The State of European Union Social Policy

by Robert Geyer
Department of Politics
University of Liverpool
Liverpool, United Kingdom
L69 3BX

Presented at the 1999 ECSA Conference, Pittsburgh PA.

Please do not cite or quote.

Introduction

Like the European Union (EU), EU social policy has seen a phenomenal amount of change and development in the 1980s and 1990s. It is startling to think that merely 20 years ago, EU social policy was confined to a few areas of labour, training and health and safety policy, had made only minimal advances in gender policy, and had barely recognised a number of major social groups (elderly, disabled, ethnic minorities, etc.). As the millennium approaches, EU social policy encompasses a wide variety of issue areas and social groups, is supported by a plethora of social policy interest groups, and plays a significant role in the evolution of memberstate social regimes. In this paper, I would like to examine the current "state" of EU social policy (inspired by the ECSA's State of the European Union series) through a brief history of its development, an exploration of its role in European integration theory, and a short summary of its current status. Following this, I will drawn four main implications from the history of EU social policy and speculate on its future and the "next wave" of EU social policy research.

A Brief History of EU Social Policy and its Role in European Integration Theory

Early EU social policy[1] grew out of the political/military bargains embedded in the European Coal and Steel Community (ECSC) and European Economic Community (EEC), 20th century development of West European social policy, regulated nature ("embedded liberalism"[2]) of West European capitalism, and need to assuage the fears of sceptical workers and trade unions. Its secondary position is clearly indicated by its weak foundations in the Treaties of Paris and Rome.

Social Policy in the Treaties of Paris and Rome

Social elements of the ECSC included its support for the regulation of the coal and steel markets (Articles 5, 46, 55, 58, and 59), willingness to intervene to protect wage levels (Article 68), and creation of the corporatistic Consultative Committee. More specifically, Articles 2 and 46 committed the ECSC to improving living standards and working conditions, while Article 56 outlined various forms of

---

[1] Major works on the history and development of EU social policy include: (Beck, 1998; Betten, 1989; Brewster and Teague, 1989; Gold, 1993; Geyer, 1999; Hantrais, 1995; Leibfried and Pierson, 1995; Room, 1991; Springer, 1992 and 1994; Sykes and Alcock, 1998).

[2] Ruggie, 1982.

unemployment aid, resettlement allowances and retraining policies that workers would be offered if they lost their jobs due to technological innovation. The impact of these policies in the 1950s was expertly summarised by Doreen Collins:

> In practice,... social policy consisted primarily of methods of compensation for economic change affecting workers' jobs in which the impact of the introduction of the common market was originally the major factor... the national welfare structures remained relatively untouched and were clearly intended to continue to carry the main responsibility for direct measures of social improvement... Ideologically, however, it [social policy] was largely a defensive system quietening the fears of the timorous and enabling them to accept the new arrangements and to be willing to work within them (Collins, 1975: 21).

As the postwar economic boom continued, the Cold War intensified, and the success of the ECSC became increasingly obvious, the founding members of the ECSC took the next step in European integration and created the EEC through the Treaty of Rome. In many ways, the EEC followed directly in the footsteps of the ECSC. Its primary focus was on the creation of a common market that should lead, according to neo-classical economic theory, automatically to greater economic and social benefits. However, market intervention and social policy concerns were also integrated. Economic policy co-ordination was encouraged (Article 43) and in various sectors (particularly agriculture!) market constraints and protections were commonplace. Euro-coporatism was institutionalised in the Economic and Social Committee. Regarding social policy, Article 117 promoted "improved working conditions and an improved standard of living". Article 118 promoted policy development in:

> employment; labour law and working conditions; basic and advanced vocational training; social security; prevention of occupational accidents and diseases; occupational hygiene; (and) the right of association, and collective bargaining between employers and workers.

Article 119 stated that "men and women should receive equal pay for equal work". Article 120 dealt with equalising "paid holiday schemes". Articles 121-122 required the Commission to produce annual reports on social developments and gave the EEC Parliament the authority to request Commission reports on "any particular problem concerning social conditions". Finally, Articles 123-128 dealt with the creation and operation of the European Social Fund.

By the end of the 1950s, EU social policy was firmly established as a secondary element to the larger and more important policies of economic integration and the formation of the common market. As established by the treaties, EU social policy was predominately a strategy for easing the transition to a common market and constrained by its secondary status, opposition from member-state governments that were either opposed to social policies in general or to creating them at the European level, and resistance of employer groups who were afraid that EU social policies would increase costs and constrain their control over the economic process. As Catherine Hoskyns pithily summarised:

> This then is the sum total of social policy measures in the Treaty of Rome: a whiff of society-creating measures in Articles 2, 117 and 118; a gesture towards harmonisation in Articles 119 and 120; and a strong element of functional social policy to encourage the mobility of labour, and the retraining of workers through the ESF (Hoskyns, 1996: 50).

Early Integration Theories and EU Social Policy

Social policy played a mixed role in early European integration theories. For European federalists, (Heater, 1992; Harrison, 1974) concentrating on the creation of an appropriate European federal structure and how to achieve it, the role of social policy was secondary and obscure. The grandiose ideas and plans of the federalists, creating a new European order that would be peaceful and prosperous, were much loftier than the petty concerns of social policy. At best, federalists may have argued that the creation of the European federal order would lead to a more prosperous and peaceful society that would help to alleviate basic social problems.

Early functionalists were much more aware of social issues and policy (Mitrany, 1966). Arguing that real peace and integration were only possible through the functional integration of individuals and interest groups rather than nation-state elites, functionalists saw the "low politics" of economic and social issues as the key arena for successful integration. Dealing with unemployment, promoting workers rights, encouraging labour mobility, co-ordinating health and education policy, and combating poverty were all issues and policy areas that were seen to be primarily "non-political" and best addressed by technically efficient bureaucratic elites that could promote the fundamental commonality of these issues. The combination of the these functional linkages would eventually ensnare and overwhelm nation-states and replace them with a peaceful, functional, international society.

Neo-functionalists extended this approach by introducing the "expansive logic of integration" via the "spillover" mechanism (Haas, 1958). Spillover was supposed to occur within and between economic and policy sectors as the benefits of integration became increasingly obvious. Actors inside integrating sectors would demand deeper integration, while external actors would attempt to join the integration dynamic. Economic issues were the primary integration arenas. However, social issues and policies would soon follow.

