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**POLITICAL SPILL-OVER, CHANGING ADVOCACY COALITION,  
PATH DEPENDENCY OR DOMESTIC POLITICS?  
THEORIZING THE EMERGENCE OF THE SOCIAL PROTECTION OMC'S**

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## Introduction

In the winter of 1999 the "Labour and Social Affairs" Council of the European Union (1999a) decided to launch a "Concerted Strategy" on social protection. Work was to be organised around 4 key objectives: (1) making work pay (2) safe and sustainable pensions (3) social inclusion and (4) high quality and sustainable health care. In March 2000 the Heads of State and Government decided, at their Lisbon gathering, how this EU co-operation would be pursued, by formally "introducing a new open method of coordination" (European Council, 2000:7). Based on the architectural features determined by this European Council session<sup>1</sup>, Vandembroucke (2001:2) summarised that open co-ordination "launched a mutual feedback process of planning, examination, comparison and adjustment of the social policies of Member States, and all of this on the basis of common objectives". The open method of coordination (OMC) has indeed provided an Europe-wide approach to, amongst others, social policy and has been applied, in different ways, to social inclusion (2000), pensions (2001) and health care (2004).

The emergence of these 3 'social protection OMC's' raises the following question: "*why was EU co-operation on social protection launched by the Council in 1999, after a decade of futile efforts by key actors to get the issue firmly on the European agenda*"? I will address this question in 3 steps. In the first section of this paper I will argue that theoretical self-awareness is indispensable in social inquiry, and I will assess some of the most promising theoretical approaches which have been developed to explain the phenomenon of European integration. In the second section, I will begin to retrace the historical step-by-step emergence of EU-co-operation on social protection, throughout the nineties. In the third and final section I will try to show that a "limited eclectic" combination of European integration theories and approaches is needed to draw a nuanced picture of this case of European integration.

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<sup>1</sup> In fact, the basic architecture of the OMC finds its roots in the Broad Economic Policy Guidelines which were introduced by the Treaty of Maastricht (1992) and which involved non-binding recommendations from the Council to Member States to monitor the consistency of national economic policies with those of the European Monetary Union (Caviedes, 2004: 295).

## 1. Theories of European Integration: between eclecticism and 'grand theory'

### a. What is (integration) theory and why bother anyway?

Why bother to burden a (potentially interesting) historical account of an instance of European integration with a (probably tiresome) theoretical section? In fact, why not skip this part, simply look at the most valid facts and try, as Keith Middlemas (1995: xiv) suggests, "not to confine myself to any one interpretation [...] and to proceed empirically, taking account of all significant players"? The question of course arises: "What counts as valid facts. Who are 'all of the significant players'?" To attend to these questions requires some kind of *a priori* judgement" (Rosamond, 2000: 195). Therefore "we should be constantly theoretically self-aware, conscious that theoretical perspectives – wittingly or unwittingly – inform our approach to the world we observe" (Ibid: 3). In the words of Gerry Stoker, theory:

"helps us to see the wood for the trees. Good theories select out certain factors as the most important or relevant if one is interested in providing an explanation of an event. Without such a sifting process no effective observation can take place. The observer would be buried under a pile of detail and be unable to weigh the influence of different factors in explaining an event. Theories are of value precisely because they structure all observations" (Stoker, 1995: 16-17).

Unawareness of these *a priori* judgements, by contrast, creates the risk of circular reasoning. For example, if one were to "prove" that member states are in control of intergovernmental bargaining by starting with the input from member states is a tautology which ultimately obscures much of what is analytically relevant (Christiansen and Jørgensen, 1999: 5). An image used by Susan Strange can also help to clarify the idea that different theories start from particular assumptions that determine the kinds of questions we ask, and therefore the answers we are bound to find:

[The main perspectives used to study International Political Economy] "are like [...] toy trains on separate tracks, travelling from different starting points and ending at different (predetermined) destinations, and never crossing each other's path" (Strange, 1994: 16).

Theory, therefore, is not only *important*: it is simply "impossible to make any statement about social phenomena in a theoretical vacuum" (Rosamond, 2000: 4), and thus theoretical literacy is a "fundamental prerequisite for the proper study of any aspect of the social world" (Ibid: 3). But if we

agree that it is difficult to 'let the evidence speak', the next question is: "which theory should I use"? Or, since I consider the study of the OMC as a case study in European integration, "which integration theory"?

"Integration theory is an elusive concept", says Ben Rosamond, because "[w]hat to include under this heading is a matter for some debate and is likely to revolve around how we define 'integration'" (Rosamond, 2000: 12;186). The extreme difficulties of definition were memorably summed up by Donald Puchala (1972) who compared the quest for a definition of "integration" to blind men being confronted with the task of defining an elephant. But that is not all: the list of approaches covered in overviews of European integration theory (such as Rosamond, 2000; Caporaso and Keeler, 1995; Bache and George, 2001; Wiener and Diez, 2004a) also depends on what is (not) considered as a "theory": there are different types of theory, all of which have alternative meanings and purposes<sup>2</sup>.

With both of its constitutive terms being open for discussion, one can without doubt understand Philippe Schmitter's scepticism with regard to the development of "integration theory":

"Especially since its relancement in mid-1980s, European integration has become once again a very lively site for theoretical speculation. Hardly a year passes without someone coming up with a new theory [...]. Most of these 'novelties' turned out not to be no theories at all, but just more or less elaborate languages for describing what the author thought had taken place in the recent past – devoid of any discrete and falsifiable hypotheses about where the process might be heading in the future. And when there was some theoretical core it often sounded quite familiar to me (Schmitter, 2004: 45).

In a way, then, defining (the novelty of new) "European integration theory", will always be a matter for debate. One possible definition is provided by Diez and Wiener, who claim that:

"European integration theory is thus the field of systematic reflection on the process of intensifying political cooperation in Europe and the development of common political institutions, as well as on its outcome. It also includes the theorization of changing constructions of identities and interests of social actors in the context of this process" (Diez and Wiener, 2004: 3).

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<sup>2</sup> "Theory is sometimes thought to be about the generation of law-like statements. Others conceive of theory as the instrument with which investigators can test hypotheses or propositions about social phenomena. For some, theorizing is an activity with normative (value-laden) consequences; for others, it is a political act: the way in which we criticize the present with a view to maximizing the prospects for human freedom in the future. Finally, theory may also involve the contemplation of the process of theorizing itself" (Burchill, 1996: 8).

Table 1 represents an attempt made by Wiener and Diez (2004a: 17-18) to describe a 'mosaic' of European integration theory by classifying them according to 2 independent dimension on which theoretical approaches differ from each other: their *function* ('explanation or understanding', 'description and analyses' and 'critique and normative intervention') and their *research object* (polity, policy and politics)<sup>3</sup>.

Table 1. The functions and research objects of integration theory

FUNCTION	RESEARCH OBJECT		
	POLITY (supra-national institution-building)	POLICY (specific EU policies or member states' policies toward integration)	POLITICS (quality of integration)
<b>EXPLANATORY/ UNDERSTANDING</b> →1960s onwards	Neofunctionalism; Intergovernmentalism; Integration through Law	Policy Network Analysis; Discourse Analysis	Neoinstitutionalism; Social Constructivism
<b>ANALYTICAL/ DESCRIPTIVE</b> →1980s onwards		Gender Perspectives	
<b>CRITICAL/ NORMATIVE</b> →1990s onwards	Federalism; (Critical) Integration through Law	Discourse Analysis	Gender Perspectives

Source: Adapted from Wiener and Diez (2004a: 7, 241).

Agreeing with Rosamond (2000: 197) that "[g]rand theories have certainly had their day", and that their pursuit may even be misplaced because "the EU and the processes of European integration are just too complex to be captured by a single theoretical prospectus" (Ibid: 7), I will argue that it is *necessary, to combine a (limited) number of these theories* in order to arrive at a rich explanation of case studies in European integration, such as the emergence of EU-cooperation on social protection. I will argue, more particularly, for combining (elements of) neo-functionalism, intergovernmentalism, neo-institutionalism and a policy network approach.

