

Gender and care. Transforming rights and policies in the EU

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First of all, thank you very much to the project we frame and all the partners. And mainly to Professor Orseta Giolo for this invitation. I'm very happy to... to be here. It's a pity we cannot... meet all together, face-to-face, but what?

It's... it's fine anyway to do it online, and to have the time, and... and the space to... to think about gender issues.

Thank you very much, Camila, for your presentation. It's so... so nice and complete, uh...

So, um, I will... I will share now my presentation. Uh, let's see... Here... here, I think.

Okay, so here we are. So, gender and... care, um... Okay. Transforming rights and policies in the European Union. This is the title of my presentation, and.

While my presentation has mainly two parts, as Camila said before, uh, I've been working for a while.

on feminist constitutionalism. Uh, and from the perspective of feminist constitutionalism, I have been reflecting also on care.

on the value of care and, uh, about how to incorporate care in our legal systems, in our constitutional systems.

This is my reflection on the background. And with this reflection on the background, uh, I have introduced, I will introduce now in my presentations, in the first part.

Um, I will briefly present some of the, um, proposals of the European Union.

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For, um, incorporating care in our policies, um. And in our legal frames, when I say our, I mean European.
union countries, uh, policies and legal frames. So, roughly, I will try to introduce the European Care Strategy from European Union Care Strategy from 2022, and the aspects I retain.
important in this, uh, in this European document. And after this introduction, I will... Try to see how to combine.
this aspirations of the European Union for European. countries, uh, taking into account our liberal constitutional.
background and our liberal democracies. So, I will try to grasp.
The main aspects of our constitutional. uh, systems.
And I will try to see how care fits.
or doesn't fit so well. with the demands of care.
If I have time, I will explore also some, uh, the proposal of the common goods, or so-called common goods perspective.
And I will finish, uh, with this... approach, which I will try to propose since the beginning. It is the idea of.
thinking about care as a value, you know. very often nowadays, we talk about, um, policies of care.
and care rights, and we... so we talk about.
the right to care, the right to be cared.
the right of self-care. And in my view, and what I will try to present here.
is that behind all these developments. We should try to think, first of all, about.
care as a value. So, this is more or less.
by approach, um... Then I will be very happy to, uh... to debate and confront these ideas.
with you all. So, um, when we talk about care, um.
I think he... we... we should. Cura is a complex notion.
Uh, and of course, we have to think about it.
um... taking into account. different, uh, important notions and categories.

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categories from the feminist theory. I think the public-private division is the first one. We need to keep in mind.

Uh, as we know, our liberal, uh, political theory and liberal legal systems.

have this strong distinction between the public and the private.

And in this distinction, this has a gender aspect as well.

Uh, and so Pierre has been, uh, for long, and traditionally.

have been placed in the private sphere, in the private, the intimate.

And women, uh, were the ones, uh, in charge of.

care, uh, the responsibility for care. was mainly, uh, female responsibility. It was a... it was a female and women's work.

So. when, you know, after the... so-called second wave feminism in the 60s and the 70s, last... century, uh, women, uh, go massively into the public sphere.

and the market, and the labor market. So, care starts!

to, um, start to be seen as. something more than a women's responsibility, because.

Now, women have to deal with that with care.

They have to manage care in order to work outside home.

Uh, they need help. for dealing with care work and care responsibilities, and it is... From that moment on.

Um, that institutions, the state, and the society as a whole.

starts to, um... starts to realize that care and care work.

and care responsibilities are something. Uh, to think about.

Um, and so here starts all this debate about, do we have a right?

to be cared? Do we have a right to care?

What about self-care, and what about the value of care, or care.

as a value, as a social value. As we know, uh, nowadays, and that's why we are talking about care now and here.

Because CARE, um, has an impact. Uh, in society, in politics, in institutions, in economy, mainly in the labor market.

Uh, lots of the, uh, of the worries, and we will see it in a moment.

of the European strategy is about the labor market and how to deal with care.

