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Gender and generational interdependencies and divisions among EU citizens

Trudie Klijn and Manuela Naldini

INTRODUCTION

The EU as a new quasi-supranational government has proclaimed with great strength almost from the outset the individualisation of men and women, and has affected national laws on gender-equality. Directives on equal wages for similar work, equal pensions systems and equal treatment in the 1970s and 1980s have resulted in more work opportunities, income security, pensions and labour protection for women in many Member States (Sainsbury, 1999). Periodically, the EU sets goals for reaching more gender equality; the latest version of which is the 'Strategic engagement for gender equality 2016–2019', launched by the current European Commissioner for Justice, Consumers and Gender Equality (European Union, 2016). Indeed gender equality concerning labour market participation, equal pay and women’s representation in high-position jobs is high on the EU agenda, though mainly addresses women as worker-citizens. Feminist scholars have criticised this EU approach because it assumes a footloose female identity in which human connections are either neglected or assumed to be less important. The so-called 'adult worker' model (Lewis and Guillari, 2005) correlates rather well with the aim of the EU to expand the pool of available workers, but undervalues family relations, care interdependencies, and mainly sees outsourcing of care as a solution for the double burden most women still carry. Intergenerational policies on the EU agenda also show a tendency towards instrumentalisation of equality politics, that is, to view individual citizens as productive forces whilst also denying their connectedness to their significant others. Age-related issues, for instance, are mainly framed via programmes such as ‘Active Ageing’ aimed at ‘helping people stay in charge of their own lives for as long as possible as they age and, where possible, to contribute to the economy and society’. The new Active Ageing Index (AAI) wiki developed for that purpose by the European Commission Directorate General for
Employment, Social Affairs and Inclusion, measures the extent to which older people can realise their full potential in terms of employment, participation in social and cultural life and independent living. For young Europeans, the EU has launched the social investment approach in 2013 (Morel et al., 2012), supporting the development of Early Childhood Education and Care (ECEC). Finally, the EU has directed the development of childcare by setting criteria for the percentages of childcare provisions for pre-school children (European Commission, 2013). However, these initiatives have also been criticised because they frame children as ‘future workers’ instead of recognising them as (full) citizens and contribute to a priority change from gender equality to children’s rights (Jenson and Saint-Martin, 2006; Jenson, 2012; Lewis, 2006; Saraceno, 2015). Once in higher education, the EU supports young adults’ inter-EU mobility. Successful programmes are the Bologna Agreement on equalising values of university degrees, which has broadened the horizon for studying abroad, and the Erasmus exchange programme for higher education, installed in 1987. This programme has already offered over 3 million European students opportunities to follow courses in other Member States. The programme ‘Youth on the Move’ (2010–14) aims to stimulate inter-European mobility for work, study and training, and to improve the identification of the future generation with the EU as a governing entity, and had about 400 000 participants (Knijn and Yerkes, 2018). Lower educated and/or less mobile youngsters who remained in their home countries have felt the deep effects of the crises since 2008, and less EU support. With unemployment in Spain and Greece affecting over half of the young population, over 40 per cent in Italy and Croatia, and over 30 per cent in Portugal and Cyprus (Eurostat, 2016), it becomes clear that, despite some lip service, as expressed for instance in the Council Recommendation on establishing a Youth Guarantee (European Council, 2013), their rights have not been prioritised by the EU.

A central question of this chapter is why, despite some good intentions and related endeavours, the EU has only partially succeeded in realising better results regarding gender equality and mostly failed in offering a better future for its coming generations. Our presumption is that the EU has regulated work-related policies and only those aspects of family policies that contribute to
economic growth, a mobile and knowledge-based labour market. Other family-related issues are given less priority, with the consequences that those who do not prosper on the labour market tend to become dependent family members, for example the young, the old and mainly women. The mutual dependency of work and – not just work-related – family policies is crucial because both types of policies affect gender and intergenerational division lines. A double ‘domestification’ – national and in the private home – of gender and intergenerational citizenship rights results from dissimilar family laws and family policies in the Member States if that domain is largely out of reach of the EU. The analysis included in this chapter is predominantly based on a study of six European countries considered to be representative of different legal, cultural and welfare state models present in the EU, namely Croatia, Denmark, Hungary, Italy, the Netherlands and Spain.

In the first section of the chapter controversies over the definition of the family and family relations in European countries will be presented based on a comparative study on national family laws and reproductive rights. In the second section the European care gap dilemma will be discussed from the perspective of care workers’ citizenship rights. On both subjects EU regulations will be analysed to understand the limits and potentials of convergence towards a common European level. In the third section the question is posed as to whether harmonisation of social and civil rights of citizens as family members would contribute to a more inclusive EU citizenship. It presents results of a study among young Europeans on their expectations regarding the intra-EU mobility and/or harmonisation of these rights at the EU level. Finally, the approach of young Europeans will be contrasted with the anti-European, radical right-wing political parties that proclaim re-nationalisation of citizenship rights to gender-equality.

