

Transformations of the European Union's Gender Regime Over Time: Integration Projects and Pro- and Anti-Equality Actors

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The gender regime of the EU polity has undergone significant transformations over time. Analyzing the historical evolution of the EU's gender equality policies and institutions across the domains of the polity, economy, civil society, and violence from 1957 until 2024, we argue that such transformations are determined by the interaction between the two projects of European economic and socio-political integration and the actors who promote and oppose gender equality. The result is a hybrid type of gender regime that combines social democratic and neoliberal elements in different ways over time. Focusing on the EU's gender regime in this way challenges the classic periodization of European integration.

I. Introduction

How can we explain the evolution of the European Union's (EU) gender regime over time? Gender regimes are systems of interrelated norms and institutions that regulate gendered social relations in a given time and space.¹ From their inception in the mid-1950s with Article 119 of the Rome Treaty to the current rise of far-right and anti-gender opposition to gender equality within EU institutions,² the EU's gender equality policies and institutions have undergone significant transformations.³ We argue that these changes were crucially

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1 Sylvia Walby, *Globalization and Inequalities. Complexity and Contested Modernities*, Los Angeles 2009.

2 Anti-gender actors are those who, from the 2000s onward, have actively opposed feminist, anti-racist, and LGBTI (lesbian, gay, bisexual, transgender, and intersex) politics by means of policy backsliding, defunding civil society, attacking and delegitimizing equality actors, knowledge, and politics, and producing patriarchal, racist, and LGBTI-phobic knowledge and policies. Mieke Verloo (ed.), *Varieties of Opposition to Gender Equality in Europe*, London 2018; Agnieszka Graff and Elżbieta Korolczuk, *Anti-Gender Politics in the Populist Moment*, London 2022.

3 Gabriele Abels and Joyce Mushaben (eds.), *Gendering the European Union. New Approaches to Old Democratic Deficits*, Basingstoke 2012; Sophie Jacquot, *Transformations in EU Gender Equality. From Emergence to Dismantling*, New York 2015;

determined by the interaction between the two main projects of European integration – economic and socio-political – and constellations of actors who both promote and oppose gender equality.

As a theory of society, the literature on gender regimes provides a macro-level perspective for understanding social relations. This article advances the literature by applying it to the supranational level of the EU. It brings in EU gender studies,⁴ as well as literature on feminism and democracy⁵ as applied to current anti-gender and far-right opposition to gender equality, to adapt gender regime theory to the specific context of the EU. This is not without difficulties. The multi-level structure of the EU means that its gender regime, especially at the meso and micro levels of gendered social relations and practices, is constituted by the gender regimes of its member states, which are substantially different.⁶ As a result, the EU gender regime is always “fluid and contested.”⁷ To manage this complexity, following Sylvia Walby, we limit our analysis of the evolution of the EU gender regime to the macro level of the EU polity, focusing on its gender equality policies and institutions.⁸ To understand developments in the EU gender regime related to contestations between anti-gender and feminist actors during the 2010s, we complement the literature review with empirical content analysis of the European Parliament’s plenary debates on gender equality during the legislature periods of 2014–2019 and 2019–2024 (N=52), in which we have identified speeches actively opposed to gender equality, as well as speeches that respond to anti-gender interventions.

The article also contributes to theories of gender regime change by focusing on the interaction between the economic and socio-political projects of European integration and the actors who promote and oppose gender equality. The literature on the history of European integration identifies the tension between

Johanna Kantola and Emanuela Lombardo, *Strategies of Right Populists in Opposing Gender Equality in a Polarized European Parliament*, in: *International Political Science Review* 42. 2021, no. 5, pp. 565–579.

4 Gabriele Abels and Joyce Mushaben (eds.), *Gendering the European Union. New Approaches to Old Democratic Deficits*, Basingstoke 2012; Jacquot, *Transformations in EU Gender Equality*.

5 Walby, *Globalization and Inequalities*; Emanuela Lombardo, *Anti-Gender Regimes, Feminist Politics and the Challenge of Societal Democratization*, in: *Mobilization* 29. 2024, no. 4, pp. 469–486.

6 Karen A. Shire and Sylvia Walby, *Introduction. Advances in Theorizing Varieties of Gender Regimes*, in: *Social Politics. International Studies in Gender, State & Society* 27. 2020, no. 3, pp. 409–413.

7 Heather MacRae et al., *A Crisis is a Terrible Thing to Waste. Feminist Reflections on the EU’s Crisis Responses*, in: *International Studies* 58. 2021, no. 2, pp. 184–200.

8 Sylvia Walby, *The European Union and Gender Equality. Emergent Varieties of Gender Regime*, in: *Social Politics. International Studies in Gender, State & Society* 11. 2004, no. 1, pp. 4–29, esp. p. 12.

its economic and socio-political variants as an enduring feature of EU politics.⁹ We argue that this tension is also key to the evolution of the EU's gender regime, with changes in the balance between the two forms of integration fostering changes in the nature and type of the EU gender regime over time. In turn, scholarship on women's participation in the EU highlights the importance of alliances between feminist politicians, experts, and civil society actors in advancing its gender equality policies.¹⁰ Actors opposing gender equality can jeopardize these alliances and form alliances of their own, halting or even reversing such advances. This is especially true of far-right and anti-gender actors, who have recently exponentially increased their presence at EU level.¹¹

Finally, the article develops gender regime theory with regard to the relation between the various institutional domains that form gender regimes. It does so by addressing the interaction between the four domains identified by Walby: polity, economy, civil society, and violence.¹² In this regard, we construct a timeline of the evolution of the EU's gender equality policies and institutions across all four domains between 1957, when the Rome Treaty was adopted, and the end of the first mandate of the von der Leyen Commission in 2024. We divide this time span into five distinct phases. These are characterized by critical turning and tipping points, as well as more gradual transformations, which alter the interaction between the projects of economic and socio-political integration on the one hand, and the nature and impact of the actors who promote and oppose gender equality on the other. Critical turning points are moments of sudden change that take a system – the gender regime in our case – onto a new path of development. Tipping points are a specific sub-type of critical turning point: a slow buildup of small changes that can tip the balance of a system toward change. Finally, gradual transformations layer novel reforms onto pre-existing elements.¹³ In each phase, we trace the

9 Giandomenico Majone, *The European Community between Social Policy and Social Regulation*, in: *Journal of Common Market Studies* 31. 1993, no. 2, pp. 153–170; Stephan Leibfried, *European Social Policy. Between Fragmentation and Integration*, Washington DC 1995; Fritz W. Scharpf, *The Asymmetry of European Integration, or why the EU Cannot be a "Social Market Economy,"* in: *Socio-Economic Review* 8. 2010, no. 2, pp. 211–250; Alan Milward, *The European Rescue of the Nation State*, London 1999; Desmond Dinan, *Europe Recast. A History of the European Union*, London 2004; Mark Gilbert, *European Integration. A Political History*, London 2020; Kiran Klaus Patel, *Project Europe. A History*, Cambridge 2020.

10 Alison Woodward, *Building Velvet Triangles. Gender and Informal Governance*, in: Simona Piattoni and Thomas Christiansen (eds.), *Informal Governance and the European Union*, London 2004, pp. 76–93.

11 Kantola and Lombardo, *Strategies of Right Populists*; Elena Zacharenko, *Anti-Gender Mobilizations in Europe. Study for Policymakers on Opposition to Sexual and Reproductive Rights (SRHR) in European Institutions*, Brussels 2020.

12 Walby, *Globalization and Inequalities*.

13 *Ibid.*, p. 82.

interaction between European integration and gender equality actors across the domains of the polity, economy, civil society, and violence, including the EU's gender equality policies and institutions in all of these domains.

As we show, focusing on the EU gender regime challenges the classic historical periodization of European integration, shifting the focus away from a treaty-centered narrative and toward other overlooked actors and events. The work of historians who apply gender approaches to the analysis of nation-building or social conflicts shows that traditional periodizations change when gender structures, such as the gendered division of labor and the role and agency of women, are considered.¹⁴ Von Hodenberg's article in this special issue clearly illustrates the relevance of gendering analyses of socio-political phenomena by providing more accurate explanatory accounts (compared to non-gender studies) of the changes in the German post-war gender regime, identifying key factors such as women's rising levels of education, increased knowledge, and greater participation in feminist movement.¹⁵ A gender approach highlights instead the role of legal and policy instruments, including judicial rulings, EU directives, and policy programs; institutional transformations, such as the creation of feminist governance structures in the 1980s; key exogenous events, such as crises; and the role of actors intervening both in favor of gender equality (for example, through the creation of transnational feminist coalitions) and against it, as seen in the opposition to gender equality from far-right and anti-gender actors in the 2020s.

We conclude that the tension and intersections between the two projects of European economic and socio-political integration, in combination with pro- and anti-equality agency, are fundamental drivers of the EU's gender regime, making the EU a "hybrid" type of gender regime that oscillates between social democratic and neoliberal trends.¹⁶

14 Christina von Hodenberg, *The Other '68. A Social History of West Germany's Revolt*, Oxford 2024; Christina von Hodenberg, *Writing Women's Agency into the History of the Federal Republic. "1968," Historians, and Gender*, in: *Central European History* 52. 2019, pp. 87–106; Christina Benninghaus et al., *Geschlechtergeschichte. Herausforderungen und Chancen, Perspektiven und Strategien*, in: *H-Soz-Kult*, 19.09.2023, <https://www.hsozkult.de/debate/id/fddebate-138660>; Jane Freeland, *Feminist Transformations and Domestic Violence Activism in Divided Berlin, 1968–2002*, London 2022.

15 Gilbert, Mark. *Historicising European Integration History*, in: *European Review of International Studies* 8. 2021, no. 2, pp. 221–240; Kiran Klaus Patel, *Widening and Deepening? Recent Advances in European Integration History*, in: *Neue Politische Literatur* 64. 2019, pp. 327–357.

16 MacRae et al., *A Crisis is a Terrible Thing to Waste*; Myra Marx Ferree, *Framing Equality. The Politics of Race, Class, and Gender in the US, Germany and the Expanding European Union*, in: Sylvia Roth (ed.), *Gender Politics in the Expanding European Union. Mobilization, Inclusion, Exclusion*, New York 2008, pp. 237–255.