## b. Neofunctionalism

For many, 'integration theory' and 'neofunctionalism' are virtual synonyms (Rosamond, 2000: 50). The reason is historical: neofunctionalism (in its early manifestations at least) might be thought of as an attempt to theorize the strategies of the founding elites of post-war European unity, notably Jean

<sup>3</sup> Note that the "governance" approaches are not even mentioned in the table drawn up by Wiener and Diez (2004a). This is because in the chapter of the reader Jachtenfuchs and Kohler-Koch present governance as a 'catch-all' theory within which all other approaches can find their place, a position Wiener and Diez clearly disagree with. The main reason without doubt being that governance approaches differ, from policy-oriented and process-focussed to a 'good' governance perspective with a Kantian notion of reconstituting democracy beyond the state. The authors clearly questioned whether it would be wise to include an "unqualified" approach to governance in their overview table.

Monnet and Robert Schuman. And yet, according to Philippe Schmitter (2004: 45) "No theory of regional integration has been as misunderstood, caricatured, pilloried, proven wrong, and rejected as often as neofunctionalism. [...]Its own creator has even declared it obsolescent – on two occasions!". "So", the same author wonders "why bother to flog this dead horse?" (Ibid: 45). Answering that rhetorical question requires to have a brief look at theories' root assumptions, concepts and hypotheses which still seem "worth considering - overtly and not covertly" (Ibid: 46).

Crucially, "neofunctionalism posited a process of functional spillover in which the initial decision by governments to place a certain sector, such as coal and steel, under the authority of central institutions inevitably creates pressures to extend the authority of the institutions into neighboring areas of policy such as currency exchange rates, taxation, and wages" (Pollack, 2005: 359). Adding to this process of "functional" spillover, a complementary process of "political" spillover was assumed "in which both supranational actors, such as the European Commission, and subnational actors, such as interest groups within the member states, create additional pressures for further integration" (Ibid). As a result "national governments will find themselves increasingly entangled in regional pressures and end up resolving their conflicts by conceding a wider scope and devolving more authority to the regional organizations they have created (Schmitter, 2004: 46). Importantly, through their joint action, supranational and subnational actors "would come to appreciate the benefits from integration and would thereby transfer their demands, expectations, and even their loyalties from national governments to a new center" (Pollack 2005: 359), thus increasing the likelihood that economic-social integration will 'spill-over' into political integration (Schmitter, 2004: 46).

Two important premises of neo-functionalism need to be underlined.

A first neofunctionalist assumption is that "politics is a group-based activity" (Rosamond, 2000: 55): the integration process emerges, in their view, "from a complex web of actors pursuing their interests within a pluralist political environment" (Ibid). Thus, even though member states are considered as important actors in the process (since they set the terms of the initial agreement), they do not exclusively determine the direction and extent of subsequent change. Especially, the "secretariat of

the regional organization involved" (the European Commission in the case of the European Union) is seen as a driving force providing the dynamic for further integration.

Second, in comparison to earlier functionalist approaches which offered a largely *technocratic* vision of human governance (Mitrany, 1943), neofunctionalism reinstated political *agency* into the integration process: the spillover process "would be sponsored and enacted by purposeful actors pursuing their own self-interest", and not just by technocratic 'automaticity' (Rosamond, 2000: 55). What follows from this is that *whether* spill-over into new tasks or level of authority will occur, depends, amongst others, on the actor's capabilities to "give a push in the right direction" (Rosamond, 2000: 60). In that sense, neofunctionalism "is an eminently political theory of integration [...] which asks what kind of a strategy politically relevant actors are likely to adopt in a given context" (Schmitter, 2004: 54). Hence also the image of "cultivated spillover" (Tranholm-Mikkelsen, 1991), the deliberate sponsorship of integrative initiatives by supranational actors.

Philippe Schmitter and other neofunctionalist scholars took the emphasis further away from automatic or inevitable processes and made various adaptations to the "spill-over" hypotheses, which was to be seen as one of several possible outcomes. Rather than opting for "spill-over", Member States may also choose to "spill-back" (withdraw from their original objective, downgrading their commitment to mutual cooperation). Or they could choose to "muddle about" (try to survive without changing institutions), "spill-around" (the proliferation of functionally specialized, independent but strictly intergovernmental organizations) or "build-up" (the concession by member States of greater authority to a regional organization without expending its mandate) (Schmitter, 2004: 57). The choice for any of these strategies will depend on the issue-area: it is "important to understand that some sectors contained more spillover potential than others" (Rosamond, 2000: 62).

In conclusion, it seems that neofunctionalism "was (indeed still is) important. [...] [I]f nothing else, neofunctionalists revealed the guiding logic of some of the main protagonists in the post-war uniting of Europe" (Rosamond, 2000: 73). And we know, in retrospect, that "the renewed dynamism of the EC from the mid-1980s had coincided with significant activism by supranational institutions. Moreover,

the single market initiative and its accompanying logic smacked of functional spillover" (Ibid: 99-100).

And yet, following the so called Luxembourg crisis in 1965 and the consequent developments in the 1970's (eg creation of the European Council in 1974), the neofunctionalist idea of the withering away of a power-based states system was open to two sorts of criticism:

"The first was alleged implausibility. It was argued that the empirical evidence pointed overwhelmingly to the continued relevance of states and that there was no reason to suppose that this state of affairs would change. The second emerged from a more ethical-normative set of concerns. Here the argument was that nation-states are the best vessels available to mankind for the protection of certain sorts of key values (such as justice, liberty). To dissolve the states system would be to jeopardize those freedoms (Rosamond, 2000: 73)

### **c. Liberal Intergovernmentalism**

Reflecting the "slowdown of integrative momentum, but also the reassertion of nationalist sentiment at elite level in West European politics" (Rosamond, 2000: 75), a new "intergovernmentalist" school of integration theory emerged, beginning with Stanley Hoffmann's (1966) claim that the nation state, far from being obsolete, had proven "obstinate". As Pollack (2005: 360) puts it:

"Most obviously with de Gaulle, but later with the accession of new member states like Britain, Ireland, and Denmark in 1973, member governments made clear that they would resist the gradual transfer of sovereignty to the Community, and that EC decision making would reflect the continuing primacy of the nation-state".

Under these circumstances, Ernst Haas himself (1975) admitted that neofunctionalists had underestimated the resilience of the nation-state and even pronounced the "obsolescence of regional integration theory" (*cf. supra*). During the 1990s, "intergovernmentalism" was substantially reformulated by Andrew Moravcsik (1993 and 1998), who put forward a modified "liberal intergovernmentalist" (LI) theory of European integration which was, according to its "father", not only able to explain the crisis in the EU from the mid-60s, but was also able to account for the EU's historic successes in the 50s and 60s, as well as the relaunching of the integration process during the 80s. It will not come as a surprise then, that LI emerged, throughout the 90s, as the leading theory of European integration which "has quickly acquired the status of a baseline theory against

which new theoretical conjectures are tested and which is used as a 'first cut' to explain new developments in European integration" (Schimmelfennig, 2004: 75).

What are the main assumptions and propositions of the liberal intergovernmentalist theory of European integration, then? Put simply, Moravcsik's liberal intergovernmentalism is a three-step model combining a *liberal* theory of national preference formation with a *bargaining* theory of international negotiations and a *functional* theory of institutional choice. Clearly, this model reflects LI's 'International Relations' perspective (policymaking in international politics generally takes place in *intergovernmental* negotiations) and its *rational* institutionalist framework (actors calculate the utility of alternative courses of action and choose the one that maximizes their utility).

"In the first or liberal stage of the model, national chiefs of government (or COGs) aggregate the interests of their domestic constituencies, as well as their own interests, and articulate their respective national preferences toward the EU. Thus national preferences are complex, reflecting the distinctive economics, parties, and institutions of each member state, but they are determined domestically, not shaped by participation in the EU as some neofunctionalists had proposed" (Pollack, 2005: 360-361). Even though LI regards the issue-specific preferences of *domestic* interest groups as fundamental and acknowledges that the derived state preferences are neither fixed nor uniform (they may vary within the same state across time and issues), LI does consider the state as a *unitary* actor. Thus, it is assumed that domestic actors do not play a significant independent role in negotiations beyond the state (Schimmelfennig, 2004: 77). State preferences are predominantly economic (reflecting the commercial interest of powerful economic producers and the macro-economic preferences of ruling governmental coalitions), but Moravcsik does allow for some impact of ideological geopolitical preferences.