11.2 DISPERSED FAMILY LAW AND AMBIVALENT REPRODUCTIVE RIGHTS

From the 1980s onwards, many western European Member States have reacted to changing lifestyles of their populations by adjusting family and marriage law. Equalising the status of children born out of cohabitation and marriage, more flexible divorce laws, strengthening the rights and obligations of unmarried and divorced fathers, as well as securing children’s rights have been
major legislative adaptations to processes of individualisation, changing family lives and fragmented families (Gauthier, 1996; Kuijsten, 1996; Sobotka and Toulemon, 2008). In 1998, the United Nations (UN) recommended defining a family unit, in terms of residential unit, based on the ‘conjugal family concept’ as ‘two or more persons within a private or institutional household who are related as husband and wife, as cohabiting partners, or as parent and child. Thus, a family comprises a couple without children, or a couple with one or more children, or a lone parent with one or more children’ (UN, 1998, p. 43). This more liberal family framework has not yet resulted in a unified definition among EU Member States. For instance, England, Wales and Northern Ireland also regard grandparent(s) living with one or more grandchildren, albeit without the grandchild(ren)’s parents, as a family, whilst Norway includes persons living alone in their definition of a family (‘one-person families’). Other countries – Ireland and Italy – define families based on residential units. And although EU Member States still vary a great deal in their legal recognition of civil and social rights for same-sex couples, registered partnerships and co-habiting couples, Waaldijk (2014, p. 45) signals an overall trend towards a greater equality for the increasing diversity of families:

“Almost all countries in Northern, Western, and Central Europe […] allow same-sex couples to enter into a legal format that is either called marriage or that entails most of the legal consequences of marriage. In most countries in Eastern and South-Eastern Europe […] this is not (yet) the case; the exceptions are Malta, Slovenia, and Croatia and (since 2016) Italy, each of which now has registered partnership for same-sex couples.”

Recognising the rights of same-sex couples to family life does not per se mean acknowledgement of all family rights. While registered partnership is most often equalised to marriage, exceptions are made for parenting, inheritance, property, pensions, care leaves, income tax, surnames or other issues (Waaldijk et al., 2017). Interestingly the trend towards recognising same-sex couples has been stronger in the EU than the trend towards recognising cohabiting couples, according to Waaldijk (2014). For example, the number of countries that allow same-sex
partners to adopt a child is now greater than the number of countries that allow unmarried different-sex partners to do so (Nikolina, forthcoming). The lack of consensus among national legal systems as to what defines a ‘family’ has traditionally and for a long time led the European Court of Human Rights and the European Union to adopt a prudent and pragmatic approach in respect for national differences. However, a slightly different approach seems to have emerged over the past fifteen years. Both the European Court for Human Rights and EU law have more recently substantially reduced the autonomy of national jurisdiction in recognising ‘other’ types of family forms. The case law of Schalk v. Kopf v. Austria of 24 June 2010, which began in 2003 when Mr Schalk and Mr Kopf requested the competent authorities in Austria to allow them to contract a marriage as a same-sex couple, is an important turning point. With this case law, for the first time the European Court of Human Rights recognised that same-sex couples are entitled to protection under the concept of ‘family life’.

Today, the European Convention on Human Rights and EU law furnish national legal systems with the minimal, but precise indications as to which horizontal (couple) and vertical relationships (‘parentage’) legally constitute a ‘family’, founded in the principle of non-discrimination. The consolidated case law of the European Court of Human Rights (ECtHR) restricts the margin of appreciation granted to the Member States in case of differences in treatment based on sex and/or sexual orientation. In turn, the Court of Justice of the European Union, in the judgement K.B. v. NHS National Health Service Pensions Agency, affirmed that a national law (UK, in this case before 2004) that prevented a couple from satisfying the condition of marriage, a status needed to provide the other partner with the possibility to enjoy an element of the other’s widower’s pension, must be considered ‘along the lines of principle, incompatible with’ the EU law (Article 141 EC) (Naldini and Long, 2017). Hence, EU Member States have to guarantee fundamental rights and liberties, specifically the principle of non-discrimination, the freedom of movement, and the liberty to exercise reproductive choice without unjustified interference. Nevertheless, family affairs (with consequences for inter-generational and gender equality, civil and
social rights) are predominantly the domain of national, legal, cultural and institutional path-
dependency. This forms a hard-core barrier against the principle of freedom of movement and
gender-equal policy proclaimed by the EU.