II. Theorizing the EU Gender Regime

A gender regime is “a set of interrelated gendered social relations and gendered institutions that constitutes a system” composed of a limited yet comprehensive set of institutional domains and interacting with other inequality regimes.¹⁷ Walby identifies four constitutive domains of gender regimes: the polity, the economy, civil society, and violence. Other inequality regimes, in turn, include those based on class, ethnicity, race, nationality, religion, sexual orientation, ability, and age, even if those most thoroughly addressed within gender regime theory are class and ethnicity.¹⁸

Institutional domains and inequality regimes relate to each other by taking each other as their “environment.”¹⁹ This means they are mutually adaptive and co-evolve, influencing each other, yet without losing their specificity.²⁰ Moreover, domains and regimes are path-dependent, rather than undergoing unilinear forms of development.²¹ In addition to critical turning and tipping points and gradual transformations, “feedback loops,” in which system outputs are causally circled back in as inputs, are also important elements in gender regime change. These loops can be negative, restoring the system to its original condition, or positive, continuously driving change forward.²² The result is the emergence of a variety of gender regimes across time and space. The principal distinction is between domestic and public gender regimes, while the latter can in turn be differentiated into social democratic, neoliberal, and authoritarian forms.

The EU is a project of integration based on the pooling of sovereignty and resources, in which a variety of political actors give rise to a “new political community” because they “are persuaded to shift their loyalties, expectations and political activities towards a new centre, whose institutions possess or demand jurisdiction over pre-existing national states.”²³ Within this broader integration trajectory, two distinct projects have gradually emerged: an economic and a socio-political one. The EU was originally a project of economic integration that resulted in the European Economic Community, the single market, and the Economic and Monetary Union, established, respectively, by the Rome Treaty (1957), the Single European Act (1986), and the Maastricht Treaty (1993). These focused on advancing market integration through deregulation, weakening the state's control over trade and distortion of competition through the principles of the “direct effect” of EU law (which

17 Walby, *Globalization and Inequalities*, p. 301.

18 *Ibid.*

19 *Ibid.*, p. 67.

20 *Ibid.*, p. 90.

21 *Ibid.*, p. 82.

22 *Ibid.*, p. 86.

23 Ernst B. Haas, *The Uniting of Europe. Political, Social, and Economic Forces, 1950–1957*, Stanford 1958, p. 16.

does not require national implementing legislation) and its “supremacy” (taking precedence over conflicting national law).²⁴

Yet the EU is also a socio-political project, as economic integration was explicitly linked to the social aim of improving the living and working conditions of European citizens and maintaining peace and human rights in a Europe rising from the ashes of the Second World War and the destructiveness of nationalisms and fascisms.²⁵ Based on regulating the market to correct the social inequalities that it fosters, the EU’s socio-political integration also advanced by means of the same treaties that established economic integration. The Rome Treaty created the EU’s institutions and stipulated the harmonization of certain social provisions related to employment. The Single European Act, in turn, extended those provisions and introduced the European Social Dialogue, resulting in the 1989 Charter of Fundamental Social Rights of Workers. Finally, the Maastricht Treaty, and in particular the Agreement on Social Policy attached to it, institutionalized the European Social Dialogue and introduced a concern with social exclusion and poverty to the EU’s social policy.²⁶ These aims were revitalized by the 2017 European Pillar of Social Rights, which outlined a series of principles across key social policy areas.

The tensions and intersections between the two integration projects are a constant dynamic which shapes the EU’s polity, politics, and policies, as well as its gender regime.²⁷ As early as the 1990s, the EU was criticized for favoring economic integration over socio-political integration. This resulted from its decision-making norms and structures, which essentially depend on unanimous intergovernmental policy-making within the Council – the EU institution that represents the member states and has recurrently blocked several social policy proposals.²⁸

Yet the economic and socio-political projects of EU integration are interrelated, with positive and negative feedback loops existing between them throughout the evolution of the EU. Indeed, the process of socio-political

24 Jo Shaw, *Law of the European Union*, London 2000.

25 Sylvia Walby, *Gender in the Crisis and Remaking of Europe. Re-Gendering Subsidiarity*, in: *European Journal of Politics and Gender* 1. 2018, no. 3, pp. 307–324.

26 Maria Stratigaki, *Gendering the Social Policy Agenda. Anti-Discrimination, Social Inclusion and Social Protection*, in: Abels and Mushaben (eds.), *Gendering the European Union*, pp. 169–186, here p. 173.

27 Milward, *The European Rescue of the Nation State*; Dinan, *Europe Recast*; Gilbert, *European Integration*; Patel, *Project Europe*; Emanuela Lombardo and Johanna Kantola, *European Integration and Disintegration. Feminist Perspectives on Inequalities and Social Justice*, in: *Journal of Common Market Studies* 57. 2019, pp. 57–62; Paul Copeland et al., *Filtering Politicisation towards a More Social Europe? The European Parliament and EU Social Legislation*, in: *Journal of European Public Policy* 32. 2024, no. 6 pp. 1467–1491; Roberta Guerrina et al., *Between a Rock and a Hard Place. The EU’s Gender Regime in Times of Crisis*, in: *Women’s Studies International Forum* 99. 2023, 102722.

28 Majone, *The European Community between Social Policy and Social Regulation*; Scharpf, *The Asymmetry of European Integration*.

integration promoted by the Charter of Fundamental Social Rights of Workers and the European Social Dialogue was a positive feedback loop that emerged from the project of economic integration, as the EU's social dimension was justified as a necessary complement to the single market. This view was promoted by Jacques Delors, the socialist President of the European Commission (1985–1995), and also in line with the defense of social values by the Christian democrat politicians who led European governments in the first post-war period. By contrast, the EU's neoliberal austerity politics in response to the 2008 economic crisis fostered a negative feedback loop, as it led to backsliding in social policy, restoring the EU as a primarily economic project.²⁹ The ongoing tension and shifts in balance between these two projects across different phases of the EU's integration process push the development of its gender regime in more social democratic or neoliberal directions across all institutional domains.

The EU's polity domain is composed of the four main institutions: the Council, the European Commission, the European Parliament, and the Court of Justice of the EU. Actors within these and other institutions, as well as in civil society, and the alliances formed between them are important for the development of the EU gender regime. In the Council, specific member states have played the role of "hegemons" at particular moments,³⁰ pushing the EU gender regime in particular directions by dominating the European environment and shaping its rules to their advantage. Other actors have generally promoted the EU's gender equality policies through "critical actorness" – that is, by exercising policy entrepreneurship in support of gender equality – in their institutional or individual roles,³¹ despite their small numbers.³² Examples of the latter include feminist governance structures in the EU polity, as shown by the progressive establishment of gender and other equality institutions in the European Parliament,³³ the European Commission,³⁴ other EU agencies,³⁵ and civil

29 Sophie Jacquot, *A Policy in Crisis. The Dismantling of the EU Gender Equality Policy*, in: Johanna Kantola and Emanuela Lombardo (eds.), *Gender and the Economic Crisis in Europe. Politics, Institutions and Intersectionality*, Cham 2017, pp. 27–48.

30 Walby, *Globalization and Inequalities*.

31 Gabriele Abels et al., *The European Commission under President Ursula von der Leyen. A Critical Actorness Approach*, in: Gabriele Abels et al. (eds.), *The European Commission under President Ursula von der Leyen. Gender, Leadership, Policies and Crises*, Oxford 2025, pp. 1–22.

32 Sarah Childs and Mona Lena Krook, *Analyzing Women's Substantive Representation. From Critical Mass to Critical Actors*, in: *Government and Opposition* 44. 2009, no. 2, pp. 125–145.

33 Marian Sawer, *Specialised Parliamentary Bodies*, in: Marian Sawer et al. (eds.), *Handbook of Feminist Governance*, Northampton 2023, pp. 1–13.

34 Emanuela Lombardo and Mieke Verloo, *Institutionalizing Intersectionality in the European Union? Policy Developments and Contestations*, in: *International Feminist Journal of Politics* 11. 2009, no. 4, pp. 478–495.

society organizations. In particular, informal networks of politicians, experts, and civil society actors³⁶ have helped to shape the EU's gender equality policies. An example is the mobilization of these networks around the 1995 Beijing World Conference on Women in order to pressure the EU and its member states to adopt the conference's Platform for Action and the strategy of gender mainstreaming that would be introduced in the Treaty of Amsterdam in 1997.³⁷

Actors who oppose gender equality in the EU also play a pivotal role in the development of the EU gender regime. Inertial resistance to gender equality policies, with the aim of maintaining a patriarchal status quo, have hampered progress since the beginning of the European Economic Community.³⁸ Active and direct opposition to gender equality has been more pronounced since the mid-2000s, with the rise of far-right and anti-gender parties, leaders, and transnational civil society organizations at the EU level.³⁹ This trend is exemplified by the campaigns against the European Parliament's Estrela and Lunacek reports – the former on sexual and reproductive health and rights and the latter on LGBTI rights– orchestrated by far-right populist Members of the European Parliament and anti-gender organizations.⁴⁰ Historical research has started to re-examine European integration by foregrounding resistance as a constitutive feature of the past and present of the European project. In this light, conflict is not external to European integration, but a driving force in its historical development.⁴¹ Our analysis of the historical evolution of the EU's

35 Sophie Jacquot and Andrea Krizsán, *The Politics of Gender in the Field of European Agencies*, in: Gabriele Abels et al. (eds.), *The Routledge Handbook of Gender and EU Politics*, London 2021, pp. 158–169.

36 Woodward, *Building Velvet Triangles*.

37 Agnès Hubert and Maria Stratigaki, *Twenty Years of EU Gender Mainstreaming. Rebirth out of the Ashes?*, in: *Femina Politica* 25. 2016, no. 2, pp. 21–36.

38 Petra Ahrens and Anna van der Vleuten, *EU Gender Equality Policies in Times of Crisis. Different Instruments, Different Actors, Different Outcomes*, in: Ingrid Jungwirth and Carola Bauschke-Urban (eds.), *Gender and Diversity Studies. European Perspectives*, Opladen 2019, pp. 31–54; Emanuela Lombardo and Lut Mergaert, *Resistance in Gender Training and Mainstreaming Processes*, in: Maria Bustelo et al. (eds.), *The Politics of Feminist Knowledge Transfer. Gender Training and Gender Expertise*, Basingstoke 2016, pp. 43–61.

39 Kantola and Lombardo, *Strategies of Right Populists*; Petra Ahrens and Alison Woodward, *Adjusting Venues and Voices. Populist and Right-Wing Parties, the European Parliament and Civil Society Equality Organizations, 2014–2019*, in: *European Politics and Society* 22. 2021, no. 4, pp. 486–502.

40 Emanuela Lombardo and Lucrecia Rubio Grundell, *Words and Deeds? The Von der Leyen Commission's Defense of Equality in Times of Anti-Gender Opposition*, in: Abels et al. (eds.), *The European Commission under President Ursula von der Leyen*, pp. 43–59.

