of the market. This hierarchy has been challenged by the Court of Justice of the European Union, which has held that the ‘economic aims pursued by [this] Article, namely the elimination of the distortion of competition between undertakings in the different Member States, is secondary to the social aim pursued by the same provision, which constitutes the expression of a fundamental right’ (Cases C-270/97 and C-271 Sievers, para. 57). In practice, however, economic imperatives are often given priority over social rights. Thus, from the outset, gender equality is tied to economic considerations (Bain & Masselot, 2013) and construed to be both an instrument of market realization and a subsection of social policy. This means that it is constrained and secondary to other EU policies. EU gender equality law is thus constructed and defined by a hierarchy of policy priorities and is therefore powerless in transforming economic or social structures (Masselot, 2019).

The constraint on gender equality came to the fore during the 2008 global financial crisis. Some feminist analysts and policy actors were initially optimistic that the crisis could offer an opportunity for major changes in the EU’s gender project. However, these aspirations did not materialize. Rather than upend ‘long-standing neoliberal rules of the game’, policy-makers opted to ‘reinscribe the standing institutional order ... EU policy responses to the crisis reaffirmed and fortified its collective neoliberal rationale and the stronghold of male power’ (Weiner & MacRae, 2017, p. 86). The EU has not only missed an opportunity to restructure its institutions along, at the very least, more gender-equal lines, it has foregone the chance to reform the market to be underpinned by the fundamental value of gender equality.

Worse yet the onset of the 2008 financial crisis marks a move towards dismantling many of the EU’s gender protection measures, and a weakening of their impact at the national level. Jacquot (2015) mapped the level of disinvestment in the EU’s gender equality policies over the past decades. In her words, the post-Lisbon era is characterized by a ‘process of dismantling’ (Jacquot, 2015, p. 137).

This dismantling is not due to a deliberate decision or a political strategy aiming explicitly to end gender equality policy. Rather it is the result of the continuation of a public policy trajectory, undertaken in recent decades..., sharpened and defined by the extremely important external factor of the period of economic austerity at the end of the 2000s. (Jacquot, 2015, p. 173)

Rather than treating crises as critical junctures for the restructuring of the gender regime, the EU has entrenched inequalities.

As Jacquot (2015) and others (Guerrina & Masselot, 2018; Kantola & Lombardo, 2017; Weiner & MacRae, 2017) have demonstrated, gender equality frequently takes a backseat during times of crisis. In the past, small setbacks to gender equality were typically readdressed following the crisis and as the process of integration restarted. However, beginning with the 2008 financial crisis, the EU

has been in a state of the constant and ongoing crisis. As such, there has been no real time to ‘restart’ the integration process between individual crises, and no time to ‘return’ to temporarily sidelined gender concerns (Jacquot, 2015; Muehlenhoff et al., 2020). Despite ongoing hardships among certain communities, the EU has declared the financial crisis ‘over’ and a return to a ‘more “normal” policy-making regime’ (Cavaghan & O’Dwyer, 2018, pp. 96, 98). The process of ‘normalization’ has not only exacerbated inequalities between men and women but as austerity measures have reduced state provision of services such as childcare, these have been pushed back into the ‘private’ sphere and fallen disproportionately to women. This shift moreover exacerbates the divisions between white middle-class women and minority European or migrant women, as minority women are frequently called upon to provide care so that white women can return to the labour market via the EU’s ‘reactivation policies’. Thus, we see a move through austerity to increased neo-liberal gender regimes. The role of the financial crisis in deepening this rift has been well addressed in feminist literature (Cavaghan & O’Dwyer, 2018; Karamessini & Rubery, 2014, Klatzer & Schlager, 2014). Furthermore, the assumption that the economic (crisis) and the social (recovery) are somehow distinct is extremely problematic. We know that in the EU, equality policies are both economic and social. Typically, the EU has used economic means to achieve social goals. The further entrenching of this process demonstrates the depth of the neo-liberal regime in EU economic policy and in the efforts to recover from the financial crisis.