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in the labor market, um... how to make the things easier for women to incorporate at the labour.

market, because care and care work at home. is a big problem for women when they have to enter.

into the, uh, labor market. Um, so, when we talk about care, we talk about. understanding, preserving, empathizing. We talk about responsibilities and compromise.

And all these suspects of care. reveals as well, something very important, and is this. relational perspective of care. We cannot understand care. Uh, if we think about.

of isolated individuals care... is a paradigmatic example.

of relational way of doing, and this is important as well.

Because, um... In my understanding of the constitutional framework, I will propose also. to incorporate this. relational perspective.

So, um... the thesis that I would like to develop here today is this idea that introducing. care, you know, a political and legal systems. involves also reviewing our legal framework.

The challenge is... Can we really incorporate care.

us to value, as constitutional value. Uh, as a right, as a fundamental right.

with the... constitutional, liberal.

framework we have today. And I think it's hard, precisely because I... because of what I said before, this.

Yeah, um, intrinsic relational aspect of care. Our constitutional system, the pillars of our. liberal constitutional sisters are, for sure. On one hand, individualism.

That is thinking about persons as individuals, and when I say individuals, it's. mainly. uh, perspective.

of, uh, the autonomous person. Is that rational and independent.

person. And this idea of the individual and of the.

one of the, um... autonomous person is very much linked also to what I mentioned before.

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about the public and the private sphere. this distinction between the public and the private.
is very much in the genesis, in the very beginning.
in the bones of our liver constitutional systems. And this... hmm... this tough, uh, sharp, this sharp distinction between.
the public, uh, and the private. makes more difficult to think about care.
as a social value, that is something. that shouldn't be... in the shadow of the private, the family, the intimate, but something.
that has to be, um... managed by the society as a whole.
And third, the notion of autonomy is another nuclear concept in our liberal constitutional systems.
An autonomy, personal autonomy, you know, is a... it's a... It's a medulla concept. We are very used to it in.
in the law, in legal systems, in political systems, um... It is a very important moral value as well.
But for many, many... for too long, uh, the concept of autonomy that we have developed in our systems.
Um, based on this... on this idea, this conception of.
the person, the individual, as rational and independent. It has promoted a conception of what I call full autonomy.
That is thinking, uh, of the individual, are capable of.
uh, free choice. this capacity to choose.
And this capacity has been, in some way, exacerbated.
Um, to, uh, to extreme, in which we have.
Um, put aside. Another very important aspect, which is vulnerability, and I will refer to it.
Um, later on. But then, so... We have these different aspects in our constitutional system.
liberal systems, individualism, the public-private decision, and the conception of autonomy.
as fallout only. And my proposal is that we have to look at the transformation.

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of our constitutional framework. If we really think about the incorporation of care. the value, and as a fundamental right. So. With this idea. of, uh, this, um, this sort of renewal of our legal framework in all... in order to incorporate or introduce.

Okay. Um, now I'd like to, um, focus. First of all, um... I like to focus in this, uh, European care strategy of 2022.

Which is, I think, a good example, and it, um... It summarizes. Um, the objectives, the... the... the directions or the porpoises? of the European Union for European countries. related to, um, care issues and care work.

Mainly after the COVID pandemic. I think the world, and Europe as well, realized about the importance of care work.

Um, it was, uh, with the... with the... COVID pandemic, we all realized about the importance and how. how the society is dependent on care work. And when we say care work, this is. a big and a variety of. of different sorts of work. Of course, health work is an important part.

of care work, but not only. Also, education, work in education. Uh, and care work in a more, um, domestic sense, if you want. Care work is also, uh, that work for. Um, for nutrition. for, uh, for, um... for tidying up. for having a clean and nice space where to leave.

And I think that the COVID pandemic made. a good service in distance to... for the society to realize about. the importance and the centrality. of care and care issues in our lives. So this, um, this document I want to talk about now, it is this, um. European care strategy, that it was, um... decide in 2020. Um, I think provides some interesting, um, inputs to think about. the document, um, focuses in two main areas. Uh, and these two main areas, uh, on the one hand, early childhood.