41 Philipp Müller and Christina von Hodenberg, *Introduction. Historical Perspectives on Criticisms of European Integration*, in: *Journal of Modern European History* 22. 2024, no. 3, pp. 286–296; Cédric Germond, *Integrating or Breaking Up Europe? Euroscepticism and Opposition to Europe*, in: Brigitte Leucht et al. (eds.), *The History of the*

gender regime contributes to this line of research by showing that opposition to gender equality has been a constant feature of European integration, albeit one whose nature has significantly changed over time. Whereas earlier resistance was largely framed in economic terms and/or rooted in institutional inertia, current resistance increasingly takes the form of a principled opposition to gender equality *tout court*.⁴² Tracing this shift, our analysis shows how changing forms of resistance illuminate broader transformations in the political foundations and contested legitimacy of the European project.

The key difference between social democratic and neoliberal gender regimes in the polity domain is the depth of democracy.⁴³ The former are more deeply democratic, guaranteeing women not only equal suffrage – a feature shared with neoliberal public regimes – but also equal presence in governing institutions, alongside dedicated agencies that advance gender equality policies and women's inclusion. As such, changes in the balance of power between EU institutions, especially the gradual increase in the European Commission's and the Parliament's co-decision and own-initiative powers in relation to those of the Council, is especially important for the evolution of the EU gender regime.

The economy, in turn, includes the single market and the regulation of employment relations.⁴⁴ In this domain, the extent of the state provision of welfare, especially childcare, is the key difference between social democratic and neoliberal public gender regimes.⁴⁵ Importantly, the fact that EU competences relate to regulation rather than taxation (and thus social policy) fosters a distinctive development path for the EU gender regime, which is neither welfare- nor market-led but "regulatory polity-led."⁴⁶ The result is a specific type of public gender regime "shaped by a distinctive institutionalized practice of social inclusion,"⁴⁷ which is based on the removal of discriminatory barriers to women's labor market participation, including facilitating the reconciliation of work and family life.

The domain of civil society is constituted by "projects," defined by Walby as "a set of goals and ideas about how the world works and how it could be

European Union. 1945 to the Present, London 2023, pp. 333–351; Patel, Widening and Deepening?; Benoît Leruth et al., Defining Euroscepticism. From a Broad Concept to a Field of Study, in: Leruth et al. (eds.), The Routledge Handbook of Euroscepticism, London 2018, pp. 3–21.

42 Lombardo and Grundell, Words *and* Deeds?.

43 Walby, Globalization and Inequalities, p. 178.

44 Ibid, p. 132.

45 Ibid.

46 Sylvia Walby, The European Union and Gender Equality. Emergent Varieties of Gender Regime, in: Social Politics. International Studies in Gender, State & Society 11. 2004, no. 1, pp. 4–29, here p. 10.

47 Ibid, p. 11.

improved,”⁴⁸ “a set of values around which society should be organized,” and “a set of practices oriented towards change in society.”⁴⁹ Feminist projects and projects opposing gender equality are both key to the evolution of gender regimes. At the EU level, these often crystallize in transnational civil society organizations that provide EU institutions with expertise and democratic legitimacy, making the regulation of their interaction with EU institutions equally important.⁵⁰ The key difference between social democratic and neoliberal gender regimes types in this respect is that the former features a balanced presence of civil society organizations defending economic and socio-political interests, along with the democratic, equitable, and pluralistic regulation of their interactions with the EU.

Finally, in relation to the domain of violence, at the EU level we focus on the regulation of violence against women. The key differences between public gender regime types in this domain are the extent of its criminalization and the effective and proportionate use of the criminal justice system.⁵¹ In social democratic public gender regimes, violence against women is less frequently deployed, more stringently regulated, and coercive state powers are more effectively and proportionally targeted against perpetrators. In neoliberal gender regimes, violence against women is more widespread, less regulated, and yet increasingly securitized – that is, solely addressed through the state’s coercive powers, focusing on prosecution rather than prevention and protection. This often results in the disproportionate targeting of populations at the intersection of inequality regimes based on class, ethnicity, and race – a feature that becomes even more accentuated under authoritarian regimes.⁵²

III. Five Phases of the EU Gender Regime (1957–2024)

1. 1975–1980: Toward a Social Democratic Gender Regime in the Economy Domain

The first phase in the evolution of the EU gender regime spans the decade and a half between the mid-1970s and the 1980s. Its foundation, however, was established two decades before with the adoption of the Rome Treaty in 1957 – and in particular the inclusion within it of Article 119, which upholds the

48 Walby, *Globalization and Inequalities*, p. 228.

49 Sylvia Walby, *Developing the Concept of Society. Institutional Domains, Regimes of Inequalities and Complex Systems in a Global Era*, in: *Current Sociology* 69. 2021, no. 3, pp. 315–332, here p. 327.

50 Justin Greenwood, *Organized Civil Society and Democratic Legitimacy in the European Union*, in: *British Journal of Political Science* 37. 2007, no. 2, pp. 333–357.

51 Sylvia Walby, *Authoritarianism, Violence, and Varieties of Gender Regimes*, in: *Women’s Studies International Forum* 98. 2023, 102677.

52 *Ibid.*

principle that men and women should receive equal pay for equal work.⁵³ This article constitutes a critical turning point for the EU gender regime, providing the legal basis for all its future equality policies and institutions. However, it remained dormant until the cumulative efforts of many pro-equality actors, in particular feminist actors, translated it into substantive change in the context of the European Economic Community's emerging socio-political agenda. These efforts culminated in the landmark 1975 *Defrenne* ruling of the European Court of Justice, which recognized the direct enforceability of Article 119. The ruling was thus a critical tipping point for the EU gender regime, kick-starting the consolidation of a social democratic gender regime within its economy domain through the adoption of various directives on formal equality in employment.

The Rome Treaty, which established the European Economic Community, sought to foster economic prosperity through the creation of a single market and a customs union between the signatory parties (Belgium, France, West Germany, Italy, Luxembourg, and the Netherlands). Its aim was thus economic integration based on trade liberalization and free competition. Importantly, however, the treaty linked the single market to the social aim of improving the living and working conditions of European citizens and the political aim of ensuring peace and democracy after the Second World War,⁵⁴ a goal also supported by Christian democratic political dominance during the first post-war decades.⁵⁵ Hence, it included minimal provisions conducive to socio-political integration. In particular, Article 4 created the EU's supranational institutions and gave them the power to establish common rules, and Articles 117–128 harmonized key employment provisions, including Article 119 on equal pay for equal work.

The inclusion of Article 119 in the Rome Treaty was less a response to equality concerns than a market-making attempt to harmonize labor costs in the interest of fair competition.⁵⁶ France, which already had equal pay legislation, was concerned about the economic disadvantages it would incur under the single market due to unfair competition with other founding states that did not have such legislation.⁵⁷ In addition, as Anna van der Vleuten argues, France's self-image as a country with a reputation for defending citizenship and labor

53 Treaty Establishing the European Economic Community, 25.03.1957, in: United Nations Treaty Series 298, 1958, pp. 11–165, p. 62.

54 Fritz W. Scharpf, *Negative and Positive Integration in the Political Economy of European Welfare States*, in: Gary Marks et al. (eds.), *Governance in the European Union*, London 1996, pp. 15–39.

55 Emiel Lamberts (ed.), *Christian Democracy in the European Union, 1945/1995. Proceedings of the Leuven Colloquium*, 15–18 November 1995, Leuven 1997.

56 Catherine Hoskyns, *Integrating Gender. Women, Law and Politics in the European Union*, London 1996, p. 49.

57 Anna van der Vleuten, *The Price of Gender Equality. Member States and Governance in the European Union*, London 2007.

rights motivated the French Parliament to threaten to withdraw from the treaty negotiations if their proposed social measures that comprised Article 119 was not included.⁵⁸ Calculations of economic costs were thus overridden by the political costs of not creating the European Economic Community at all.

Fears of high economic costs and a lack of political pressure, however, kept the implementation of Article 119 on hold until the 1970s. At this time, a minimal EU social agenda began to take shape, coinciding with the rise of social democratic leaders at the national level, especially after Denmark, the UK, and Ireland joined the European Economic Community in 1973. The European Trade Union Confederation was founded that same year, and there was also growing interest in social questions in the European Commission under Commissioner for Social Affairs Albert Coppé, a former Belgian trade unionist.⁵⁹ A first step was the 1974 European Social Action Program, which sought to harmonize certain working conditions (such as health and safety) and democratize companies through the participation of both management and labor in decision-making; however, these measures were linked to the adequate functioning of the single market.

It was in the area of gender equality that EU social policy developed most thoroughly in this phase, based on Article 119. Pressure from multiple institutions, critical actors, civil society organizations, and hegemonic member states was needed on the international, supranational, and national levels to push reluctant member states to implement what they saw as “costly” EU equal pay legislation.⁶⁰ The role of feminist actors, especially in the domains of civil society and the polity, was crucial in turning the principle of equal pay into an actionable right and expanding it beyond its original formulation. This happened within the broader context of the international pressure created by the first United Nations World Conference on Women, held in Mexico in 1975, by waves of feminist mobilization around economic autonomy as key to women’s liberation across Europe, and by the hegemonic role of France and the UK.⁶¹

A critical actor was Éliane Vogel-Polsky, the Belgian feminist litigator of the *Defrenne* case, which concerned a stewardess who had her wages lowered, as compared to male stewards, when she was forced to change position in her company after turning 40. In its landmark 1975 ruling, the Court of Justice of the EU held that Article 119 was directly enforceable, obliging Defrenne’s employer to compensate her loss of income, and also stated that the European

58 Ibid.

59 Laurent Warloutzet, A Flanking European Welfare State. The European Community’s Social Dimension from Brandt to Delors (1969–1993), in: *Contemporary European History* 33. 2024, no. 1, pp. 23–36, here p. 26.

60 Van der Vleuten, *The Price of Gender Equality*.

61 Alison Woodward, From Equal Treatment to Gender Mainstreaming and Diversity Management, in: Abels and Mushaben (eds.), *Gendering the European Union*, pp. 85–103, here p. 89.