"In the second or intergovernmental stage of Moravcsik's model, national governments bring their preferences to the bargaining table in Brussels, where agreements reflect the relative power of each member state and where supranational organizations such as the Commission exert little or no influence over policy outcomes. By contrast with neofunctionalism, who emphasized the

entrepreneurial and brokering role of the Commission and the upgrading of the common interest among member states in the Council, Moravcsik and other intergovernmentalists emphasized the hardball bargaining among member states and the importance of bargaining power, package deals, and side payments as determinants of the most important EU decisions" (Pollack, 2005: 361). As a consequence, "Those who gained the most economically from integration compromised the most on the margin to realize it, whereas those who gained the least or for whom the costs of adaptation were highest imposed conditions" (Moravcsik, 1998: 3).

"Finally, Moravcsik puts forward a rational choice theory of institutional choice, arguing that EU member states adopt particular EU institutions - pooling sovereignty through qualified majority voting or delegating sovereignty to supranational actors like the Commission and the European Court of Justice (ECJ) - in order to increase the credibility of their mutual commitments. In this view, sovereign states seeking to cooperate among themselves invariably face a strong temptation to cheat or defect from their agreements (Pollack, 2005: 361). Thus, by transferring sovereignty to international institutions, governments effectively remove issues from the influence of domestic politics (for example: parliamentary control), which might build up pressure for non-compliance if costs for powerful domestic actors (such as trade unions) are high. They also remove them from decentralized intergovernmental control, which may be too weak to secure compliance, in particular if powerful member states violate the rules (Moravcsik, 1998: 9,73). It seems important to note here that LI incorporates a factor traditionally attributed to neofunctionalist (or 'supranationalist', as Moravcsik calls them) accounts of European integration: the delegation to supranational organizations capable of acting against the short-term preferences of governments (Stone Sweet, 2003).

The particular status of LI as a "baseline theory" should be rather obvious by now: LI is meant as a 'grand theory' seeking to explain the 'major steps toward European integration'<sup>4</sup> (Moravcsik, 1998: 4) and other issues of unanimous decision-making (Moravcsik, 1999) in a multicausal framework;

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<sup>4</sup> That is, the intergovernmental conferences and treaty amendments that have changed the core policies and the institutional set-up of the EU. Note that according to Moravcsik there is nothing to rule out the use of liberal intergovernmentalism for the analyse of everyday decisions (Moravcsik, 1995:613).

secondly, by the standards of European integration theory, it is 'parsimonious theory', which can be summarized in a few general propositions (the 3 steps described above). Last, but not least, there is widespread agreement that LI *does* explain much of the state of behaviour in the EU (Schimmelfennig, 2004: 75). It is hardly surprising, then, that "Moravcsik's liberal intergovernmentalism has been a major influence upon contemporary work in EU studies. Most, if not all, conceptually informed work on the EU engages with his work" (Rosamond, 2000: 145). This, of course, also encouraged significant critical reflection, which can be grouped under three headings:

- *biased case selection*: even if one accepts that LI is a theory of constitutional change rather than day-to-day policy-making, the selection of cases may appear biased in favour of LI: a theory based on economic interests and intergovernmental bargaining was bound to have a high degree of a priori plausibility for the *intergovernmental* negotiations focussing on issues of *economic* integration and requiring unanimous agreement (Scharpf, 1999: 165).
- *neglect of integration dynamics*. Many scholars have rejected Moravcsik's spare, institution-free model of intergovernmental bargaining, as an accurate description of the integration process (Pollack, 2005: 361). In particular, supranational organisations will 'work to enhance their own autonomy and influence within the European polity, so as to promote the interests of transnational society and the construction of supranational governance' (Stone Sweet and Sandholtz 1998: 26). The most important institutionalist case against LI is the specific empirical anomaly of the autonomy and power of the European Court of Justice and the legal integration it promoted.
- *Ignorance vis-à-vis EU norms and rules*: sociological institutionalist and constructivist scholars raised even more fundamental objections to Moravcsik's theory, "rejecting the methodological institutionalism of rational choice theory in favour of an approach in which national preferences and identities were shaped, at least in part, by EU norms and rules" (Pollack, 2005: 362).

Some of these criticisms are being addressed in institutionalist analyses, and more particularly the "New Institutionalisms", which "have arguably become the dominant approaches to the study of European integration" (Pollack, 2004: 153-154) and which will be discussed in the next section.

#### **d. New Institutionalisms**

Over the past fifteen years at least three different analytical approaches have appeared, each of which calls itself "new institutionalism" and each of which involves 'bringing institutions back in' to the explanation of politics and society (Schmidt, 2005). Hall and Taylor (1996) labelled these 3 schools of

thought “historical institutionalism”, “rational choice institutionalism” and “sociological institutionalism”. Even though, as Thelen illustrates, these three schools in fact represent a sprawling literature characterized by tremendous internal diversity and even though the walls dividing the three perspectives have been eroded by “border crossers” (Thelen, 1999: 370), it seems useful to have a closer look at the different objects, goals, and standards of explanation that characterises each of these approaches<sup>5</sup>. From the outset it should be clear that we are not dealing here with ‘grand theory’, but with ‘middle range’ theories “which purport to explain elements of particular slices of the EU polity” (Rosamond, 2000: 126)

- Rational choice institutionalism

Firstly, “*rational choice institutionalism*” focuses on intentional, interest-motivated strategic interaction and seeks to make universal generalizations or predictions about what actors with a fixed set of preferences or tastes will do with a given set of institutions, seen as coordinating mechanisms sustaining equilibrium outcomes (Thelen, 1999: 381; Scharpf 1997: 10). Rational choice institutionalists see politics as a series of collective action dilemma’s, ie instances when individuals acting to maximize the attainment of their own preferences are likely to produce an outcome that is collectively suboptimal<sup>6</sup>. Rational choice theorists take a “calculus approach” to the problem of explaining how institutions affect individual action: institutions deeply affect behaviour primarily by providing actors with greater or lesser degrees of certainty about the action that other actors are likely to take. More specifically, institutions provide information relevant to the behaviour of others, enforcement mechanisms for agreement, penalties for defection, and the like (Hall and Taylor, 1996: 939). Still according to this calculus approach institutions persist because they embody something like a Nash equilibrium: they survive because they provide more benefits to the relevant actors than alternate institutional forms (Ibid: 945).

Rational choice institutionalists have devoted increasing attention in the past decade to the question of delegation to, and agency and agenda-setting by, supranational organizations such as the

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<sup>5</sup> For the following section I heavily draw on Hall and Taylor (1996), who provide “The best treatment of the defining features, as well as the characteristic strengths and weaknesses of each” Thelen (1999 : 370).

<sup>6</sup> Classic examples include the “prisoner’s dilemma” and the “tragedy of the commons”.

Commission. They ask why and under what conditions a group of (member-state) principals might delegate powers to (supranational) agents, such as the Commission. And, even more importantly, they ask what happens if an agent behaves in ways that diverge from the preferences of the principals (Pollack, 2004: 142-143). Thus, rational choice institutionalists have engaged in an increasingly sophisticated research programme into the nature of EU judicial politics and the role of the European Court of Justice in the integration process which is summarized as follows by Stone Sweet and Caporaso (1998: 129): 'the move to supremacy and direct effect must be understood as audacious acts of agency' by the Court.

- *Historical institutionalism*

Whereas rational choice theorists tend to view institutions as coordinating mechanisms sustaining equilibria, "*historical institutionalism*" emphasises how institutions emerge from and are embedded in concrete historical processes (Thelen, 1999: 369). Institutions are explained by the (often unintended and) path dependent outcomes of purposeful choices *and* historically unique initial conditions. Historical institutionalism tends to conceptualize the relationship between institutions and individual behaviour in relatively broad terms, combining the abovementioned calculus approach and the cultural approach which is central in "sociological institutionalism" (*cf. infra*) and which helps historical institutionalists to explain that institutions are resistant to redesign because they structure the very choices about reform that an individual is likely to make. The historical institutionalist take on institutions also emphasises the asymmetries of power associated with the operation and development of institutions. It also seeks to locate institutions in a causal chain that accommodates a role for other factors, notably political, economic and social (change comes from the interaction of different institutional orders within a society) and the diffusion of ideas or beliefs.