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An early childhood mainly from 0 to 3 years old.
And of course, there we have, um... a very delicate and important.
Uh, to an age in which. many, many families, and mainly, many mothers.
lots of work to deal with. Um, there are issues at that... at the beginning of life.
And the other area, important area, is high-quality, long-term care, where long-term care.
is, uh, care for the elderly people. As we know, uh, in our societies.
Uh, we have a demographic problem. And, um, long-term care.
is, um, it's, uh... when we hear that expression, the crisis of care.
The crisis of care is mainly thought. about, uh, the crisis.
Okay, that societies face when they have to care the elderly people in their societies,
very often societies are not prepared.
Um, and families, which are also changing, and we have.
different models and families are not any longer the traditional families.
And so, um, care is in a transitional moment as well.
So, um, about the first, um... the first group of care, early childhood education and care.
The document of the European Union, uh, focuses on different targets.
like, for example, while this, I have, uh, written down here, remove disincentives to
women.
the European Union is aware that, um, uh, care problems and care regarding.
early childhood are an important obstacle for women to incorporate into their labor
market.
So, um, uh, the document... pays special attention to the vulnerable situation.
of some groups, for example, children at risk of poverty.
Children with disability, Roma children, refugees, migrants. Etc.
And, uh, the document also focuses on providing. care services of quality.
Uh, for example, regarding sufficient number of hours. proper institutions for dealing
were... for dealing with very young children.
Uh, and with this main objective of enabling parents, and mainly enabling mothers.
Particularly mothers. to engage in paid work.
Uh, regarding long-term care.

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Um, the European Union... document the strategy of 2022.

Um, uh, it's curious because it quotes the Charter of Fundamental Rights.

Which refers precisely to older people and their right to lead a life of dignity and independence, and to participate.

In social and cultural life. And so, how to afford.

this, uh, this, uh, fundamental right of elderly people, of older people in our societies.

And while the focus here is in this transition, which is a hard transition in countries like Spain, for example.

Uh, we are not yet prepared for this. In Northern Europe, there are much more prepared, I think.

But this transition from institutional care. to home care and community-based services. And this is interesting as well, because. Now that we are, uh, reflecting on care and what sort of rights are care rights.

Um, some theorists wonder if care rights. uh, benefit rights?

That is, they are, like, social rights, social, economic, cultural... environmental rights. care rights are in this group of rights. There are benefit rights, that is.

They, uh, are expected to be fulfilled. throughout the action of the state and institutions.

For example, through, uh, health services, educational services. uh, housing services, and so on.

But they are not only, in my perspective, care rights.

it's a mistake to think. There are only benefit rights.

There are also liberty rights. And this is peculiarly, I think, right regarding older people.

Uh, because more and more... uh, people in the... in the... in... in the age, in the... in the...

the last part of their lives, when they become older, uh... are... are... their aspiration is. not to go into. Institutional care, residences, and so on.

But the aspiration is to have home care. and community-based here. And I think this is also.

a choice that. every citizen has to do for himself or herself.

And in this sense, care rights are also liberty rights.

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not only benefit rights to be provided. by the state, the community, and so on.
But also liberty rights, that the society and our little systems should think.
About the proper structure. to, uh, allow people.
to choose by themselves what sort of care. they could like to receive, for example.
during, uh... doing, uh, when they are old. So, um... regarding long-term care, the
document, the strategy, the European strategy, is also worry, of course, about the.
the care sector as a... as a... as part of the labor market.
And it realizes about the challenge of upskilling opportunities.
As we know, the care sector is a very informal one.
Uh, and so the challenge here is trying to create in more opportunities, upskilling those
opportunities.
um, supporting as well, informal careers, careers. In the home, family carers.
As well as. open the market to.
professional carers as well. And here we have these two different forms.
of dealing with. care issues, which have, in some way to live together in... at the time in
our societies.
Um, it's interesting as well in this, uh, European document, this European strategy.
this idea of. going towards ours.
integrated care. Uh, and this is a challenge as well, because.
Policy reforms. Um... Try to incorporate.
um, different, uh. different ways of dealing, managing with care.
Including... including, for example. Telecare, telehealth, and robotics.
And so, if we think about all these aspects.
It is really a challenge to preserve. A person-centered integrated care.
when we are talking about, for example. uh, health services.
Which, very often are managed through the telephone, the computer.
or different ways of... distance managing. So here, uh, we have huge, uh, challenges.
Uh, in the management of. care services.
Um... Regarding the strategies in the labor sector.
Um, the European Union is also, uh, very aware.