Economic Community should ensure social progress alongside economic growth.⁶² Equal pay was thus explicitly addressed as both an economic and socio-political goal.⁶³ An important role was also played by the concerted advocacy of feminist politicians within the Commission and by feminist trade unionists in the European Economic and Social Committee, who spearheaded the adoption of Directive 75/117/EEC on equal pay. This directive implemented Article 119 and extended its meaning to “work of equal value” in order to ensure its practical applicability.⁶⁴

Two additional directives – Directive 76/207/EC on equal treatment in employment and Directive 79/7/EEC on equal treatment in matters of social security – then built on the 1975 directive by adding to it the central concepts of direct and indirect discrimination in relation to access to employment, working conditions, dismissal rules, and social security schemes. Feminist experts consulted by the Commission were key to this, as was the hegemonic role of governments now well disposed toward social and, specifically, gender equality policies – particularly France, under Pompidou’s leadership, but also Germany under Brandt.⁶⁵

Nonetheless, the 1975 and 1976 directives faced resistance from Denmark and the UK, that were concerned with the level of state intervention they demanded, and also from Germany, given that the three directives adopted in this phase challenged the male breadwinner model that defined Germany’s labor market by promoting a dual-earner model.⁶⁶ The directives consolidated formal equality in employment based on the principles of equal rights and equal treatment, and hence invoked a liberal understanding of equality as sameness, making this the backbone of the EU’s gender equality policies.⁶⁷ This resulted in a distinctly social democratic public gender regime, given that equality was achieved through the regulation of employment relations rather than through either welfare- or market-based approaches. This development was, however, limited to the economy domain, given the hegemony of the project of economic integration in this phase.⁶⁸

EU legislative activity on gender equality slowed in the aftermath of these directives. In fact, they had a boomerang effect, since their unexpected costs provoked a slowdown in government action for equality,⁶⁹ allowing only for the

62 Birgit Locher, *Gendering the EU Policy Process and Constructing the Gender Acquis*, in: Abels and Mushaben (eds.), *Gendering the European Union*, pp. 63–84, here p. 63.

63 Heather MacRae, *Rescaling Gender Relations. The Influence of European Directives on the German Gender Regime*, in: *Social Politics* 13. 2006, no. 4, pp. 522–550, here p. 531.

64 *Ibid.*, p. 534.

65 Van der Vleuten, *The Price of Gender Equality*.

66 MacRae, *Rescaling Gender Relations*, here p. 525.

67 Woodward, *From Equal Treatment to Gender Mainstreaming and Diversity Management*; Ferree, *Framing Equality*.

68 Walby, *The European Union and Gender Equality*.

69 Van der Vleuten, *The Price of Gender Equality*.

adoption of Directive 86/378/EC extending equal treatment to private social security. This took place in the broader context of the economic crisis caused by the 1973 and 1979 oil shocks, which led to the proliferation of neoliberal economic strategies and a growing reluctance to transfer more economic competences to the European Economic Community, especially in the UK, now under the leadership of Margaret Thatcher.⁷⁰ As a result, the EU did not begin legislating on gender equality again until the early 1990s, following gradual transformations in the domains of the polity, civil society, and the economy during the 1980s.

Of particular importance was the deepening of democracy in the polity domain. This started with the first direct elections to the European Parliament in 1979, when 16.6 percent of the mandates were won by women – a proportion that has risen continuously ever since.⁷¹ The elections were followed by the creation of feminist governance structures in the European Parliament and the Commission, which have played a pivotal role in promoting a social democratic EU gender regime. This was done within the broader context of international pressure to institutionalize gender equality structures in the wake of the 1975 UN Conference on Women. In 1981, the Parliament created its Standing Committee on Women's Rights (FEMM), and the Commission's Directorate-General for Employment, Industrial, and Social Affairs established an Advisory Committee on Equal Opportunities for Women, which funded feminist research and the creation of gender equality expert networks.⁷²

This democratization of the EU's polity domain was deeply interrelated with that of the civil society domain through a positive feedback loop. Indeed, the Commission sponsored and funded the creation of the European Women's Lobby to provide both easier access to expertise and democratic legitimacy.⁷³ In turn, the pressure exerted by the lobby in the following years was key to increasing the presence of women in the Delors (1990) and Santer (1995) Commissions, and it was also a crucial ally to the Parliament in the development of the EU's gender equality policies.⁷⁴ By the mid-1990s, therefore, the constitutive elements of gender equality networks of feminist

70 Warlouzet, *A Flanking European Welfare State*, p. 29.

71 Gabriele Abels and Joyce Mushaben, Introduction. Studying the EU from a Gender Perspective, in: Abels and Mushaben (eds.), *Gendering the European Union*, pp. 1–22, here p. 5.

72 Anna van der Vleuten, *Gendering the Institutions and Actors of the EU*, in: Abels and Mushaben (eds.), *Gendering the European Union*, pp. 41–62, here p. 46.

73 Sofia Strid, *Gendered Interests in the European Union. The European Women's Lobby and the Organization and Representation of Women's Interests*, PhD thesis Örebro Universitet 2009.

74 Joyce Mushaben and Gabriele Abels, Conclusion. Rethinking the Double Democratic Deficit of the EU, in: Abels and Mushaben (eds.), *Gendering the European Union*, pp. 228–247, here p. 233.

politicians, experts, and civil society organizations had been institutionalized at EU level.

Another key incremental change that took place in the 1980s was the intensification of the project of socio-political integration in the economic domain, albeit still as a complement to economic integration. Decisive in this regard was the 1986 Single European Act, the first major revision of the Rome Treaty. Under the leadership of Commission President Jacques Delors, a French Christian socialist and trade unionist, the Single European Act set December 1992 as the deadline for the completion of the single market. It did so alongside the harmonization of key social measures, including the promotion of integration in the field of health and safety, in order to avoid social dumping – that is, unfair competition based on the exploitation of substandard pay and/or working conditions. This crystallized in the 1989 Charter of Fundamental Social Rights of Workers, despite opposition in particular from the UK, which defended a more neoliberal and less regulated single market and significantly opted out of the Social Charter.⁷⁵ In addition, Delors promoted the creation of a European Social Dialogue among supranational trade unions, employer organizations, and EU institutions to harmonize labor standards, thereby helping to democratize the domains of the polity, economy, and civil society.

2. The 1990s: Developing a Hybrid Gender Regime across the Different Domains through Layering

The second phase in the evolution of the EU gender regime spans the mid-1990s. It is marked by the adoption of a new series of gender equality directives that reflect a critical change in approach, from equality as sameness to equality as difference. This shift was enabled by the institutionalization, through the Maastricht Treaty of 1993, of the gradual transformations that took place across the polity, civil society, and the economy during the 1980s. The treaty thus represents a critical tipping point that reshaped the EU's gender equality policies in the field of employment and extended their scope to new areas, including violence. It also deepened them, as novel gender equality instruments such as gender mainstreaming were adopted alongside formal equality, driven by feminist networks and the legitimation of the project of socio-political integration. The EU gender regime was thus transformed in this phase through the layering of new elements onto old ones,⁷⁶ resulting in a hybrid gender regime.

Indeed, the Maastricht Treaty (1993) created the European Union, replacing the European Economic Community. It established co-decision as the ordinary legislative procedure for the single market, giving the European Parliament equal powers to the Council, and it declared equality between men and women

75 Warlouzet, *A Flanking European Welfare State*.

76 See the introduction to this special issue.

in employment to be a fundamental aim of the EU. The increase in the Parliament's powers helped to democratize the EU's policy-making process – and hence its gender regime – due to its status as the only directly elected EU institution and its history as a forerunner of gender equality.⁷⁷ In addition, the Maastricht Treaty gave the EU competences in justice and home affairs, which were central in extending its gender equality policies to address violence against women. Finally, the Agreement on Social Policy attached to the Maastricht Treaty institutionalized the European Social Dialogue and for the first time introduced a concern with social exclusion and poverty to the EU's social policy, framing these as impediments to a productive and competitive economy.⁷⁸ Since the mid-1990s, the European Social Dialogue has adopted several framework agreements, including ones on parental leave (1995) and on part-time work (1997). These were also key topics for the EU's gender equality policies in this phase, reflecting a positive feedback loop between gender equality and social dialogue.

It was once again in the area of gender equality that the EU's social policy developed most robustly in this phase. Between the mid-1980s and mid-1990s, five new directives were adopted: on equal treatment in self-employment (86/613/EEC); on the safety and health of pregnant workers and rights related to motherhood (92/85/EEC); on parental leave (96/34/EC); on part-time work (97/81/EC); and on shifting the burden of proof in cases of sex discrimination (97/80/EC). These all reflect a change in approach from equality as sameness to equality as difference. They recognize the specificity of women as workers and extend beyond employment to address the reconciliation of work and family life.⁷⁹ This shift is also reflected in the soft law instruments that proliferated during this phase – particularly the Gender Equality Action Programs, which, since the 1990s, have also focused on balancing work and family life.⁸⁰ The EU's approach to the latter has been criticized by feminists for pushing women to adapt to the labor market rather than restructuring the relation between productive and reproductive labor, with the result that neoliberal elements permeate the social democratic objective of reconciling work and family life.⁸¹

77 Petra Ahrens and Lise Rolandsen Agustín (eds.), *Gendering the European Parliament. Structures, Policies, and Practices*, Colchester 2019.

78 Stratigaki, *Gendering the Social Policy Agenda*, p. 173.

79 Walby, *The European Union and Gender Equality*, p. 23.

80 *Ibid.*, p. 179.

81 Maria Stratigaki, *The Cooptation of Gender Concepts in EU Policies. The Case of "Reconciliation of Work and Family,"* in: *Social Politics. International Studies in Gender, State & Society* 11. 2004, no. 1, pp. 30–56; Jemima Repo, *Gender Equality as Bio-economic Governmentality in a Neoliberal EU*, in: Sergei Prozorov and Simona Rentea (eds.), *The Routledge Handbook of Biopolitics*, Oxfordshire 2016, pp. 157–168; Elena Zacharenko, *European Union Gender Equality and Work–Life Balance Policies. Managing Tensions between the Demands of Production and Reproduction*, in: *European Journal of Politics and Gender* 2024 (Early View), pp. 1–24.