In a sophisticated presentation of this strand of institutionalism Paul Pierson contends that political institutions are characterised by 'increasing returns' or 'positive feedback processes' (Pierson, 2000). Increasing returns dynamics, first, pinpoint how the costs of switching from one alternative to another will, in certain social contexts, increase markedly over time. Put differently: positive feedback will strengthen the arguments of sticking to the first choice, thereby creating "path dependence"

once a certain direction has been chosen. Existing institutions may remain in equilibrium for extended periods ('inertia', or 'lock-ins'), despite considerable political change and even when the resulting outcomes are manifestly inefficient. Thereby historical institutionalism explicitly rejects the usual functionalist explanation of institutional design. Secondly increasing returns analyses draws attention to the issues of timing and sequence, paying particular attention to 'triggering events' (relatively small and contingent events at critical junctures early in a sequence shape events that occur later). In an increasing returns process, it is not only a question of what happens but also *when* it happens. Therefore, increasing returns arguments justify efforts to stretch the temporal horizons of political analyses. Equally important, working from essentially rationalist assumptions, "Pierson argues that despite initial primacy of member governments in the design of EU institutions and policies, gaps may occur in the ability of member governments to control the subsequent development of institutions and policies" (Pollack, 2005: 363-364).

- *Sociological institutionalism*

*Sociological institutionalism, thirdly*, tends to define institutions very broadly. As regards the relationship between institutions and individual action, sociological institutionalism follows a "cultural approach" (which contrasts to the "calculus" approach central in rational choice institutionalism and equally present in historical institutionalism, *cf. supra*). This cultural approach: (1) sees individual action as depending on the interpretation of the situation rather than on pure calculation; (2) considers individuals are satisficers, rather than utility maximisers; (3) sees institutions as providing moral or cognitive templates which not only provide strategically-useful information but also affect the very identities, self-images and preferences of the actors. Consequently, institutions influence behaviour not simply by specifying what one *should* do but also by specifying what actors will *want to do* in a given context. Accordingly, many sociological institutionalists emphasise the highly interactive and mutually-constitutive character of the relationship between institutions and individual action. Sociological institutionalists emphasise that actors may well be purposive, goal-oriented or rational, but what an individual will see as rational action is itself socially constructed. Thus, it may well be that organizations adopt a new institutional practice, not because it enhances means-end efficiency but because it enhances the social legitimacy of the organization of its participants, even if

those practices are actually dysfunctional with regard to achieving the organization's formal goals.

Sociological institutionalism has been applied, for example, to the question of *comitology*: according to historical institutionalists, comitology is not an arena for hardball bargaining or a means of control designed by member-state principals to control their supranational agent (the Commission), as rationalists assume, "but rather for a technocratic version of 'deliberative democracy' in which informal norms, deliberation, good arguments, and consensus matter more than formal voting rules, which are rarely invoked" (Pollack, 2004: 144). This example illustrates why some claim that in a sociological institutionalist account actors are expected to behave according to a "logic of social appropriateness", which can be contrasted to the "logic of path dependence," assumed by historical institutionalism, whereas the rationalist approach invokes the "logic of interest" (Schmidt, 1999: 2).

- The 3 'New Institutionalisms': Insights and Limitations

The discussion of the 3 "New Institutionalisms" clearly has shown that each approach provides a partial account of the forces at work in a given situation and is capturing different dimensions of "real life" human action and the institutional impact present there. That is why it seems that on at least a number of approaches a syntheses, or at least a combination, should be possible. Take, for example the abovementioned 'calculus' and 'cultural' approaches to the relationship between institutions and action: it should not be so hard for proponents of respective approaches to acknowledge that a good deal of behaviour is goal-oriented or strategic, but that the range of options canvassed by a strategic actor is likely to be circumscribed by a culturally-specific sense of appropriateness (Hall and Taylor, 1996: 956). Another illustration of the added value of integrating different is research showing that historical actors select new institutions for instrumental purposes, much as rational choice analysts would predict, but draw them from a menu of alternatives that is made historically available through the mechanisms specified by sociological institutionalism (Hall and Taylor, 1996: 957). In any case it seems there is no necessary incompatibility between the rational choice and historical variants. It is perfectly possible to be a 'rational choice historical institutionalist'<sup>7</sup> (Rosamond, 2000: 118).

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<sup>7</sup> Thus, both rational choice and historical institutionalists assume that actors remain unchanged in their fundamental preferences and identities (i.e. they both adopt assumptions about actor-preferences and behaviour

Finally, it seems that the 3 'New institutionalisms' can usefully be combined, not only with each other, but with other European integration theories. Indeed, both rational-choice and historical institutionalisms "are essentially mid-level theories, concerned largely with the effects of institutions as intervening variables in EU politics. As such, neither theory constitutes in and of itself an adequate theory of European *integration*, the ultimate causes of which typically remain exogenous to the theory" (Pollack, 2004: 154). In this context Ben Rosamond claims that "perhaps the majority (but by no means all) of the institutionalists working on the EU would side with Mark Pollack (1996 and 1997) who claims that the new institutionalism has the virtue of beginning with the intergovernmentalist claim about member-state primacy, but then taking account of the way in which institutions structure individual and collective policy choices." (Rosamond, 2000: 116). Similarly, historical institutionalism will be able to explain how functional or political spill-overs, predicted by neofunctionalist, are constrained by past institutional choices. In a way, then, the new institutionalisms help to bridge the neofunctionalist and the intergovernmentalist approaches discussed above. To be successful in this endeavour, however, it seems that we would be helped by an approach which helps us to explain where and how the actors operating in different institutional settings, at the domestic as well as the supranational level, in governments as well as outside, interact and shape European policies. It seems that the 'policy network' perspective can give us a hand in this respect. I will discuss it in the next section.

#### **e. Policy network analyses**

Most authors would agree that "there exists no 'theory' of policy networks<sup>8</sup> that would lead us to predictive claims about European integration or EU policy-making" (Peterson, 2004: 120). Yet, most analyses of the EU which imply the policy network as a metaphor seek to test the basic proposition that, in any given EU policy sector, the way in which networks of private and public actors are structured will substantially determine, and thus help explain policy outcomes. More particularly, policy

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that are fully consistent with rational-choice approaches). For this reason, Mark Pollack (2004 :141) does not consider historical institutionalism as a distinct and competing school, but rather as a particular variant of rational-choice theory).

<sup>8</sup> 'Policy networks' are usually understood "as venues for the pooling and-or exchange of information and resources" (Rosamond, 2000: 124). According to others, a "policy network can be defined as 'a cluster of actors, each of which has an interest, or "stake" in a given [...] policy sector and the capacity to help determine policy success or failure" (Peterson and Bomberg, 1999: 8).

network analyses argues that EU policy outcomes are determined by how integrated and exclusive policy-specific networks are, and how mutually-dependent are actors within them. Thus it seems clear that, like institutionalism, we are dealing with a 'middle range' theory here<sup>9</sup>.

Peterson (2004: 118-119) sees three features of European Union governance that give sustenance to policy network analyses: first, the EU is an extraordinarily 'differentiated polity' (Rhodes, 1997). Accordingly, one of the basic assumptions of policy network analyses is that the policy process must be disaggregated to be understood because 'relationships between groups and governments vary between policy areas' (Rhodes, 1997: 32); second, EU policy-making is highly technical. Consequently, experts who share specialized knowledge and causal understandings tend to identify and 'bond' with each other, and often seek to depoliticize the policy process; the politics of expertise then becomes a crucial determinant of outcomes; third, EU policy-making is underpinned by an extraordinarily complex labyrinth of committees that shape policies before policies are 'set' by overtly political decision – makers. Thus, another basic assumption of policy network analyses is that governments remain ultimately responsible for government, but policy networks can narrow options and shift the agenda, or even determine their own environment.

