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From Lisbon to Lisbon: Narratives of Social Europe

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Introduction

Once in a while, most EU governments take a turn to the right. A contagious affair it seems to be. Reform, that ubiquitous word, is the recurrent theme in most electoral campaigns and manifestos. Modernization, de-bureaucratization, competitiveness, follow close. The acknowledged immersion in the global economy and the European core of that globality make the economic discourse highly international, if compared to the standards of past decades. Discussions surrounding democracy tend to be more domestic in content. So are statements on foreign policy, relating the out-of -boundaries world in terms of national positions, prestige and scores. Despite, and perhaps because of, the soulless character of speech on finance, stability or even growth, references to the social dimension acquire a prominent place in pre-electoral discourse. Always within the realm of the economically feasible, often linked to those new policies assuming the exhaustibility of resources and the need for efficient restructuring, promises to 'lock in' acquired social rights aim at preventing political suicides. Those pledges, at times permeated by stock-market jargon and logic, emphasize that existing welfare gains would be cashed-in before some hypothetical troubled times of loss of competitiveness require necessary, financially constrained, changes. To the skeptical publics and potential voters, one guarantee of continuity is offered: we are Europeans, and in Europe unfettered markets do not override social rights. "Social Europe" would then point at the limits of the possible when it comes to transformations in welfare policies. In fact, European limits are claimed in both domestic discourses. Competitiveness and financial stability is a European imperative, societal risks are prevented by an ubiquitous European social ethos. Institutionally however, there is no match between that resort to an ethical European umbrella and the political articulation of Europe-wide social demands. Besides, at times when inter-governmentalism reigns, that banner of European distinctiveness used by government elites

to identify a common project is nowhere in sight. The example of negotiations on the European Constitution is but one such instance.

From Lisbon to Lisbon

a. Summit and renationalization

Reading events backwards could help us in the task of driving a wedge between identifiable institutional path dependencies and those contextual changes resulting from more contemporaneous political time and space. That way, we can attempt to evaluate the impact of the speed of global events and enlargement, together with the vote of confidence given to the centre right by many national and regional constituencies in EU 15. A brief outline of the problems and negotiated texts inherited by the 2007 Lisbon presidency, chiefly amongst them the mandate for a 'reform treaty', serves as a starting point.

   Beyond the feeling of *déjà vue* in the inter-state quarrels of the June Brussels European Council, has there been a break, or elements of a 'path shaping' change in the social field? Nothing strictly 'social' about the presidency's conclusions of this much publicized Council. Lost in a paragraph within the broad category of 'Economic, social and environmental issues', references to the social policy arena point at forthcoming work-related documents and policies, such as those on 'flexicurity,' health and safety at work and active inclusion. Nor is it apparent that the draft IGC mandate additions, a tentative blueprint for the first treaty after enlargement, indicate a change of the social *acquis*. In fact, the omissions are in themselves surprising to those expecting a political answer, at the very least declamatory, to the French and Dutch 'no' to the draft constitutional treaty. It is however in the novel institutional contour that new priorities can be read. A few examples suffice to convey them.

      Wrapped up in a recommendation to 'make good use of the Alliance for Families', the presidency's conclusions include a reference to approaches 'consistent with member states'

national public policy'. The latter phrasing constitutes the *leitmotiv* of most modifications to the innovations introduced by the constitutional convention and the 2004 IGC. For in matters of symbols (no 'constitutional concept', flags, hymns or European laws), competences (no Court supremacy, more say to national parliaments [particularly in respect to family law], the avowal of the supplementary character of Union actions, the insistence on retaining capacities for conferring or withdrawing competences) and exceptions (a veritable avalanche of protocols, opt-outs and small print), the balance becomes tilted towards political claims amounting to a re-nationalization of EU politics.