The extension of the EU's gender equality policies in this phase was matched by their deepening, as positive action and gender mainstreaming were adopted as new equality instruments. Positive action was premised on the idea that combating gender inequality requires proactive measures to address women's historical and structural disadvantages. It was introduced at EU level by a Council Recommendation in 1984.⁸² Gender mainstreaming, first introduced at the 1995 UN World Conference on Women, involves including a gender perspective in all policy areas in order to address inequality relationally. It was adopted by the EU through a 1996 Commission communication, which expanded the focus beyond employment to all policy fields. Despite not being institutionalized through binding legislation and facing considerable inertial resistance,⁸³ the broadening of the EU's gender equality agenda beyond employment represented a major shift in its gender regime.⁸⁴

A particularly salient extension of the EU's gender equality policies in this phase concerns the domain of violence. During the 1980s, the European Parliament's Committee on Gender Equality had already pushed domestic violence onto its agenda, doing so ahead of several member states.⁸⁵ In the mid-1990s, several factors concurred to place violence against women at the center of the EU's gender equality agenda. First, the accession of Sweden to the EU in 1995 led to the positioning of key feminist anti-violence norm entrepreneurs in central positions of power in EU institutions. Second, a solid anti-violence network was formed through the establishment of inter-institutional links between norm entrepreneurs, experts, and the European Women's Lobby. Finally, violence against women was strategically framed as linked to women's economic subordination and the unequal division of power between the sexes, and hence to the internal market.⁸⁶

The result was the adoption of the Parliament's 1997 resolution on the need for an EU-wide campaign of zero tolerance, the EC's 1998 communication on violence against children, young persons, and women, and the STOP (1996) and DAPHNE (1998) programs, which aimed to combat the trafficking of women and violence against women by funding and promoting dedicated civil society organizations. However, the EU's lack of competences to address violence against women in general (except under the aegis of justice and home

82 Woodward, *From Equal Treatment to Gender Mainstreaming and Diversity Management*, p. 94.

83 Lombardo and Mergaert, *Resistance in Gender Training and Mainstreaming Processes*.

84 Petra Meier and Emanuela Lombardo, *Concepts of Citizenship Underlying EU Gender Equality Policies*, in: *Citizenship Studies* 12. 2008, no. 5, pp. 481–493.

85 Celeste Montoya and Lise Rolandsen Agustín, *The Othering of Domestic Violence. The EU and Cultural Framings of Violence against Women*, in: *Social Politics* 20. 2013, no. 4, pp. 534–557.

86 Lucrecia Rubio Grundell, *The EU's Approach to Prostitution. Explaining the "Why" and "How" of the EP's Neo-Abolitionist Turn*, in: *European Journal of Women's Studies* 28. 2021, no. 4, pp. 425–439.

affairs when related to organized crime) meant that the only legally binding instrument adopted in this phase was the 1997 joint action to combat trafficking in human beings.

Ultimately, the transformation of the EU's gender equality policies in this phase, following gradual changes in the polity, civil society, and the economy, resulted in the layering of new elements onto pre-existing ones. The embryonic focus on formal equality in employment was expanded to include a novel focus on the reconciliation of work and family life, new issues beyond employment, and new equality tools. The result was the accommodation of two distinct equality approaches, which fostered the development of a hybrid gender regime at the EU level. First, a liberal approach focused on individual formal equality and based on the notion of equality as sameness was enacted through non-discrimination. Second, a social democratic approach focused on the substantive equality of women as a group and based on the notion of equality as difference was enacted by supporting the socially vulnerable and including them in decision-making.⁸⁷ At the EU level, the inherent tensions between these two approaches were reconciled through the subordination of the social democratic to the liberal approach, with the adequate functioning of the single market taking priority.

3. The 2000s: Broadening beyond Employment. Non-Discrimination, Work-Life Balance and Gender-Based Violence

The third phase in the evolution of the EU's gender regime spans the decade after the adoption of the Amsterdam Treaty in 1999. Although the classic periodization of EU integration commonly regards it as a minor treaty that primarily aimed to consolidate and only modestly extend the institutional and policy framework created by Maastricht,⁸⁸ the Amsterdam Treaty was a critical turning point for the EU's socio-political integration project in general, and for its gender equality regime in particular. Indeed, it represented a "peak of optimism and support" for gender equality.⁸⁹ Adopted in 1997 to prepare for the EU's Eastern enlargement, it was far more socio-political than the Maastricht Treaty, as most member states at the time had social democratic governments (eleven out of seventeen), including the recently acceded Nordic countries of Finland and Sweden and both France and the UK. In fact, under the leadership of Tony Blair, the UK opted in to the Social Policy Agreement attached to the Maastricht Treaty, contributing to its inclusion within the

⁸⁷ Ferree, *Framing Equality*.

⁸⁸ Sophie Vanhoonacker, *The Amsterdam Treaty*, in: Finn Laursen et al. (eds.), *The Oxford Encyclopedia of European Union Politics*, Oxford 2020.

⁸⁹ Angelika von Wahl, *The EU as a Gender Equality Regime. A Core Research Concept*, in: Gabriele Abels et al. (eds.), *The Routledge Handbook of Gender and EU Politics*, London 2021, pp. 17–29, here p. 18.

Amsterdam Treaty.⁹⁰ As a result, through qualified majority voting in the Council, the EU could now adopt common norms to regulate key aspects of employment relations and social policy.

The declared aim was to boost employment and modernize both labor markets and social protection, moving away from the neoliberal focus of the 1980s. Instead of legal harmonization, the chosen approach was the Open Method of Coordination, which involved reporting, monitoring, and benchmarking against common targets. A cardinal example was the 1997 European Economic Strategy, which implemented the employment provisions of the Amsterdam Treaty with a focus on employability, entrepreneurship, and equal opportunities, including gender equality as a key pillar. In addition, in 1999 the Commission issued new guidelines that required member states to adopt gender mainstreaming across all EU pillars, as defined by the Maastricht Treaty and later modified by the Amsterdam Treaty. In the same year, the Santer Commission adopted the Concerted Strategy for Modernizing Social Protection, which sought to improve the quality of life of EU citizens, focusing on employment, old age, social inclusion, and healthcare. This strategy marked another shift away from the neoliberal focus of the 1980s, which had prioritized controlling social spending. The European Social Model, adopted by the 2000 Lisbon Council, integrated the objectives of the European Economic Strategy and the Concerted Strategy to combine employment growth with social cohesion, albeit as a precondition for a productive and competitive economy.⁹¹

These advances in socio-political integration in the economic domain were coupled with parallel advances in the polity via the constitution-making efforts of the early 2000s, resulting in the EU's Charter of Fundamental Rights (2000) and the draft Constitutional Treaty (2003). These initiatives had the potential to make significant progress toward a social democratic EU gender regime, but they had limitations. Gender equality was integrated into existing policies in marginal ways, and civil society organizations played a more passive role. Despite this, both the Charter and the draft Constitutional Treaty recognized gender equality as a core EU value and referred to anti-discrimination and the reconciliation of work and family life in their articles. Although the Constitutional Treaty was defeated in 2005 at the ratification stage, key elements related to gender equality were preserved and successfully integrated into the Lisbon Treaty of 2009.

The Amsterdam Treaty represents a critical turning point in the field of gender equality and non-discrimination for several reasons. It established the promotion of equality between men and women as a task for the EU

90 Jean-Paul Tricart, *Once Upon a Time There Was the European Social Dialogue*, in: Bart Vanhercke et al. (eds.), *Social Policy in the European Union 1999–2019. The Long and Winding Road*, Brussels 2020, pp. 71–98.

91 Walby, *The European Union and Gender Equality*, p. 13.

(Art. 2); it institutionalized positive action (Art. 141.4) and gender mainstreaming, the latter as a horizontal clause (Art. 8); it established the Area of Freedom, Security, and Justice to address borders, asylum, migration, and judicial and police cooperation; and it extended the EU's competences regarding grounds of discrimination from sex and racial or ethnic origin to include religion or belief, disability, age, and sexual orientation (Art. 13). The concerted advocacy of norm entrepreneurs in the European Parliament, the European Economic and Social Committee (which represents the interests of organized civil society), the European Trade Union Confederation, and civil society organizations in the field of equality, who were united in the informal Brussels-based Starting Line Group, was crucial in securing the inclusion of Article 13 in the Amsterdam Treaty.⁹²

This strengthened and expanded legal basis for EU non-discrimination action led to significant institutional and policy changes. First, it fostered a more plural institutionalization of equality, as new bodies addressed new inequalities, like the European Monitoring Centre on Racism and Xenophobia (2000) and the European Commission's Unit on People with Disabilities (2003). This proliferation was reversed in 2008, however, to create more efficient structures: the EU's Fundamental Rights Agency was assigned responsibility for all inequalities except gender, which was addressed by the European Institute for Gender Equality. This division led to a two-track approach that limited the intersection between inequalities.⁹³

A similar scenario came to define the civil society domain, as the EU institutionalized its interactions with civil society in order to address its democratic deficit. The Commission established funding mechanisms and, together with the Economic and Social Committee, designed eligibility criteria to ensure that civil society organizations were representative, transparent, and aligned with European societal interests.⁹⁴ This helped to further democratize the polity and civil society domains, pushing the EU's gender regime in a social democratic direction. Yet there were limitations. The funding and eligibility rules favored the participation of well-resourced, pan-European civil society organizations, often resulting in the "empowerment of the already powerful."⁹⁵ Moreover, the form of consultation promoted, in which different inequality grounds were each represented by one transnational civil society organization

92 Mark Bell, *The New Article 13 EC Treaty. A Sound Basis for European Anti-Discrimination Law?*, in: *Maastricht Journal of European and Comparative Law* 6. 1999, no. 1, pp. 5–23.

93 Lombardo and Verloo, *Institutionalizing Intersectionality in the European Union?*, p. 485.

94 European Economic and Social Committee, *Organised Civil Society and European Governance. The Committee's Contribution to the Drafting of the White Paper, 2001*, CES/535/2001.

95 Lise Rolandsen Agustín, *Gender Equality, Intersectionality, and Diversity in Europe*, New York 2013, p. 66.

(gender by the European Women's Lobby, race by the European Network Against Racism, and so on), fostered competition and excluded bodies with intersectional constituencies.⁹⁶

The expansion of the EU's non-discrimination competences and the defective institutionalization of intersectionality impacted on the EU's gender equality policies. After the entry into force of the Amsterdam Treaty, two directives were adopted to address the new equality grounds covered by Article 13: the Race Equality Directive (2000/43/EC) and the Equality in Employment Directive (2000/78/EC). The former implemented the principle of equal treatment irrespective of racial or ethnic origin in employment, social security, goods and services, education, and healthcare, while the latter did so in relation to all equality grounds except for gender and race, but exclusively in employment.⁹⁷ In 2008, the European Commission proposed the adoption of a Horizontal Non-Discrimination Directive on all grounds beyond employment, but it has been blocked by the Council ever since due to concerns in some member states, such as Germany and Poland, about its costs and its potential to infringe on national competences.⁹⁸

Regarding gender equality specifically, this phase started with the adoption of Directive 2002/73/EC, which updated the 1976 equal treatment directive by defining direct and indirect discrimination in a manner that included gender and sexual harassment. This resulted from the previous politicization of violence against women and the concerted advocacy of the new Commissioner of the Directorate-General for Employment, Anna Diamantopoulou, alongside feminist experts, trade unionists, and the European Women's Lobby, who jointly overcame the opposition of employers' organizations and some member states.⁹⁹ The EU's policies on equal treatment in employment culminated in the Recast Directive (2006/113/EC), which combined the directives on equal pay (1975), equal treatment (1976, 2002), social security (1987), and burden of proof (1997).