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Uh, about, uh, the... The working conditions of many of the care workers.
Um, and... and this is why one of the... Objectives is improving the working conditions and making care jobs more attractive. We know.
that very often, care workers are not paired well, they are.
Uh, in very, um... Informal conditions, with low wages.
And also, this is to be improved. And this is to, um, to be changed.
uh, the wages as well, another objective is to increase wages.
Uh, to create better, better conditions include. increasing wages and having better wages, and of course.
The gender issue is also in the document, and the European Union is very aware.
that the care sector. is a sector in which we find.
uh, very, um... imbalanced distribution.
of the scare work between men and men, and so one of the objectives as well is trying to recruiting more men.
to reduce precisely, segregation and. to counteract stereotypes, gender stereotypes, and this is, of course.
Um, and board and, and, and... challenging issue.
Besides, between or among the difficult working conditions in the care sector.
The document also emphasizes. um, health risks?
both physical and psychological, as well as. challenging social behaviors, like violence and bullying and sexual harassment.
Um, particularly... Uh, these are very, um, frequent problems.
in the case of long-term care workers. Which very often has to face.
this sort of risks within their... the area, the space of the work.
states they are in the informal sector, as I said before, they have limited access to social protection.
Um, this is something to be changed, uh. As well. And this last point, I will refer to it again.
Many care workers. We know, uh, women.
Most, we can say, numbers are clear about it, but great majority.

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of care workers are women. And in our European, uh, countries, in our European societies.

Most, uh, of them are migrant women. And this, uh... Can you hear, uh... a very disturbing noise.

or you do? Yes.

I'm so sorry, but it's... someone in some of the floods, they are working, don't know, um. So, can't help it, I'm very sorry. Um... So, um, as I said.

most... the great majority of care workers are women.

And many, many of them are migrant, or have a migrant background.

Uh, which, um... Which, um, produces the so-called.

change of care, of... or, um... Second, also, you know, Feather Kitai, she talks about.

uh, secondary dependence. Because carers, persons who care.

they need someone who cares for them as well. So, very often.

women at home, mothers, for example. Uh, they gather children.

Uh, but they cannot do it alone, and so they need for carers as well.

And so this chain... chains... of care, um, reproduce.

And the migrant women have a very important role in these chains as well.

So now I'd like to focus on, uh. I would like to, uh, focus on some.

phrases along this document, this European strategy. Uh, which I think it's... it's important to... to notice.

Uh, care workers are essential to meet society's care needs.

But their work is undervalued. is the document. And I think this is very important.

the work, care work, is undervalued in our societies.

policies to formalize informal care can benefit informal carers.

Underdependence. And help recognize and value better.

caregiving. As we see here, the document is very worry.

about the issue of. how to recognize.

the value of care. how to make our society and our institutions aware.

of the value of care in our societies. Here again, investments should take place that take into account.