When it comes to matters of negotiations, the saving-the-day quality of the *ad hoc* reconstitution of a German-French axis does not disguise some features of concern for advocates of a more social Europe. Apart from diplomatic dealings and the hard bargaining with the usual culprits (i.e. the UK, Poland), it is the quest for 'leadership' rather than an Europeanist strategy that prevails. *Stripped of political symbols, inter-state compromise thus becomes both the means and the end*. In this context, ideological traits hitherto foreign to the *acquis* find their way into policy routes. Although open to contestation, untried directions are facilitated by the political moment provided by the summit. One such case is the amalgamation of the subject matters of different OMC processes under the 'families' umbrella. As a multi-task minister of the Federal Republic (for Family Affairs, Senior Citizens, Women and Youth) reported to various EP Committees after the Summit, 'It is essential, in light of the process of demographic change that is taking place, for Europe to rediscover the concept of family' (German Presidency, 2007). Asserting that 'The European Alliance for Families is a firm fixture of Europe' (ibid.), this policy draws on previous council of minister's meetings, such as that with senior-citizens as subject-matter ('[...] We want to tap into this population group's purchasing power by introducing new and innovative products and services so that we can contribute to economic growth and boost employment') (Feb. 07). The unanimous backing of the initiative by a March council meeting

with natalist undertones is also an example of the appeal of that German-born Alliance to some of the new Eastern European EU members: 'the family' supplementing 'the nation' as symbols of communitarian self-assertion. While solidarity becomes a *sui generis* intergenerational family affair, civic and social individual rights, mercifully preserved (except in the UK) by the Charter of Fundamental Rights, take the political backstage.

Arguably, it is not the language of 'free markets' that predominates in the innovations but rather that of risks, growth and employment. The French pole of the new axis, despite its heralded retrieval of 'competition' from the Union objectives (T.1, art. 3), is still firmly rooted in a supply-side economic philosophy. However, it would appear that the 'liberal' aspects of the single market edifice could give way to more regulationist and industrialist, nationally bound, strategies. In sum, both the new axis and the European centre-right might have found a fertile ground for policies that are less liberal in the social, less liberal – in the integrationist sense – in the economy, and further removed from the European *acquis*. In any case, for these political forces 'neo-liberalism' in its traditional form has long ceased to be an option.

At this end of the constitutional process, top-down intergovernmental compromises pose a number of questions. On the one hand, it is apparent that the very setting of priorities and all instruments and mechanisms developed in contiguous areas impinge upon welfare policies. In this context, it is difficult to conceive new governance tools, for all their 'learning' contribution, in isolation from political turbulence. On the other hand, facing up to that turbulence and the – actual or hypothetical, current or prospective – whims of leaderships, brings up new dilemmas. How to design and defend policies and rules whereby the continuity of acquired social rights is preserved, without crystallizing that permanence into a conservative *acquis*? How to allow for contestation and protect plurality while, by the same token, maintaining the 'thickness' of those multilevel structures that help to preserve an integrationist European project? In the realm of welfare, two lines of inquiry come to mind when dwelling on these questions. The first is related to issues of

democracy and representation, to be discussed below. The second concerns the role of epistemic communities and their unwitting immersion in the intergovernmental logic.

b. *Flexicurity, Pathways, Models*

In the, broadly conceived, area of social policy, the between-summits piecemeal work and guidelines production has the imprint of experts and task forces. One such case is the after-Summit launch of the Commission's communication on 'Flexicurity' (Com(2007)xxxfinal), a proposal aiming at achieving 'the objectives of the renewed Lisbon strategy', tackling policies that 'address simultaneously the flexibility of labour markets, work organization and labour relations, and security-employment security and social security' (5). While the concept, or rather its naming, had been the product of parallel developments in the Netherlands and Denmark in the late 1990s, at the EU level it was first mentioned officially during the Lisbon Summit of 2000 (Tangian 2006), rapidly spreading in Europe and taken up as a Commission's major theme thereafter (Commission, 2006: chapter 2). This latest version, still referring to the various trade-offs (or positive-sum games, as some prefer to view them) between decreasing job security and enhanced employment and protection, proposes an integrated approach and a consultation process leading to a set of agreed common principles. A thorough analysis of the flexicurity strategy is beyond the scope of this paper. For our purposes, however, it might be of help to highlight some subtle differences and basic commonalities between the resulting document and the report of the expert group on which it draws (May 2007).