This poses new questions concerning EU versus national citizenship, for instance with
regard to the mobile individual citizen. Consider, for instance, the rise of reproductive ‘tourism’.
The phenomenon, known also as reproductive ‘exile’, or ‘Cross-Border Reproductive Care’
(CBRC), is particularly widespread in Europe (Prig and Mills, 2015; Shenfield et al., 2010). This
shows both sides of the EU: citizens utilising the opportunities of the ‘open’ healthcare market,
whilst doing so due to cross-national differences in the legal accessibility limits of assisted
reproductive technologies and/or adoption. Differences in national legislation permit same-sex
couples or individuals to become parents in the Netherlands, but not in Italy or Croatia, or to
become parents with assisted reproductive technologies (ART) at lower costs (in terms of money
and time) for a couple in Spain than in Italy. A gap also exists between the strict legislation of most
EU Member States regarding commercial surrogacy (only allowed in the United Kingdom and
Greece), and the increasing number of surrogate mothers from third world countries who have
become a hot commodity for westerners looking to have children.

Cross-border reproductive family practices embody a EU citizenship paradox: EU
citizenship enlarges citizen liberty to exercise reproductive rights, at the same time as it enlarges
social inequalities. CBRC individuals, same-sex couples and families may establish practices of
transnational EU citizenship or claim their right to respect of family life when this right is not
respected in their own country, using the wider liberty to exercise reproductive choices in other EU
Member States. Acknowledging the legitimacy of these ‘practices of resistance’ (by EU law and/or
EU case law) against domestic laws perceived as ‘unjust’ would undoubtedly contribute to
establishing rights perceived as fundamental in a growing number of Member States. These
transnational reproductive practices and national and European case law influence domestic laws
‘from the bottom up’, foster harmonisation of family law within the EU, and contribute to a
growing legal recognition of the portability of family status within the EU (Naldini and Long, 2017). In this process the European Court of Human Rights’ case law plays a decisive role in affirming the legitimacy of cross-border reproductive rights, by recognising the obligation of the Member States to protect private and family life for parental nucleus constituted abroad using ART techniques that were forbidden in their country of origin.

However, these unbounded citizenship practices and the lack of family law harmonisation may increase economic and social inequalities when it comes to accessing and enjoying these rights. Not all needy citizens can afford to achieve their family aspirations, and therefore the right to respect of family life is not equally assured to all EU citizens. In the case of surrogacy, the generalised affirmation of the lawfulness of surrogacy may result in the exploitation of women in poor economic conditions (Peet, 2016). The latter aspect is underscored in a recent resolution of the European Parliament according to which:

<quotation>
the Parliament condemns the practice of surrogacy, which undermines the human dignity of the woman since her body and its reproductive functions are used as a commodity; considers that the practice of gestational surrogacy which involves reproductive exploitation and use of the human body for financial or other gain, in particular in the case of vulnerable women in developing countries, shall be prohibited and treated as a matter of urgency in human rights instruments.</quotation>

Social inequalities, produced by an unbounded practising of citizenship rights and a lack of respect for the fundamental principle of the best interests of the child, also arise when national public policy considerations may prevent the legal recognition of families of children born abroad using surrogacy in states that do not allow surrogate motherhood (see Chapter 9 in this volume).

11.3 CITIZENS’ CARE-RELATED RIGHTS

Regarding care for elderly and/or disabled persons, the EU is confronted with a similar dilemma and captured in between Member States’ policies and securing rights of mobile citizens.
Demographic changes coupled with increasing costs for elderly care went together with successful EU policies aiming at increased female employment rates, gender equality and an expanding European workforce. The downside was a steady reduction of informal, unpaid family care. Hence, many Member States introduced cash-for-care payments within their national welfare state system for previously unpaid care work to seduce (female) family caregivers to fill the care gap at lower costs than those of ‘real’ jobs (Knijn and Verhagen, 2007; Ungerson and Yeandle, 2007). A wide variety of cash-for-care schemes developed all over western Europe (Da Roit and Le Bihan, 2010; Oesterle, 2010). While the EU was hardly involved in that process, it unintentionally became tainted – in some countries – due to the service directive of the European Parliament and of the European Council on services in the internal market (European Parliament and the Council, 2006): ‘This Directive establishes general provisions facilitating the exercise of the freedom of establishment for service providers and the free movement of services, while maintaining a high quality of services.’ (European Parliament and the Council, 2006, p. 51). The directive explicitly excludes services in the common interest such as healthcare and ‘social services relating to social housing, childcare and support of families and persons permanently or temporarily in need which are provided by the State, by providers mandated by the State or by charities recognised as such by the State’ (European Parliament and the Council, 2006, p. 51). Nevertheless, some governments, for instance the Dutch Government, referred to the service directive – which was initiated by the Dutch liberal EU Commissioner Bolkenstein – to legitimise further marketisation of all kinds of care work (Knijn and Saraceno, 2010). In addition, lenient care policies in some Member States, as well as recent austerity policies in others, have resulted in the expansion of private and marketised Long Term Care services (LTC) under the condition of leaner care budgets (Pavolini and Ranci, 2008; Shutes and Chiatti, 2012; Ulmanen and Szebehely, 2015). Increasingly, care at home has become the universal and the preferred solution for the elderly and disabled persons (Antonen and Sipila, 1996; Morel, 2012). The net effect of this development is that the care workload of (mainly) female family members has increased rapidly, but also that well-protected care jobs are disappearing,
resulting in women’s unemployment as well as underemployment. For example, approximately 65,000 jobs were lost between 2010 and 2016 in the fields of home care, child care and disability care in the Netherlands, which were predominantly female jobs (www.werkmersindezorg.nl, 2016). In other countries, the share of female EU and TCN migrants in care work has expanded and nowadays they are a major source of the home-based LTC services workforce (Da Roit and Le Bihan, 2010; Erel, 2012; Weicht, 2015).