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The social value of care services. And the need to uphold.
The fundamental rights of persons. in need of care.
So here again, we see how this idea of care as a social value.
kind of care as a fundamental right is present.
in the European Union strategy. There's strong differences in time devoted to care by
women and men.
can only be tackled. By taking a transformative approach.
that aims to revalue care work. So here again, we have this idea of.
We value care work. Uh, I think this, uh... different, uh, quotations I brought here to you.
Uh, are important for me as an example. of this idea of the value of care.
the importance of, uh, rescuing before talking about. um... care in the... in the labor
market.
KR staff for the mental right. care in our policies and regulations, and so on and so on.
me is very important, this idea of, uh, re-valuing.
care, and care as a social value. And I think that here.
Um, the care is the point is which... care crosses with our constitutional system.
We have to wonder... If it is really possible.
to talk about care as a fundamental right. you know, human rights sometimes are
understood.
as, um, social values, or social ends. Uh, to be implemented.
Uh, and so we have to wonder, and we have to interrogate our... legal systems that are
constitutional systems.
In order to see, um, up to what. point, they're really, uh, ready to incorporate.
the value of care, or... Instead, they are not.
And so, now I'd like to, uh... I'd like to, uh, explore a little bit.
this constitutional realm. And I would like to explore it.
In the light of feminist constitutionalism. Uh, my, um... may suspect is that, uh, although.
uh, women's rights. have, um... uh... women's threat, you know, have entered into our
constitutional system.
women's rights, uh, have entered into the very constitution.

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Nonetheless, uh... our constitutional, our liberal constitutional systems. are still, um, reluctant in some way to incorporate. the feminist perspective, and... this is what I call, um... Um... Uh... a sort of a graft, uh. a combination that hasn't yet. been really fulfilled. well, as we know, as I said before, the constitutions, our liberal constitutions, have incorporated. women's rights, have incorporated. uh, women's participation, you know, when democracies and legal systems. We have had lots of institutional reforms. lots of bottles have been won as, you know, put by Beta Ginsburg. She used to say that. this, uh, all these rights and all this, uh, vindications. Uh, they were, like, case by case, case by case, women. transformed in some way, the constitutional system. And, you know, in a way, we can think that this idea of tribe, that. constitutions. enclosed also silences. And those silences of the Constitution. allowed, um, important reforms regarding women's rights, because liberal constitutions. couldn't keep really liberal without incorporating. women's rights, and this was... you know, all these transformations that took place. Um, uh, from the 70s on in some countries, um, more recently. But, uh, for many, many decades, we were incorporated women's rights, participations, and so on. you know, assistant for. So, um... However, you know, however we have incorporated all this. women's rights, participation rights. And so on in our liberal and democratic systems. Um, there is a persistence of constitutional and institutional inequalities in our systems. Here, I quote different authors, for example, Haramido, Isabel Christina Jaramillo, she says. we still have. an important material inequality in our systems, you know? However, however. I wouldn't... our constitutions and our legal systems.

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um, have uh, incorporated so many of the women's vindications.
till there is a persistent inequality, material inequality. Uh, between men and... women.
Um... Francesca Poe, for example, she says, well, if we look
at our normative systems, our constitutional systems. Sometimes we have this
perception of an inflation in normativity.
We have so many legal developments. important, very important, but however, or
nonetheless, all these legal developments.
still women, uh... don't feel... on a level, on an equal level with men, and there are still so
many.
Um, so many vindications that. didn't come an answer.
In our legal systems. For example. The case of, uh, gender violence. Here in Spain.
We had very, very important and crucial, uh, legal reforms.
not only criminal reforms of the criminal law, but also the civil law.
Uh, the judiciary. And still, uh, buyerous gaze women is persistent.
is persistent in our system, and we keep registering.
a very, very high number. of women, uh, victims of.
gender violence in the couple, in marriage. Of course, also sexual violence and so on.
Well, this is solely an example, but what I want to... to highlight with these examples.
is that still, we have something like a constitutional corset that is.
Um, the pillars of our constitutional system. are, again, are... still reluctant to
incorporate.
Uh, to incorporate deep. reforms, because the basis of the system.
Again, the public-private distinction. the conception of, uh, decontextualized individual.
And the notion of personal autonomy as full autonomy as a.
Um, as a full capacity, the one I mentioned before, well.
These pillars haven't changed. And they are still the very basis of our democracies.
So, that's why authors like Romeo Marin, for example, she talks about... she says, now,
at the moment.
We are in a moment of transformation, you know? We have.
First moment of, uh, incorporation of women's rights. A second moment in which.