Although a number of academic critics have taken issue with either the logic or the policy analysis behind all flexicurity strategies, it is clear that the experts' 'Flexicurity Pathways' take on board a broad range of discussions and reference points. Thus the recurrent citations of 'combination security', which attempts to incorporate some of the demands for flexibility that gender reports and studies have portrayed long before the 'flexicurity' debates (Kauppinen &

Kandolin, 1998; Letourneux, 1998; Ananiadis, 2003). Other random examples are the references to the need to 'Fight discrimination against and exclusion of migrants' in relation to life-long learning and pay, avoiding reliance on OECD reports and logic in the analysis (in sharp contrast to the Commission's communication), the emphasis on the structured representation of groups affected by, or excluded from, the 'regular' labour market, the stress on public and private financial commitments in all strands of policy. By contrast, the Commission's 'pathways' include a cautious ensemble of assurances regarding economic, political and social costs (or rather the lack of). For one, its suggestions to shift resources towards flexible and employment-centered policies do not tackle discussions addressing the effects of demography on pensions and social security. Or, more concretely, the question of where the financial resources to sustain compensatory social and security policies will come from, once national employment protection legislation (EPL, the favoured OECD indicator of flexibility) has been relaxed. Certainly not from new European sources, as it makes clear (11-13). Nor would funds stem from a common new strategy other than the renewed Lisbon agenda and the Employment guidelines, to which it firmly adheres. In sum, the more humanistic and social undertones of the Experts report are missing from the, more succinct, Commission's communication. So are some of its proposals. However, it is the reference to welfare models, regimes and other national 'varieties' that informs both documents and the resulting pathways. This is also an example of the type of translation into policy that academic analyses are able to generate.

The now long-standing academic work on regimes, including its known references to labour market 'insiders' and 'outsiders', is common to both reports. In fact, welfare analysts would recognize household names cited in support of the choice of 'path dependent' routes to the proposal, as '[...] resulting from negotiations and consultations at national level, flexicurity can take different forms from country to country' (Expert report, 17). While the 'reform of European Social Models' proposed does not have a binding component or a European dimension, '[...]

flexicurity must be complemented by social policies aimed at the underprivileged and those furthest away from the labour market' (Com. 8). Read in the context of post-summit intergovernmental priorities, that focus on 'contractual arrangements' supplemented by national social policies targeted primarily at politically vulnerable groups might, by the same token, contribute to reduce the range of entitlements and the very scope of social policy. Furthermore, while the elusive concept becomes authoritative and European, the sequence and depth of concrete reforms depend on strictly national negotiation and representation. There are no European level structures or agents alongside flexicurity, and the 'European social model' of the 2005 social agenda (Com 2005) has given way to 'the models'. Some would argue that this was inevitable. By the time that politically contested attempts to define a 'social Europe' after the 'no' referenda and enlargement woes required European level arguments and proposals, studies of the institutional setting of welfare in individual countries far outstripped those with a European dimension. Exception: the OMC and its inter-national configuration. Time and again, economists and economists' led High level Expert Groups dealing with social policy areas have referred to those sociological analyses as a given.

Assessing that '[...] the very notions of "European model" or "social Europe" are rather dubious [...]', Andre Sapir chooses to evaluate socio-economic performances by concentrating on the well known four models, with the 'Continental' and 'Mediterranean' varieties loosing out in all measures of efficiency and equity, mostly due to their 'dysfunctional' labour markets and social policies (2006: 375-6). He also explains that this choice of methodology is common currency, as 'This familiar grouping now used by many economists is based on earlier political sociology work by Esping-Anderson (1990) [...]' (ibid. ft 1). Not that this reliance has not been duly criticized on grounds of erroneous simplifications (Lewis, 2007) or simple obsoleteness. Despite being an, admittedly most handy, shortcut to assess social complexities, when applied to EU politics some such nation-centered analyses involve concrete strategic choices.

c. Agendas

In the spirit of developments taking place in the mid 2000s, a background report on the future of social policy (High Level Group, May 2004) leading to the 2005 Social Agenda contained the infelicitous phrasing 'the social dimension functions as a productive factor' (27). The fact that the group's academic advisors were all economists (ibid. Annex 2), although telling in itself, should be seen in the context of concerted moves towards 'streamlining' different OMC processes, 'revamping' the Lisbon strategy and 'reassessing' the European Employment Strategy, a work-centered programme still unfolding in its 2007 'flexicurity' phase. Through the dispersive effect of a 'greater interplay between European policies designed to encourage and accompany restructuring' (Social Agenda: 6), such an attempt at identifying a 'European social model' by pointing at the 'costs of the lack of social policy' (Social Agenda: 2) did not go beyond its implicitly utilitarian framework. Still, in terms of opening-up forums and identifying some of the avenues to be explored, the agenda leaves open a number of European welfarist aims. In that regard, a social scientific academic attempt to define a 'social model' (coinciding with, and following, the British Presidency of the Council) is a *non sequitur* to both European practices and welfare studies.