As European institutions are increasingly neglecting the potential insights from feminist analysis in doing policy, European studies as a discipline have also failed to reflect on how the ‘crisis dynamics interconnect with and amplify three founding and (unresolved) dilemmas of the European project’ (Rosamond & Manners, 2018, p. 34). Rosamond and Manners argue that European studies have become path-dependent, such that they fail to see problems that are ‘hiding in plain sight’ and which have been exacerbated by the crises, including the neoliberal nature of the EU itself. In the following analysis, we take up their call for increased methodological pluralism to challenge the dominant narratives within the discipline (p. 34). We consider two key crises: Brexit and the migrant crisis. These ‘existential crises’ highlight the shifts away from the social democratic towards the neo-liberal gender regimes and are indicative of how crises not only fail to address gender concerns but can contribute to increased gender and social inequalities. The process of integration is undermined not only by the crises but even more so, by the institutional responses to these crises which have hollowed out the EU’s commitment to social cohesion and with it, gender equality.

## **Gendering the Refugee Crisis**

The flow of refugees from Syria and surrounding areas placed an unprecedented strain on the EU and its institutions. During 2015 and 2016, over 2 million migrants entered the European Union (Eurostat). The crisis has been particularly



difficult for the southern member states, among the hardest hit in the financial crisis and suddenly at the forefront of a new crisis. As some member states buckled under the strain, others shut their borders and refused to accept any migrants at all. The Union had to face some difficult questions of redistribution, financial support, institutional responsibilities and leadership. In the process, the crisis mobilized discourses around vulnerability, responsibilities and belonging. These are all fundamentally gendered, but analyses often focus on the meso- (national and/or institutional) or even micro-level (individual) of analysis and pay little attention to the European macro-level. Walby's framework helps to unpack how the responses to the refugee crisis contributed to a shift in the overarching EU gender regime. The migrant crisis shifted processes of decision-making away from the usual channels; the interests of citizens and refugees were increasingly juxtaposed resulting in an increase in violence against women and visible minorities. Thus, in three of Walby's four domains, we see a shift away from the social democratic on the gender regime scale. Only in the realm of civil society engagement do we see, in some member states, a positive shift along Walby's regime scale.

It is somewhat misleading to speak of 'European Union' responses to the migrant crisis given that many of the responses originated from the member states and many involved a return to interior borders between the member states. From a legal perspective, the EU does not have full competence in migration from outside the EU. However, the EU was central in providing basic guidelines, recommendations and a framework of coordination. Responses fall into two categories: internal policies for which the EU has the competence and which include questions of refugee reception, asylum procedure and status recognition; and external policies (for which the EU has no to very limited competence) concerned with preventing or at least reducing, the flow of migrants at the borders of Europe. Whereas external policies have shown only a marginal consideration of gender concerns (Allwood, 2015; Guerrina et al., 2018), internal policies demonstrate more awareness of gender and other social divisions.

While the EU sets some basic guidelines, internal measures generally rely on the member states for implementation, but as we know, during the crisis many member states were unable or unwilling to uphold minimum human rights standards. In the absence of even basic human rights, we should not be surprised that gender inequalities, even when noticed, are not addressed in practice. Furthermore, formal responses to the crisis were characterized by a lack of agreement and an inability to secure a collective response to the crisis. After an initial push for a collective solution as evidenced by the May 2015 European Agenda on Migration, an on-going lack of coordination prompted even the most 'European' of member states to seek national solutions. Importantly, in an effort to reach consensus, decisions were increasingly taken by the European Council, often bypassing the European Parliament (EP) and the 'regular' channels of decision making. While the EP expressed its dismay at the lack of coordinated responses, it was effectively shut out of much of the process (Saatçioğlu, 2020). This is particularly problematic from a gender perspective because the Parliament has typically been one of the strongest advocates within the EU institutions, for gender equality.