This phase also saw the adoption for the first time of legally binding instruments to extend gender equality policies beyond employment. Directive 2004/113/EC extended equal treatment to goods and services, while Directive 2010/18/EU revised the 1996 parental leave directive, increasing its duration and flexibility. Yet it also took the novel step of linking parental leave to income

96 Lombardo and Verloo, Institutionalizing Intersectionality in the European Union?

97 Johanna Kantola and Kevät Nousiainen, Institutionalizing Intersectionality in Europe. Introducing the Theme, in: *International Feminist Journal of Politics* 11. 2009, no. 4, pp. 459–477.

98 Nicole Sagener, NGOs tell Germany to Stop Blocking Anti-Discrimination Directive, in: *Euractiv*, 24.07.2015, <https://www.euractiv.com/section/justice-home-affairs/news/ngos-tell-germany-to-stop-blocking-anti-discrimination-directive>.

99 Kathrin Zippel, Transnational Advocacy Networks and Policy Cycles in the European Union. The Case of Sexual Harassment, in: *Social Politics. International Studies in Gender, State & Society*, 11. 2004, no. 1, pp. 57–85.

levels, reflecting the hybrid nature of the EU gender regime. Indeed, the domain of work–life balance became more contentious, as shown by the failure of the Commission’s 2008 proposal to extend maternity leave and include mandatory paternity leave in the revision of Directive 92/85/EEC, which was rejected by employers’ organizations and the Council, especially by the UK, amid the start of the 2008 economic crisis.¹⁰⁰

Finally, legally binding instruments were also adopted in relation to violence against women – in particular, human trafficking – with the 2002 framework decision on this issue (2002/629/JHA) and the 2004 directive on residence permits for victims (2004/81/EC). These measures advanced the EU gender regime by providing a standardized definition of human trafficking and criminalizing it. However, they included key neoliberal elements, emphasizing law enforcement and migration control over structural reforms focused on prevention, protection, and women’s human rights. The result was the disproportionate use of coercive state powers related to crime and migration control against entire populations, and not just perpetrators, at the intersection of inequality regimes based on class and race – crucially including trafficked victims themselves.¹⁰¹ This trend influenced other EU policies in this field, in particular the EC’s 2008 Guidelines on Violence Against Women.¹⁰² After all, the EU’s legal competences to address violence against women resided in the Area of Freedom, Security, and Justice.

In sum, the third phase of the EU gender regime, marked by the Amsterdam Treaty, was defined by a considerable expansion of the EU’s non-discrimination competences into various inequality domains. A hierarchy was established between these domains, however, as gender equality was advanced through multiple legally binding instruments in the areas of employment and goods and services, while racial and ethnic equality was addressed exclusively through non-discrimination, albeit in a wider range of fields, including education and healthcare. All other inequalities were addressed only through anti-discrimination measures in employment.¹⁰³ The EU’s gender equality policies were extended beyond employment to include work–family balance and violence against women. However, these were defined by a shift toward a more neoliberal gender regime: women’s rights in the field of employment were increasingly subjected to market imperatives, and violence against women met with a more coercive response centered on prosecution rather than on prevention and protection, in line with a women’s human rights

100 Maja Kluger Dionigi, *Lobbying in the European Parliament. The Battle for Influence*, Cham 2017.

101 Lucrecia Rubio Grundell, *Security Meets Gender Equality in the European Union. The Politics of Trafficking in Women for Sexual Exploitation*, Cham 2023.

102 Montoya and Rolandsen Agustín, *The Othering of Domestic Violence*.

103 Lombardo and Verloo, *Institutionalizing Intersectionality in the European Union?*.

perspective. These neoliberal trends intensified in response to the economic crisis.

4. The 2010s: The EU's Austerity Response to the Economic Crisis. Heightening Gender and Social Inequalities

While the EU has experienced several crises in its evolution, its introduction of austerity measures in response to the economic crisis of 2008 marked a key shift in its gender regime.¹⁰⁴ The so called "Six-Pack" of EU regulations in 2011, which reorganized economic policy along the lines of disciplinary neoliberalism,¹⁰⁵ represented a critical turning point in this regard, as they kick-started the fourth phase in the evolution of the EU gender regime. They enforced strict fiscal and debt policies, budget cuts, labor market liberalization, and enhanced economic surveillance via the European Semester,¹⁰⁶ the annual coordination of member states' economic and budgetary policies. Consequently, they led to a significant move away from gender equality as a social priority,¹⁰⁷ setting the EU gender regime on a new, more neoliberal, path.

Importantly, the project of socio-political integration was not completely abandoned, but was overridden by neoliberal concerns. The 2010 "Europe 2020 Strategy" set common social targets for economic recovery. However, it was marginalized in the broader framework of the European Semester. Similarly, the 2017 European Pillar of Social Rights, a principled action plan aiming to revitalize social policy, remained constrained by macroeconomic priorities.¹⁰⁸ Gender equality was also marginalized, with the European Employment Strategy for coordinating labor and social policies featuring neither specific gender targets nor substantive gender mainstreaming.¹⁰⁹ This enforcement of a neoliberal economic governance regime in the EU's economic domain also impacted the polity domain, in particular by

104 Kantola and Lombardo (eds.), *Gender and the Economic Crisis in Europe*.

105 Elisabeth Klatzer and Christa Schlager, *Feminist Perspectives on Macroeconomics. Reconfiguration of Power Structures and Erosion of Gender Equality through the New Economic Governance Regime in the European Union*, in: Mary Evans et al. (eds.), *The Sage Handbook of Feminist Theory*, London 2014, pp. 483–499.

106 Rosalind Cavaghan and Muireann O'Dwyer, *European Economic Governance in 2017. A Recovery for Whom?*, in: *Journal of Common Market Studies* 56, 2018, pp. 96–108.

107 Maria Karamessini and Jill Rubery, *The Challenge of Austerity for Equality. A Consideration of Eight European Countries in the Crisis*, in: *Revue de l'OFCE* 2, 2014, no. 133, pp. 15–39.

108 Anna Elomäki and Barbara Gaweda, *Looking for the "Social" in the European Semester. The Ambiguous "Socialisation" of EU Economic Governance in the European Parliament*, in: *Journal of Contemporary European Research*, 18, 2022, no. 1, pp. 167–183.

109 Mark Smith and Paola Villa, *The Ever-Declining Role of Gender Equality in the European Employment Strategy*, in: *Industrial Relations Journal* 41, 2010, no. 6, pp. 526–543, here p. 531.

challenging democracy. Decision-making became more oligarchic, as the “troika” (formed by the European Commission, the European Central Bank, and the International Monetary Fund), the Council of Economic and Finance Ministers, and the European Council assumed a dominant role in overseeing the economic policies of member states, to the detriment of national parliaments.¹¹⁰ Germany, with support from France, was pivotal in driving neoliberal reforms with the “Euro Plus Pact” of 2011, which pressured member states to adopt labor, health, and pension reforms to enhance market liberalization. In addition, the European Parliament had little control over key mechanisms like the European Semester or the European Stability Mechanism – the intergovernmental organization established by member states in 2012 to provide loans and financial aid to Eurozone countries in severe financial difficulties. This had repercussions for gender equality, as feminist policy-makers and civil society organizations were sidelined from policy-making.¹¹¹

Indeed, gender equality – and especially gender mainstreaming – was marginalized in the EU’s policy response to the crisis,¹¹² while budgetary cuts resulted in the neoliberal restructuring and even dismantlement of the EU’s former gender equality policies and institutions.¹¹³ Within the economic domain, EU policies promoted market liberalization without measures to correct the intersecting inequalities that it produced. In the domain of violence, in turn, EU policies adopted an increasingly security-focused approach with neoliberal traits. For example, Directive 2011/36/EU on trafficking and Directive 2012/29/EU on victims’ rights more broadly institutionalized the focus on crime and migration control over human rights.¹¹⁴ On the other hand, Directive 2011/99/EU on EU protection orders, spearheaded by Spain’s socialist government under Zapatero, represented a more social democratic approach by focusing on preventive measures and victim protection. Paradoxically, this marginalization of gender equality occurred despite the considerable progress made in the Lisbon Treaty (2009), which elevated gender equality to the status of a fundamental EU value, made the Charter of Fundamental Rights legally binding, extended co-decision to all policy fields, and institutionalized the consultation of civil society as an EU principle. Nonetheless, the treaty cannot be considered a critical turning point

110 Kantola and Lombardo, *Gender and the Economic Crisis in Europe*.

111 Rosalind Cavaghan, *The Gender Politics of EU Economic Policy. Policy Shifts and Contestations Before and After the Crisis*, in: Kantola and Lombardo (eds.), *Gender and the Economic Crisis in Europe*, pp. 49–71.

112 Francesca Bettio et al., *The Impact of the Economic Crisis on the Situation of Women and Men and on Gender Equality Policies*, Brussels 2012.

113 Jacquot, *Transformations in EU Gender Equality*; Jacquot, *A Policy in Crisis*; Kantola and Lombardo, *Gender and the Economic Crisis in Europe*, 2017; Sylvia Walby, *Crisis*, Cambridge 2015.

114 Rubio Grundell, *Security Meets Gender Equality in the European Union*.

for the EU gender regime, as it did not set it onto a new, more social democratic development path.

Key to the adoption of legally binding instruments against gender-based violence in this phase was the institutional shift of responsibility for gender equality within the European Commission from the Directorate-General for Employment to the Directorate-General for Justice, Fundamental Rights, and Citizenship. This shift represented a critical turning point in the EU gender regime, given its potential to significantly broaden its gender equality policies beyond employment. However, feminist scholars have highlighted the limits of an approach that relies essentially on legal rights and legislation, which may align with neoliberal priorities and hence limit progress in times of austerity.¹¹⁵

Focusing on individual, reactive anti-discrimination measures may hinder proactive, group-based approaches, such as gender mainstreaming and positive action, which are crucial for preventing gender inequalities.¹¹⁶

This institutional shift coincided with the adoption of neoliberal policies via the aforementioned "Six-Pack" of regulations and the European Semester, which undermined the ability to integrate gender equality just as the EU's economic governance regime was being reshaped in response to the 2008 crisis. As such, it distanced gender equality from employment¹¹⁷ and weakened the ability of the Commission's Equal Opportunities Unit to mainstream gender equality. Moreover, it disrupted the expert networks on gender; in an effort to save costs and promote efficiency, these were consolidated into the European Network of Experts on Gender Equality and addressed as mere information providers, reflecting a neoliberal shift that depoliticized gender equality.¹¹⁸ This was reflected in the fact that the only legally binding instrument proposed by the Commission to advance gender equality in this phase aimed to increase women's presence on corporate boards (COM(2012)614 final). It was blocked in the Council until 2022, when Directive 2022/2381 was finally adopted.