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women, uh, uh, uh... incorporated into the system throughout participation. And now, we are in a moment of transforming the system. transforming our constitutional system. But what does it mean? And I think what means transforming our constitutional system. means attacking those bases. those spaces, uh, which are in the... in the very, um, structure of our liberal constitutional system. you know, I like this quotation by McKinnon, she says, constitutionalism. is too narrow a container to address the problems posed by feminism. So, we need to go. beyond that. corset of liberal politics and institutions. I hear my proposal, um, which I have developed somewhere else, but I will refer Kriya briefly. Um... I think this, these two aspects are important aspects in order to really transform. Our constitutional. systems from a feminist perspective. One is changing into a relational perspective. better than the... uh, isolated. individualism perspective. And the second one is this idea I mentioned before. of, uh, introducing. care. That's the value in our constitutional system. So, very briefly about the relational perspective. Uh, well, um... As you probably know. in feminist theory has very, very long developed this idea of relational autonomy. And the notion of relational autonomy precisely opposes. to the idea of autonomy. as a full capacity, you know? Marta Feynman, for example, she speaks. about the myth of autonomy, this idea that the person. is, uh, free to share this idea of the rational choice. this notion that we can... choose among different, uh, options, um, this free election. Well. This is sort of myth. Because what we really have, in fact. is a much more. Context-dependent capacity. Autonomy is a context-dependent capacity. Not only it's a context-dependent capacity, but. The other side of autonomy is vulnerability. And vulnerability as a universal aspect, everybody is.

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vulnerable, but also as the particular. uh, aspect, uh... people, uh, are more or less vulnerable according to the moment, the situation.
Um, the period of his or her life. So on and so on.
And so, when we try to see autonomy, not only.
as a, uh, as a full capacity. That's... but as a relational capacity integrated with the notion of vulnerability.
So what we have is. individuals who are interdependent, one to the other.
And so, from the perspective of the isolated individual.
what we can go into is the relational. approach. And I think this is... Um, this may... may seem, uh, something very, um... just the knowns, just... just, um... just a small difference, but I think.
you know, is this idea, Jennifer Nadeski talks about.
the metaphorical narratives of our Constitution. And I think it's... it's important to change.
those metaphorical approaches, those metaphorical narratives of our Constitution.
And the one of the individuals of the autonomous individual, is.
Very powerful. And it's very powerful. And, uh, it doesn't reflect reality, but what we have in society.
are dependent individuals. people who relate one to the other. So, I think that changing. This perspective into a relational one is. One important aspect for thinking about.
how to transform. our constitutional systems. And the second point, and here I would like to.
I'd like to say something more about this. I will try, you know, to... to go to... too far into it, because I think... I see that we have 5 minutes to 5.
Okay, so about the value of care. As all we know, the feminist theory has, uh.
has a long, um... a long way in care issues and care... care studies, uh, from Carol Gilligan, so well-known in a different voice, in a different voice, is from 1982.
And for sure, that... that, uh... that book made... made a difference.
That... that piece of work, even if very controversial, but it was so important for.
all the tradition of the ethics of care that came after that, and after Gilligan.