Although the conclusions to the 'Hampton Court Agenda: a social Model for Europe' are '[...] intended as a thought-piece, not a detailed set of policy prescriptions' (Giddens, 2006: 95), the emphasis on wide-ranging global trends, scattered life-style changes and, mostly undocumented, generalizations leading to a view of 'positive welfare' delivered by an 'enabling state' have clear policy implications. In an attempt to pick up where the Lisbon process has left, we are reminded that social justice should '[...] be compatible with a society in which aspiration, ambition and entrepreneurialism necessarily have a central place.' (104). Furthermore, in a traditional welfare system '[s]ecurity was defined as the reduction of risk and was presumed to be the main goal of the welfare state, alongside the search for increasing social justice. But this view

is again too negative, especially in a world where many people are bent on exploring new life-style opportunities' (105-6). Disregarding the conflicts and confrontations of redistribution, and without identifying specific agents of reforms or democratization, this '[...] move from protective risk-management towards positive welfare' (105) is expected to transform risks into opportunities. This postmodern society where '[...] we are dealing with problems of "post-scarcity" or abundance' (107) should proceed to a modernization undertaken mainly at the level of nation states (129), having in mind that it is the Scandinavian countries that have shown the way to welfare reform through flexicurity and activation; the lesson from this newly discovered Scandinavian model being that '[...] economic and social policy must always be kept closely connected.' (112).

In practice, given its link to social sciences debates, the above input 'from the outside' comes to fill a gap by default. For all their wealth and depth, policy-oriented case studies and partly the 'models' literature, despite their longstanding contribution to the understanding of the genesis of European welfare, fall short of providing a European perspective and, most crucial, of tackling the EU in all its politico-institutional complexity. Probably such an opportunity was missed in the early 2000s.

Lisbon & Convention

The current discourse on the economy-employment-social linkages seems to owe more to two successive 'Kok' reports and the resulting recommendations than to the broader Lisbon process starting in the year 2000. In fact, the analysis of this turn helps to highlight the political significance of both the Lisbon strategy and the European convention.

Not that 'path-dependent' but rather innovative and path-making, the emphasis on job creation and an even tighter link with other economic strategies first overshadows the more 'social' components of the European Employment Strategy (EES), then does away with them in a revamped Lisbon II. In fact, new jobs, activation and employability are seen as growing at the

expense of social protection, equal opportunities and inclusion policies (Busby, 2005; Pfister 2007). First included in the European Employment Taskforce's findings (Commission & Council, 2003), 'streamlined' guidelines and recommendations (Commission, 2004) in practice subordinate employment policy to the Broad Economic Policy Guidelines (Busby, 2005). Further on, the Kok report 'Facing the challenge' reduces those challenges of Lisbon to five priorities (knowledge society, internal market, business climate, labour market and eco-efficiency). Although the chosen foci are justified on the grounds that '[...] the Lisbon strategy has become too broad to be understood as an interconnected narrative' (2004:17), it is not the breath, but rather the scope, of that narrative that changes. In a move to push ahead with the 'modernization of social policy', adding the '[e]nvironment as a source of comparative advantage' (36/7), the new priorities are to be pursued simultaneously, as '[n]othing less than the future prosperity of the European model is at stake' (46). Furthermore, as one observer puts it, [t]he lesson of the absorption of the employment process into the Lisbon II integrated process might be that proximity to Lisbon tends to result in the economic policy framework swamping any social dimension.' (Armstrong, 2007: 7). The reports are thus the starting point of a process of amalgamation and re-prioritization of objectives that, as discussed below, contributes to the dwindling of the agents of social reform by means of reducing structures and streamlining the institutional setting. Together with the search for effectiveness and policy coordination (in a report that proposes that '[t]he European Council takes the lead'), the loss of autonomy of different policy processes goes hand in hand with a reduction of the sites of contestation.

Feeding into each other but representing separate development, both the launching of the Lisbon strategy and the constitutional convention constitute two eminently political moments in the contemporary EU trajectory. For all the criticisms elicited by both projects, their open-ended character and potential for setting new agendas gave EU socio-politics the chance to figure out its

European level institutionalization. A simple conclusion can be drawn merely by casting a cursory glance at the debates it has generated in academic and political circles, under the broad epistemological umbrella of 'governance' approaches. In the view of many politically-minded agents, the new century had opened up an opportunity to draw new forms of decision-making in fields that could compete with or supplement the economic *acquis* in equal terms. For the optimists, here was the chance to undertake welfare reforms that could incorporate new problems and demands without, by so doing, remaining subservient to the binding and encompassing economic policies resulting from the single market.