Over the last decade, the migrant share of the EU workforce has increased far more in caring occupations than in the rest of the labour market (Cangiano and Shutes, 2010; Luppi et al., 2015; 2017; forthcoming) fostered by the counter-cyclical trend that has characterised the care labour sector across European countries during the recent economic crisis (Geerts, 2011; OECD, 2015). Migrant care work is an archetype of precarious work defined by uncertainty as to

> ‘the duration of employment, multiple possible employers or a disguised or ambiguous employment relationship, a lack of access to social protection and benefits usually associated with employment, low pay, and substantial legal and practical obstacles to joining a trade union and bargaining collectively’ (Hobson and Bede, 2015, pp. 328–9).

The EU acknowledges that especially in times of austerity this unregulated, partly-informal labour market hits migrant care workers, like other migrant workers, because they are exposed to exploitation in the workplace (European Commission, 2014). Luppi et al. (2017; forthcoming) conclude that similarities in the employment position of migrant care workers prevail. The most prevalent form of employment is being contracted through private operators or employers in the home care sector or in the live-in subsector, requiring few qualifications. A grey market for home care characterises most Member States, without most social security rights relate to the formal labour market. Migrant care workers, like all in-house informal workers, are excluded from these social rights. Given the increasing need for workers in LTC almost all over Europe, a two-route race to the bottom for citizen-care workers has been signalled. The first route is followed mainly in the
north-western European countries and exists in downsizing public or subsidised services in combination with an expanding private market, the gaps of which are filled in by previous home-care workers and female family members who now combine informal unpaid care work with paid employment. The second route, opted for by Austria, Italy, Ireland and Spain, has involved the outsourcing of informal care work to migrant care workers. Yet, regarding the need for care workers, a race to the bottom has occurred in terms of employment rights and access to social security rights for care workers (Erel, 2012; Lutz and Palenga-Müllenbeck, 2010; Williams, 2012; Van Ginneken, 2013). Depending on further developments in the privatisation of either the family or the (informal) market of care work and women’s employment in north-western European countries, this risk is discernible.

Therefore, the status of care-related workers and care-related work in the immigration systems of different Member States combined with the tendency to cut back on public or publicly-subsidised care work promoted by the economic and finance-oriented EU policies, define the ways in which the position of women as – native, EU and TCN – workers shapes their citizenship rights. Caring family members as well as domestic workers are excluded from worker-citizen rights as regulated in labour law (see also Anderson and Shutes, 2014). Native women who combine care for children with a paid job, however, still have rights to care based on their labour contract, such as care leave, rights that are non-existent for migrant care workers. However, the right to care varies enormously among Member States on a scale not seen with other citizenship rights, depending on the ‘logic of care’ underlying a specific national welfare state, a social policy field which the EU so far is unable, or unwilling, to influence (Knijn, 2000; Kremer, 2007; Saraceno and Keck, 2010).