Looking at the EU of the late 1950s and early 1960s, functionalist and neo-functionalist analysis seemed to be particularly accurate. The West European economies were booming, economic integration was growing, and social policy was given a small base in the Treaties of Paris and Rome. European integration was even attracting new national members (Britain, Denmark, Ireland, and Norway applied in 1960). European level social policy had a slow start, but it seemed set to expand.

The 1960s and the stagnation of the integration project.

Despite this success, by the early to mid- 1960s the sense of seemingly unstoppable spillover was already starting to fade. No new members had actually joined the ECSC/EEC. Economic policy integration was painfully slow and social policy development was virtually non-existent. Moreover, the belief in the power of the integration dynamic was rudely undercut in the mid-1960s by De Gaulle's infamous "empty chair" policy. Not only did the integration project seem to reach its limits, but individual member-states could block or even turn it back. The unstoppable process of spillover became another in a succession of Europeanist mirages. Neo-functionalists were quick to modify and adjust their interpretations. Spillover could now be followed by "spillback" (Lindberg and Scheingold, 1970) and the process could lurch to a halt as well as move forward.

The events of the mid- to late 1960s crippled theories of federalism, functionalism, and neo-functionalism, and reasserted the intellectual dominance of traditional international relations theories of realism/intergovernmentalism (Hoffmann, 1995). For realists, there was no overarching world or global order. States were the primary units of social organisation, rational, and pursued their interests until constrained by the interests of others.

Intergovernmentalism, which grew out of realism, argued that even though the ECSC/EEC had made some achievements they would always be limited by the larger realist order. The ECSC/EEC had made progress during the 1950s due to the development of the Cold War which allowed for the creation of a co-operative West European sub-system. Furthermore, this success depended on the ECSC/EEC focusing on issues of "low politics", insignificant economic and social issues. Bargains could be made and co-operation encouraged because only secondary interests were involved. Even these developments were self-limiting. As integration continued and began to push issues of low politics onto the terrain of high politics, the process would come to a halt as it ran into the divergent interests of nation-states. De Gaulle's empty-chair strategy vindicated intergovernmentalist theories.

Ironically, for intergovernmentalists, the unimportance of social policy gave it the chance to develop at the European level, so long as it did not interfere with larger "high politics" issues. However, it would not lead to spillover and could easily be wrecked and undone by changes in fundamental bargains between the memberstates or "high politics" issues.

The 1970s: revival and uncertainty

Despite this stagnation, the EU and EU social policy made a startling revival in the early 1970s. Linked to the end of the economic golden age, the increasingly disruptive influence of US economic and monetary policy, the growing internationalisation of capital, and changing political actors in key memberstates (the resignation of De Gaulle in France and the success of Willy Brandt in Germany), European integration revived in the December 1969 Hague Summit. Major agreements were reached on the transformation of the EC funding, the financing of the common agricultural policy, increased budgetary powers of the Parliament, the expansion of EC membership to include Britain, Denmark, Ireland, and Norway, and, most importantly, the formation of some form of European Monetary Union (EMU). The Hague Summit brought social policy back onto the EC agenda by arguing that it was a necessary compliment to the economic integration, envisioned by EMU. As the final communiqué of the 1972 Paris Summit stated:

> [the memberstates] attached as much importance to vigorous action in the social field as to achievement of economic union... [and considered] it essential to ensure the increasing involvement of labour and management in the economic and social decisions of the Community (Brewster and Teague, 1989: 66)

Linked to this strategy was the Social Action Programme for 1974-1976 which was the first major advance for EU social policy since the Treaties of Paris and Rome. Michael Shanks, Head of the Social Affairs Directorate of the Commission in the early 1970s, argued that this extension of EC social policy beyond the rigid boundaries of the treaties:

> reflected a political judgement of what was thought to be both desirable and possible, rather than a judicial judgement of what were thought to be the social policy implications of the Treaty of Rome (Shank, 1977: 13).

The Social Action Programme laid down three broad areas for policy action: the "attainment of full and better employment", "improvement of living and working conditions so as to make possible their harmonisation while the improvement is being maintained", and "increased involvement of management and labour in the economic and social decisions of the Community, and of workers in the life of undertakings" and specified 35 proposals for action.

As it happened, just as this radical plan for the expansion of EC social policy was created, the EC lapsed into another period of stagnation and uncertainty. Following the oil

shocks and massive currency fluctuations of the early 1970s, the attempt to create EMU and a co-ordinated European response the crisis were abandoned. Moreover, the 1970s and early 1980s saw a number of membership changes and quarrels that crippled further EC developments. After joining in 1972 and the positive result of the 1975 referendum, Britain remained an "awkward partner" (George, 1990), demanding special consideration and challenging entrenched EC policies. Meanwhile, with the addition of Greece in 1981 and Spain and Portugal in 1985, the EC became a much more economically diverse organisation, making integration more complex.

This stagnation and division were reflected in EC social policy and the implementation of the Social Action Programme. All three of the main areas of the programme produced mixed results. In the area of full and better employment, the EC did create a new European Centre for the Development of Vocational Training (Cedefop) and increase and reform the European Social Fund. However, no major legislation in this area was passed. In the area of the improvement and harmonisation of living and working conditions, a few Directives were passed in the fields of labour law, equal treatment for men and women, and health and safety. Finally, in the area of democratisation of economic life a number of attempts were made to increase the degree of participation at the European level and within European firms. However, despite these efforts and the promotion of the "social dialogue" between the ETUC (European Trade Union Confederation) and UNICE (Union of Industrial and Employers' Confederations of Europe), co-operative decisions and policy developments were extremely limited.

In all three areas of the Social Action Programme developments were limited not only by the international situation, but by the internal structure and dynamics of the EC itself. The general strategy of policy "harmonisation" undercut the ability of the EC to reach any agreements on social policy issues. The institutional weakness of the European Parliament (not even directly elected until 1979) and the Economic and Social Committee meant that social actors, such as the ETUC and European socialists, were less capable of promoting social policies within the EC. The power of the Council and the demands of unanimous voting on all major social policy questions, clearly limited their development. Finally, with the rise of Margaret Thatcher in Britain in 1979, all EC social policy initiatives had to pass the barrier of militant free market ideology.