The launching text of the Lisbon strategy (March 2000) could also be read as functional to a growth and competitiveness project, or as the contradictory output of an intergovernmental compromise that adjudicates a high profile role to the council. Its objectives were almost predictable, given the hegemony of a new-type social democratic majority that had prioritized employment policy since the Treaty of Amsterdam and the Luxembourg Strategy (EES). Thus the targets of growth, full employment, innovation, knowledge and social cohesion were often seen as leaning towards adjustment to, rather than independence from, competitiveness strategies and fiscal constraints (Radaelli, 2003; Scharpf, 2002). However, judging from the avalanche of studies of the EU as polity (Rosamond, 2007), open methods, and social policy alternatives, there was a new confidence on the potential for 'unintended consequences' of the template and policy paths that Lisbon could generate. In this context, and probably because Lisbon was then perceived as a self-propelling process, in the field of welfare studies the analyses of the linkages with the broader context of the post-Nice EU institutional settlement were more readily accepting of the institutional status quo. Calls for a more 'social Europe' by Europeanists (eg. Shaw, 2004), echoing the post-Lisbon wave of affirmative actions by NGOs (Saurugger, 2007), were more visible and forceful than those of experts in the social field. Despite '[...] the multiple transactions between public decision-makers and academic milieus' (Cohen & Vauchez, 2007: 27) during the

constitutional process, both before and in the aftermath of the convention it was implicitly

accepted that there remains an unalterable '[...] consensus among right and left parties to confine

social policy at the national level' (Manow et al. 2005). This was chiefly based on the logic that

'[...] the road not taken by the original six in 1956 was no longer open for the fifteen in the 1990s'

(Scharpf, 2002: 650), as '[i]t is foreclosed not by external economic constraints but by the diversity

of European welfare states' (Weiler, 2002: 561). In short, the alternation of governmental

majorities and the prospective, enlargement-induced, heterogeneity of the Council were not readily

perceived as bearing upon the governance of the models. This loose correlation with developments

in the area of EU studies stands in sharp contrast with the myriad of contributions on the impact of

globalization upon welfare (quantitatively surveyed by Eero Caroll, 2003). Amongst the preferred

subjects of concentration would then figure the likelihood of social dumping, the new shape and/or

continuity of neo-corporatist national arrangements and, prominently, the new-old Open Method of

Coordination (OMC) as adopted in Lisbon.

Some issues pertaining to the workings of the European convention (as developed

elsewhere: Tsakatika, 2004; Barbier, 2004; Ananiadis, 2004) should be briefly presented. In point-

form, we would recall that

> - Despite pressures from the EP and NGOs, the creation of a working group (WG) on
> 'Social Europe' was an afterthought in the Convention's work, or a spillover of
> discussions following the report of the WG on economic governance. In practical
> terms, and although it became the largest WG, it confronted a crowded agenda in five
> sessions, held only four expert hearings and could not resort to evidence from civil
> society organizations and NGOs.

> - Although the magnitude of their impact is unclear, a handful of groups undertook a
> fruitful dialogue with the *conventionnels* (e.g. SOLIDAR, European Women's Lobby,
> European Women Lawyers Association). Not without interest is their awareness of
> the effect that changes over decision-making procedures would bear upon concrete
> demands, their texts putting across opinions regarding broad institutional changes and

a move away from unanimity in their respective fields (healthcare, discrimination, combating social exclusion, etc.). Trade unions' concern with non-labour related issues was concentrated on references to services of general interest and an appeal to 'sympathy across borders' (ETUC: 2002).

- Debates of texts took place in batches submitted by the Presidium, without the knowledge of a complete document and the crucial interconnections between its parts, i.e., the many social consequences of decisions in areas not defined as 'social' were at best overlooked.

- Various modifications to the Presidium's text found their way into the final text, such as references to 'equality between men and women', 'a high level of protection', and achieving 'full employment'. Non-controversial issues were also the incorporation of the social partners in consultative capacities and the consultation of 'civil society' when pertinent.

- The major rifts emerged in crucial questions of instruments and decision-making. A strong and vocal minority opposed the extension of QMV and co-decision to any new area of social concern. This view prevailed even in the face of reasonable arguments and examples of lack of progress in certain areas due to the unanimity rule (e.g. technical coordination of social protection systems).