The increased nationalization of policy and the shift in the process are both examples of a weakening of democracy at the EU level, something that Walby sees as central in the shift towards a more neo-liberal gender regime. It is moreover telling that, even when collective action was taken, there was a general disregard for the inclusion of gender in the documents, even though numerous organizations were highlighting the importance of a gender perspective on the crisis. This writing out of gender is a further example of the weakening of (gender) democracy at the EU level.

There is a direct connection between the austerity policies associated with neoliberalism and the migrant crisis. For many of the member states, the refugee crisis has brought with it increased economic and financial burdens, which in the immediate aftermath of the financial crisis, have been too much to manage. This has resulted in further cutbacks and increased austerity in many states, contributing to tension between those migrants already settled and those who have just arrived. Resources to aid in the integration of refugees may draw resources away from those who have been in the country for several years, but who remain reliant on state resources for language and employment training (Cianetti, 2018, p. 791). The sudden influx of migrants also brought strain on the labour market. Strategies at the EU and the member state level to better integrate third-country nationals have recently focused on strategies of social inclusion through labour market participation. Employment generates economic independence and thus, social inclusion. Cianetti refers to this strategy as ‘trickle down’ and is quite critical of its ability to lessen inequalities among and between migrant groups. She moreover notes that, while some EU documents include increased references to the gender dimension of social inclusion strategies, much of the agenda has been ‘de-prioritized, in a context in which “growth” is increasingly presented as the main response to social exclusion’ (Cianetti, 2018, p. 796). Although this shift was visible prior to the refugee crisis, the crisis exacerbated tendencies and contributed to a shift away from an intersectional and multi-dimensional approach to one which focused almost exclusively on economic growth. The result is increased gender inequalities as migrant women are, for various reasons excluded from the labour market and simultaneously marginalized through austerity measures and cutback. Thus, we see an additional move on Walby’s spectrum toward a neo-liberal public regime.

One way in which Walby’s conceptualization is unique is that it takes violence into account as one of the four key domains contributing to the gender regime. In the wake of the migrant crisis, we have seen a spurt in right-wing radicalism and corresponding racialized and gendered violence. Right-wing movements such as Pegida in Germany, and political parties such as the Rassemblement National in France have mobilized around a masculinized and homonational sense of belonging that entrenches a dichotomy between the newcomers and the ‘Europeans’ around questions of gender, sexual identity and tolerance. Across Europe, the radical right is steeped in gendered and racialized stereotyping, in which the newcomers are frequently depicted as potential perpetrators of violence against, particularly the white European woman. These gendered images reinforce stereotypes of women’s roles and the need for masculine protection.

This has been accompanied by an increase in violence towards refugees and women, as evidenced in the events of New Year's Eve 2017 in Cologne. This rise in violence is also reflective of the neo-liberal shift in the gender regime and retrenchment of a particular notion of gender and belonging. However, while there is a clear increase in the domain of violence, some civil society actors have risen to counter this. Only this domain shows a move toward a more social-democratic regime, and in fact, this is only the case in some member states. In the face of rising right-wing radicalism, the refugee crisis brought with it an unprecedented outpouring of civil society involvement across many European states. The *Willkommenskultur*, so strongly portrayed in Germany in the summer of 2015 shows a strong force within civil society that is aware of and fighting for increased inclusion, social justice and collective rights. These responses are indicative of the constantly shifting scale. If the wave of volunteerism and collective action continues, it may be able to generate some movement away from the neo-liberal and back towards the social-democratic gender regime. Increased tolerance of difference, and in particular gender norms may be visible.

Returning to Walby's four domains, there is evidence of shifts initiated even before the financial crisis, but further entrenched through the refugee crisis. These shifts involve a decrease in democracy, an increase in violence and a move towards neo-liberal economic policies, which collectively point towards a shift away from the social democratic gender regime that the EU once hinted at. These trends are further apparent in each of the aspects of the EU's poly-crisis.