Integration theory in the 1970s

Theoretical developments during the 1970s adopted a balancing position between the intergovernmentalism and neo-functionalism. The main example of this trend was confederalism (Taylor, 1983, 1984). Confederalism saw nation-states as neither completely autonomous nor interdependent actors. These actors were caught within a shifting international order that was basically anarchical and competitive, but could be ordered through the actions of states. Moreover, international institutions could play a key role in the creation of a stable international order. Given these assumptions, confederalists argued that the EU had gone through different phases (federal, neo-functional, confederal) of development which had depended on a,

> combination of circumstances and antagonistic pressures which are the product of chance -and different- development in the various periods of integration (1984, p.587)

Confederalists moved away from the more grandiose theorising on integration and recognised a degree of complexity, variation, and uncertainty that marks all subsequent integration theory.

Confederalism did not have any special interest in social policy. Overall, social policy was expected to follow general integration developments. For example, despite the high hopes of the 1974 Social Action Programme, when the EC began to stagnate in the mid- to late 1970s, so did the programme. The interesting points that confederalist thinking raised for EC social policy were fourfold: there could be waves and troughs of social policy development, changes in the international system could influence the success or failure of social policy, and appropriate EC institutional structures and policies would affect social policy outcomes. Finally, and perhaps most important, the recognition of uncertainty and complexity of EU social policy development was a substantial shift from earlier thinking.

The 1980s: the SEA and the Social Dimension

As is well known, the late 1970s and early 1980s was a period of "Euro-pessimism". The stagflationary recession of the 1970s encouraged the memberstates to pursue autonomous economic strategies. The vision of EMU was crushed and the Exchange Rate Mechanism struggled to operate on a tumultuous economic sea. Some EC social policies did develop in the wake of the Social Action Programme, but only in relatively limited areas. Attempts at creating more substantial EC social rights, particularly in the areas of labour rights and participation, were blocked, diluted, or abandoned.

However, by the early 1980s several interrelated changes were taking place which would allow for both the revival of the European integration and, subsequently, the revival of European social policy. These changes included: the abandoning of nationalistic economic policies, the growing acceptance of an increased marketisation of society, the continued disruptive nature of US economic and foreign policy, the demands of European business elites, and the activities of the successful EC Commission headed in 1985 by Jacques Delors. The combination of the social and economic forces led to a remarkable revival of European integration based upon the 1985 White Paper for the Completion of the Internal Market and the 1986 Single European Act.

With the prevailing philosophy of revived free market liberalism, weakness of EU social policy supporters, and militant opposition of the British government, social policy in the White Paper and SEA was kept to a minimum. The White Paper only mentioned policies for encouraging the elimination of barriers to the freedom of movement of workers and creating a true common labour market, while the SEA only altered the EC treaty in three social policy areas. Article 118A established qualified majority voting (QMV) procedures in the Council:

> to encourage improvements, especially in the working environment, as regards the health and safety of workers.

while Article 118B encouraged the social dialogue between European capital and labour and Articles 130A-130E reorganised the European Social Fund.

Despite these limitations, the SEA did lay the foundation for late 1980s "Social Dimension". Comprised of the Social Charter (a listing of twelve areas of fundamental social rights) and subsequent Social Action Programme (SAP), the Social Dimension performed a delicate balancing act between general support for the internal market project and specific proposals for curbing the excesses of the common market. The basic argument was that social policy was an essential element in the creation of the internal market. It was not designed to stop the development of the market, but to facilitate its creation. The Charter was approved as a "solemn declaration" (opposed by the UK) and the battle over social policy shifted to the particular elements of the 1989 SAP. A key Commission strategy at the time was to try and use the QMV status of health and safety issues under Article 118a as a Trojan horse for a wide array of other policies. During this period, social

policy made significant gains due to the efforts of the activist Delors Commission, the growth of European level NGO activity, and the final acceptance of European integration by the West European left.

Theory in the 1980s

In the late 1980s, a noticeable transformation occurred in the academic importance of the EC. Previously, European integration studies had been a relatively esoteric and isolated branch of international relations or international political economy. The revival of the EC in the late 1980s was accompanied by an explosion of new European integration work. Courses proliferated, students multiplied, conferences expanded, and mountains of EC based books and articles appeared. Keeping track of all this work became the job of institutions, not individuals. The EC was being extolled as the new superpower. In terms of academic interest, it certainly was.

Ironically, all of this interest generated only a limited amount of theoretical innovation. On one hand, "new wave" intergovernmentalists were arguing that the revival was based on a new core agreement between the main memberstates (Moravcsik, 1991, 1993). New wave neo-functionalists argued that the neo-functionalist dynamic had returned (Tranholm-Mikkelsen, 1991). Other authors, following in the footsteps of Taylor, maintained that the revival and continuing success of the EC were due to a combination of an evolving international context, intergovernmental bargains, neo-functional spillover, and EC institutional activities (Keohane and Hoffmann, 1991). Neo-institutionalists stressed the importance of the Commission, European Court of Justice, and transformation of the Council for reinvigorating the integration process (Sbragia, 1992) Moreover, as the importance of the EC grew its impact on, and relationship to, the various memberstates grew as well. The EC began to be seen as a nearly equal partner in European development. Writers began to interpret both the EC and memberstate policy making processes as an increasingly two dimensional (Putnam, 1988) and/or multi-dimensional game (Smith and Ray, 1993) where not only EC level actors would have to take account of national dynamics, but national level actors would now have to pay attention to EC costs and benefits. In short, the recognition of the complexity and contingency of the EC and its policy-making process was perhaps the major theoretical achievement of this period.

Similarly, as EU social policy evolved in the late 1980s and early 1990s a more complicated debate emerged regarding its current status and future development. Interwoven with concerns of the growing impact of globalisation and Europeanisation on the fate of the West European welfare state, EC social policy development came to be more than just a debate over whether or not it would develop, but over whether its development was good or bad. While, earlier academics and activists had strong views on the need for and type of EC social policy that should emerge, these views and debates had been largely ignored because of the earlier weakness of the EC and EC social policy. With globalisation seemingly threatening to undermine national level welfare states and the success of the EC and EC social policy in the late 1980s, debates emerged , particularly on the left over if European social policy regime could and should replace national level social policy regimes.

