

**SEARCHING FOR A EUROPEAN CULTURE:  
FINDING CLUES IN EC SOCIAL POLICY**

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In the period since the famous Danish "no" in June 1992, skepticism about the commitment of Europeans to integration has grown. Scholars, such as Andrew Moravcsik, have found that the motor that drives policy making in the European Community (EC) is national self interest and not commitment to the construction of European union.(Moravcsik 1991) Peter Lange built on this approach in a recent article in *POLITICS AND SOCIETY* in which he analyzes why member governments of the Council vote as they do on social policy.(Lange 1993) He posits that relative costs of the proposed policy as well as national political factors determine votes.

While this realist approach has broad legitimacy in the field of political science, it does not accord with the less theoretical work of long time students of the EC such as William Wallace who argues that political, economic and social trends are compelling Europe toward integration. (Wallace 1990, p.4) Neither does the realist approach accord with the earlier work of integration theorist such as Karl Deutsch. Opponents of the realist position tend to reach outside political science into sociology, history. etc. They find that factors other than national self interest shape the direction in which the EC moves. Many discern, at least in rudimentary outlines, a European culture.

It is not the purpose of this paper to enter the theoretical lists, but rather to skirt the controversy by taking one subject area of EC policy and trying to discover why the policy takes the form that it does. The assumption is that if we look at the totality of one category of EC policy -- including both its accomplishments and its failure -- we may find in the residue some traces of common norms and values that underpin EC policy and provide it with a more stable base than short term national interests. Interest in this quest began during a decade spent

studying the formation of social policy in the EC. (Springer 1992) During the course of the study, it became apparent that the formation of the policy was a slow and frequently frustrating process. Proposals that were years in the making remained in the waiting room of the Council agenda neither winning acceptance nor rejection. In contrast a few policies went from drafting to acceptance in less than two years. Why the difference and also why did the British so frequently play the spoiler role? Perhaps the most important question is why has the EC persisted in trying to draft some types of policy over a period of many years despite failure to achieve concrete results. If answers to these questions lead to a discovery of patterns that extend over years, then the findings may indicate that something beyond the interests of particular governments shapes EC social policy and that something may be common values and norms.

This study takes as a starting point the important distinctions about EC social policy made by Majone. (Majone 1992) Social policy in the EC should not be regarded as one entity. Many scholars make the mistake of only noting a few high profile topics such as works councils or regulation of working hours and when they find little progress in enacting such policies, they generalize that the EC has not been successful in achieving a social dimension. Majone separates social policy into two categories which he calls social regulations and social policy. In so doing he arrives at a much more positive assessment of the success of the EC in formulating a social policy. Social regulation addresses quality of life issues and reflects the values of post industrial society in contrast to social policy which reflects the social struggles of the past and seeks the redistribution of the domestic product. (p.7) He concludes that the EC has been rather successful in regard to social regulation but not social policy as so defined.

Three different types of social policies will be the focus of this study. (Social policy is used

in this paper generally in the broad sense commonly used in EC documents. It is assumed to refer to a broad category of policies dealing with employment. When social policy and social regulation are distinguished as in Majone above, the distinction is noted.) They are equal rights for workers, health and safety protections and worker participation. A detailed explanation of the three topics is not possible in a conference paper. Each will be dealt with in a summary fashion. The summaries are derived from previous research which is cited in the discussion below. A comparison of the findings for the three types of social policy provides insights into the forces that shape EC policy. The discussion of EC policy for worker participation is more extensive than it is for the other two topics. It incorporates elements of social history, philosophy and even religion. The conclusion then indicates that social policy does provide clues to European culture but that culture may not encompass all members of the EC.

Equality has a special status among employment policies in the EC because it rests on a mandate provided in the Treaty of Rome. Despite its status, however, the policy was not subject to serious development until the 1970's. (For a more complete discussion of this topic see for example Landua 1985) A consideration of the policy, however, leads to several observations that are relevant to this paper. One is that the policy differs in several important respects from equality policy in the United States. US policy focuses on the effort to ensure that women are fairly represented in different work categories. Affirmative action enforced through adversarial court procedures has been the primary mechanism to achieve this objective. EC policy has been less legalistic and more indirect -- addressing attitudes and the provision of support services such as maternity leave. (Riddle and Springer 1988) Another generalization derives from the motive force for EC action in regard to sex equality. The impetus for the various policies has generally