The tendency towards the individualised adult worker model (Lewis and Guillari, 2005) has not been accompanied by regulated care policies that protect the citizen-carer. In contrast, due to EU promoted austerity policies and subsequent cutbacks in public care services, gender inequality is on the rise.
From the abovementioned tendencies we can conclude that EU citizenship has as yet only partly touched upon the rights to family formation, reproductive rights and care-related rights. Despite some general lip-service expressed by the European Commission and the European Council, some case-law based on court decisions regarding the right to family life, and some concerns expressed by the European Parliament regarding the exploitation of migrant care-workers, family-related issues and gender equality in the family domain remain national responsibilities. There might be many arguments against the harmonisation of family and gender policies at the EU level, such as cultural and religious-based national traditions, path dependency in family-related welfare institutions (for example care facilities, housing, taxation), and various demographic compositions of the population. Nevertheless, the interconnectedness of the EU labour markets and the free movement of workers, services, capital and goods demand a rethinking of its effects. Other issues are the implications of mobility for workers in non-traditional family forms, incongruities between Member States concerning rights on reproduction, and how to avoid the exploitation of migrant women in favour of the enlargement of the European workforce when men continue to contribute an unequal share. In the following paragraphs, two forces will be discussed that are of importance for the future of gender and intergenerational equality at the EU level. First, how do young Europeans think about mobile family rights and harmonisation of family-related EU citizenship rights? Second, what approaches do anti-EU parties have regarding the role of the EU in upgrading family-related gender and intergenerational equality to the EU level?

EU OR NATIONAL FAMILY-RELATED RIGHTS

Young Europeans embody the future EU citizen; they easily cross-national borders, are much more fluent in English as the lingua franca than previous generations, internationally connected via social media, and have many more opportunities to move around in Europe for higher education. Yet young Europeans are also family members, peers in their community and/or at the doorstep of family formation. Their future perspectives are partly work-related though, as in many Member States they are confronted by very high unemployment rates. That new generation is dealing with
multiple and contradictory messages reflected in ambivalent opportunities and complicated choices. For them the EU offers a market of opportunities, but only on the condition that they leave behind communities, families, habits and common practices. Students and young people in general (together with women and dependent family members) are frequently within the category of EU (mobile) ‘non-economically active persons’ so that they become among the most disadvantaged EU (mobile) citizens, and their access to social rights might be hampered (Luppi et al., 2017; see also Chapter 8 in this volume). At the same time, the EU is a driver behind a lack of opportunities due to fierce austerity measures that have undermined social security and employment, while the subsequent lack of income has forced them to stay in their parents’ household or return to their families for shelter and leave behind their independence (Newman, 2012).

This ‘return to the parental home’ is in contrast to indications that attitudes towards family life are changing all over Europe, becoming less traditional and more in acceptance of diverse family forms and patterns of childrearing, in particular among young people (Gubernskaya, 2010; Yucel, 2015). Although Gubernskaya (2010) signals significant cross-country variation in family attitudes – concerning divorce, co-habitation and homosexuality – most variation is explained by religious beliefs and gender attitudes, education and age (Van den Akker et al., 2013; Hooghe and Meeusen, 2013; Yucel 2015). For the rights of mobile EU citizens, a crucial issue is different attitudes among EU Member States with regard to homosexuality, showing the lowest level of approval of homosexuality in CEE countries (Lottes and Alkula, 2011). Different attitudes towards abortion across countries are, again, primarily driven by religion, age and gender (Scheepers et al., 2002; Scott, 1998).

Attitudes towards gender roles are changing throughout Europe, becoming more egalitarian (Naldini and Jurado, 2013; Voicu, 2009), in particular among women, the young, and non-religious persons. The declining influence of traditional Christian values and parallel convergence of more liberal individualistic attitudes among young and female Europeans challenges traditional family values that still exist in more religious-oriented and/or CEE Member States. These differences in
family norms and in family models may restrict inter-EU mobility of young Europeans towards more traditionally-oriented Member States. It might also result in barriers to having their alternative family forms recognised if they move to such Member States through denial of their family-related social, economic and civil rights. Young Europeans remaining in their homeland may wonder why the EU harmonises economic rights and social rights related to work, and leaves social and civil rights related to family life untouched. Hence, fragmentation of the family-related citizenship rights still characterises the European Community. Discrepancies between EU Member States regarding family-related rights become too obvious to ignore.

Therefore we became intrigued about the attitudes of young Europeans regarding intra-EU mobility and harmonisation of family-related rights. For that purpose, we have conducted a study of their attitudes towards social rights and reproductive rights of men and women living in diverse family forms, and the role the EU is expected to play in developing these rights. The study included 1128 university students from Denmark (N 148), Spain (N 220), Croatia (N 208), Israel (N 157), Italy (N 202), and the Netherlands (N 193) (Yerkes et al., 2015). We identified two types of family rights, broadly defined as civil rights and social rights. Civil rights can be understood as those regarding family formation and can be broken down into two subsets: partnership rights (for example the right to marry and to form a civil partnership) and parenthood rights (for example the right to adopt and to use ART). Social rights, on the other hand, include a set of broadly defined benefits that families are sometimes entitled to, such as family allowances, parental leave, childcare access, housing benefits and so on. Moreover, respondents are asked whether individuals in certain types of families (for example heterosexual married couples) should be more or equally entitled to certain rights in comparison to other types of families.