With some obvious oversimplification, such as ignoring institutional (Parliament and Commission vs. Council) and national (wealthy Northern memberstates vs. poor Southern memberstates) divisions, this debate can be summarised in the following Figure.

FIGURE 1

EU Social Policy Development is:

	Positive	Negative
EU Social Policy can not develop	**1. Traditionalist and Nationalist Left, National corporatists.**	**3. Free Market Oriented Conservatives "EU Sceptics"**
EU Social Policy can develop	**2. Modernising Left EU Oriented Socialists and Social Democrats**	**4. Free Market Oriented Conservatives "EU Believers"**

The 1990s: From Maastricht to Amsterdam

Despite grand plans and substantial effort, the late 1980s and early 1990s produced rather limited results in EU social policy. Most of the legislative elements of the Social Dimension were rejected, put on hold, or watered down. There were several obvious constraints to the development of EU social policy: the prevailing free market ideology, the inherent difficulty of creating an EU level social policy that integrated the diverse social policy regimes of the EU memberstates, the EU's limited budgetary capacities (controlling only 1.5 percent of EU GDP), the political opposition of the British Conservative government, the unanimous voting requirement in the Council for most social policies, and the relative weakness of the pro-social policy interest groups. However, in the late 1980s integration had been so successful that talks began on the creation of a new set of treaty amendments to promote the integration project and drive towards full economic and increasing political and social integration. This effort culminated in the December 1991 Maastricht Treaty on European Union, the cornerstone of which was the revival of European Monetary Union (EMU).

For Jacques Delors, and many others, it was obvious that the degree of monetary and fiscal restraint implied by EMU could be quite difficult for the memberstates to maintain, cause substantial disruption in certain regions of the EU, and be politically unpopular. To deal with this, he proposed a substantial expansion of EU regional and social policies. In essence, using an obvious neo-functional logic, to move integration forward several policy areas had to move forward together. After months of lengthy bargaining Delors got most of his policies. Regional policy was greatly enhanced through an expansion of the structural funds (170 billion ECUs for 1994-1999). Meanwhile, social policy was given a fresh impetus through a number of institutional changes and the creation of the Protocol on Social Policy annexed to the Maastricht Treaty. The changes included: an expansion of the consultative powers of the EU Parliament (always a strong supporter of social policy), the creation of qualified majority voting in the Council in new areas of social policy (health and safety, working conditions, information and consultation of workers, gender equality, and integration of people excluded from the labour market), promoted the

"social dialogue" between capital and labour, and created a new form of social policy initiative by agreement between EU capital and EU labour. This seemingly clear advance for EU social policy was complicated by the unique procedural device of the British "opt-out" clause. Using this device, Britain was allowed to "opt-out" of future qualified majority approved social policies, which removed a major source (British opposition) of EU Council resistance to many EU social policies, but also greatly complicated both the legal foundation and implementation of EU social policies since they could not legally or financial affect the UK[3].

During the mid-1990s social policy progress remained slow, but support for it continued to build. The Maastricht treaty, after various delays, was finally ratified in 1993. In 1994, three wealthy pro-social policy memberstates, Austria, Finland, and Sweden, voted to join the EU. Social policy NGOs continued to develop at the European level. Most importantly, in May 1997 the arch opponent of EU social policy, the British Conservative Party, was decisively defeated by the Labour Party, which immediately promised to end the British social policy "opt-out".

At this time, the new EU social affairs Commissioner, Mr. Padraig Flynn, developed a much more co-operative and consolidating strategy. In 1993, the Commission presented a Green Paper on EU social policy (Commission, 1993). The purpose of the paper was threefold: to develop a debate on EU social policy, to direct it into certain key areas, to gauge the opinions and reactions to various proposals from key memberstates and organisations, and to use the debate and opinions as a basis for outlining a set of feasible commission proposals. The areas covered by the Green Paper included: employment improvement, convergence of social policies, strategies for fighting poverty and social exclusion, policies on the young and elderly, free movement policy, sex equality policy, promotion of the social dialogue, and the role of the European Social Fund.

This co-operative and consensual process led to the creation of the 1994 White Paper (Commission, 1994).[4] which summarised the responses to the Green Paper, and the 1995-1997 Medium Term Action Programme (1995-1997) (Commission, 1995) which set the framework for the subsequent period of EU social policy activity. In general, it was primarily a repetition of the White Paper, calling for a number of existing proposals to be finally enacted, promoting the creation of a number of new discussions, debates, and conferences, but demanding few new pieces of legislation except in relatively consensual areas of health and safety and freedom of movement.

During the debates preceding the 1997 Amsterdam treaty revisions, social policy was completely overshadowed by concerns with EMU, integrating new East European members, and the new sections in the treaty dealing with employment policy. With the defeat of the British Conservative government in May 1997, the Social Protocol was quickly integrated into the basic text of the Amsterdam treaty. The treaty gave a clear commitment to the EU to address a variety of forms of discrimination in Article 13 (consolidated texts). However, the treaty refrained from making substantial spending commitments to new social policy areas and dropped measures for improving the position of the elderly and disabled from Article 137 (consolidated texts) (Duff, 1997: 73).

---

[3] As the Maastricht Treaty's Protocol on Social Policy states: "Acts thus adopted by the Council *and any financial consequences of measures taken in application of {the last indent of Article 118 (3)} shall not be applicable to the United Kingdom*" (their emphasis).

[4] CEC, European Social Policy: White Paper, COM (94) 333.

The most recent major Commission publication on social policy, *Social Action Programme 1998-2000* (Commission, 1998) clearly reflected this consolidating approach. The document focused on just three main areas: jobs, skills and mobility, the changing world of work, and an inclusive society, contained the usual array of social policy proposals, but framed many of them in the new light of employment policy. With the integration of the employment section into the Amsterdam treaty and the subsequent creation of the employment policy guidelines, the Commission clearly saw an opportunity for justifying and expanding social policies through their linkage to employment creation.