## **Brexit as Crisis: The Neoliberal Gender Regime**

Brexit represents more than a critical juncture, not only for the UK but also for the EU and the project of European integration. The UK's decision to withdraw from membership of the EU did not happen in a vacuum but was the result of 10 years of austerity, financial uncertainty and the refugee crisis. These drivers of political uncertainty were evidenced during the 2016 EU Referendum campaign and have come to define the post-referendum transition.

The focus of the Brexit process and the associated institutional mechanism created for negotiating the UK's withdrawal from the EU focused almost entirely on 'high stakes' issues (Guerrina & Masselot, 2018; 2021). In other words, the Brexit negotiations have focused almost exclusively on economic questions, decoupled from social politics. Four areas are worth exploring in detail when it comes to applying Walby's gender regimes model to the process of Brexit:

1. The *polity* is reflected in the way the process is managed and the treatment of citizens' rights in the context of the negotiations;
2. The *economy* relates to the dominant focus on trade and trade negotiations;
3. *Violence* links to the impact of Brexit in the context of the language deployed in the negotiation of the future relationship; and
4. *Civil Society* speaks to the marginalization of CSOs in this process.

Brexit has gendered the polity in two distinct and overlapping ways. Firstly, although the highly divisive nature of the EU referendum campaign was not an activation moment for women voters in the UK, (Guerrina et al., 2018). The actual outcome resulted in a significant increase in women's activation and participation in pro-European social movements across the UK (Brändle et al., 2018). A specific projection of citizenship is therefore emerging which highlights the importance of social politics to the members of the polity. This is true for supporters of both campaigns in the UK. Whereas supporters of Remain tended to articulate their concern about the impact of Brexit on their families, Leave voters typically raised concerns about the impact of remaining in the EU on national culture and the cohesion of the national polity (Brändle et al., 2018). Secondly, the polity was gendered through the bureaucratization of the Brexit process. Following the 2016 Referendum, Brexit entered three distinct and overlapping phases: (a) the Parliamentary phase in which MPs sought to address the governance of Brexit; (b) the negotiation phase in which the UK and EU sought to establish the parameters for the future relationship; and (c) the operationalization phase when the UK entered the transition period and formally became the third country.

The second dimension in Walby's theory is the economy. The focus here is on the centrality of trade, especially fisheries and competition, in the Brexit negotiations. The tight timetable for negotiating a new relationship and a trade deal between the UK and EU, particularly once Theresa May triggered Article 50, works against the development of a measured approach that considers the repercussions of the process of different groups, especially traditionally marginalized and under-represented groups. The only extensive assessment of the impact of the EU Withdrawal Agreement (2020) was carried out for the Scottish Government (Hepburn, 2020). This found that '(i) it is likely that the increased cost of living will have had a disproportionate effect on low-income households, into which many equalities groups fall since these generally spend a larger share of their income on daily essentials such as food, bills and housing' (Hepburn, 2020, p. 35). From the EU's side, the gendered impact of Brexit is almost altogether missing from the European Parliament's impact assessments of the different areas of economic policies being negotiated.

Walby's third dimension, violence, is most evidently manifest in the rising levels of gendered and racialized violence. Walby (2020b) examines the impact of Brexit, as the latest iteration of the ongoing crisis, on the governance of gender (equality) and gendered violence. Beyond the impact of an increasingly divisive political discourse on social relations and norms, the question of the Irish border remains one of the most sensitive issues in the negotiations. The EU, as one of the signatories of the Good Friday Agreement, has a responsibility to ensure it will not lead to a resurgence of violence on the island of Ireland. The concern is voiced about the impact of a physical border on the peace process: 'If such a border were established, a long-lasting source of potential violence and tension would be established in a region not lacking in such sources. Politically this conclusion should be excluded' (Temple Lange, 2017).

The fourth and final dimension of Walby's model is civil society. Indeed, it is in the context of violence that the impact of Brexit on civil society is most evident. Civil society organizations expect Brexit will have a detrimental impact on their ability to support survivors of gender-based violence. This is significant as there is evidence from the financial crisis and associated austerity that domestic violence tends to increase at times of crisis (Walby, 2020b; Walby et al., 2016).