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And, um... What I think is interesting in this... in this feminist work around. care, um, is that women, uh, have this. special ethical approach based on relations and context and interdependence. Uh, which also highlights. vulnerability, so... uh, vulnerability has been traditionally... has been traditionally hidden. behind, uh, that women's work made, you know, in the shadow, in the shadow of the family. of the intimate, of the private. And so that distinction between the public citizen and the private. caregiver? I think it's... it's... it's very, um... very illustrative. of these... this distinction. Um, and, uh... when, as I said before, in that moment in which women, you know, enter. massively into the... into the... into the labor market. Care also enter into the market, and I think the entrance of care into the market, or the so-called market. care. Um... uh... also, um, indicates. transition from, uh. care as an exclusively family effective as something to be dealt with. exclusively in the family-affective sphere. to something that can be. um, bondage? in the labor market, in a contractual. uh, labor sphere. Here, Sandra Fredman, as you know, maybe know her, she's a constitutional scholar in the UK. And, uh, she has a study, precisely the current market. in the UK, and she finds this deficit, again, in valuing care. as an object of the labor contracting. And, uh, she identifies this lack of value. Uh, uh, in the... in the lab... in the... in the... labor contracting of... of care. as a... As indicating a need also to redefine. labor relations. Of course, here we have to define, if we talk about care management, we have different.

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stages, different participants in this, um... In this sphere of care management, we have those who need care, let's say children, elderly people. people with disabilities, uh, ill people, and so on and so on. Then we have those who are primarily responsible for care, primarily women. Very often, women in the family, mothers. sisters, daughters. Um, uh, etc. And third, we have pet caregivers. Pet caregivers. Those. Um, those caregivers that we can contract in the market. And here we see this. alliances which emerge. among women. caregivers in these different, um... In these different stages. This is what Kitai. as secondary dependency. Because, um... women who need of other women. for building this change of. of care. And this chain links vulnerability with dependency, with care. and caregivers. Caregivers who are often migrants, and as I mentioned before as well, migrants don't rationalized. It also stresses. how, uh, vulnerability is intrinsically connected. to, uh, these chains of... of care. Um... And then something... something else which is important to stress about here. when it goes into the care market. into the market, sorry. Um, well... the thing is that. you know, care is not a commodity as any other, but. When we contract a caregiver, when we contract someone to care of someone else. There's something unique in care. The fact that. We are looking for caregivers who care. caregivers who do their job with empathy and observation. emotional intelligence. And sometimes, even... uh, not only an emotional link. But sometimes. A sentimental link as well. Because here, care has this... particularity, if you want, or a specificity. that care has to be done with care. When we contract someone to take care of our mother, of our children, or whoever, you know, we are looking also for. attentiveness, empathy, observation. And this is something peculiar that. it will have to be reflect about. unregulated in a special way as well.

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So, uh, how is care managed in our constitutional systems? Well. We can observe different strategies. Uh, and some of them, uh, were implicit in this. European Union. strategy that I was analyzing at the beginning of my presentation. Um, we have... public services, of course, institutions, the state. develops different strategies, services. uh... hmm... uh, education services. services for taking care of elderly people, and so on and so on. Uh, but beside public services, we have also private employment. We have this mainly middle class women in our societies. have contract care services. In order to abhilitate themselves to incorporate. to the label market. And another very interesting, um, very interesting instrument is the parental leaves. and also the European, uh, union strategy of 2022. mentions these... instrument of the parental limbs. Uh, here, for example, Spain, very recently. has changed the regulation about parental leaves, and at the moment. We have, um... We have a very, um... very, uh, gender... Um... gender-sensible System, which, uh... incorporates, uh, 19 weeks. uh, parental leave. For each parent, that is. 19 weeks for the woman, and 19 weeks. for the man, and this, uh... these leaves are non-transferable. Uh, which means that if the father doesn't take the leave. belief is lost, but it cannot be transferred to the women. So. Parental leaves, and now I would like to refer to parental leaves very, very briefly. are a very interesting, uh, instruments, uh, for sure, have been one of the most important ones. you know, our systems, to trying to distribute care. They are an instrument. for the distribution of care. Uh, but of course. this has lots of difficulties, because even in systems. For example, like, the Spanish one nowadays, which is very, very.

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gender balance in their proposal. But even in those cases, even with this legal instrument.