During the 1990s, there has been a tremendous amount of work on European integration theories, but no substantial developments have been made at a macro-level due to two main reasons. First, as mentioned earlier, macro-level integration theory reached an impasse in regards to the EU in the 1970s and 1980s. Since that time, most works on the dynamics of integration have used a combination of earlier theories, culminating in the concept of multi-level governance (Marks, 1996; Marks et.al., 1996; Sandholtz 1996). Second, as more detailed work on the EU proliferated in the 1980s and 1990s different theories from comparative politics, political economy, state theory, and other areas were all brought to bear on the question of integration dynamics and policy development. A multitude of meso- and micro-approaches have emerged, but none which captures larger level integration dynamics.

Regarding the earlier debates over EU social policy development, as the 1990s progressed, three key changes altered the nature of these debates. First, despite the growth of Europeanisation and globalisation, West European national welfare states proved to be remarkably resilient. Overall spending on welfare remained noticeably stable. Political support was strong. Different welfare states maintained their distinctive structures (Geyer, 1998, Geyer et.al., 1999a, Hirst and Thompson, 1996; Swank, 1992 and 1998).[5] In essence, national social policy regimes were being pressured and altered, but were neither collapsing nor converging. Second, despite hopes and fears, it became obvious that the EU was not capable of creating a substantial social policy regime which would replace national level regimes. Third, despite this limitation, EU social policy was continuing to make slow progress and becoming increasingly important to the memberstate social policy regimes. The growth of the European Social Fund, expansion of social policy in the 1997 Amsterdam Treaty, and the growth of European social policy interest groups were all indications of slow, but continuous development (Sykes and Alcock, 1998).The combination of these factors changed the central question of EU social policy research from "Could the EC protect/replace national level social policies?" to "How does EU social policy interact with distinctive national level social policy regimes?".

The Current "Map" of EU Social Policy.

The previous section has provided a brief historical review of EU social policy. However, what is the current shape of EU social policy? Defining national or European social policy is an extremely difficult task. For example, if one were to use T.H. Marshall's classic definition of social policy as the use of:

> political power to supersede, supplement or modify operations of the economic system in order to achieve results which the economic system would not achieve on its own (Marshall, 1975, p.15),

---

[5] See: (Geyer, 1998; Geyer, 1999; Hirst and Thompson, 1996; Swank, 1992 and 1998).

then one could certainly argue that the most important and substantial European social policy is EU agricultural policy! In order to solve this definitional problem, I have concentrated on tracing what the EU considers to be its social policy, primarily the activities of DGV, and created Tables 1a and 1b. This is not a complete list of EU social policy areas. Nevertheless, this selection represents most of the main contours of EU social policy and helps to counter to occasional confusion between EU labour and social policy.

TABLE 1a

	Original base in the treaties	Selected current base in consolidated treaties	Attained QMV status under...
free movement	EEC (Art.3c, 7, 48-51)	Art. 3, 14, 39-42, 61-69	SEA (Art.49, 54)
health and safety	ECSC (Art.3, 35) EEC (Art.117, 118)	Art. 3, 136, 137, 140	SEA (Art. 118a)
employment rights	No direct reference until Maastricht	Art. 137	unanimous voting
working conditions.	ECSC (Art.3) EEC (Art.117, 118)	Art. 137	SEA (Art. 118a)
worker participation	No direct reference until Maastricht	Art. 137	Maastricht Social Protocol (Art.2)
social dialogue	ECSC (Art.46, 48) EEC (Art. 193-198 creating ESC)	Art. 136, 139	Maastricht Social Protocol (Art.4)
gender	EEC (Art.119)	Art.13, 137, 141	Maastricht Social Protocol (Art.2)
anti-poverty	EEC (Art.2, 3)	Art. 136, 137	Maastricht Social Protocol (Art.2)
anti-discrimination against racism	No direct reference until Amsterdam	Art. 13	unanimous voting
public health	No direct reference until SEA (Art.100a, 130r)	Art.3, 152	Maastricht (Art.129)
elderly	No direct reference until Amsterdam	Art.13	unanimous voting
disability	No direct reference until Amsterdam	Art.13 and Declaration at end of Amsterdam	unanimous voting
youth	EEC 50, 118, 125	Art.149, 150	Maastricht (Art.126, 127)

TABLE 1b

	Significant access to structural funds/ Funded Action Programmes	Number of significant legislative acts (high 10+, medium 10-5, low 5-0)	Probability of future policy expansion
free movement	yes/yes	high	medium
health and safety	yes/yes	high	medium
employment rights	no/no	low	low
working conditions	no/no	medium	medium
worker participation	no/no	low	low
social dialogue	no/no	low	low
gender	yes/yes	high	high
anti-poverty	yes/no	low	low
anti-discrimination against racism	yes/yes	low	low
public health	no/yes	medium	medium
elderly	yes/yes	low	low
disability	yes/yes	low	low
youth	yes/yes	high	high

Freedom of movement and health and safety policy have deep roots in the historical foundations of the EU and have evolved into substantial fields of legislation, particularly following their attainment of qualified majority voting (QMV) status within the Council during the SEA and Maastricht Treaty. Both are significantly integrated into the structural fund criteria, have independently funded action programmes, and are supported by observatories, research institutes, and interest groups. Moreover, they are firmly entrench in EU law. Overall, being well established and firmly entrenched within the EU institutions one would expect to see continued policy development in these areas. However, their success is also an indirect limitation. If these policy areas were to expand substantially, they would begin to raise much more difficult questions, costs, and political dynamics. Thus, I would expect both to experience only a medium level of policy expansion.

The labour policy element of EU social policy present a mixture of potential policy developments. With no mention in the early treaties, unanimous voting in the Council, no access to the structural funds or a funded action programme, and a low level of legislation, employment rights seem unquestionably set for few future developments. This is accentuated by the fact that the last significant piece of legislation in this area was passed in 1980! In contrast, working conditions were briefly mentioned in the early treaties and obtained QMV status under the SEA. However, due to its poor access to the structural funds and lack of an action programme, I would only expect to see an intermediate level of future policy development. Worker participation did not have basis in the earlier treaties and only emerged during the activity of the 1970s and 1980s. It did gain QMV status under the Maastricht treaty, but lacking access to the structural funds, an action programme, and a significant legislative base, one would not expect to see momentous developments in this area. Finally, although the social dialogue has a deep historical foundation in the EU treaties and institutions (particularly in regards to the Economic and Social Committee), it only began to significantly develop during the 1990s. The dialogue has led to a small number of legislative developments, but with the continued difficulty of obtain agreements between the key social partners (ETUC and UNICE) and the end of the British opt-out (undermining some of the justification of the social dialogue) it is unlikely to see a policy output beyond this level.