It is interesting to note at this point that the centrality of the negotiation turned what started as a plebiscite into a highly technocratic process. By their very nature, negotiations are removed from the citizens in distinct contrast to the 2016 Referendum and the social movements that grew around it. The Brexit negotiations established a form of technocratic governance to define the parameters of the future relationship. That process is set out to focus on 'high stake' or 'high salience' issues: trade in goods and services, fisheries, agriculture, level playing field and state aid rules, and the land border on the island of Ireland. Social cohesion, equalities and citizens' rights hardly get a mention either in the Withdrawal Agreements (2018; 2020) or the coverage of the negotiations. Fishing rights, rather than social issues, remained one of the sticking points at the end of the transition period (The UK in a Changing Europe, 2020). In the context of the negotiations, the market citizen becomes the key component of the polity. This form of citizenship, however, is not gender-neutral. The deeply commodified nature of EU citizenship ultimately serves to restrict the rights of EU national women in the UK in the context of Brexit. In other words, at the point in which women assume the primary function of care and withdraw from the labour market, they have fewer rights in a Brexit scenario.

One of the notable omissions from this process from the EU perspective, is gender mainstreaming, which must underpin EU's governance of gender equality. Therefore it is interesting to note that issues relating to gender only appear in relation to considerations of citizens' rights. This is, at best, a limited understanding of gender mainstreaming, and most likely this highlights the way equalities are sidelined in the context of crisis, particularly as officials have to deal with the pressures associated with the urgency associated with a high stakes processes like Brexit. The question here is what the absence of gender and equalities in the context of the Brexit negotiations implies about the direction of travel for the EU's gender regimes. The UK is likely to use the Brexit process to reassert key values and practices associated with the neo-liberal gender regime (Guerrina & Masselot, 2018; Dustin et al., 2019). The question for us thus relates to the impact of the process on the EU's progress towards establishing itself as a social-democratic gender regime.

## **The Fluid and Contested Nature of the EU's Gender Regime**

These two cases demonstrate not only how the crises are gendered, but also how the EU's responses can exacerbate gender inequalities and, over a longer-term,

contribute to a gradual shift in the gender regime. Austerity measures, increasing violence and decreasing democracy and democratic participation evidence shifts in the social relations at a macro level. The EU's gender regime and the gender regimes of individual member states show evidence of a shift away from the social democratic and towards a more neo-liberal model. With this, there is a very real danger of increased instability in the process of integration. The individual crises are intertwined: crisis responses lead to economic constraints; austerity measures increase insecurity and contribute to the Brexit vote; the increased uncertainty that accompanies all crises can contribute to increased violence. The polycrisis is not only about security threats, the refugee crisis and the UK referendum, as Juncker claimed. The fundamental crisis is that the institutional responses are increasing rather than decreasing inequalities. As inequalities rise, the very purpose and essence of European integration gets undermined.

The European gender regime is fluid and constantly changing. This is partially the result of the fact that the EU gender regime is constituted, on the one hand, by the European institutions themselves, and on the other hand, by a collection of national institutions. These two realms are frequently at odds with one another. European institutions, and in particular the Parliament and the Commission have demonstrated an awareness of the importance of pan-European gender policies. In each of the crises, there has been an attempt, through reports and research to bring a gender perspective into the policy realm. And yet these interventions have frequently been ignored or, at best, acknowledged and then forgotten. Gender concerns have consistently been marginalized within the formal institutional (polity) domain, even with the promises of gender mainstreaming. Moreover, as the crises are frequently defined as belonging to policy realms that do not lie fully within the EU's jurisdiction, member states become the primary players and the EU can fulfill at best the role of coordinator. In these circumstances, it is the national gender regimes which then take precedent over the EU gender regime.

Overall, the EU's crisis responses represent a failure to apply the EU's fundamental values, and from Walby's assessment a failure to entrench a social-democratic gender regime, which the EU was once known for. Perversely, considering the multiple voice opportunities that are supposed to be inherent in liberalism, the EU's approach to equality limits its ability to embed and advance an intersectional understanding of inequalities and how they affect the citizens of Europe. Race and intersectional inequalities thus become invisible in official texts and the overarching vision of recovery from the multiple crises.