Policy network analyses also assumes that modern governance is frequently non-hierarchical, i.e. involves mutuality and interdependence between public and non-public actors, as well as between different kind of public actors. The approach draws attention to the decisive impact of informalities in the everyday politics of the EU and therefore directs empirical research away from the formal arena of decision-making. Policy network analyses can also help us explain why EU policy outcomes in a particular sector reflect purely technocratic rationality or, alternatively, the overtly political agenda of key actors (Peterson, 2004: 121). And it draws our attention to management and legitimacy concerns, eg because supranational networks of government officials and experts are usually subject to less scrutiny than is the case at the national level. Finally, most proponents of policy network analyses reject as artificial and false the dichotomy between 'intergovernmental' and 'supranational governance', since virtually 'no administrative [EU] action can be deployed without national administrative authorities being associated with it' (Azoulay, 2002: 128).

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<sup>9</sup> By some accounts, policy network analyses is actually a variant of institutionalism (see Hall and Taylor, 1996).

Two prominent examples of network analyses are the literatures on 'epistemic communities' and the 'advocacy coalition framework', which "bring actor-based analyses into the issue of agenda setting" (Rosamond, 2000: 125). The concept of 'epistemic communities' was developed by Peter Haas (1992: 3) as a way to describe how policy-making can become dominated by 'network[s] of professionals with recognized expertise and competence in a particular domain', particularly those subject to internationalized policy-making (Peterson, 2004: 121). "Even if the crucial decisions are made through negotiations between the national executives, Haas' arguments suggest that there exist influential forms of non-state authority that acquire power through access to and expression of knowledge. Epistemic communities are bound together by shared beliefs, shared understandings of cause and affect within their particular domain of knowledge and shared notions of what actually constitutes valid knowledge. [...] Such an approach to EU-policy formulation challenges the intergovernmentalist emphasis on the primacy of governmental preferences" (Rosamond, 2000: 125).

The knowledge-interest-relationship also lies at the heart of Paul Sabatier's "advocacy coalition" framework, which holds that policy shifts usually occur when the sectoral agenda is seized by overtly political networks consisting of various kinds of policy activists, including public officials representing multiple levels of government, who 'share a particular belief system' (a mixture of knowledge, perceptions and core values) and work together over relatively long periods of time to force policy change (Sabatier, 1993: 25). Thus, unlike the largely technocratic character of epistemic communities, advocacy coalitions purposefully seek policy goals. Sabatier's approach is not only distinctive because it identifies a new form of influential non-state actor, but also because it rejects the idea that the influence of groups will be determined by their relative endowment of power. Or, as Hecló (1978: 102) puts it: "Looking for the web of the few who are powerful, we tend to overlook the many whose webs of influence provoke or guide the exercise of power". Rather, "what Sabatier calls 'policy oriented learning' within and across coalitions is important [...] in environments where the prestige of expertise is acknowledged" (Rosamond, 2000: 126).

In sum, it seems Rosamond (2000: 123) is right when he says that "image of networks is an attempt

to depict the highly segmented nature of EU policy-making in which advice, consultation, expertise and technocratic rationality are the means used to cope with the regulatory thicket of day-to-day decision-making. And yet policy network analyses is open to lots of criticism: it may be a useful metaphor, but not a model or theory; it lacks a theory of 'power'; the literature on policy network is often vague; policy-making in Brussels is too fluid and uncertain for stable networks to exist *etc.* (see Peterson, 2004: 126-129). On the other hand, "policy network analyses may not answer many important questions about EU governance. However, it often points the analyst to where the answers may be found: the subterranean netherworld of officials, and experts, a world often quite distant from the political world of ministers and parliamentarians" (Peterson, 2004: 127). Unsurprisingly, then, it seems that policy network analyses often works 'best' (only works?) when deployed together with other theoretical accounts of EU politics or policymaking: its explicit task is to study the meso or sectoral level of analyses (explaining day-to-day policy-making), and is thus "compatible with intergovernmentalist or neofunctionalist accounts of decision-making at the highest political levels" [...]. Policy network analyses is also congruent with most institutionalist treatments of the EU [...]. Policy network analyses also has affinities with constructivist accounts that highlight the ability of international organizations such as the EU to generate new categories of actors and norms" (Ibid: 121-122).

Having discussed 4 of the most promising theories of European Integration, it seems fair to conclude, especially in view of the fact that the EU is arguably the most complex polity ever created by human artifice, that no single theory will be capable of explaining the dynamics of the European Union, let alone that it would be able to predict its outcome. In the words of Philippe Schmitter:

"understanding and explanation in this field of inquiry are [. . .] best served not by the dominance of a single 'accepted' grand model or paradigm, but by the simultaneous presence of antithetic and conflictive ones which – while they may converge in certain aspects-diverge in so many others. If this sort of dialectic of incompleteness, unevenness, and partial frustration propels integration processes forward, why shouldn't it do the same for the scholarship that accompanies them?" (Schmitter, 2004: 70).

In the next section I will retrace the historical step-by-step emergence of EU-co-operation on social protection, throughout the nineties, which will illustrate why this case of European integration cannot be explained by any "grand theory", but should be approached with a "limited eclectic" approach, combining the 4 (most promising) European integration theories we have discussed above.

## **2. Ten steps towards the launch of the social protection OMC's**

If it is true that at Lisbon the Heads of State and Government placed the modernising of social protection, and in particular pension systems, high on the political agenda, this did not come "out of the blue". In socio-economic terms, the 90s were characterised by low economic growth, high unemployment, and poverty was increasingly becoming a concern on the agenda of governments. Social protection throughout Europe was seen as under siege. In this context, the first milestone in raising social protection to the European agenda was taken in 1992, when the Council of the EU adopted 2 (largely but not purely) symbolic Recommendations, one of which essentially identified commonly held objectives ("guiding principles") with regard to social protection (Council of the European Union, 1992a) and the other pertaining to the definition of common criteria to assure sufficient resources and social assistance in the social protection systems of the Member States (Council of the European Union, 1992b). De la Porte and Pochet (2002: 41) rightly point out that the method proposed at the time to implement these Council recommendations "resembles a premature version of the OMC, consisting of regular reporting on the steps taken in the Member States, measured according to appropriate criteria, agreed upon with the Member States".

However, neither the Green Paper nor the White Paper on European Social Policy issued by the Commission in the two following years (CEC, 1993 and 1994), produced any significant progress in the formulation of an EU-wide approach to social protection. The same can be said about the 2 European Commission Communications that followed suit: the one on "The Future of Social Protection" (which merely proposed a wide range of issues for discussion), the other on "Modernising and improving Social Protection" (CEC, 1995 and 1997).

Thus, it seems correct to claim that while the 2 Council Recommendations of the beginning of the nineties prepared the ground for enhanced EU co-operation based on common objectives and multilateral surveillance, the European level returned, by the end of the nineties, to a scenario in which the direct involvement of the EU with social protection was "limited to, first, the co-ordination of social security systems, with the aim of assuring free movement, and, second, to the nurturing of debates through Communications (the European level as a platform for the exchange of experience)" (Vanhercke, 1998: 19-20).

What brought social protection back to the European political agenda?

Some claim that it was a ruling by the European Court of Justice which helped to create the political momentum of a more ambitious EU initiative on social protection. *What happened, then?* In order to continue and extend the existing "Poverty 3" Programme to combat poverty and social exclusion, the Commission submitted, on 22 September 1993, a proposal for a Council Decision establishing a "Poverty 4 programme. By late June 1995, it was apparent that the proposal would not be adopted by the Council, notably because of German resistance. The European Commission then decided that it would use part of the 1995 general EU budget which was earmarked for the Poverty 4 proposal to fund 86 projects to combat social exclusion. Following this decision, the United Kingdom government, seized the European Court of Justice for annulment of the decision by the European Commission. The European Court of Justice judged that the purpose of the contested projects was, contrary to what the Commission had argued, *not* to prepare future Community action or launch pilot projects. The Court therefore concluded that the Commission was, as the UK claimed, not competent to commit expenditure necessary to fund projects to combat social exclusion. The Commission's decision to fund these projects was therefore annulled (European Court of Justice, 1998), in spite of attempts of the European Commission to 'open up' to NGO's "in the hope that the NGOs would be able to avert that political blockage" (Interview DC & FVN by Jonathan Zeitlin, 2002).