Gender policy has been one of the most successful policy areas. Though mentioned in the 1957 Treaty of Rome, it did not begin to develop until the late 1960s. Distinctively, even before its attainment of QMV status in the Maastricht treaty it had already obtain a high level of policy achievement through the activities of key gender policy supporters and the promotion of gender rights through the ECJ. With this substantial base, access to the structural funds, an action programme, and a significant legislative base, one would expect to see continued policy development in this area.

Anti-poverty, anti-discrimination against racism, and public health policy are all recent additions to the EU social policy agenda and have only brief histories in EU policy development (anti-poverty from the 1970s, anti-discrimination against racism and public health from the 1980s). Their position in the Council has generally improved in the 1990s, anti-poverty and public health policy were given QMV status by the Maastricht treaty. Anti-discrimination against racism policy still requires unanimous voting procedures. Financially, they represent a mixture. Anti-poverty strategies have access to the structural funds, but lack an action programme, anti-discrimination against racism policy has both, while public health policy does not have

access to the structural funds, but does have a substantial action programme. The legislative output for anti-poverty and anti-discrimination policy has been low, while public health policy has been medium. Overall, for anti-poverty policy, which was substantially weakened by the rejection of the Poverty 4 programme in 1994, and anti-discrimination policy, which still retains the hurdle of UV procedure in the Council, the expectations for future policy development are low. Public health policy is not a powerful policy area. However, due to its firm base in the Maastricht and Amsterdam treaties, the growth of European public health concerns and the consensual nature of its more disease control oriented policy areas, public health policy should continue to see an intermediate level of policy activity.

Elderly and disability policy present very similar dynamics and positions. Both emerged out of the political demands of the 1970s, developed action programmes and were integrated into the structural funds in the 1980s, and remain constrained by unanimous voting in the Council. This weak treaty and legal base has clearly constrained their legislative output. Despite their recent reference in Article 13 of the Amsterdam treaty I would not expect to see significant policy expansion in these areas in the near future. Contrarily, traditional youth policy (training, education, and employment) with its firm basis in the early treaties, QMV status, action programmes, substantial access to the structural funds, and significant legislative base will undoubtedly continue to make headway in its policy output. On the other hand, non-traditional areas of youth policy show no indication of further development.

The general impression which this "map" gives of EU social policy is that it has an intermediate position in the history of the EU. Most of its policy areas have only obtained a treaty base and QMV status in the 1990s. Only a few areas, particularly gender issues, have made a significant impact through the ECJ. The current level of its policy development and funding base is low to medium. Its legislative output is medium. Finally, expectations for its future development are primarily low to medium.

Implications for EU social policy

Given this historical and theoretical overview and brief "map" of EU social policy I would like to stress four main implications.

1.*EU social policy is not like national level social policy.* Western European national social policy emerged out of a variety of distinctive, primarily national factors. The emergence and expansion of civil, political, and social citizenship rights, strategies for national unification, struggles between capital and labour, religious divisions, gender relations, the impacts of war, etc. all played important roles in the formation of particular social policy regimes. The distinctiveness of these regimes and the difficulty in comparing them has been widely recognised. At best, Western European welfare states can be divided into broad ideal-typical types (Esping-Andersen, 1990). However, even this remains problematic.

As demonstrated by the EU social policy "map", EU social policy is distinct from all of these ideal-types. EU social policy lacks their breadth, depth, legitimacy, and financial muscle. Further, its influence is remarkably varied depending on the social policy area and the different dynamics of memberstate social policy regimes. A obvious example of the latter dynamic would be the variable influence of EU works councils directive on Britain and Sweden. For Britain, with no tradition of work councils the EU directive brought about a substantial change in British industrial relations (Geyer and Springer 1998). For Sweden, with a long tradition of worker representation at firm level, the EU directive was meaningless.

2.*EU social policy has become primarily regulatory*. With limited finances (except for the ESF) and implementation capabilities, EU social policy relies on the willingness of memberstates to finance and carry out many of its policies and focuses on creating a system of policy rules and regulations rather than directly implementing policy outcomes. This regulatory nature has led to a growing importance and reliance on the activities of the ECJ to act as an actor and arena for social policy promotion and has led to a number of comparisons with the structure of policy formation of the federal government in the USA (Majone, 1996). In the 1990s, the term, "neovoluntarism" has been increasingly used to define the regulatory nature of EU social policy (Streeck, 1996). This regulatory/neovoluntarist nature of EU social policy further distinguishes it from the other ideal-types of national social policy regimes. As such, blithe comparisons of the EU's social policy structure with that of national ideal-types often leads to confusing and overly generalised conclusions. It is something new and different!

3.*EU social policy exhibits a variety of policy dynamics*. After noting that EU social policy does have a strong regulatory/neo-voluntarist structure, it is essential to remember that its component parts demonstrate a variety of dynamics that cannot be reduced to any one theory. Federalist hopes and dreams have played a significant role in inspiring social policy developments. How else could Jacques Delors justify his vision of a balanced social and economic EU development without the underlying recognition of some element of federalism. Neo-functionalism and the impact of "spillover" can be seen in a variety of policy areas. The development of the social dimension spilling over from the success of the SEA, the expansion of labour policy from its strict focus on mobility and health and safety, and the extension of social policy into anti-poverty, anti-discrimination, and public health are all clear indicators of the spillover dynamic. At the same time, intergovernmentalism has continued to play an essential role in limiting social policy formation, as demonstrated by the 1994 rejection of the Poverty 4 Programme, the UK's social policy opt-out in the Maastricht Treaty, the continued influence of the memberstates in the allocation of the ESF, and a multitude of other obvious examples. Clearly, there is no general theory of EU social policy development. The importance of institutions, the growing influence of European level social policy interest groups, the multi-levelled structure of the policy process, the variable relationship between national and EU level policy areas, and other factors combine to create the variable development of the different areas of EU social policy. At a theoretical level, the result is that, as Wayne Sandholtz has recently argued:

> it is probably pointless to seek a single theory of European integration that can capture its dynamic evolution... Rather, we should probably admit that different kinds of theories are appropriate for different pieces of the EU puzzle (Sandholtz, 1996: 427)

This recognition of theoretical complexity is not easy for students of EU policy. The EU policy process is remarkably complex and tracing the development of policies within that process is difficult enough. Added to that difficulty is the need to compare and contrast different theoretical explanations for those policy developments. It can be done (Geyer 1996), but it is difficult and leaves the student of EU policy with little confidence in making broader comparisons and conclusions.