Overall support for egalitarian gender relations and civil rights for different kinds of families prevail in the attitudes of the students, although not to the same degree. Same rights to marry and/or to registered partnership are agreed upon by, on average, 80 per cent of the students for heterosexual and homosexual couples, though the figure is a bit higher in Denmark, the Netherlands
and Spain than in Croatia, Israel and Italy (Yerkes et al., 2015). These results are not surprising. Spain, the Netherlands and Denmark have already regulated marriage for same-sex couples by law, Croatia has regulated ‘life partnerships’ by law, and Israel allows same-sex couples ‘unregistered cohabitation status’, giving nearly the same rights as married couples. In contrast, Italian law does not permit same-sex marriage and civil union between homosexuals was only introduced in 2016.

Virtually all students agree that civil rights defined as parenthood rights (for example adoption, reproduction) for different family forms should be granted to married and cohabiting heterosexual couples, although not per definition to cohabiting homosexual couples. Only students in Croatia and in Italy appear to believe that married heterosexual couples are more entitled to civil rights than other couples, especially compared to homosexual cohabiting couples (Yerkes et al., 2015).

There is general agreement on guaranteeing equal social rights, such as housing benefits and economic support, for a dependent partner to all kind of couples. This is, again, especially evident in Denmark, the Netherlands and Spain. Interestingly, students seem to prioritise marriage above cohabitation, but perceive sexual orientation not to be grounds for priority. In other words, in all countries, students are in more agreement with equalising rights for heterosexual and homosexual couples than with equalising rights for married and cohabitating couples. Indeed, particularly in Italy and Croatia, being married vs. cohabiting seems to matter the most (Yerkes et al., 2015).

Overall, students feel that being part of the European Union is a good thing. Yet consensus on this topic is higher in Italy and lower in Croatia, with Spain, Denmark and the Netherlands in the middle. Being in favour of EU membership, however, does not imply wanting the EU to legislate on all national, family-related citizenship rights. Students are more clearly in support of a harmonising role for the EU when it concerns civil partnership rather than marriage, regardless of whether it concerns heterosexuals or homosexuals. Dutch students mainly support a common legal EU framework for the right to marry, while Italian students mostly favour a common EU legal framework for civil unions. In contrast, in all countries little support is signalled for a common legal
EU framework in the field of adoption, while such support is stronger for a legal EU framework regarding the right to use reproductive technology, with no difference for family types (Yerkes et al., 2015). Yet the gap between both rights is much smaller in Denmark, where access to ‘non-natural’ parenthood for diverse family forms is acceptable and permitted. Young Danes tend not to perceive a need for ‘more Europe’ in order to reach wider recognition of civil rights for all. Young Italians, in contrast, appear to be more in favour of EU harmonisation of reproductive rights. In all countries students seem more in favour of EU regulation in the field of civil rights in comparison to social rights; only young Italians agree with harmonisation of social family rights by the EU. They probably see the EU as a liberating force that can open perspectives that are yet inconceivable and blocked in their nation-state. In contrast, young Europeans from ‘non-traditional’ countries – the Netherlands, Denmark and Spain – do not want to hand over regulation of family-related social rights to the EU.

Young Europeans vary in their attitudes towards the need for a common legal framework in Europe on social and civil rights. While the majority in all participating countries support their country’s membership of the EU, they are more in favour of an intervention at the EU level for civil rights than for social rights. Furthermore, young European living in countries with more traditional attitudes show more support for EU interventions in family-related citizenship rights. The presumption is that this relates to the less egalitarian legal frameworks in their countries, rendering EU intervention necessary (Yerkes et al., 2015). Finally, young Europeans agree that the portability of rights for mobile citizens is more important in relation to civil rather than social rights. In other words, they feel that citizens moving within the EU should be able to keep their national civil rights related to diverse family forms, adoption and reproduction. Less support is provided for the notion of retaining social rights, such as housing benefits or parental leave. In particular Dutch and Danish young persons living in rather generous welfare states feel that the regulation of these rights is a national issue, rather than an issue to be dealt with at the EU level. They may fear a race to the
bottom, as long as a European social model guaranteeing social rights at the same level as the Dutch and the Danish welfare state is a distant perspective.