- There was a consensual consideration that '[…] the range of competences available at European level were adequate' (CONV516/03 3). This was supplemented by a reference to possible action at the European level in areas 'closely linked to the functioning of the internal market, preventing distortions of competition and/or areas with a considerable cross-border impact' (ibid. 35).

- Support for the OMC's constitutional status came first from the Economic and Simplification WGs. Both the convention's Chair and UK representations used the word 'flexibility' when critically supporting the method. How best to incorporate it was a subject of controversy in the 'social' WG with some of those opposed expressing reservations on grounds of transparency and democratic control due to excessive expert involvement. Other opposition came however out of '[...] fear of

incorporating an intergovernmental method liable to compromise the definition of

hard won competences' (Barbier, TE: July 03).

For our purposes, three interconnected elements of these brief descriptions deserve further

highlighting. First, it should be noted that the many calls for coherence, such as those

stressing that 'social and economic policy cannot be divorced, and have to be seen in an

integrated manner [...]' (Atkinson, 2002: 640), have not taken into account that, given the

lack of institutionalized empowerment of social policy domains at the European level, such

integration might militate against the independence, and the very existence, of a social

agenda. In this context, the casualty of coherence – which, in the best of cases, could be a

top-down 'streamlined' compromise – would be the plurality of political venues. As

developed below, our contention is that the plurality of agents of transformation and that of

political sites are mutually reinforcing.

A second consideration refers to the input of epistemic communities in the issue of

national/European choice of policies. It has been said that, when such communities offer

guidance, they do so '[...] by illuminating the salient dimensions of an issue from which the

decision-makers may then *deduce* their interests' (Haas, 1992: 4, my emphasis). In EU

studies, there is a broad agreement that changes in the Union – its object of study – have

contributed to the transformation of the theoretical framework of analyses (Rosamond, 2007:

21), and to a fruitful mapping of '[...] theoretical change against empirical change' (ibid. 21).

Analyses of welfare states, on the other hand, although at times aware that '[...] there can be

no doubt that the process of European integration has significantly altered the spatial

architecture of social citizenship' (Ferrera, 2005: 218), seem to be imbued with the type of

'methodological nationalism' that sociologists have found difficult to transcend. As a recent

analysis of trends in the discipline aptly puts it , 'Esping-Andersen's certainly brilliant work

is [...] locked in the methodological nationalist mode: it is a Europe of varieties, indeed

'worlds' of welfare capitalism, in which the European Union, or European regional integration processes are barely even mentioned' (Guiraudon & Favell, 2007: 8). That assessment could be extended to prominent contributions to the 'new' politics of welfare (Pierson, 1996), whereby the politics of reform and retrenchment are structured by national regimes in which the EU does not even count as an exogenous variable. It is also a feature of the broader literature that searches for 'the institutional foundations of comparative advantage' (eg. Hall & Soskice, 2001; Hall & Thelen, 2006), and a salient characteristic of most comparative studies of the likely revival of neo-corporatist structures (Ananiadis, 2003). In short, using Rosamond's analogy, theoretical change seems to disengage from empirical change, a remarkable exception being the multiple studies of the OMC as a governance tool.

The third point refers precisely to that exception. As a political product of Lisbon, and a subject of intense discussion during the convention and thereafter, it has been – alternatively or concomitantly – equated with flexibility, openness, capacity for deliberation, mutual learning, non-binding commitment to steady reform. Initial sympathy with the method soon turned seriously critical of its implementation (Zeitlin & Pochet, 2005), or its potential for meaningful coordination (Amstrong, 2007). Few amongst its supporters had initially questioned the mechanics of decision-making, or the claim that '[...] the social Europe of OMCs appears to be one which comprises not merely national states but national executives' (Carmel, 2003: 9). Echoing other interventions, a thorough survey of the literature (Citi & Rhodes, 2007) that evaluates the convergence capacity of the method, advises to move away from normative preoccupations and reconsider the fundamental factors driving the behaviour of policy makers, including '[...] national interest, the rationality and utility of policy transfer, the political salience of policy areas and domestic costs of policy change' (21). It is precisely this centrality of the concept of national interest, and national preferences, as well as the recommendation to move away from politics in issues such as the Lisbon process, which

leads to the portrayal of a false dichotomy between representative and participatory democracy. The next section argues that, if anything, both Lisbon and the constitutional process are about expanding democratic options, through politics.