4. *EU social policy is not significantly replacing or undermining national level social policy*. One of the major conclusions of recent research on West European welfare states and social policy regimes is the remarkable popularity and resilience of

these regimes in the face of substantial internal and external challenges in the 1980s and 1990s. Globalisation, Europeanisation, and the growth of post-modern issues and concerns have all confronted the traditional West European welfare states with a number of challenges and difficulties. These social policy regimes have adapted to these challenges in a variety of ways, depending on the particular structure of the regime and specific challenges confronting it. Nevertheless, there is no clear sign pointing to a collapse of West European social policy regimes, nor any clear indication of a convergence of these regimes around a given model. In short, the evidence seems to indicate that for the foreseeable future, national welfare states and social policy regimes will retain their influence, size, and distinctiveness.

When this realisation is combined with the recognition of the weakness and unevenness of EU social policy, demonstrated by Tables 1a and 1b, two main implications for West European social policy present themselves. First, it is extremely unlikely that EU social policy will substantially replace existing national social policies in the near future. During the 1980s, when the forces of globalisation were rapidly emerging and national economic policies were becoming increasingly difficult to maintain, a branch of Europeanist socialist/social democratic thinking emerged that hoped that the EU might serve as a future arena for the recapturing of the lost powers of the nation-state. In theory, in order to combat the growing European and international level economic forces, European level state and social controls would have to develop to replace fading national ones. As David Martin, Vice-President of the Socialist Group in the Parliament, wrote in 1988:

> Europe's traditional commitment to a high level of social development is well known. The commitment must now be developed on a European scale. The development of a *European social dimension* (his emphasis) therefore constitutes... (a) major item of the left's agenda (Martin, 1989: 116).

However, despite the efforts and hopes of Europeanist social democrats, the EU has failed to develop a social policy that even begins to rival the most basic of West European social policy regimes. EU social policy will continue to set minimum standards, encourage memberstate and interest group co-operation, promote "best practice", and respond to specific European social policy demands. In certain areas, particularly health and safety, vocational training, mobility, gender policy, and others, the impact of EU social policies will be quite substantial. In other areas, worker participation, poverty alleviation, anti-discrimination policy, and others, its impact will be negligible. Overall, its regulatory orientation, minimal financing, weak legitimacy, dependence on the memberstates, and the overall weakness of social policy promoters at the EU level, confirms its incapacity to replace national level social policy.

The second main implication is that EU social policy does not appear to be substantially undermining existing national social policies. Despite the fears of social dumping, a competition of standards, and/or a competitive dynamic of social deregulation, national welfare states and social regimes have notably maintained their distinctive developmental paths (disproving the assumptions of convergence) and their overall level of provision and social coverage (disproving fears of overall social policy decline and retrenchment). With its regulatory/neovoluntarist orientation and financial and institutional weaknesses, EU social policy appears to be most similar to Anglo-American welfare state model. This, argued Wolfgang Streeck could mean that:

supranational neovoluntarism may help gradually transform national social policy regimes from social-democratic models into more liberal ones (Streeck, 1995: 431).

This is clearly a concern for West European social democrats and supporters of the West European social model. However, as just argued, national regimes have remained sufficiently resilient in the face of global and European dynamics to maintain their distinctive developments. Furthermore, EU social policy remains too weak to substantially undermine or rescue the West European welfare state. In essence, instead of viewing the EU as a powerful replacement for or threat to West European welfare states and social regimes, it is best seen as a facilitator for national level welfare state adjustment to challenges at the international and European level. *Instead of expecting EU social policy to harmonise national level social policy regimes, it may actually encourage them to diversify.*

The Next Wave of EU Social Policy Research

Given these implications, the next wave of EU social policy research should be directed towards the interaction of EU social policy and national social policy regimes. Distinctive national social policy regimes are neither vanishing nor converging. Moreover, EU social policy is in no position to significantly undermine or replace these regimes. The impact of EU social policy will clearly vary depending on the particular policy area and the dynamics of a distinctive memberstates social policy regimes. This is a vast new field of comparative policy studies that has significant implications for European and international studies. Given the difficulty and complexity of detailed comparisons between 15 or more memberstates, researchers will necessarily drift towards using comparisons of ideal-types of regimes. I encourage others to pursue this strategy to build a detailed understanding of the interaction between the EU and memberstate policy regimes.

The Future of EU Social Policy

Tables 1a and 1b outline my specific and general expectations for EU social policy. For the present, EU social policy development will continue to be uneven, but will maintain a low/medium level development trajectory. This will obviously depend on a number of key developments including: the overall development of the EU, the success or failure of EMU, and the integration of the new memberstates of Eastern Europe. How the EU deals with these major challenges will certainly be essential for setting the stage for future EU social policy expansion or stagnation. Other, more specific factors include: the political composition of key memberstate governments, the growth of social policy linkages to the EU legal system and implications of "soft law" (Cram, 1997). the success of "mainstreaming"[6], the growing influence of the Parliament, and increasing impact of social policy pressure groups. Clearly, its fate remains uncertain and contingent. However, with effort, we can get an idea of what it looks like, what it is not, and the general direction in which it appears to be heading.

---

[6] Mainstreaming is a strategy developed by social policy activists to encourage the integration of social policy into the mainstream of EU policy formation. In a period of strong economic constraints, mainstreaming offered a cheap way of integrating social issues, particularly gender, into core EU policy areas. However, due to the problems of mainstreaming competition and overload mainstreaming can only work for a limited number of policy areas. (Room, 1995; Geyer, 1999)

References

Beck, Wolfgang *et.al.* (eds.) (1998), *The Social Quality of Europe*. Bristol: The Policy Press.