The EU's repeated failure to embed gender equality principles into its policy in times of crisis raises the risk that it misses the importance of such fundamental rights as more and larger crises are looming. Crises contribute to a reduction in resources, which in turn lead to political choice about fair distribution. The COVID-19 pandemic and Anthropocene are indicative of coming life and death choices. Without entrenched fundamental principles, political choices are likely to become biased in a way that could potentially precipitate human extinction.

One difficulty arises with Walby's typology. The centrality of gender equality can subvert other inequalities including class, race and ethnicity. While Walby argues that these are separate regimes, her almost exclusive focus on the gender

regime obscures multiple and overlapping inequality regimes. In other words, this singular focus overlooks the connections between these different forms of regimes and how institutional responses can act on not only the gender regime but also the race regime or the class regime, creating layers of inequality for some communities. We suspect that mapping the implications of the crisis responses on these other regimes (including class and race) would likely highlight similar shifts towards a neo-liberal agenda to support the EU's economic mandate at the expense of its social.

## Conclusions

It was our aim in this article to consider how the EU's institutional responses have contributed to a shift in the EU's gender regime as it deals with multiple and overlapping crises, i.e., the polycrisis. We proceeded with the premise that there is a European gender regime that exists as separate from and in addition to the national gender regimes but recognises that they influence each other. Drawing on Walby's typology of gender regimes and her theorization of social change in gender regimes, we have emphasized how the EU's responses to the poly-crises, and specifically to the migrant crisis and Brexit, have prioritized the economic over the social and overlooked fundamental values, including gender equality obligations. The management of the crises by the states and the EU institutions has contributed, at least in some domains, to a shift away from the social democratic towards a more neo-liberal gender regime.

It can be difficult to distinguish between the national and the EU regimes. This distinction is particularly challenging because the crises tend to be in areas of shared competencies, where the member states tend to retreat behind nationalist instincts. In addition, the line between neo-liberal and social democratic regimes is blurred and fluid. This means that although the EU might pull towards social democratic tendencies, the member states are often likely to entrench neo-liberal regimes, undermining the potential for social democracy at the EU level.

Member states cannot be blamed alone. The economic model, to which the EU subscribes, fails to incorporate the values it proclaims in its Treaty, including gender equality, which is often considered too costly. This is an important observation for our understanding of how social justice fits into the overall project of integration. Although the official texts set fundamental values for the EU and stress the importance of the social, in practice, this is subjugated to economic imperatives. This subjugation means that, markedly in times of crises, not everyone will profit from the project, and that most frequently the already marginalized will become further side-lined. This also points towards the decay of democratic and fundamental values. We must take the opportunity to learn from these crises and embed social justice, equality and intersectionality into our policy responses in order to develop a roadmap for institutions to bring a human rights perspective into the management of crises.

Several European networks and agencies, including Equinet (the European network of equality bodies) and the European Disability Forum, have drawn attention to the deterioration in gender equality standards and praxis, but also the opportunities arising from the pandemic yet another EU crisis. Both have stressed the importance of an intersectional approach. But, what would this look like in practice and what would it add to the EU's recovery efforts?

The answer to this issue requires a fundamental shift in the underpinning principles guiding EU decision-making and choices of economic model (Masselot, 2019). All EU decisions, whether taken under the strain of crises or in the context of every-day policy-making, need to fulfill the Treaty promises of an EU economic model guided by 'its values and the well-being of its peoples' (Article 3, TEU). The EU's fundamental values should guide the development of its responses to crisis management, look beyond short-term financial profitability and incorporate gender equality as one of its valued (economic) outcomes. Such a shift would require understanding gender equality holistically as a fundamental value and the structural component of the economy that it is, capable of driving human decisions during crises and beyond (Ferreira & Kostakopoulou, 2016; Masselot, 2019).

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