Clearly this ruling by the European Court of Justice meant a serious blow for the European Commission. But it also created a momentum to launch a more ambitious EU project with regard to

social protection. For example, the ECJ ruling on the Poverty IV programme was instrumental in stimulating European-wide mobilization of social NGOs, who pressed for the incorporation of the social inclusion competency in the Treaty<sup>10</sup>. This was also the period when the European Anti-Poverty Network (EAPN) was created (in 1989), with invaluable support from the European Commission, which “can make common cause with NGO’s, against the member states, [who are] in the middle if you like” (Interview DC & FVN by Jonathan Zeitlin, 2002). This momentum was obviously strengthened by the entering into force of the Amsterdam treaty on 1 May 1999, which granted the Union explicit competencies with regard to combating social exclusion<sup>11</sup> and included a new Title (VIII) on employment, thereby giving a specific legal base to the Employment Process.

The European Commission seized the opportunity very rapidly and published, in July 1999, merely 14 months year after the aforementioned “Poverty 4” ruling by the European Court of Justice, a Communication in which it proposed a “Concerted Strategy for Modernising Social Protection” (CEC, 1999a). Interestingly, the Communication was published almost 4 months *after* the Santer Commission had resigned<sup>12</sup>, and yet was still in office, as the Treaty requires, until a new Commission was in place. It should indeed be noted that the publication of this Communication was not kept “on hold” until the start of the new Commission, only a few weeks later, i.e. September 1999. Admitted, in legal terms this is possible, as the resigning Santer Commission underlined in its resignation Statement: “Under the Treaty the powers of the Commission in the current circumstances are not limited”. Yet, importantly, the Statement continued: “We have, nonetheless, decided to exercise our powers in a restrictive manner, i.e. to deal with current and urgent business, and to comply with our institutional and legal obligations, but not to take fresh political initiatives” (CEC, 1999b: §3-4).

Was this Communication “current and urgent business”? What the Commission proposed in its “Concerted Strategy” Communication, was to launch a European strategy for social protection systems, which aims at deepening the co-operation between the Member States and the EU, based on

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<sup>10</sup> Obviously the inclusion of a Treaty provision for the fight against poverty would provide these organisations with a strong formal source of institutional support for its action.

<sup>11</sup> The Treaty of Amsterdam incorporated into the EC Treaty the Maastricht “Agreement on social policy” (see Chapter 1 of the new Title XI and new Articles 136 to 145). Under Article 137 the Council may adopt measures designed to encourage the combating of social exclusion.

<sup>12</sup> The Santer Commission collectively resigned on 15 March 1999 (European Commission, 1999b :§1).

common objectives, mechanisms for exchanging experience and monitoring of ongoing political developments in order to identify best practices (CEC, 1999a: 12). Work would be organised around 4 key objectives, which are key issues of concern to all Member States: "to make work pay and to provide secure income; to make pensions safe and pension systems sustainable; to promote social inclusion and; to ensure high quality and sustainable health care" (Ibid: 12-14).

The European Commission furthermore proposed that Member States would designate high level senior officials to act as focal points in this process. The result of the work (starting from the 4 key objectives) would be published by the Commission every year in a "report on social protection", which would be based on contributions by the Member States and would be submitted to the Council together with the Joint Employment report (Ibid: 15). In sum, the European Commission did no less than what the European Parliament had called on the institution to do: "to set in motion a process of voluntary alignment of objectives and policies in the area of social protection, modelled on the European employment strategy" (European Parliament, 1999). One could label this a "fresh political initiative" indeed, while the Commission had restricted itself to engaging only in "current and urgent business".

The reason why the Commission could follow this 'proactive' (rather than the formally required 'restrictive') course of action seems eminently political: by the time of the publication of this Communication in 1999, eleven out of fifteen governments were headed by social democrats (Schäfer, 2004: 10), who tend to be more supportive of European social policy initiatives. Consider the contrast with the situation in at the beginning of the nineties, when only 2 out of 12 member states were governed by the left (ibid: 6). Thus, it will not come as a surprise that a majority of the Member States supported the approach proposed by the European Commission in its Communication on a 'Concerted Strategy', as can be seen in the written contributions some of them sent to the Commission and the other Member States during the autumn of 1999 (*cf. infra*).

These contributions suggest, amongst others, what should be the aim of the concerted strategy: the elaboration of an "Europe-wide vision with regard to social protection" (Social Questions Working

Group, 1999b). The European Commission is proposed as a “broker” between the Member States when it comes down to exchanging best practices and stimulating bilateral contacts between Member States (Ibid). Some of these contributions from the Member States even stated that “the proposed machinery for bringing together the Commission and the Member States could usefully be more ambitious” [than what the Commission proposed, BV], so that social protection is accorded at least some of the status enjoyed by the Union’s handling of its employment policy (Social Questions Working Group, 1999a). In this respect some proposed that the High Level civil servants involved in this process should report directly to the competent ministers (Social Questions Working Group, 1999c: §10). It should be added that some of the other European institutions also supported the Commission’s Communication<sup>13</sup>.

This large (socio-democratic) support explains why merely 4 months after the publication of the Commission Communication, the Council adopted a Concreted strategy on social protection. And yet, this does not mean that Member States were not critical towards the Commission’s initiative. This criticism may explains why Vandembroucke states that, “The Council of Ministers of Labour and Social Affairs approved this proposal on 29 November 1999, but not without discussion: although this process clearly does not violate the current distribution of competences, some Member States were suspicious” (Vandembroucke, 1999: 15). This “suspicion” may also shed some light on why the Council of ministers of Labour and Social Affairs, in its Conclusions on this issue, not only:

“[n]otes with satisfaction the views expressed by the Commission in its Communication” and “Endorses the four broad objectives as identified by the Commission”, but also “recalls the competence of the Member States for the organisation and financing of social protection, and stresses that decisions in matters covered by the Community competence should complement and not weaken the conditions under which national social policy is conducted” (Council of the EU, 1999a: §1,2,6).

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<sup>13</sup> The *European Parliament* (2000 :157) welcomed it “in that it provides the necessary framework for social convergence”; the *Economic and Social Committee* welcomes the Commission Communication and is especially pleased with its intention to involve all stakeholders in the debate on the modernisation of social protection (ECOSOC, 2000 :4). The *Committee of the Regions* refers to the Communication as a “milestone” and insists on the key role played by regional and local authorities in implementing the policies designed to attain the 4 key objectives (CDR, 2000 :2). *CEEP*, finally, is supportive of the Commission’s intentions (including the 4 key objectives), but “would like the part to be played by the social partners to be indicated clearly” (CEEP, 2000 :4).

After the aforementioned political decision by the Council to launch a "Concerted Strategy" on social protection, the Finnish Presidency of the EU (July - December 1999) acted quickly to operationalise it. In fact, this should not be a surprise since the aforementioned Council Conclusions not only supported the Commission's suggestion to establish a group of high-level officials, but stressed "the necessity to create this group as soon as possible, and in the meantime asks the Member States and the Commission to designate, as soon as possible, for an interim period, high level officials to launch the above-mentioned debate". To underline the urgency of such initiatives, the Council added that "Work should begin immediately and a progress report should be prepared in the context of the European Council in June 2000" (Council of the European Union, 1999a: §12, underlining BV).

So, the Finnish Presidency acted accordingly. On December 13 1999, i.e. within 2 weeks after the decisive Labour and Social Affairs Council (and even a few days *before* its Conclusions were formally adopted, by another Council formation, on December 17 1999<sup>14</sup>), the acting President of the Council, requested her colleagues to appoint 2 high level civil servants: one member and one deputy member. In the letter she wrote, the President of the Council urged Member States to appoint these officials within a months time: thus, it was argued, the interim High Level Group would be able to meet for the first time during the last week of February 2000, i.e. at the very beginning of the Portuguese Presidency (Council of the European Union, 1999b). The first meeting of the Interim High-Level Working Party on Social Protection indeed took place on January 26 2000, i.e. less than one month after the formal adoption (on 17 December 1999) of the "Concerted Strategy". Work started "immediately", indeed.