11.5 NATIONALIST AND RADICAL RIGHT APPROACHES OF THE RIGHTS OF WOMEN AND THE YOUNG

Given the overall support of the higher educated young Europeans in five more-or-less representative Member States for EU membership of their country, considering their support for egalitarian and diverse families, as well as for harmonising family-related civil and, in case of the more traditional countries also social family-related rights, we conclude this chapter by analysing the perspective of nationalist, radical right-wing political parties in six Member States. What does their anti-European integration approach mean for the ambitions and hopes of these higher educated young Europeans? Siim et al. (2016) show, on basis of their analysis of documents of the radical right-wing parties such as Tomašić (Croatia), DF (Denmark), AfD (German), Jobbik (Hungary), LN (Italy) and PVV (The Netherlands), ‘both similarities and differences in the way they address gender and family issues which is often but not only influenced by the national gender and welfare regimes’ (Siim et al., 2016, p. 59; Siim and Krizsan, forthcoming). Gender equality is for all these parties a categorical instead of universal value, because they differentiate women according to geographical and ethnic dividing lines, meaning that some women (should) have more citizenship rights than other women. Some of these parties, in particular those from north-western Europe (PVV and DF), argue that gender equality and family diversity are non-issues because they have already been achieved in their countries. That argument – which can easily be falsified especially in the case of the Netherlands, given the low rates of economic independency, high rates of part-time work among women and low rates of women in higher positions – ideologically serves two political aims. First, it legitimises the parties for not further supporting or promoting gender equality regulations and politics in their nation-states, and secondly the assumption of established gender equality in their own nation-states is a political weapon against migrant cultures from other parts of the EU or beyond. The argument expounds that north-western European women experience gender
equality, whereas women with migrant backgrounds experience lower levels of equality or its absence. Therefore, the Danish (DF) and Dutch (PVV) parties argue that gender equality has already been achieved in their countries and that family issues should not be EU matters. They oppose any interventions in gender equality policies at the EU level, because they oppose any EU intervention (Siim et al., 2016).

Among the radical right-wing parties, no agreement exists on gender equality. Though most of them prefer the so-called ‘traditional’ model of the family, there are important variations in the meanings and importance they attach to the family and in their proposed family policy. In Croatia, Italy or Hungary these parties – Tomašić, LN and Jobbik – devote considerably more attention to supporting traditional family values, which they relate to the problem of low fertility rates and nationalist fears. For them this points to the robust nativist agenda which applauds the heterosexual family and insists on a ‘proper’ reproduction at replacement rates within the EU or its Member States (racial, ethnic, national, religious, or class-based). In contrast, DF (Denmark) and PVV (the Netherlands) do not express such worries at all (Siim et al., 2016). For young Europeans, it might be interesting to note that the radical right-wing parties disagree strongly about the role of the EU in handling gender and family problems, though none of them sees a role for the EU as a promoter of gender equality. Whilst some parties explicitly endorse the EU interventions on behalf of traditional family relations and reproduction (Jobbik), others strongly oppose the EU’s involvement in designing gender equal family policies (PVV, DF); only Lega Nord in its turn expresses moderate support for EU involvement.

In conclusion, gender, family and religious issues, including women’s and LGBTI rights, have now become part of an anti-European agenda to profile national family values, no matter if these are libertarian and egalitarian or traditional. According to Siim et al. (2016) there is no agreement on gender and family values among anti-European parties but to promote nativist gender and family values in opposition to assumed ‘outsiders’ family values, the first common goal. The common denominator is attachment to what they see as their national historical, cultural and
institutional contexts, which appear to contain contrasting and even opposing values. Despite these differences in the cultural dimension to family and gender issues, the selected radical right-wing parties’ second common goal is to restrict EU citizenship related to internal mobility, ethnic and family diversity.

In contrast to the dynamics of cultural attitudes of young Europeans, across the geographical divide Eastern and Western radical right-wing parties frame gender and family issues differently: they pretend to safeguard national gender equality and family values by excluding a priori inner-EU migration and migration from beyond EU borders. At the same time, none of these parties in practice or in voting supports gender equality, varieties of family forms and their equal civil and social rights guaranteed by a common EU framework. Partly because of their anti-Europeanism, partly due to their disagreement and partly due to their commitment to national regulations, these political forces do not offer any alternative to those young Europeans who hope for mobility or harmonised family-related EU citizens’ rights.