Betten, Lammy, ed. (1989), *The Future of European Social Policy*. Boston: Kluwer.

Brewster, Chris and Paul Teague (1989) *European Community Social Policy: Its Impact on the UK*. London: Institute for Personnel Management.

Collins, D. (1975) *The European Communities: The Social Policy of the First Phase, Vol.2*. London: Martin Robertson and Co.

Commission (1993), Green Paper: European Social Policy - Options for the Union.

Commission (1994) European Social Policy: White Paper.

Cram, L. (1997) *Policy-Making in the European Union*. Loncon: Routledge.

Duff, A. (1997) *The Treaty of Amsterdam: Text and Commentary*. London, Federal Trust.

Esping-Andersen, G. (1990) *The Three Worlds of Welfare Capitalism*. Princeton: Princeton University Press.

George, S. (1990) *An Akward Partner: Britain in the European Community*. Oxford: Oxford University Press.

Geyer, R. (1996) "EU Social Policy in the 1990s: Does Maastricht Matter", Journal of European Integration, 20,1, 5-34.

Geyer, R. and Springer, B. (1998) "EU Social Policy after Maastricht: The Works Council Directive and British Opt-Out", in P. Laurent and M. Maresceau (eds.) *The State of the European Union Vol. 4*. Boulder: Lynne Rienner. ·

Geyer, Robert (1998), "Globalisation and the (Non-) Defence of the Welfare State", *West European Politics*, Vol.21, #3.

Geyer, Robert (1999), *European Union Social Policy: An Exploration*. Oxford: Polity Press.

Geyer, Robert (1999b) "Whose Mainstream is it anyway? The Contradictions of Mainstreaming EU Gender, Disability and Elderly Policy", manuscript.

Geyer, Robert *et.al.* (eds.) (1999a), *Globalization, Europeanization, and the End of Scandinavian Social Democracy?*. London: Macmillan.

Gold, Michael ed. (1993), *The Social Dimension: Employment Policy in the European Community*. London: Macmillan.

Haas, E. (1958) *The Uniting of Europe*. Stanford: Stanford University Press.

Hantrais, Linda (1995) *Social Policy in the European Union*. London: Macmillan.

Heater, D. (1992) *The Idea of European Unity*. Leicester: Leicester University Press.

Hirst, P. and Thompson, G. (1996) *Globalization in Question*. Oxford: Polity Press.

Hoffmann, S. (1995) *The European Sysiphus*. Boulder: Westview Press.

Hoskyns, C. (1996) *Integrating Gender*. London: Verso.

Keohane, R. and Hoffmann, S. (1991) (eds.) *The New European Community: Decision-Making and Institutional Change*. Boulder: Westview.

Leibfried, Stephan and Paul Pierson, eds. (1995) *European Social Policy: Between Fragmentation and Integration*. Washington: Brookings.

Lindberg, L. and Scheingold, S. (1970) *Europe's Would-Be Polity*. Englewood Cliffs, NJ: Prentice Hall.

Majone, G. (1996) *Regulating Europe*. London, Routledge.

Marks, G. *et.al.* (1996a) *Governance in the European Union*. London: Sage.

Marks, G. *et.al.*(1996) "European Integration from the 1980s: State-Centric v. Multi-Level Governance", *Journal of Common Market Studies*. 34,3: 341-78.

Marshall, T. (1964) *Class, Citizenship and Social Development* Garden City, NY: Doubleday.

Martin, David (1989),"A Left Agenda for Europe", *Contemporary European Affairs*, Vol.1, #1/2.

Mitrany, D. (1943) *A Working Peace System*. Chicago: Quadrangle.

Moravcsik, A. (1991) "Negotiating the Single European Act" *International Organization* 45: 19-56.

Moravcsik, A. (1993) "Preference and Power in the European Community: A Liveral Intergovernmental Approach" *Journal of Common Market Studies* 31, 4: 473-524.

Putnam, R. (1988) "Diplomacy and Comestic Politics" *International Organization* 42: 427-461.

Room, Graham (ed.) (1991), *Towards a European Welfare State?*. Bristol: SAUS.

Ruggie, J. (1982) "International Regimes, Transactions, and Change: Embedded Liberalism in the Postwar Economic Order", *International Organization* 36, 2.

Sandholtz, W. (1996) "Membership Matters: Limits of the functional Approach to European Institutions", *Journal of Common Market Studies* 34, 3.

Sbragia, A. (ed.) (1992) *Euro-Politics: Institutions and Policymaking in the "New" European Community*. Washington: Brookings.

Shank, M. (1977) *European Social Policy Today and Tomorrow*. Oxford: Pergamon Press.

Smith, D. and Ray, J. (eds.) (1993) *The 1992 Project and the Future of Integration in Europe*. New York: Sharpe.

Springer, Beverly (1992), *The Social Dimension of 1992: Europe Faces a New EC*. London: Praeger.

Springer, Beverly (1994), *The European Union and Its Citizens: The Social Agenda*. London: Greenwood Press.

Streeck, W. (1995) "From Market Making to State Building? Reflections on the Political Economy European Social Policy" in Leibfried, S. and Pierson, P. (eds) in *European Social Policy: Between Fragmentation and Integration*. Washington, DC: Brookings Institution.

Streeck, W. (1996) "Neo-Voluntarism: A New European Social Policy Regime?" in Marks, G., Scharpf, F.W., Schmitter, P.C., Streeck, W. (eds) *Governance in the European Union*, London: Sage Publications.

Swank, Duane (1992). "Politics and the Structural Dependence of the State in Democratic Capitalist Nations." *American Political Science Review* 86.

Swank, Duane (1998), "Funding the Welfare State: Globalization and the Taxation of Business in Advanced Market Economies. *Political Studies*.Vol.46, #4.

Sykes, Rob and Pete Alcock (eds.) (1998), *Developments in European Social Policy: Convergence and Diversity*. Bristol: The Policy Press.

Taylor, P. (1983) *The Limits of European Integration*. London: Croom Helm.

Tranholm-Mikkelsen, J. (1991) "Neo-functionalism: Obstinate or Obsolete", *Millennium* 20: 1-22.