Two months after that first meeting of the High-Level Working Party, which prioritised 2 issues (social inclusion and pensions), the concerted strategy was politically approved at the highest level: the Lisbon European Council considered that "modernising the European social model, investing in people and combating social exclusion" was part of the overall strategy that was needed to reach the

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<sup>14</sup>Following linguistic corrections, the "Fisheries" Council formation of 16/17 December 1999 adopted the Council Conclusions on the strengthening of cooperation for modernising and improving social protection, without debate (Council of the EU, 1999c : 3).

aforementioned new "strategic goal for the next decade (European Council, 2000: §5). The social protection OMC's were on (fast) tracks.

### **3. Theorizing the emergence of the social protection OMC's**

The question now is: can any single one of the European integration theories described in section 1 of this paper account for the emergence of EU co-operation on social protection, as I have begun to describe it in section 2. The answer is, somewhat summarised: no. Instead, a "limited eclecticism" is needed to explain this case of European integration, as I will try to illustrate in this final section.

#### **a. Neo-functionalism**

Surprisingly enough, very little or nothing has been written so far about the origin of the social protection OMC's. Based on the (limited) historical account in section 2, one could imagine a plausible *neofunctionalist* account to explain the emergence of EU cooperation on social protection. Indeed, I have illustrated how the European Commission was (and, for that matter, still is) an important 'norm entrepreneur' which kept the debate about social protection going throughout the 90s, by regularly publishing policy documents. Crucially, when it felt the time was ripe, it published an important political document that contained the outline of the future co-operation on social protection (CEC, 1999a) whereas it should have restricted itself to "ongoing business" in view of the fact that the (Santer) Commission had resigned. Also note that a number of member states themselves, in their 1999 reactions to the Commission Communication on a Concerted Strategy, indicated the Commission as a "broker" in the area of social protection (Social Questions Working Group, 1999b). In sum, the European Commission did not seem to reflect intergovernmentalist's image of supranational organizations that would remain "more-or-less obedient servants of the member states" (Pollack, 2005: 361).

Rather, it would seem, that the launch of the social protection OMCs is a textbook example of what Tranholm-Mikkelsen (1991) calls "cultivated spillover". Thus, van Riel and van der Meer (2002: 13) argue that the concerted strategy on social protection can be considered as a political spillover of EMU, "prompted mainly by a need to enhance the support and legitimacy of the EU's policy, by

indicating to voters that the EU is concerned about issues that matter to citizens, such as work and income security". One could argue, that especially for the new Member States (Austria, Finland and Sweden joined the EU in 1995) this was an important issue (Danish voters in 1992 rejected the Treaty in a referendum), but the legitimacy crisis was more substantial than that: there was the "resignation of the Santer Commission, but also the referenda results in [...] Ireland, Norway and France throughout the past decade, and the record abstention to the 1998 European Parliament election" (Chalmers and Lodge, 2003:12). Having said this, neo-functionalism cannot specify exactly *what* the social protection OMCs can be considered a spillover of (*cf infra*).

### **b. Liberal intergovernmentalism**

Surely Andrew Moravcsik would not see the necessity of lowering oneself to a neofunctionalist explanation for the emergence of EU co-operation on social protection. And, admitted, there *are* some solid arguments which fit into the liberal intergovernmentalist approach. For example some have argued that by the late 1990s, EU cohesion policy had run its course as the central plank of the center-left at the EU level, amongst others because Swedish, Dutch and German social-democrats were increasingly reluctant to contribute to EU Social Funds (Hooghe, 1998; Hooghe and Marks, 1997). Thus, an alternative explanation to the spill-over hypotheses could be that the theme of social protection - with its electorally popular connections to employment policy and active labor market policies - promised a new common platform for the center-left. Put differently: adopting a concerted strategy on social protection could be seen as a self-interested move of the large majority of the social democratic governments, because it brought the "rich" social-democrats (some of whom may have considered the OMC as 'cheap talk') back on board.

Adding to this intergovernmentalist argument, some would convincingly argue that 'accepting' the social protection OMC's to be launched at the Lisbon European Council was nothing more than a condition, in Moravcsik's terms, 'imposed by those who gained the least' to Tony Blair and others, who, still in line with intergovernmentalist reasoning, 'compromised on the margin' at Lisbon to obtain a political commitment for a largely neo-liberal political agenda focussing on jobs and growth. And thus the launch of the social protection OMC's could be interpreted as part of the usual 'hard

bargaining' at the EU level, which may also have involved pre-emptive strategies by some of the (new) member states, who may have hoped that launching the OMC would decrease that chance that "other" EU instruments (read: legislation) would, some day, be applied to the sensitive issue of social protection. In that sense the prudent integration through the OMC on social protection can be seen, contrary to the neo-functionalist logic of spillover, as preventing (at least for the time being) stronger forms of integration on this issue. Finally, it is clear that some of the Member States who played a major role in launching the social protection OMCs had domestic interests in doing so.

Three examples can illustrate the latter point. Firstly, the Belgian minister for Social Affairs and Pensions, Frank Vandebroucke, returned to the Belgian government in 1999 after being elected with the "European poverty norm" as the main campaign issue, and he saw the OMC as the means to get there. By the end of the Belgian Presidency of 2001 Vandebroucke claimed to have delivered on this electoral promise (referring to the Laeken indicators). Secondly, the French minister for Employment and Social Affairs, Martine Aubry was running in the local elections in 2000 and resigned from the government the day after she had obtained an agreement in the Council of the EU on the Common Objectives regarding social inclusion (Erhel *et al.*, 2005: 233). Finally, during the 1997-1999 period Finland showed the highest increase in poverty in the EU. It was an issue on the national agenda, while Finland was also concerned about negative social effects of Economic and Monetary Union (de la Porte, 2005:13). It seems that in all 3 examples domestic preferences were not dominated by *economic interest* but by what Moravcsik (very broadly) calls "ideological geopolitical preferences" (cf. *supra*).

### **c. Neo-institutionalism**

A neofunctionalist account of the emergence of the OMC would, as we have seen, describe the event as a political (arguably not a 'functional') spillover of some previous technical cooperation. In the abovementioned analyses by van Riel and van der Meer (2002), the authors argue that both the launch of the European Employment Strategy and the co-operation on social protection can be seen as attempts to correct for the legitimacy deficit caused by the introduction of the EMU at Maastricht. Whether that is indeed true remains open for empirical examination: a case could be made that the OMC is in fact a direct spillover of the European Employment Strategy, and not of the EMU (interview

with Frank Vandebroucke, February 2006). Consider that, according to a high-level civil servant in the European Commission:

[...]“during the 1990s “social protection throughout Europe was seen to be under threat. [...] What happens in the employment strategy [launched in 1999, BV]? The employment ministries get their own process and, what do they do? They also shift somewhat the focus onto incentive issues and things like that. So in a sense [...] they almost shift onto the offensive and take aim at the social protection ministries” (Interview DC & FVN by Jonathan Zeitlin, 2002).

Thus, it could be argued that “Some ministers for Social Affairs within the Party of European Socialists, as well as academics, reacted to the primacy given to employment since 1997 and underlined social protection as a productive factor, and the fact that ensuring social protection is a goal in itself, not just a tool to increase employment. The launch of EU-cooperation on social protection should be seen in that perspective” (interview with Frank Vandebroucke, February 2006). Another reading could be that social security ministries, observing that their counterparts from employment ministries strengthened their national (negotiating) role through the EES, saw a similar exercise on social protection as a way to rebalance their own position. In sum, there seem to be some arguments to hypothesise the social protection OMC as a spill-over of the employment strategy.