The Territory of Democracy

a. Why European?

Most arguments that underpin the call for a European level engagement in questions of welfare are not based on the acute disputes regarding a polymorphous 'globalization', often posed as a choice between a staunch defense of the national or unfettered social reform to ride with the global waves. Rather, such arguments stem from the analysis of the limits of contemporary welfare institutions. Without attempting even to list the issues related to this debate, we could agree with the assessment that, in the same way that the search for 'common criteria concerning minimum income guarantee and social assistance in social protection schemes (92/441/EEC) has faded into the background, [so] has the political debate concerning the question of the necessity and desirability of common standards for social policy' (Cantillon, 2004: 15). Apart from known arguments about positive integration being subordinated to the dynamics of negative integration (single market, monetary and competition regimes), a far from exhaustive picture of the motives behind that call would include:

- the emergence of global discourses on social policy issues, notably in the field of pensions (Leisering, 2003); the views, activities and procedures of global agencies and organizations cutting across national boundaries.

- post-enlargement inequalities regarding social redistribution and taxation; increasing mobility, 'growth and stability' constraints upon electoral cycles and subsidiarity in redistribution.

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- the failure to take into account low-end migration as a now permanent feature of European society (Guiraudon, 2007: 8).

 - the difficulties encountered by EU institutions in a transformed and enlarged context, when they have attempted '[...] a balance capable of sustaining under changed boundary conditions the political production of social solidarity.' (Ferrera, 2005: 252).

- the blurring of the distinction between national and European law in the context of transposition of directives and the increasing number and scope of the latter (Cohen & Vaucher, 2007: 22/3).

- the absence of negotiated minimum standards, resulting in single market legislation and Court decisions that give precedence to the free movement of goods and services over social issues (e.g. health, education).

- the fluidity of groups and cognitive approaches that interact at European level; the constitution of reform coalitions as those encountered during the constitutional process (Cohen & Vaucher, 2007: 28).

And yet, as described in preceding sections, the recognition that '[...] the time of the *patries de fraternités* is long gone and cannot be resurrected' (Ferrera: 252) has not translated into proposals leading to a de-nationalization of the 'formal institutionalization of the "social"' (Leisering, 184).

The political imagination could construe a Lisbon process with ample and structured representation of groups and sectors with a stake in the decisions of what *is* to be deliberated, and in the setting of targets and the choice of the means to achieve them. Their decisions could, alternatively, result in recommendations, binding commitments or follow the classic 'community method'. The 'peer review' and 'peer pressure' of the OMCs would thus be one of sectors and coalitions, rather than one of national executives. Crucial to this endeavour, epistemic communities could formalize their role by submitting projects for deliberation and

proposing European alternatives. They could also constitute an agreed-upon component of the forum. After all, studies of the Convention show that 'intermediate', transversal and inter-sector strata (i.e. expert committees, working and reflection groups, kern, inter-groups, etc) play a crucial part in the informal governance of public European policies (Cohen & Vauchez, 2007: 27-29). Achieving Commission-like independence, but accountable to their constituencies and to public scrutiny, such representations of 'civil society' could guarantee the continuity of deliberations and social policy options. The more inclusive and democratic their performance, the less would they be subject to national veto coalitions.

b. Interests and Representations

Is the analysis of the Lisbon and constitutional processes one of the linkages between representative and participatory democratic paths? Or one of attempts at institutionalizing participatory gains? Various theoretical approaches would disagree with the formal institutionalization of political conflict and compromise in matters related to the European socio-economy. On one end of the spectrum, fear of betraying the critical potential of protest movements and NGOs' agendas has led to the advocacy of withdrawal, or absence, from the established formal channels (Atkinson, 2005: 30-32). The same conclusion is reached on the opposite end, and for entirely different reasons.