not come from the member governments. Rather it has come from a loose knit group composed of persons working in DG V, outside experts under contract from DG V, women's groups in the member countries, labor unions and CREW (Centre for Research on Women). The European Parliament, certain Commissioners and even the European Court of Justice have played important supporting roles. No one member of the Council has emerged as a major proponent of equality in the work place. At times, one government will play a significant role as the Irish government did in regard to a report on sexual harassment, but the role is not constant and may be explained on the basis of special circumstances. The British have played, perhaps, the most consistent role by regularly rejecting proposals that stray beyond a narrow definition of discrimination in hiring and promotion practices. Many governments accept proposals because public opinion supports their acceptance but later are cited by the Commission for failure to implement the directives.

The third generalization regarding equality policy is that it took on its present scope and objectives after the 1970's. The EC did little to implement Article 119 before the 1970's but during the 1970's it set the broad parameters which still largely define the policy today. The policy, taken as a whole (both policies accepted and ones still in the waiting room), constitutes an ambitious effort to go beyond a narrow concern for discrimination in the work place to improve the quality of life of working women. It is a social regulation in contrast to a social policy according to the definition provided by Majone. It arose not from a market failure as is generally the case for social regulations but from quality of life issues and "thus reflects the values and political culture of post-industrial societies." (Majone p.7) The persistence of the proposals on the agenda of the Council, despite lack of action by the Council, demonstrates the

steady base of support for the subject. Also it is relevant to recall that no one government is adamantly opposed to the equality policy. Opposition has been to specific aspects of the policy and not to the general concept. (The picture is, of course, quite different if one considers only the parts of the policy that were accepted. Then the EC policy on equality for working women represents the lowest common denominator in comparison with national policies. It does not disrupt significantly existing practices in the member states.)

Health and safety policy is another area which Majone would define as a social regulation rather than a social policy. Many students of EC social policy overlook this area with resulting distortions in their conclusions because it is an area characterized by remarkable development in the last decade. EC health and safety directives do not constitute the common denominator among the national laws. They are a bench mark and according to some authorities at the ILO, they are among the most advanced in the world. For example, the EC protection for workers on computers is arguably the highest in the world. In comparison with equality policy, concerted EC action on health and safety came later and has been much more successful in terms of proposals actually accepted in the Council. The acceptance rate can be explained by the fact that health and safety proposals unlike most social proposals, benefit from the provision for qualified majority voting in the Council rather than the unanimity required for other types of social policy. What is more relevant to note is that the member governments all accepted the revision of Article 118 when the Single European Act was ratified to provide this special status for health and safety proposals. Obviously health and safety has important political implications for the member governments of the EC. Implementation of the new standards will be expensive for countries such as Greece and Spain. Their acceptance can not be explained solely on the

basis of a trade-off for larger amounts of structural aid. Their acceptance can be explained, in part, in relation to the rather unique features of the politics of EC health and safety policy. The EC has acquired its impressive health and safety policy with very little public fanfare. Health and safety does not have loyal promoters among interest groups lobbying in Brussels (or Luxembourg). It does not have high profile opponents either. It has been drafted in the relative obscurity of Luxembourg by specialists from DG V and quickly and quietly moved through the institutions to acceptance. It seems justifiable to conclude that the policy rests on some consensus that might be called an EC norm.

The third policy area -- worker participation -- has some similarities with the previous two but also has important differences. In sharp contrast to the other two areas, worker participation has evoked heated debate. While groups may hesitate to go on record in opposition to equality or to health and safety, such hesitation has not restrained the discussion of an EC policy for worker participation. Many commentators have called the debate over worker participation the most heated one in the whole field of social policy debates in the EC. Also in contrast to the two other areas, the EC has made almost no progress in enacting proposals on worker participation despite almost a quarter of a century of effort. Worker participation joins with equality policy and health and safety policy in being classified as a social regulation.

The EC has claimed for many years that worker participation policy is a "democratic imperative". As early as 1970, The EC had a formal proposal for worker participation in the draft regulation for a European Company Statute. Although worker participation was an afterthought in the proposal and was inserted at German insistence in order that German codetermination would not be undermined by the proposal, the Fifth Directive of 1972 made

worker participation a priority of the Commission. (For a more complete discussion see Pipkorn 1980 or Shanks 1977) The Commission waged one of its most public and vigorous debates on social policy during the 1970's in order to obtain acceptance of the two proposals. In 1980 it added the Vredeling proposal in an attempt to find an acceptable form of worker participation. All three proposals faced overt hostility from business groups and total rejection from the British government when it joined the EC.