In sum, the austerity politics adopted in the 2010s in response to the 2008 economic crisis were a critical turning point that set the EU gender regime on a more neoliberal path, with detrimental socio-political effects: they heightened gender and social inequalities, reduced state capacity to address them, and weakened democracy. The institutional shift of responsibility for gender

115 Jacquot, *A Policy in Crisis*; Petra Ahrens et al., *Contemporary Crises in European Politics. Gender Equality+ Under Threat*, in: *European Journal of Politics and Gender* 1. 2018, no. 3, pp. 301–306.

116 Emanuela Lombardo and María Bustelo, *Political Approaches to Inequalities in Southern Europe. A Comparative Analysis of Italy, Portugal, and Spain*, in: *Social Politics* 19. 2012, no. 4, pp. 572–595.

117 Paola Villa and Mark Smith, *Policy in the Time of Crisis. Employment Policy and Gender Equality in Europe*, in Maria Karamessini and Jill Rubery (eds.), *Women and Austerity. The Economic Crisis and the Future of Gender Equality*, London 2014, pp. 273–294.

118 Jacquot, *A Policy in Crisis*.

equality within the Commission from its Directorate-General for Employment to the Directorate-General for Justice was also a critical turning point, and reflects the hybrid nature of the EU gender regime. On the one hand, it pushed the EU in the direction of a social democratic regime by broadening gender equality to cover other fundamental rights and areas beyond employment, such as violence against women. On the other, it made the EU's gender regime more neoliberal by depoliticizing and weakening the gender equality networks built around employment, precisely when gender mainstreaming in economic policies was more necessary than ever due to the economic crisis. The potentially positive feedback loop toward a more social democratic regime implied by this institutional shift therefore became a negative one, driving the EU toward economization and securitization – even in policies on violence against women.

5. The 2020s: Brexit and the Rise of Value-Based Anti-Gender Opposition

The 2020s are a phase of polycrisis in the EU, with the rise of far-right and anti-gender populist parties and movements, Brexit, the COVID-19 pandemic, the rule of law crisis in member states such as Hungary and Poland, the Russian war against Ukraine, the genocide in Gaza, the ongoing migration crisis, and climate change.¹¹⁹ Among these factors, we focus on the challenges posed by Brexit and the rise in anti-gender opposition at the EU level because of their significance for the transformation of the EU gender regime, and because they illustrate the relevance to such transformations of the EU's institutional response to crises. Brexit represents a critical turning point, as the EU's response has steered its gender regime toward neoliberalism.¹²⁰ The increase in anti-gender opposition represents a potential tipping point, in that the EU's response to date has promoted a hybrid gender regime that is both social democratic and neoliberal, not an authoritarian one. A gender lens allows us to see the shift from economic resistance to a value-based opposition that questions the EU value of equality as such.

The neoliberal shift that resulted from the EU's response to the 2008 economic crisis fueled both Brexit and the rise in opposition to gender equality by fostering the rise of far-right, anti-gender, and Eurosceptic populist parties,¹²¹

119 Abels et al. (eds.), *The European Commission under President Ursula von der Leyen*.

120 MacRae et al., *A Crisis is a Terrible Thing to Waste*.

121 Philipp Müller and Christina von Hodenberg, Introduction. Historical Perspectives on Criticisms of European Integration, in: *Journal of Modern European History* 22, 2024, no. 3, pp. 286–296; Carine Sophie Germond, Integrating or Breaking up Europe? Euroscepticism and Opposition to Europe, in: Brigitte Leucht et al. (eds.), *The History of the European Union. 1945 to the Present*, London 2023, pp. 333–351; Francesca Scrinzi, *The Racialization of Sexism. Men, Women and Gender in the Populist Radical Right*, New York 2023.

and by pushing marginalized groups toward populist solutions.¹²² In the UK, austerity and technocratic politics fueled Brexit by promoting a narrative of reclaiming control from EU technocrats.¹²³ Similarly, in Eastern Europe, EU gender mainstreaming policies were used by far-right groups to criticize the EU as technocratic and to present themselves as defenders of national democracy while mobilizing conservative opposition to gender equality.¹²⁴

Brexit, formalized in 2020 after the 2016 referendum, was a critical turning point in the EU gender regime, shifting it onto an increasingly neoliberal path. Brexit had as much to do with redefining UK–EU relations as with displacing economic insecurity and cultural anxieties onto gendered subjects, in the form of growing hostility toward socially and economically disadvantaged groups, including women. Brexit was therefore “a critical moment in which gender relations [were] reshaped,” embedded within a more general neoliberal restructuring of the state in the aftermath of the economic crisis.¹²⁵ It shaped the gender regime by heightening social and gender inequalities,¹²⁶ as well as gendered and racialized violence, while limiting democracy.¹²⁷ The Brexit negotiations privileged economic over social issues (including gender, class, and race equality), marginalized rather than mainstreamed gender,¹²⁸ and were managed in technocratic ways, excluding the voices of women, racialized people, and other minorities, as well as civil society organizations.¹²⁹ Consequently, at the EU level, Brexit has helped to tilt the balance toward the economic rather than socio-political project of EU integration,¹³⁰ producing a negative feedback loop between the two. Ultimately, it pushed the EU gender regime onto a more neoliberal path, especially in the domains of the economy and the polity.

122 Donatella della Porta, *How Social Movements Can Save Democracy*, Cambridge 2020, p. 6.

123 MacRae et al., *A Crisis is a Terrible Thing to Waste*.

124 Marta Rawłuszko, *And if the Opponents of Gender Ideology are Right? Gender, Politics, Europeanization, and the Democratic Deficit*, in: *Politics & Gender* 17. 2019, no. 2, pp. 301–323.

125 Julie MacLeavy, *Women, Equality and the UK's EU Referendum. Locating the Gender Politics of Brexit in Relation to the Neoliberalising State*, in: Mark Boyle et al. (eds.), *Brexit Geographies*, London 2020, pp. 109–127.

126 *Ibid.*

127 Sylvia Walby, *Gender, Violence and Brexit*, in: *Northern Ireland Legal Quarterly* 71. 2020, pp. 17–33.

128 Roberta Guerrina and Annick Masselot, *Walking into the Footprint of EU Law. Unpacking the Gendered Consequences of Brexit*, in: *Social Policy and Society* 17. 2018, no. 2, pp. 319–330.

129 *Ibid.*; Toni Hastrup et al., *Brexit. Gendered Implications for Equality in the UK*, in: *European Journal of Politics and Gender* 2. 2019, no. 2, pp. 311–312.

130 Guerrina and Masselot, *Walking into the Footprint of EU Law*; MacLeavy, *Women, Equality and the UK's EU Referendum*.

Increased opposition to gender equality, in turn, is a potential tipping point, as it poses a major threat not only to gender equality but also to democracy. If left unaddressed, it risks pushing the EU's gender regime in an authoritarian, anti-gender direction.¹³¹ In the polity domain, anti-gender opposition has emerged in the Council and the European Parliament. In the Council, far-right populist leaders, particularly from Hungary and Poland, have played a hegemonic role in opposing central EU gender equality measures, such as the ratification of the Istanbul Convention or the directive on gender-based violence.¹³² In the European Parliament, the number of Members who oppose gender equality increased to over 30 percent in the 2019–2024 legislature.¹³³ In the civil society domain, in turn, anti-gender organizations have proliferated since the 2010s, forming alliances with transnational and EU institutional actors to oppose gender and LGBTI equality policies.¹³⁴ They do so through “direct” strategies that attack equality policies, LGBTI people, and women, as well as indirectly through the mobilization of Euroscepticism and Islamophobia.¹³⁵ Using violence, hate speech, and antagonistic practices, far-right anti-gender actors promote polarization around gender in a manner that hinders democratic debates on these issues and intimidates advocates of gender equality and LGBTI rights.¹³⁶ Crucially, therefore, the nature of the opposition to the EU's gender equality policies has changed from a predominantly economic to a value-based one, questioning the EU value of equality.

In response, the EU, spearheaded by the European Commission under the presidency of Ursula von der Leyen, has revitalized its equality agenda. At the beginning of its mandate (December 2019 to June 2024) the von der Leyen Commission launched its “Union of Equality” program, which strengthened the institutionalization of gender equality with the appointment of the first ever Equality Commissioner (2019) and led to the adoption of the EU Gender Equality Strategy 2020–2025 after a decade of backsliding.¹³⁷ In addition, the von der Leyen Commission unblocked the revision of Directive 92/85/EEC on equal treatment of pregnant workers, which was adopted in 2019 (EU/2019/1158) (alongside a European Care Strategy), and the women on boards directive, adopted in 2022 (EU/2022/2381). Finally, it has taken unprecedented

131 Lombardo, *Anti-Gender Regimes*; Walby, *Authoritarianism, Violence, and Varieties of Gender Regimes*.

132 Lombardo and Rubio Grundell, *Words and Deeds?*.

133 Zacharenko, *Anti-Gender Mobilizations*.

134 Ibid.; Neil Datta, *Tip of the Iceberg. Religious Extremist Funders against Human Rights for Sexuality and Reproductive Health in Europe 2009–2018*, Brussels 2021.

135 Kantola and Lombardo, *Strategies of Right Populists*.

136 Johanna Kantola and Emanuela Lombardo, *Challenges to Democratic Practices and Discourses in the European Parliament. Feminist Perspectives on the Politics of Political Groups*, in: *Social Politics. International Studies in Gender, State & Society*, 28. 2021, no. 3, pp. 579–602.

137 Jacquot, *Transformations in EU Gender Equality*.

action to respond to far-right opposition to gender equality and LGBTI initiatives through speeches and legal and economic action – in particular the infringement procedures against Poland and Hungary for violating EU law and the value of equality, and the blocking of EU funds to Hungary based on its lack of compliance with the EU Charter of Fundamental Rights. As such, the von der Leyen Commission has shown “critical actorness” in countering the first shift toward an anti-gender, authoritarian regime.¹³⁸ This represents a critical turning point in the EU gender regime by partly reorienting it in a more social democratic direction in the aftermath of austerity.