In an article that is a eulogy to explicitness, providing plenty of material for quotation, Andrew Moravcsik (2006) best synthesizes the argument against participatory democracy in the EU. In his view, the EU deals with non-salient and, from the rational voter's perspective, arcane issues. This is so because '[n]early all the most salient issues in the minds of European voters – fiscal priorities, social policy and healthcare, pensions, education, and such – remain national' (226). Thus '[f]orcing participation is likely to be counterproductive, because the popular response is condemned to be ignorant, irrelevant and ideological' (227). Only by

introducing, as some authors suggest, issues relevant to sectors dissatisfied with EU integration, involving the emergence of new political cleavages, would there be informed deliberation. 'Yet this is manifestly infeasible', as it would involve '[...] divorcing the EU entirely from its ostensible purpose of regulating cross-border socio-economic behavior and externalities' (229). The absence of a European social policy is a case at hand, especially due to the lack of proposals from political activists and theorists attempting to '[...] seize the high ground by invoking the EU's role in providing social protection [...]'. Categorically, 'European social policy is a chimera'. 'The lack of social Europe is not the happenstance consequence of short-sighted political decisions; rather, it is inherent in the structure of national interests' (229). In fact, answering to those attempting 'to politicize the public through constitutional rhetoric', Moravcsik argues for a strategy to depoliticize European constitutional evolution, as '[...] the EU's lack of salience would work for it rather than against it. In this regard, the EU's greatest tactical advantage is that it is, in a word, so *boring*' (237-238).

Although the realist discourse on the primacy of state sovereignty in IR has been contested since the inception of the EC project, the practice of referring – statistically, analytically – to the nation state as a societal unitary concept is a distinguishable feature of empirical social sciences. It is also a confirmation of realism's unquestioned hegemony, if only by default. Arguably, the widespread adherence to the concept of 'national interest' is also a feature of institutionalist arguments that, by overweighing the incidence of institutional inertia in the 'diverse' states, become skeptical of the possibility of institutional change. Assumptions would also presuppose a fixed set of 'national' preferences. Even amongst their constructivist counterparts, the very idea of 'interest' – be it national, individual or sectoral - is associated with preferences and choices that are given and derivative of the material context. Others would claim, however, that it is ideas that make interests 'actionable', as it is

the *perception* of what constitutes material interest, rather than a natural or rational but always given self-interest, that motivates conduct (Hay, 2006: 9, 12). Such conceptions of self-interest would then provide the type of cognitive filters that help actors to relate to their environment. That context would not determine actions, as this would deny agency, autonomy and individuality (reducing agents to the status of bearers rather than shapers) (ibid. 21, 22). This assessment would also recognize, accepting a sound institutionalist claim, that '[...] institutional change does indeed occur in a context that is structured (not least by institutions and ideas about institutions) in complex and changing ways which facilitate certain types of interventions whilst militating against others' (ibid. 9).

The preceding sections attempted a review of processes and approaches that lead to a de-politicization of the narrative of 'social Europe'. Better said, it sought to contribute in a very small scale to the study of '[...] the means through which spaces, issues [...] and events are taken out of political circulation, blocked from the agenda, or presumed to have already been solved' (Dean, 2004:3). However, the argument *for* plurality of representations and the further institutionalization of participation in the governance of 'the social' is grounded on more complex considerations.

Firstly, the analysis of both the Lisbon and constitutional processes is an example of the multiple interconnections between representative and participatory democracy. The 'social cohesion' of the Lisbon process is about the incorporation of hitherto unrecognized social demands into the EU's political arena. Considering the case of sectors marginalized from the socio-economic engines of the community, we could say with Laclau that 'we would be dealing not with a will to be represented but, rather, with the constitution of that will through the very process of representation' (2005: 159). The case for a plurality of

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representation would thus rest on the creation or availability of sites and fora, such as those that were the subject of contention during the constitutional process. In the example of groups and sectors with a stake in issues of European welfare, we would not be dealing with pre-constituted 'interests' or 'preferences'. Under democratic conditions, the task of a representative '[...] would consist less in transmitting a will than in providing a point of identification which would constitute as historical actors the sectors that he is addressing' (ibid).

A second remark refers to the 'we-feeling' often provided by national communities (Dumm, 1999; Ferrera, 2005). If we think of boundaries not only as a condition for bonding individuals, groups or territorial units, but also for '[...] activating or strengthening their disposition to share' (Ferrera, 2005: 205), it follows that, as in the era of national welfare states, the existence of European institutions that adjudicate disagreements and ensure elements of distributive justice is a prerequisite for 'belonging'. The risk of a regional, functional or national 'bias to the near' (to use Weale's apt phrase) would ever be present unless a belonging to new territories of democracy contributes to offset that bias. Undoubtedly, conflict is inherent to politics. However, the politics of solidarity can also involve the quest for a 'we', the recognition of equivalent aims and projects. Social Europe could be the search for the constitution of that we, giving the EU a chance to liven up the 'boring' bits.

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