In the 1980's worker participation received less public notice in the EC but the issue never disappeared from the agenda. Indeed, the Commission continued to revise its proposals and to seek a strategy that would ensure their acceptance. In the 1990's the Fifth Directive and the European Company Statute were revised yet again and a new proposal for European workers councils was placed on the agenda of the Council. (Springer 1992) At the conclusion of the social affairs council meeting in April 1993, the Danish Minister who chaired the meeting announced that her government would strive to gain acceptance of the proposal for workers councils by June. (FINANCIAL TIMES April 7, 1993) In the same week the Danes made an equal commitment to enactment of the European Company Statute when that proposal was discussed for the sixteen time in the Council. (Agence Europe April 6, 1993)

Obviously a goal that has been pursued as tenaciously as worker participation has been in the EC, has importance for its promoters. The usual explanations for such a development are:

1. The proposal represents the lowest common denominator among national laws and therefore its passage would constitute only the harmonization of existing practices. Its acceptance would not harm any member state and would enhance the democratic credentials of the EC.
2. The proposal is necessary for the creation of the internal market. The different forms of



worker participation required by national laws constitute a barrier to the internal market.

3. The proposal has the support of a powerful member government or a powerful constituency.

None of these explanations is adequate to explain the place of worker participation in the social policy agenda of the EC. Although the various proposals have been moderated through the years, they still would entail more than a ratification of the status quo if they were accepted. The proposals (except for the one for works councils) pre-date the 1992 initiative and business groups argue that the proposals would harm and not aid the formation of the internal market. The proposals have benefitted from the support of the German government. German governments of both the left and the right have supported EC efforts for worker participation but none has exercised the full power of that country to try to force acceptance of any of the proposals. Labor unions make up the main constituency in support of worker participation, however, they are neither a powerful influence in the EC nor an unqualified advocate of specific EC proposals. Divisions in the ranks of the European Trade Union Confederation (ETUC) prevented it from lobbying vigorously for either the European Company Statute or the Fifth Directive when they were proposed in the 1970's.

As the situation stands now and assuming that the Maastricht Treaty is ratified, the EC will probably have a policy on worker participation in the near future. The likely candidate is the works council directive. Eleven governments support it and the British opposition will be irrelevant due to the social protocol provision of the treaty. Why has the EC pursued this long and difficult course and what insights does it provide up into the elusive topic of a European culture?

Obviously the topic of worker participation offers a more promising field to study than does either equality policy or health and safety policy. It is the only one of the three in which the EC has persisted, despite repeated failures and powerful opposition, to try to enact a policy. Both of the others derive from values common in post-industrial societies, but worker participation is different. It is a European phenomenon. Its practice is widespread in Europe but almost unknown in the United States -- a comparable post-industrial society. Its roots trace back to the industrial revolution and its evolution is closely intertwined with the evolution of European industrial relations systems. The search to understand worker participation leads back into history and philosophy even though participation is ranked as a post-industrial value. The clues that can be found to explain the importance of the issue in the EC can only be tentative. The evidence offered below is based on current on-going research and is offered to encourage discussion and not as definitive findings.

One point needs to be made as background to the consideration of worker participation as a European concept. Scholars, in this year of turmoil unleashed by the Danish vote, have emphasized national differences and speculated about the construction flaws in an integration effort built on a foundation of deep national differences. They need also to recall that nationalism is a rather new concept in man's history, perhaps, tracing only to the French Revolution. We all recall from our Western Civilization courses unifying forces in European history and we should recall from graduate school THE IDEA OF EUROPE by de Rougement. More recently historians such as Janet Abu-Lughod have re-examined crucial eras such as the thirteenth century to uncover networks that bound Europeans in a time when -- according to conventional wisdom -- people lived in isolated fiefdoms. She wrote that never had so many

regions been in contact as in the thirteenth century. She argued that two qualities characterized that century -- increased economic integration and cultural efflorescence. (Abu-Lughod 1989 pp.2-3) Not only merchants and traders moved about in that period. Prospective guild members, (about fifty per cent of the urban population belonged to a guild in that era) were required to travel to learn their trade from masters in different places. New skills or techniques developed in one location soon spread across much of the continent. For example, the diffusion of knowledge necessary to build the great cathedrals of the period came about through such contacts. Common values and norms evolved to shape the classes that were to form the basis of the industrial revolution that followed centuries later. (Cipolla 1973 p.9)