It's very, very difficult to universalize. care. The inclusion of men in the system. Uh, it's very difficult, because men are still very reluctant. to, uh, assume, uh, and to ask for this parental. leaves. So, um, the model... uh, hesitation, and this is attention. that we can observe, uh, in many other women's vindication and feminist theory in some way.

has to deal with this tension, you know? On the one hand. the aspiration. is to this distribution of care, and. Um, uh... a more equal assumption of care responsibilities. But on the other hand, women. are still, um... are still the ones who predominantly take the responsibilities for care.

And so this system also has to take this fact into account. And we have to move between these two scenarios, the aspiration. to a better distribution, and... the fact of a very much gendered. Uh... influence, or gender, um.

uh... uh... I have to rephrase this. So, on the one hand. Uh, we have this aspiration to a better distribution, but on the other hand, women are still.

Um, the ones who. take care of care. in a... in a predominant way.

So, um... How to manage with care. So this is the idea. In order to. to, um, comply with the aspirations I proposed at the beginning of my presentation. Uh, in order to comply with the indications of the European Strategy of 2022. book, uh, uh, distribution and care work. Well, we have different strategies, in fact. We can, uh, manage care through the market. And, uh, and through the... enable market and contracts.

private contracts of care. Through public policies and public services.

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And then we have other, other proposals. I can... I have no time here now to... to develop them, but for example, the theory you probably know of common goods.

Uh, they have an interest in proposal throughout what they call the Reproductive Commons.

As an alternative model. for the management.

of, um, of care as well. The idea is to abandon.

the logic of distribution, and they propose. Um, another way of, um.

care, mainly throughout the civil society. self-management, for example, Sylvia Federici.

Or sendres que Rahia in Spain, uh... representatives of this position, what maybe if you are interested in it, we can discuss about it later on.

But now, I think I... I... I have to... I have to close.

It's... it's nice that we have silence now, because it... At the beginning, I'm so sorry, we really didn't... The nose was really disturbing.

So, how then to approach, uh, hair management? Uh, here... I have explored, as I said, these different strategies.

The care market, the parental leaves. Um... Um, the main, uh... idea, maybe I... I... I would like to stress now that at the end of my presentation.

Is this idea that, uh, care rights, care politics.

are not enough if we don't change. Oh, we don't look at the... at the structure, and... Uh, in my view.

um... the problem, uh, with care is precisely. What also the, uh, European Union strategy identifies as the problem.

The problem is how to create value. Around care. Uh, as Nedelsky says, to imagine that. even, uh, optimally funded daycare centers could solve. the problems occur is to underestimate the problem.

Of course, if we have. fantastically funded daycare centers, uh, that will be much better, and that will help a lot.

to mothers for managing. care issues. But that's... not all the problem.

uh, um, the problem is how to incorporate. care as a value, and so, uh, is there, I'm afraid.

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that we should try to work precisely. Um, in the... in the realm of, uh. of, um, the legal sphere. Uh, we should try to incorporate, um. care as a value. Many feminist constitutionalists are talking about the value of care. In the Constitution, beside. values, like liberty and equality. a dignity, uh, I think the challenge is to work. For a new incorporation of care as a value, as a constitutional. value. Care must be understood as something worthy. Worthy on a par with freedom or equality. Uh, and here I quote Nelsky again. Because, um, rights alone, they don't work. We can't incorporate women's rights and women's participation. But we know that if the structure and the basis and the working. of the society. keeps doing with traditional values, while nothing really changes. And so, as Nedelsky says, there is a link between rights. And respect, and economic success. And the Division of domestic labor. So, if we want women to have rights, it's not only. to entitle them with rights. But to change... change the instructor, and I think values. are, uh, on the very basis of those structures. So. the challenge, on my view. for, uh, achieving. All this... important, um... purposes of the ones of the European Union. strategy, uh, the ones that we can identify in our societies. is to open a reflection. in politics, in... the legal realm, uh, about care, and about care as a value. And it's also. a challenge for women? to invite men. to propose and to try to incorporate men into this. mechanics, or... um, functioning. Uh, of care. So, thank you very much. Thank you very much. Thank you for your brilliant presentation.

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