In any event, the emergence of the social protection OMC’s seems to be a case in point of historical institutionalist’s claim that institutions emerge from and are embedded in concrete historical processes. Whether a spill-over from the EMU or the EES, it is clear that the concrete architecture of the social protection OMC is mirrored on the Employment Strategy (and is thus constrained by past institutional choices). Note, for example, that the UK’s initial observations on the Communication in 1999 were not simply supportive, they also stressed that:

“the proposed machinery for bringing together the Commission and the Member States could usefully be more ambitious, so that social protection is accorded at least some of the status enjoyed by the Union’s handling of its employment policy” (Social Questions Working Group, 1999a: 2). On the other hand the UK observed that “it would not be appropriate to apply the Luxembourg model to social protection”. Indeed, “The main difference from the Luxembourg process is that the reviews would not be based on formal national action plans” (Ibid: 4).

After which the UK proposed a rather detailed, and indeed ambitious, blueprint for peer review and monitoring, very similar to the Luxemburg Process, which, following its path-dependent way, *did*, contain formal national action plans (equally illustrating that bargaining power, in this case, was not the decisive factor).

Another element supporting a "new institutionalist" account of the emergence of the social protection OMC would be the crucial impact of the "Poverty IV" ruling by the European Court of Justice, which contributed to the mobilisation around the issue of social inclusion at EU level and created a "gap" (in Pierson's terminology) in the ability of member governments to control the subsequent development of institutions: after the Court ruling and the mobilisation by NGO's the Treaty change discussed above became very difficult to avoid.

#### **d. Policy networks analyses**

The historical description of the launch of EU-co-operation on social protection made it clear that *neither* the Commission *nor* the Member States appear to have played a truly *dominant* role in this process. Rather, an advocacy coalition seems to have emerged, consisting of the social democratic ministers (including consecutive EU Presidencies) of a majority of the member states, key people within DG Social Affairs of the European Commission and representatives of a number of European NGO's, especially EAPN. Even "top" social scientist were closely involved in the political engineering of the process (eg reports and personal advise to EU Presidencies in 1999 and 2000), which may not come as a surprise in view of the technical complexity of the debate on social protection. Arguably one of the goals of this advocacy coalition was to off-set pressures from the side of employment ministries (who had gained influence through the EES, *cf. supra*) as well as from the ECOFIN Council and DG ECFIN within the Commission, which seemed to form another advocacy coalition that had been dealing with the pension issue for some time.

According to Schäfer (2004) the social-democratic advocacy coalition in 1999 (11 out of 15 governments were headed by social democrats, *cf. supra*) can also help to explain why this center-left coalition relied on soft-law for social protection policy (and mimicked the 'soft' employment strategy),

while a center-right coalition opted for hard law in monetary and fiscal policy in Maastricht. Indeed, the 'magical return' of social democrats by the end of the 90s brought New Left to power, most prominently New Labour in Britain. Thus, "[w]hile the Christian democratic-liberal coalition at Maastricht scored high on integration-mindedness, support for further transfers of power subsequently plummeted with the ascending social democratic majority", even if the latter tended to support European social policy (Schäfer, 2004:12). Seen this way, the advocacy coalition framework can help to explain why political entrepreneurs choose, at a time where social protection was seen to be in crisis, for the spill-over option and not for one of the other options available to them according to neo-functional thinking (spill-back, spill-around, muddle about *cf. supra*).

It seems important to also consider the role of European anti-poverty-NGO's here: the European Commission actively sponsored "a new social exclusion lobby" (Peterson, 2004: 122) which helped to raise the salience of the issue of the fight against poverty, both at national and domestic level. "This is clearly an example where "the Commission retains 'virtually a free hand in creating new networks' (Marks *et al.*, 1996: 359) and is often empowered to by its position at the 'hub of numerous highly specialised policy networks' (Marks *et al.*, 1996: 359). The European anti-poverty-network (EAPN), more particularly collaborated closely with the Finnish Presidency in 1999<sup>15</sup> and had regular contacts with the European Commission as well as with key people within the Portuguese Presidency in 2000. Key people of EAPN afterwards held key positions within DG V of the European position, seemingly resulting in important inputs by EAPN in the social protection strategy (Interview Director EAPN by Caroline de la Porte, 7 December 2004). In sum, this seems to be an application of Heclo's warning that looking for the web of the few who are powerful, we tend to overlook the influential (*cf. supra*). The important agency and impact of small Member States (like Finland, Belgium and Portugal) during the launch of the social protection OMC's seems to be another illustration of the value of Heclo's claim, and of policy network analyses more generally.

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<sup>15</sup> Social Affairs Minister Perho "was informed and supportive of the approach developed within the EAPN. She had been involved with the national Finnish EAPN network and also the European EAPN network, to make social protection an issue on the agenda of the Finnish Presidency" (de la Porte, 2005:10)

## Conclusions

This paper asked the question how the most promising approaches in European integration theory can explain the emergence of EU cooperation on social protection, later formalised by the launch of 3 social protection OMC's. I have tried to answer this question by looking through 4 theoretical lenses, seemingly competing theories which in fact shed a different light on the same issue.

As predicted by an intergovernmental perspective, the self-interested reasons of (largely socio-democratic) governments provide a good 'baseline' or 'first cut' explanation for the 'sudden' support for to social protection on the European political agenda. Indeed, some EU governments were increasingly reluctant to pay for the Social Funds, others saw the 'soft' cooperation as a pre-emptive strategy to keep more binding initiatives (legislation) off the agenda. And for still others the new cooperation on social protection served the domestic agenda (e.g. Belgium, France and Finland). At the Lisbon European Council, critical (and powerful) Member States seem to have 'compromised in the margin' and accepted the OMC, as part of the usual intergovernmental bargaining, in exchange for important political commitment to a largely neo-liberal agenda.

However, in order to take into account the crucial *agency* displayed by the European Commission, a neo-functionalist perspective is needed. I have tried to illustrate that the emergence of EU cooperation on social protection is a textbook example of "cultivated spillover" in which the European Commission kept the debate going for almost a decade through a series of policy and overtly political documents (even while it had resigned), by supporting European NGO's in an effort to counter Member States's opposition etc., thereby becoming a 'broker' in the area of social protection, even in the absence of any legal competence in this field. What exactly the social protection OMC's are a spillover of remains to be tested empirically: EMU (social protection OMC's as an attempt to correct the legitimacy deficit caused by Maastricht) or the EES (OMC social protection as a reaction of social affairs ministers and civil servants to pressure from the employment side), or both.

It seems that in any case a new institutionalist account can complement at least part of spillover story, by showing how the social protection OMC's emerged from and are embedded in concrete

historical processes. Whether a spill-over from EMU or the EES, it is clear that the concrete architecture is mirrored on the Employment Strategy, and was thus constrained by past institutional choices. The same new institutionalist approach helps us to understand the 'gap' that was created by the 'Poverty IV ruling' by the European Court of Justice and which lead, in the end, to a Treaty change giving a legal base to anti-poverty initiatives, such as the social protection OMCs.

Finally, policy network analyses helps us to understand how, in the day-to-day decision-making of the Brussels arena, the different parts of the puzzle come together. Thus, it seems that many different actors were involved in the emergence of EU co-operation on social protection, but non of them were truly dominant: rather an advocacy coalition emerged, consisting of social democratic ministers (including consecutive EU Presidencies) of a majority of member states, key people within DG Social Affairs of the European Commission, representatives of European NGO's (actively supported by the Commission), and even social scientists. In this 'social democratic' advocacy coalition actual bargaining power seems to have been less crucial than "influence" through networking (see, for example, the important influence of some small Member States and NGO's).

Even though these theoretical approaches "cannot easily be lumped together to form a grand theory of integration" (Diez and Wiener, 2004: 16), I have tried to show that using several of these approaches has the potential of contributing to a more faceted and nuanced picture of the particular case of European integration, ie the emergence of EU-wide co-operation on social protection. These theories can therefore be seen "as stones in always-incomplete mosaic" (Ibid). It seems plausible indeed that, since the actors in this instance of European integration operate with different sets of expectations and interests, this means that theorizing it requires a corresponding degree of eclecticism. It is just our luck, then, that King, Keohane and Verba (1994:20) remind us that parsimony is not an unalloyed goal, and that "theory should be just as complicated as all our evidence suggests". The reader will judge whether our evidence is indeed complicated enough to legitimise the use of a (limited) eclectic theoretical approach.

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