The concept of worker participation derives from two, very different philosophies of the nineteenth century. One is, of course, socialism and the other -- less noticed but perhaps more pervasive -- is social catholicism. As early as 1835, a Catholic social philosopher Franz von Baader proposed the establishment of committees of workers within firms in order to curtail the power of the boss. The encyclical RERUM NOVARUM of 1890 is the most famous hallmark in the development of social catholicism. Its ideals were incorporated in the Catholic labor unions which were organized throughout western Europe at that time.(Misner 1991) Socialist labor unions, which were larger and more powerful, built on the philosophies of Marx and the French syndicalists to develop more militant concepts of worker participation.(Lichtheim 1970 p.216) The different philosophical bases of the concept hampered the formation of worker participation policies, however, some firms implemented forms of worker participation and the concept was given legitimacy in the Weimar constitution.

The philosophies became realities in postwar Europe when most countries enacted laws to

require works councils in firms. The major exception was the United Kingdom where the adversarial collective bargaining system was preferred by both labor and management. The idea took on new importance in response to labor militancy in the late 1960's. During the 1970's the idea was much in-vogue and evoked a large body of literature. (See for example Adizes and Borgese 1975 or Pejovich 1978) The debate soon spread to Brussels and the first proposals on worker participation in the EC were drafted.

The point of this brief history is to show that a certain unity underlays European economic history and shapes some of the distinguishing features of labor and management. (See for example Bendix 1974 or Chamberlain 1980) Worker participation is a concept that was born and developed in this milieu. Its adoption by the Commission needs to be understood as not linked solely to the needs of the internal market. It was perceived as a "democratic imperative" to use the language of a Commission document. ("Employee Participation and Company Structure in the European Community" 1975 p.9)

One of the features of the story of worker participation in the EC is the role of the United Kingdom as the major opponent of the idea. It is relevant to note that work on a worker participation policy began before the U.K. joined the EC. Indeed, many commentators expected the easy passage of the proposed European Company Statute and were caught by surprise by the vigorous opposition of the new members of the Council. The British opposition persisted even when a Labour government was in power. The fact is that the British system of industrial relations and labor law is very different from continental systems, as every student of comparative industrial relations knows helps to explain the opposition. It is not just the lack of experience with worker participation. It is a whole bundle of factors that make up the "British

difference". The legal system and the British welfare system are fundamentally different from continental systems. (Marshall 1975) The philosophical and sociological factors that shaped the British working class were as distinctive from continental factors as Marx is different from Owen. (Thompson 1963) To bring the discussion to the present day, the British difference helps to explain the Social Protocol and the famous British opt out provision in the Maastricht Treaty.

The current debate about subsidiarity illustrates another facet of the British difference. Leon Brittan, a British Commissioner, defines subsidiarity as self restraint. In contrast Jacques Delors argues that subsidiarity comes from a moral requirement which makes respect for the dignity and responsibility of the people in a society the final goal of that society. His position derives from the original definition in a 1931 papal encyclical while Britain's reflects British philosophical trends.

## CONCLUSION

The social policy which is under construction in the EC fits into the Majone's definition of social regulation. It is not an attempt to replicate national social welfare systems but rather an attempt to give expression to widely held post industrial values. Equality is obviously such a norm. The adoption of such a policy by the EC does not indicate anything distinctive about a European culture in contrast to other post industrial societies, however, the form that the policy takes in the EC is distinctive and provides clues to distinctive European norms. Health and safety protection is another "motherhood value" in post industrial societies and so its development in the EC is not unusual. The unusual aspect is the fact that EC directives set standards that will have costs for the member states. Their existence can not be explained by

traditional realist politics.

Conclusions about worker participation are more speculative but also more interesting. The tantalizing question is not the basis of a policy but the reasons for the persistence of interest in a policy that has yet to win acceptance. It is a case of the dog who did not bark as Sherlock Holmes would say. Neither the needs of the internal market nor the interests of a powerful lobby explain the persistence of concern over such a troublesome topic. In the residue that is left when the usual explanations do not work is, perhaps, an element of a common culture. It is a possibility that needs more consideration and raises interesting ideas for speculation concerning European integrations and the issues before this panel.

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