Still, the absence of gender mainstreaming from EU policy-making,¹³⁹ and continuities with former Commissions in the priority given to market optimization rather than social and equality issues,¹⁴⁰ show elements of a neoliberal type. Moreover, the von der Leyen Commission's response to the rise of anti-gender opposition has adapted to the nature of that opposition, in that it is symbolic and based on values rather than on the implementation of rights for EU citizens.¹⁴¹ Ultimately, it continues along the path of a hybrid EU gender regime mixing social democratic and neoliberal elements. Von der Leyen's election in July 2024 for a second term as Commission president with a slightly larger majority than in 2019, this time with a higher representation of members from traditional, authoritarian and nationalist political groups rather than green, alternative and liberals, makes her an even more pivotal actor for understanding how the dynamics between economic and socio-political integration have shaped the EU gender regime over time.

IV. Conclusions

The intersections between the economic and socio-political projects of European integration, together with actors who promote and oppose gender equality, are key drivers of the transformation of the EU gender regime over time. The result is a hybrid public gender regime that oscillates between social democratic and neoliberal trends at different moments in time.¹⁴² We have divided this evolution into five distinct phases between the adoption of the Rome Treaty in 1975 and the end of the first von der Leyen Commission in 2024, demarcated by gradual transformations that layer novel reforms onto pre-existing elements and critical turning points that set the EU gender regime on a new path. A potential critical tipping point is also identified in the rise of

138 Lombardo and Rubio Grundell, *Words and Deeds?*.

139 Henriette Müller, *Political Leadership, (Gender) Equality and Crises*. Commission President Ursula von der Leyen and European Agenda-Setting, in: Abels et al. (eds.), *The European Commission under President Ursula von der Leyen*, pp. 81–105.

140 Paul Copeland et al., *Filtering Politicisation towards a More Social Europe?*.

141 Lombardo and Rubio Grundell, *Words and Deeds?*.

142 Ferree, *Framing Equality*; MacRae et al., *A Crisis is a Terrible Thing to Waste*.

opposition to gender equality which, if left unaddressed, risks shifting the EU gender regime in an authoritarian direction.¹⁴³

The analysis makes two main contributions to theories about the history of European integration and about varieties of gender regimes – in the former case by applying a gender approach, and in the latter by focusing on the EU as a case study. This cross-fertilization enriches both areas of study.

Similarly to what gender historians have shown in their analyses of socio-political phenomena at the national level,¹⁴⁴ examining the EU gender regime from a gender perspective allows us to challenge the classic historical periodization of European integration, highlighting the significance of pivotal actors and events that are often ignored. Indeed, the classic historical periodization, grounded in the sequence of treaties from Rome to Lisbon, mostly tells a “his-tory” of European integration that overlooks the role and contribution of women and feminist actors.¹⁴⁵ In contrast, EU gender studies allow us to review this narrative from a “her-story” perspective¹⁴⁶ and analyze the evolution of the EU gender regime over time, revealing critical blind spots in the classic periodization. This approach demonstrates the need to account for the role of actors intervening both in favor of and against gender equality, as well as key exogenous events such as crises. In particular, the historiography of the EU needs to pay attention to four key elements.

First, the institutionalization of gender equality in the 1980s had an impact on EU gender equality policies in terms of both their development at EU level and their transposition in the member states. For example, the European Parliament’s Committee on Gender Equality has been a critical actor in promoting a social democratic gender regime, expanding EU gender equality policies beyond employment, and monitoring the implementation of gender mainstreaming across policy domains.

Second, specific member states have played a hegemonic role in steering the EU gender regime in a given direction at particular moments. An example is the pressure in favor of a social democratic EU gender regime that was exercised by France in the 1950s, leading to the inclusion of Article 119 within the Rome Treaty; another is the push by Sweden in the 1990s to add gender mainstreaming to the Amsterdam Treaty. Other cases illustrate how the EU gender regime was driven toward a neoliberal path, influenced by the UK during the 1980s and by Germany in the context of the 2008 economic crisis.

143 Lombardo, *Anti-Gender Regimes*; Walby, *Authoritarianism, Violence, and Varieties of Gender Regimes*.

144 Von Hodenberg, *The Other ’68*; von Hodenberg, *Writing Women’s Agency into the History of the Federal Republic*; Freeland, *Feminist Transformations*.

145 Mark Gilbert, *Historicising European Integration History*, in: *European Review of International Studies* 8. 2021, no. 2, pp. 221–240.

146 Gabriele Abels and Heather MacRae (eds.), *Gendering European Integration Theory*; Abels and Mushaben, *Gendering the European Union*.

Third, the classic historiography of the EU needs to attend to how the participation of civil society organizations in the 1990s–2000s impacted on the development of the EU's gender equality policies and institutions, making the EU gender regime more social democratic and pushing the EU more broadly toward socio-political integration. This is illustrated by the role of the European Women's Lobby in advocating for improved representation of women in the European Commission and the adoption of gender equality policies.

Finally, the rise of far-right anti-gender actors in the Council, the European Parliament, and civil society has had an impact on democracy and on gender and LGBTI equality policies, since these actors challenge equality initiatives and create a hostile context for them. Our historical analysis of the EU's gender regime demonstrates that opposition to equality has been a constant in European integration. However, its nature has changed; it began as primarily economic and based on institutional inertia, but now gender and LGBTI equality are opposed on their own terms.

In short, by looking not only at the treaties, as the classic "his-tory" of European integration has done, but focusing instead on the evolution of the EU gender regime, we can identify new milestones in the evolution of the EU in the form of gender equality institutions, civil society participation, and the role of actors in favor of and against gender equality. In turn, focusing on the transformations of the gender regime of the EU specifically, and the role of the two projects of economic and socio-political integration in combination with actors promoting and opposing gender equality, allows us to better understand its "hybrid" nature and the factors that tilt the balance toward more neoliberal or social democratic paths across all the institutional domains analyzed here.

In fact, such patterns are produced through multiple causal mechanisms, which tend to differ depending on the type of actor involved. Feminist actors, both inside EU institutions and from civil society, have shaped the evolution of the EU gender regime through multiple complementary mechanisms. Civil society actors have relied primarily on strategic litigation and venue shifting, as demonstrated by the *Defrenne* case and the escalation of debates on both parental leave and violence against women to the EU level in order to bypass national resistance. Feminist institutional actors, in turn, have exerted their influence through legal enforcement and funding conditionality, as is most clearly illustrated by the von der Leyen Commission. Feminist institutional and civil society actors also shared key causal mechanisms, amplifying their impact across institutional domains. These include framing, for example when violence against women was linked to economic subordination, or gender equality was presented as a core EU value. Causal mechanisms also include institutional spillover – that is, expanding policies beyond employment into other areas – as well as politicization and agenda-setting, as in relation to gender mainstreaming or violence against women. Most importantly, causal

mechanisms include horizontal and vertical coalition-building between different types of feminist actors across geographical levels. Finally, member states acting for and against gender equality have shaped the EU gender regime through strategic bargaining, veto threats, issue linkage, and coordinated advocacy, as evidenced in France's inclusion of Article 119 in the Rome Treaty or Sweden's role in advancing gender mainstreaming in the 1990s, as well as Hungary and Poland's opposition to the Istanbul Convention.

In the polity and civil society domains, the hybridity of the EU gender regime comes into view, on the one hand, in the gradual inclusion and prominent role of women, feminist governance structures, and civil society organizations promoting gender equality within EU institutions. This clearly reflects a social democratic component, linked to the deepening of democracy in such domains. On the other hand, feminist governance structures and civil society organizations have also been reconfigured, sidelined, and downgraded in favor of neoliberal priorities for the purpose of efficiency, especially in the context of crises. Examples can be found in the structure of the EU's equality agencies, which was modified in 2007, leading to a two-track approach that hinders intersectionality; in the relocation of the responsibility for gender equality within the Commission from the Directorate-General for Employment to the Directorate-General for Justice, Fundamental Rights, and Citizenship, which depoliticized and weakened gender equality networks; and in the EU's austerity response to the 2008 economic crisis.

In the economic domain, in turn, the hybrid nature of the EU gender regime is on the one hand expressed in the gradual institutionalization of a distinctive gender equality model based on the regulation of employment relations. This aimed to remove discriminatory barriers to women's labor market participation and facilitated the reconciliation of work and family life, following a social democratic logic. On the other hand, however, all of the EU's gender equality policies in relation to employment remain subordinate to the primary aim of market integration. The result is an expectation that women will adapt to the nature and needs of the labor market, rather than a complete restructuring of productive and reproductive labor relations. Nowhere is this clearer than in the EU's policies addressing the reconciliation of work and family life, though it is a constant feature of all EU gender equality policies in the field of employment.

Finally, in the domain of violence, the hybridity of the EU gender regime consists in the adoption of a policy approach to violence against women that focuses on substantive equality, based on the notion of equality as difference – that is, enacted through the provision of specific preventive and protective measures. This approach, however, has become increasingly securitized; in other words, it is disproportionately focused on criminal justice solutions, in particular law enforcement and external border control, rather than on more comprehensive prevention and protection from a human rights perspective. The result, as the EU's policies on trafficking in women exemplify, has been the

targeting of entire populations at the intersection of inequality regimes based on class, and race, including trafficked victims themselves.

Our analysis ultimately shows that the key factors shifting the EU gender regime onto a more social democratic path have included the intensification of the project of socio-political integration in the economic domain, alongside the strengthening of actors who promote gender equality in the polity and civil society domains, through the deepening of democracy. On the other hand, the intensification of the project of economic integration and the growth of opposition to gender equality, whether from member states or from institutional and civil society anti-gender actors, have helped to shift the EU gender regime in a neoliberal direction. These findings may offer conceptual tools for better understanding gender regime change and its varieties in other times and contexts.

Hence, while the EU gender regime still oscillates between social democratic and neoliberal forms, the threat of a shift toward an authoritarian regime, fostered by the increase in far-right anti-gender actors in European governments and institutions, is real. In this context, it is all the more important to learn from past experience and to remember that the origins of the European Union project lie in a collective political response to the attack on democracy by fascism, nationalisms, militarism and war. This history, interpreted from the perspective of gender equality, has much to tell those who want to listen about the protection and deepening of democracy, and thus the possibility of a gender regime capable of sustaining positive and humane living conditions for everyone in the European Union.

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