11.6 CONCLUSIONS: TWO PARALLEL UNIVERSES

A central question of this chapter is why, despite relatively good intentions and related endeavours, the EU has only partly succeeded in realising better results regarding gender equality in its Member States and mostly failed in offering a better future for its coming generations. We have combined several aspects of gender and inter-generational policies, attitudes and politics that are usually dealt with separately; legal rights for a variety of family forms in various EU Member States, rights of migrant and domestic care workers, attitudes of young Europeans regarding family social and civil rights, and finally the upcoming radical right parties’ politics on gender and family issues. A major conclusion is that the harmonisation of work-related family policies at the EU level is so far only slowly being reflected in family-related social and civil citizenship rights. Indeed, there is tendency in an increasing number of Member States towards the recognition of the rights of ‘diverse’ family forms, and some lip service is paid to the legal rights of domestic and migrant care workers. However, family and marriage law, LGBTI and reproductive rights are currently beyond the scope
of EU competency, while nation-states also retain responsibility for the specific character of care arrangements for disabled and older citizens. As long as family issues, including gender and generational relationships, are not clearly defined as being of interest for workers on the mobile labour market, they will remain outside the scope of EU legislation. Hence, a rather complex composition of EU citizenship rights comes to the fore, existing in more or less harmonised work-related economic and social rights combined with fragmented and dispersed family-related social and civil rights. This EU citizenship of two parallel universes – one composed of unified rights and obligations, the other existing in subsets of fragmented rights – first and foremost has consequences for Europe’s internal mobility. It both hampers and stimulates inter-EU mobility, albeit for rather different reasons. Work-related mobility will be sub-optimal if workers’ diverse family rights are not recognised in the Member States that are eager for their skills and capacities. In contrast reproduction-related mobility (either for having children or abortion), as well as care-work-related mobility are stimulated due to the variety of equal family-related rights in the Member States. Variation in family-related rights, however, not only touches upon mobile European citizens, it also relates to reflections on boundary drawing in general, for example, the boundaries between the economic arena, subject of the European policies and politics on the one hand, and the private ‘home’ arena, subject of the national policies and politics on the other. Both have effects on gender and intergenerational division lines by way of a double ‘domestification’ of gender and intergenerational citizenship rights. First, the neglect of non-workers’ rights (young adults without work history, domestic workers and older and disabled citizens) reinforces and revives family dependencies (domestification) on a scale that contradicts the needs and wishes of many EU citizens towards individualisation of lifestyles and diversity of family life. Secondly, EU prioritisation of work-related family policy (childcare, equal work-related rights) leaves family law, regulations and policies to domestic – national – politics as if these are of less importance to EU citizens on the mobile economic market. This double ‘domestification’ – nationally and in the
private home – of gender and intergenerational citizenship rights results from dissimilar family laws and family policies in the Member States.

In asking young Europeans in five countries – in Croatia, Denmark, Italy, the Netherlands and Spain – about their expectations regarding the EU, this chapter concludes that they partly support a harmonising role for the EU regarding family-related rights, in particular when it concerns civil partnership and the right to use reproductive technology. In addition, young Europeans are more in favour of EU regulation in the field of civil rights in comparison to social rights, even more so with regard to the portability of those rights. Young European living in those countries with more traditional attitudes show more support for EU interventions in family-related civil citizenship rights. The presumption is that this relates to the less egalitarian legal frameworks in their countries, rendering EU intervention necessary. The opposite is also true for social citizenship rights; young persons living in rather generous welfare states feel that the regulation of these rights is a national issue, rather than an issue to be dealt with at EU level. Their fear may be of a race to the bottom, as long as a European social model guaranteeing social rights at the highest level is a distant perspective.

In confronting these attitudes with the approach of anti-European, radical right-wing political parties that proclaim re-nationalisation of citizenship rights, it is concluded that first of all these political forces do not offer any promise at all to those young Europeans who hope for the harmonisation of the rights of family-related citizens to be realised. None of these parties support gender equality, diverse family forms and their equal civil and social rights guaranteed by a common EU framework either in practice or in voting history. Partly because of their anti-Europeanism, partly due to their disagreement and partly due to their commitment to national regulations, they do not support any harmonisation of family-related social and civil rights at the EU level. So, while gender, family and religious issues, including women’s and LGBTI rights have become part of the anti-European agenda, the main purpose is to profile national family values and to oppose these to ‘outsiders’’ family values. Moreover, there is no agreement on gender and family
values among radical right-wing parties. The common denominator is their attachment to what they see as their national historical, cultural and institutional contexts, which appears to contain contrasting and even opposing values. Despite these differences in the cultural dimension to family and gender issues, the selected radical right-wing parties demonstrate one common goal, which is to restrict crucial elements of EU citizenship related to internal mobility, ethnic and family diversity.

NOTES

2. For this chapter we have combined the results of a research project carried out in Work Package 9 ('Balancing Gender and Generation') within the FP7 bEUcitizen project. Israel is also among the countries involved in the project, which is not always included in this chapter as the chapter mainly focuses on the EU.
3. The judgment of the European Court of Justice, which ruled that the UK’s failure to allow K.B. to marry her transgender male partner (and thereby allow him to inherit a widower’s pension) was in principle a breach of EU law. In the decision Mennesson v. France and Labassee v. France (both of 26 June 2014), the Court affirmed that in cases where a couple overcame the national ban on GPA by expatriating to use surrogacy arrangements and the biological father was the husband in the couple, the discretion of the State was limited by the existence of a genetic bond between the child and the father (see Naldini and Long, 2017).

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